

Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals

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Sub-Committee of Experts on the Transport of Dangerous Goods

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Item 4 (c) of the provisional agenda

Electric storage systems: transport provisions

Lithium battery test summary availability

Submitted by the Medical Device Transport Council (MDTC)

Introduction

1. This paper is in response to ST/SG/AC.10/C.3/2022/20 from the International Air Transport Association (IATA). MDTC agrees with the concern expressed in the paper, describing confusion over to whom this document must be shared. The lithium battery test summary (TS) document conveys information about lithium batteries that are necessary to both ensure that a cell or battery has been tested according to the UN 38.3 tests and as well provides information needed by downstream consignors to ensure they are shipping compliantly (e.g. Wh rating, lithium metal content, cell or battery net mass). The current requirements mandate that a battery manufacturer or subsequent distributor “make available” this documentation. As a result, this has caused confusion for battery manufacturers, regulators, and various entities in the supply chain.

2. In working document ST/SG/AC.10/C.3/2022/20, IATA proposes to require manufacturers and subsequent distributors make available the TS to “any entity upon request”. While we commend IATA for proposing solutions to this issue, we believe mandating that the TS document be made available to any entity is problematic and is not consistent with the original intent of the TS. The Sub-Committee should be aware that some manufacturers are currently including statements in the TS stating that they reserve the right to refuse to provide a TS when a requestor does not have a legitimate need for transport and over concerns that a repaired product no longer contains the original battery provided by the original product manufacturer. We are also very concerned that the proposed language will effectively make the TS a transport document, and that was never the intent of the TS. We feel that having a larger conversation to clarify which participants within the supply chain are responsible for providing a test summary would be useful.

3. MDTC agrees that the TS document must be made available to subsequent distributors, air carriers, and regulators, upon request. However, broadening the requirements to “any entity” creates concerns. First, the rise of Right-to-Repair legislation around the world will lead to increases in customers repairing, altering, replacing batteries, and possibly damaging their products in a way that would negate the TS documentation. Further, there are concerns of counterfeit operations requesting original TS documentation and pairing that with their counterfeit products to give their fraudulent devices credibility. Finally, manufacturers and distributors have expressed concern regarding the disclosure of detailed battery information and their test lab partners to entities that have no credible need to have the TS documentation. The manufacturer needs to have the authority to validate a request for a TS to ensure that the requester has a legitimate need and to ensure that the cell, battery or equipment that is requested is in fact representative of the information in the TS.

4. MDTC agrees that clarity is warranted to achieve the intended safety goals of the TS. That clarity is not exclusive to the broad change proposed by IATA. However, by focusing on the intended safety goal and defining the entities entitled to receive test summaries, the industry can minimize frustration and allow for solutions that ease the regulatory burden. MDTC also believes that a comprehensive education effort to inform the supply chain about the intent of the regulation and the benefits of the TS will benefit all sectors of the supply chain and advance the intended goals of the applicable dangerous goods regulations. We therefore request the Sub-Committee to continue this dialogue to address making the TS available to those with a legitimate need for it.
