



March 12, 2010

The Honorable Cynthia Quarterman
Administrator
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

Re: Hazardous Materials: Transportation of Lithium Batteries
Docket No. PHMSA-2009-0095

Dear Administrator Quarterman:

The Security Industry Association (SIA) would like to express its concerns regarding the significant regulatory changes proposed by the Pipeline and Hazardous Materials Safety Administration (PHMSA) in its Lithium Battery Notice of Proposed Rulemaking (NPRM). SIA represents more than 350 manufacturers, integrators and distributors of electronic physical security and life safety products and services.

Lithium ion and metal batteries serve as the power source for a variety of wireless life safety and security devices, including carbon monoxide and smoke detectors, portable alarm system keypads, door/window sensors, panic buttons, cameras, health alert bracelets and glass-break detectors. Under the present transportation rules, these devices can be delivered in a prompt, reliable fashion to protect millions of Americans in their homes and to secure the nation's airports, mass transit systems, drinking water and wastewater treatment facilities, ports, schools and universities, hospitals, government buildings and retail establishments. SIA believes that the regulations proposed by the PHMSA do not take into account the potential tragic consequences that could result from the proposed extreme requirements that would delay the shipment and availability of these life-saving products and drive up their cost.

In addition, SIA is deeply concerned by the PHMSA's rejection of several industry requests to extend the comment period in this proceeding. A proposal with such far-reaching implications for consumers, manufacturers, distributors and transportation providers deserves to be carefully analyzed with input solicited from all interested stakeholders. The publication of the NPRM in the Federal Register just 60 days ago, the short (four-day) notice provided to industry and the general public regarding the Department of Transportation's March 5 public meeting, and the proposed 75-day implementation schedule reflect a rush to judgment rather than thoughtful and comprehensive analysis of the very complex issues involved in this matter.

If the proposed regulations are adopted, the international harmonization of dangerous goods legislation would take a significant turn in the wrong direction and safety could be negatively affected. It is highly unlikely that any of the international regulatory bodies would adopt PHMSA's aggressive approach to lithium battery transportation without input from the regulated community. This would likely make the U.S. Hazardous Materials Regulations much less likely to be followed than their international counterparts. Enacting the proposed regulations would reverse U.S. efforts to harmonize dangerous goods legislation through membership in international working groups. Participating in these groups should continue to be the U.S. approach to changing regulations on lithium batteries and achieving the ultimate goal of harmonization and improved air transportation safety.

For these reasons, SIA respectfully requests that you adopt the proposal put forth by the U.S. Chamber of Commerce and the National Association of Manufacturers (NAM) to convert this NPRM to an Advance Notice of Proposed Rulemaking (ANPRM) in order to ensure that the PHMSA receives sufficient information from the industries and entities that would be affected by these regulations. SIA is pleased to offer its expertise to the advisory committee of industry experts proposed by the Chamber and NAM. This committee would help to ensure safer transportation of lithium batteries without limiting the ability of consumers to have timely access to essential life safety and security devices.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard Chace".

Richard Chace
Chief Executive Officer