

Federal Aviation Administration
Office of Security and Hazardous Materials
Dangerous Goods Advisory Bulletin

Information of Concern to Air Carriers and Freight Forwarders

Subject: Batteries and Inaccurate MSDS Information

Number: DGAB-07-01

Date: July 30, 2007

Information: Attached is a Dangerous Goods Advisory Circular (DGAC) from the Civil Aviation Department of Hong Kong. This advisory discusses battery manufacturers providing inaccurate transportation information about their batteries on Material Safety Data Sheets (MSDS) and laboratory certificates in order for the batteries to be accepted for air transport as "not restricted."

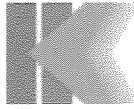
Although the US Department of Transportation (DOT) does not regulate MSDS information (the US Dept. of Labor / OSHA does), many shippers use MSDS's and similar documents as a tool to show air carriers that their batteries are exempted from the DOT and international hazmat regulations. Whether it is intentional or unintentional, MSDS's created in the US and abroad may contain inaccurate and/or outdated hazmat transportation information. This can lead to regulated hazardous materials being offered as general cargo or declared as "not restricted."

Though an air carrier or freight forwarder may not always be in a position to refute the information provided by a shipper, carriers and forwarders are urged to continue to use caution and to ask appropriate questions when accepting batteries for transport. Air carriers and freight forwarders are also reminded that ANY battery is forbidden for transport if not protected from damage or short circuits.



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Attachment



香港特別行政區政府
民航處

Civil Aviation Department
The Government of the Hong Kong Special Administrative Region

Dangerous Goods Advisory Circular (DGAC) 3/2007

Incorrect Laboratory Certificates and Material Safety Data Sheet (MSDS) involved in the Transport of Battery by Air

(I) What is happening

It has recently come to the attention of this Dangerous Goods (DG) Office that many air cargo consignments containing **battery** departing Hong Kong International Airport are accompanied by incorrect transport documents including laboratory certificate and Material Safety Data Sheet (MSDS) etc. During the process of cargo acceptance by freight forwarders and airlines, some battery shippers submit forged or sub-standard laboratory certificates and MSDS claiming that their batteries are safe for air transport. Typical information in these documents are simply stressing that their batteries are: -

- (a) non-hazardous;
- (b) complying with all ICAO or IATA requirements; or
- (c) not regulated by ICAO or IATA.

We believe some battery shippers did this for the purpose of disguising their batteries, which are dangerous for air transport, to become general air cargo and in turn saving a lot of transport cost as well as gaining some handling convenience.

(II) What are actually the requirements

We wish to remind that only certain types batteries (e.g. “Battery, Dry”) can be transported as Not Restricted and at the same time the relevant Special Provisions (SP) under: -

- (a) ICAO Technical Instructions (TI) for the Safe Transport of Dangerous Goods; or
 - (b) IATA Dangerous Goods Regulations (DGR),
- must be complied with. These include the fulfillment of SP A123 and the provision of short-circuiting protections etc.

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In fact, many other batteries, like lithium battery and battery, wet, non-spillable can also be safely transported by air but in this case under the DG mode and relevant SP under ICAO TI or IATA DGR should be complied with. For the case of lithium battery, the requirements include the fulfillment of SP A45 and the completion of UN Manual of Tests and Criteria Part III, sub-section 38.3 testing.

[Remarks: UN Manual of Tests and Criteria Part III, sub-section 38.3 testing service is available from several laboratories in Mainland China approved by the General Administration of Civil Aviation of China (CAAC)]

(III) What is our view

This DG Office condemns this kind of dangerous, selfish and irresponsible act. The mis-declaration of those batteries dangerous for air transport as general air cargo is a serious threat to aviation safety because, say for example, the fire-extinguishing agent on board aircraft is unable to put out a lithium battery fire. Lithium battery fire on board aircraft can be disastrous. Moreover, the use of forged documents to wrongly classify DG is a criminal offence in Hong Kong under the Dangerous Goods (Consignment by Air) (Safety) Regulations Cap 384A. The offender is liable to a maximum fine of HK\$250,000 and 2 years of imprisonment. If in case the shipper is based outside Hong Kong and not falling under the jurisdiction of these Regulations, we will notify all relevant competent Civil Aviation Authorities worldwide (including CAAC) requesting their appropriate actions against these battery shippers.

(IV) What should freight forwarders and airlines do

All freight forwarders and airlines are reminded to exercise due diligence in checking whether any battery laboratory certificates or MSDS submitted is reasonable or logical. Though we are not expecting any freight forwarders or airlines' staff to have the technical knowledge in distinguishing the correctness of any battery related documents, it should however be noted that most incorrect documents are unreasonably brief (e.g. just a few sentence for a laboratory certificate or only a few sections in a MSDS) and/or containing conflicting information (e.g. the MSDS of a dry battery claims that the physical property of the product is a soluble liquid, how can this be possible?).

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Freight forwarders and airlines are also encouraged to cooperate and share with others your experiences of mis-declaration of dangerous battery so as to help each other to prevent being misled again.

Should you have any query about this circular, please contact Safety Officers (Dangerous Goods) Mr. Eric CHIM at 2182 1221 or Mr. Alex MOK at 2182 1214.

- END -

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