

# NON-ACCEPTANCE OF HAZMAT IN EXTERNAL LOADS

## I. GENERAL GUIDANCE

Operators who do not accept, handle, or transport hazmat are still responsible for compliance with Title 49 CFR parts 100-185. Flight Standards is not responsible for ensuring compliance, but part 135 POIs should inform their operators of the following responsibilities:

- Procedures and instructions so that all personnel responsible for accepting and handling any cargo or packaged materials receive adequate training on the recognition of items classified as hazmat (Adequate is defined in an operational sense to mean the demonstrated ability of required personnel to identify such items;)
- Procedures and instructions that ensure no packages are accepted by the operator that contain hazmat;
- Procedures and instructions for reporting packages that are found to contain, or that are suspected of containing, hazmat or dangerous goods and ensure compliance with 49 CFR part 171, §§ 171.15, 171.16, and 175.31;
- Procedures and instructions that ensure all Company Material (COMAT) containing hazmat will be offered to a different mode of transportation (e.g., ground) and/or an air carrier that is authorized to transport hazmat; and
- Procedures and instructions that ensure any employee, agent, or contract employee of the operator who prepares and/or offers COMAT containing hazmat for shipment via any mode is fully trained as a hazmat shipper in compliance with 49 CFR part 172, subpart H.

## II. RESPONSIBILITIES

The general transportation requirements of 49 CFR state that shippers of hazmat (HM) must properly declare any such material at the time it is offered for transportation to the air operator. The certification and information provided by the shipper may be relied upon to determine if the shipment is authorized for air transportation. Therefore, it is acceptable practice to assume that a HM package may be recognized by its conspicuous markings and label(s), which are required to be displayed on the outside of the package, and by the shipping document(s) which must be a part of the offering and must accompany the shipment during transportation.

**Shippers and passengers may be unaware of the requirements for offering and transporting HM.** When accepting cargo or baggage, it may be necessary to question persons offering these items to determine the exact contents and thereby prevent the inadvertent acceptance and transport of HM. All cargo or baggage and any documents tendered with the shipment will be reviewed for indications that the item(s) is/are HM. All employees, agents, and contract employees will be provided a trigger list of indicators of undeclared HM to assist them in their review. (See **Appendix A, Hidden Shipment Indicators**)

Any package that displays a HM marking or label, as shown in the latest DOT labeling chart, or otherwise is known or suspected of containing HM, will not be accepted for air transportation or loaded aboard, including attached to or suspended from our aircraft as an external load. (See **Appendix B, DOT Chart**)

### **III. COMPANY MATERIALS (COMAT)**

COMAT is an industry term developed and used by certificate holders and is generally used to describe a wide array of company materials including replacement items for installed equipment and consumable materials. (See Appendix C, Hazardous Materials Onboard Aircraft)

#### **A. Shipping / Transporting of COMAT**

All COMAT will be evaluated and identified by its hazardous or non-hazardous classification. **All HM Company Material (COMAT) will be offered to a different mode of transportation (e.g., ground) and/or a certificate holder in full compliance with all provisions of the Hazardous Materials Regulations.** Employees, agents, and contractors who prepare and/or offer HM shipments for transportation must receive additional function-specific training to satisfy all of the requirements for shippers under 49 CFR Part 172, Subpart H.

#### **B. HM COMAT Exceptions (49 CFR 175.8)**

**HM COMAT will not be transported on, including attached to or suspended from our aircraft. The ONLY exception is:** A tire assembly with a serviceable tire which is not subject to the provisions of this subchapter provided the tire is not inflated to a gauge pressure exceeding the maximum rated pressure for that tire and the tire (including valve assemblies) is protected from damage during transport. A tire or tire assembly which is unserviceable or damaged is forbidden from air transport unless deflated to where it no longer meets the definition of hazardous material. (See 49 CFR 175.8(b)(4)).

All COMAT received from Repair Stations and Parts Suppliers will be scrutinized to determine if the material is HM before introducing it into the transportation system.

### **IV. PRE-BOARD INSPECTION**

No employee, agent, or contract employee shall load any cargo or baggage containing indicators of HM aboard an aircraft, or onto an aircraft pallet or into a Unit Load Device (ULD) or freight container as part of an external load configuration unless it can be verified that the contents are not HM.

### **V. HAZARDOUS MATERIAL EXCEPTIONS FOR PASSENGER AND CREW MEMBERS**

Certain materials that are normally regulated as HM are excepted from the HMR. A summary of exceptions are listed in 175.10. A current copy of Title 49 CFR Part 175 or a printout of the applicable sections from the internet will be maintained for reference.

<http://ecfr.gpoaccess.gov> or <http://hazmat.dot.gov>

## **A. Hazardous Materials Carried by Persons On Board**

Personal use items carried by passenger or crew members are allowed under the following conditions:

- 1) Non-radioactive medicinal or toiletry articles (including aerosols) may be carried.
- 2) The aggregate quantity of all HM items carried by each person allowed may not exceed 70 oz. (2 kg) by mass or 68 fl. oz. (2 L) by volume. Each individual container cannot exceed 18 oz. (0.5 kg) by mass or 17 fl. oz. (500 ml) by volume.

## **B. Lithium Batteries**

Personal use consumer electronic and medical devices (watches, calculators, cameras, cellular phones, lap-top computers, camcorders, hearing aids, etc.) containing lithium cells or batteries, and spare lithium batteries and cells for these devices, are allowed on board. Each installed or spare lithium battery must conform to the following:

- The lithium content of the anode of each cell, when fully charged, is not be more than 5g; and
- The aggregate lithium content of the anodes of each battery, when fully charged, is not more than 25g.

## **VI. PROHIBITED OPERATIONS AS A NON-ACCEPTANCE AIR OPERATOR**

The exceptions or provisions below are not available to us and cannot be utilized due to our non-acceptance policy. If it is desired or necessary for us to utilize these exceptions and/or provisions, we will update our Rotorcraft External-Load Hazmat Operations Manual and Training Program to be an acceptance program and submit it for acceptance/approval by our FAA Principal Operations Inspector (POI), in coordination with the appropriate Hazmat Branch Manager (HMBM).

**175.8(a)(3)** Exceptions for operator equipment and items of replacement dealing with COMAT.

**175.310** Transportation of flammable liquid fuel; aircraft only means of transportation.

**175.501** Special requirements for oxidizers and compressed oxygen.

## **VII. NOTIFICATION**

Each person under contract with us or performing work on our behalf, must be notified in writing of our policies pertaining to hazardous materials. This includes all persons performing hazmat-related functions regulated by 49 CFR 171-180.

Such persons must acknowledge receipt of the above notification. A record of receipt of such acknowledgement will be kept together with the notification. **(See Appendix E)**

## **VIII. NOTIFICATION OF HM INCIDENTS, DISCREPANCIES AND REQUIRED REPORTS**

### **A. Reporting of Incidents (See 49 CFR 171.15)**

1) A HM incident shall be reported, as soon as practical but no later than 12 hours after the occurrence the incident, by telephone to the National Response Center (NRC) at 800-424-8802 (toll free) or 202-267-2675 or electronically at <http://www.nrc.uscg.mil/>.

Notice involving an infectious substance may be given to the Director, Centers for Disease Control and Prevention at 800-232-0124 (toll free) in place of the notice to the NRC. This includes incidents that occur during the course of transportation (including loading, unloading, attaching, unattaching or temporary storage) in which:

- a) A person is killed; or
- b) A person receives injuries requiring hospitalization; or
- c) An evacuation of the general public occurs lasting one or more hours; or
- d) One or more major transportation arteries or facilities are closed or shut down for one hour or more; or
- e) The operational flight pattern or routine of an aircraft is altered; or
- f) Fire, breakage, spillage, or suspected radioactive contamination occurs involving shipment of RAM; or
- g) Fire, breakage, spillage, or suspected contamination occurs involving shipment of infectious substances (etiologic agents); or
- h) A situation exists of such a nature (e.g., a continuing danger to life exists at the scene of the incident that, in the judgment of the carrier, it should be reported to the NRC even though it does not meet the criteria of paragraph 1)(a) thru (g) of this section.

2) Radioactive Materials (RAM) - In addition to the notification to the NRC, a notification must be made at the earliest practicable moment to the shipper of the RAM involved in the incident.

3) Filing an Incident Report (See 49 CFR 171.16) A report shall be submitted on DOT Form F 5800.1 (01-2004), within 30 days of the date of discovery, for each incident that occurs during the course of transportation (including loading, unloading, or storage, incidental thereto) in which any of the circumstances set forth in 49 CFR 171.15(b) occurs, there has been an unintentional release of hazardous materials from a package or quantity of hazardous waste has been discharged during transportation, or undeclared hazardous materials are found in cargo.

A copy of DOT Form F 5800.1 (01-2004) will be forwarded to:

- a) Information Systems Manager, PHH-63  
Pipeline and Hazardous Materials Safety Administration  
Department of Transportation  
Washington, DC 20590-0001, or

b) Completed online at: <http://www.phmsa.dot.gov/hazmat/incident-report>

A copy of DOT Form F 5800.1 must also be sent to the nearest FAA Security Office in the region of discovery. Instructions for completing DOT Form F 5800.1 (01-2004) are included in **Appendix D**.

**B. Reporting of Discrepancies (See 49 CFR 175.31)**

- 1) In the event of a discrepancy relative to the shipment of hazardous material following its acceptance for transportation aboard an aircraft, notification to the nearest FAA Security Office, by telephone or electronically, shall be made as soon as practicable, and shall provide the following information:
  - a. Name and Telephone number of the person reporting the discrepancy.
  - b. Name of the aircraft operator.
  - c. Specific location of the shipment concerned.
  - d. Name of the shipper.
  - e. Nature of discrepancy.
  - f. Address of the shipper or person responsible for the discrepancy, if known.
- 2) Cargo found to contain hazardous materials subsequent to their being offered and accepted as other than hazardous materials (undeclared) must be reported.
- 3) Discrepancies involving hazardous materials which are improperly described, certified, labeled, marked, or packaged, in a manner not ascertainable when accepted under 175.30(a), must be reported.

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