DANGEROUS GOODS PANEL (DGP)

TWENTY-SECOND MEETING

Montréal, 5 to 16 October 2009

- Agenda Item 2: Development of recommendations for amendments to the *Technical Instructions* for the Safe Transport of Dangerous Goods by Air (Doc 9284) for incorporation in the 2011-2012 Edition
- Agenda Item 3: Development of recommendations for amendments to the Supplement to the Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc 9284) for incorporation in the 2011-2012 Edition
- Agenda Item 5: Resolution, where possible, of the non-recurrent work items identified by the Air Navigation Commission or the panel:
 - **5.1: Approvals**

STATE OF ORIGIN APPROVAL

(Presented by G. A. Leach)

SUMMARY

This paper proposes amendments to particular parts of the *Technical Instructions for the Safe transport of Dangerous Goods by Air* (Doc 9284) and the *Supplement* where reference is made to the granting of an approval by the State of Origin, to also require the approval of the Sate of the Operator.

Action by the DGP: The DGP is invited to review the content of Appendix A and amend the Technical Instructions and the Supplement as proposed in Appendices B and C.

1. **INTRODUCTION**

The 2008 and 2009 DGP Working Groups of the Whole (DGP-WG08, The Hague, The Hague, 3 to 7 November 2008 and DGP-WG09, Auckland, 4 to 8 May 2009) discussed the subject of when approvals are granted by the State of Origin (DGP/22-WP/2, paragraph 3.2.22 and DGP/222-WP/3, paragraph 3.5.1.1). The majority of the approvals are granted under Special Provisions A1 and A2 and it was suggested that in many instances, it would be appropriate for the State of the Operator to also have an input into whether or not the operator should be permitted to carry such goods. Without this input, it

would be possible for the State of the Operator to be unaware that an operator for which it has regulatory oversight is carrying dangerous goods that are forbidden in normal circumstances.

- 1.2 At DGP-WG09, a list was presented identifying those areas of the Technical Instructions and the Supplement that referred to a State of Origin approval and indicating whether or not any amendment to include approval by the State of the Operator was suggested (Appendix to DGP-WG09/WP-19). An ad hoc working group reviewed the list. In most instances, the changes suggested by the list were agreed in principle, some were considered not to be appropriate and a number of related points were raised. It was agreed that a complete proposal would be submitted to DGP/22 to identify the proposed changes and address the comments of DGP-WG09.
- 1.3 Appendix A to this Working Paper contains an updated list of instances within the Technical Instructions and Supplement that refer to a State of Origin approval and details what action is proposed; whether or not to add a requirement for approval from the State of the Operator, whether any other amendment is proposed, together with the reason for the proposed action. Those areas where some amendment is proposed are highlighted in bold.
- 1.4 Appendix B contains the proposed amendments to the text of the Technical Instructions and Appendix B contains the proposed amendments to the text of the Supplement.

APPENDIX A

TI Reference	Summary	Change	Comments
1;1.1.2	The granting of exemptions from the provisions of the Technical Instructions.	No change	State of the Operator is already included in the States that need to grant an exemption.
1;3.1.1	Definition of term 'Approval' (other than for Class 7)	Delete the Note below the definition	Majority will now be State of origin and operator, but in any event the benefit of the note is queried, because whether the approval is by the State of origin or other States will always be indicated in the Technical Instructions.
1;3.1.1	Definition of term 'Approval' (For the transport of Class 7 material)	No change	Class 7 design approval (2 references)
1;3.1.1	State of Origin definition	No change	
2;4.2.3.2.5	Classification of self-reactive substances (References UN 2.4.2.3.3)	No change	The reference is to the responsibility for classification
2;5.2.1.1	Classification of oxidizing substances	No change	More restrictive than UN 2.5.2.1.1 – WG may wish to consider whether this non- alignment should be retained.
2;5.3.2.5	Classification of organic peroxides	No change	Aligned with UN 2.5.3.2.5
2;7.2.4.6.1	Classification as Type B(U), Type B(M) or Type C packages	No change	Class 7 classification
2;9.2.1a)	EHS classification	No change	Classification
2;9.2.1c)	GMO classification – "GMMOs or GMOs are not subject to these Instructions when authorized for use by the appropriate national authorities of the <u>States of Origin</u> , transit and destination."	No change	Classification
3;2.1.1 (column 13)	Cargo aircraft – maximum net quantity per package	Add State of the Operator if agreed to amend Part S-4 Chapter 12.1.2b)	S-4;12 concerns the carriage of portable tanks on cargo aircraft, requiring the approval of the State of Origin. It is proposed to also require the State of the Operator, which would result in a consequential change to the description of Column 13 in 3;2.1.1
SP A1	"This commodity may be transported on passenger aircraft, only with the prior approval of the appropriate authority of	Add State of the operator	Note – State of Origin appears twice in A1 and needs to be changed both times

TI Reference	Summary	Change	Comments
	the State of Origin"		
SP A2	"This commodity may be transported on passenger aircraft and on cargo aircraft, only with the prior approval of the appropriate authority of the State of Origin"	Add State of the operator	Note – State of Origin appears twice in A2 and needs to be changed both times
SP A17	These substances must not be classified and transported unless authorized by the appropriate authority of the <u>State of Origin</u> on the basis of results from Series 2 tests and a Series 6(c) test on packages as prepared for transport.	No change, but suggest that further work undertaken (to delete 'transported' from A17 and add A2 against UN3357).	Only applies to UN3357, Nitroglycerin mixture, desensitised, liquid, n.o.s. See UN SP 288 May be subject to a further working paper.
SP A49	Other inert material or inert material mixture may be used at the discretion of the appropriate authority of the <u>State of Origin</u> , provided this inert material has identical phlegmatizing properties.	No change	Only applies to UN 2907, Isosorbide dinitrate mixture. It is noted that the term 'discretion' is used, which is not a term used elsewhere in the Technical Instructions – equates to UN SP127. May be subject to a further working paper
SP A62	This designation must be used only when no other appropriate designation exists in the list and then only with the approval of the appropriate authority of the State of Origin.	State of the Operator approval not required, but change "must be used only" to "may only be used"	Classification of Class 1. Applies to UN 0349, UN0351, 0352, 0353, 0471, 0383, 0384, 0479, 0480, 0481, 0485. Once classified by the State of Origin, they can all be carried on a Cargo Aircraft, with UN0349, 0384 and 0481, also being permitted on a passenger aircraft.
SP A78	Radioactive material with a subsidiary risk of Division 4.2 (Packing Group I) must be transported in Type B packages. Radioactive material with a subsidiary risk of Division 2.1 is forbidden from transport on passenger aircraft, and radioactive material with a subsidiary risk of Division 2.3 is forbidden from transport on passenger or cargo aircraft except with the prior approval of the appropriate authority of the State of Origin under the conditions established by that authority. A copy of the document of approval, showing the quantity limitations and the packaging	Add State of the Operator	

TI Reference	Summary	Change	Comments
	requirements, must accompany the consignment.		
SP A88	The carriage of prototype lithium batteries and cells to be tested aboard cargo aircraft with approval of the State of Origin.:	No change	This is related to classification and packaging approval.
SP A99	The carriage of lithium batteries exceeding 35 kg G with the approval of the State of Origin	No change	This is related to classification and packaging approval.
A106	The carriage of Chemical samples, toxic, UN3315 – with prior approval of the State of Origin or the Director General of the Organization for the Prohibition of Chemical Weapons.	No change	No change due to the likelihood of urgent need and since the approval may be by Director General of OPCW instead of State of Origin.
A109	This commodity may be transported on cargo aircraft, only with the prior approval of the appropriate authority of the State of Origin under the written conditions established by that authority. Where States, other than the State of Origin, have notified ICAO that they require prior approval of shipments made under this special provision, approval must also be obtained from these States, as appropriate.	Add State of Operator to both references.	Applies to UN Nos 0059, 0065, 0099 - all 1.1D
4; introductory note 6	With the approval of the appropriate authority of the State of Origin, certain dangerous goods may also be carried on cargo aircraft in portable tanks in accordance with the provisions of Part S-4, Chapter 12 of the Supplement.	Add State of Operator if agreed to amend Part S-4 Chapter 12.1.2b)	Consequential change if change to Supplement agreed.
4; introductory note 7	Carriage of oxygen with aquatic animals.	No change	Approval of operator and destination already required
4; introductory note 10	Carriage of flames.	No change	Approval of operator and destination already required
4;2.8	The appropriate authority of the State of Origin may approve the use of a packaging alternative to those provided in a particular packing instruction indicated in Table 3-1 for listed dangerous goods provided:	No change	Equivalent packagings

TI Reference	Summary	Change	Comments
4;2.9	The appropriate authority of the State of Origin may approve the transport of large and robust articles which cannot be packaged in accordance with the requirements of 6;1 to 6;4, where they have to be transported empty, uncleaned and unpackaged, providing they comply with the requirements in Part S-4, Chapter 3 of the Supplement.	Add State of Operator	
PI 216 PI 375 PI 496 PI 874 (Fuel Cells)	On passenger aircraft, each fuel cell system and each fuel cell cartridge must conform to IEC PAS 62282-6-1 Ed. 1 or a standard approved by the appropriate authority of the State of Origin.	No change	
PI 965 (lithium ion or lithium polymer batteries) and PI 968 (lithium metal or lithium alloy batteries)	Batteries with a mass of 12 kg or greater and having a strong, impact-resistant outer casing, or assemblies of such batteries, may be transported when packed in strong outer packagings and protective enclosures not subject to the requirements of Part 6 of these Instructions, if approved by the appropriate authority of the <u>State of Origin</u> . A copy of the document of approval must accompany the consignment.	No change	Considered to be a packaging issue.
5;2.5	In addition to the languages which may be required by the State of Origin, English should be used.	No change	
5;4.3.5	When dangerous goods are shipped under exemption (see 1;1.1.2), a copy of the exemption must accompany the consignment. Where more than one State has granted an exemption for a particular consignment, the documents that need to accompany it are the exemptions granted by the <u>States of Origin</u> , transit (if relevant) and destination.	No change	State of Operator not relevant since the aircraft would only be on the ground at either the origin, transit or destination (which may include the state of operator).
6;4.1.6.3	In addition to the languages which may be required by the State of Origin, English should be used for the dangerous goods transport document.	No change	
6;7.21.1b)	Each design that meets the requirements of 7.5.1 to 7.5.3 must require unilateral approval by the competent authority of the State of Origin of the design, unless multilateral approval is otherwise required by these Instructions.	No change	

TI Reference	Summary	Change	Comments
6;7.22.2	Multilateral approval may be by validation of the original certificate issued by the competent authority of the <u>State of Origin</u> of the design or shipment.	No change	
7;2.1.2	Under the conditions specified in S-7;2.2 of the Supplement, the State of Origin may approve the transport of dangerous goods in main deck cargo compartments of passenger aircraft that do not meet the requirements in 2.1.1.	Add State of Operator	Consequential change to Supplement will be required
8;1.1.2r)10)	in addition to the languages which may be required by the <u>State of Origin</u> for the markings specified above, English should be used.	No change	
S-3;1.2.2	In the case of Special Provision A1, dangerous goods may be transported on passenger aircraft with the prior approval of the appropriate authority of the State of Origin provided that	Add State of Operator (if change to special provision A1 agreed)	Consequential change following change to special provision A1
S-3;1.2.3	In the case of Special Provision A2, dangerous goods may be transported on passenger and cargo aircraft with the prior approval of the appropriate authority of the State of Origin provided that	Add State of Operator (if change to special provision A2 agreed)	Consequential change following change to special provision A2
S-3;1.2.4	In the case of Special Provision 109, dangerous goods may be transported on cargo aircraft with the prior approval of the appropriate authority of the State of Origin provided	Add State of Operator (if change to special provision A109 agreed)	Consequential change following change to special provision A109
SP A202	Carriage of oxygen with aquatic animals	No change	State of the Operator already included
SP A215	In certain circumstances, this substance may exhibit explosive behaviour and if so is forbidden for carriage by air under any circumstances. The appropriate national authority must be satisfied on the basis of test results that the substance as packaged does not exhibit explosive behaviour under normal conditions of transport. This, together with the appropriate packaging and the quantity limitation, must be certified by the appropriate authority of the <u>State of Origin</u> .	No change	Classification – applies to UN2956, UN3221 and UN3231.

TI Reference	Summary	Change	Comments
S-4;3.1.1	The appropriate authority of the State of Origin may approve the transport of large and robust articles which cannot be packaged in accordance with the requirements of Part 6, Chapters 1 to 4 of the Technical Instructions where they have to be transported empty, uncleaned and unpackaged.	Add State of Operator	
S-4;3.1.2	In doing so, the appropriate authority of the State of Origin must take into account that:	Add State of Operator if S- 4;3.1.1 is changed. Consequential change also required to S- 4;3.1.3 for 'copy of the approvals'	
S-4;12.1.2	Portable tanks may be carried on cargo aircraft with the approval of the State of Origin	Add State of Operator	
S-4;12.5	When dangerous goods are shipped in portable tanks under the approval of the appropriate authority of the State of Origin, the consignment must be accompanied by a copy of the document of approval showing all relevant transport conditions.	Consequential change if S-4;12.1.2 is changed - add State of Operator -	
S-6;1	The transport of such a packaging by air is subject to the written approval of the State of Origin.	No change	Packaging certification
S-7;2.2.1	The carriage of dangerous goods in a main deck cargo compartment of a passenger aircraft that does not meet the certification requirements for a Class B or C cargo compartment. In such circumstances, the State of Origin may approve the transport of dangerous goods in accordance with the following paragraphs.	Change if changed made to 7;2.1.2 of the Technical Instructions	

TI Reference	Summary	Change	Comments
S-7;4.2.1	The State in which a dangerous goods accident occurs must forward a notification of the accident with a minimum of delay and by the most suitable and quickest means available to: a) the State of Origin; b) the State of Registry; and c) the State of the Operator.	No change	State of Operator already included
S-7;4.2.3	Upon receipt of the notification, the <u>State of Origin</u> must, as soon as possible, provide the State in which the accident occurred with any relevant information it has available relative to the dangerous goods involved in the accident. The <u>State of Origin</u> must also inform the State in which the accident occurred whether it intends to be represented at any investigation and, if so, it should indicate the probable date of arrival of its accredited representative.	No change	Not relevant
S-7;4.3.1	The State in which a dangerous goods accident occurs involving goods originating in or destined for another State must institute an investigation into the circumstances of the accident. That State must also be responsible for the conduct of the investigation, but it may, by agreement, delegate the whole or any part of the conduct of such investigation to the State of Registry, State of the Operator or the State of Origin. The State in which a dangerous goods accident, other than as described above, occurs should institute an investigation into the circumstances of the accident.	No change	State of the Operator already included
S-7;4.3.3a)	The State of Registry, State of the Operator and State of Origin are entitled to appoint an accredited representative to participate in the investigation of a dangerous goods accident.	No change	State of the Operator already included
S-7;4.3.3b)	The State of Registry, State of the Operator and State of Origin must provide an accredited representative when the State in which the accident occurs specifically requests their participation.	No change	State of the Operator already included

TI Reference	Summary	Change	Comments
S-7;4.4.2	The dangerous goods accident/incident report form must be sent with a minimum of delay by the State conducting the investigation to:	No change	State of the Operator already included
	a) the State in which the accident occurred;b) the State of Origin;c) the State of Registry;		
	d) the State of the Operator; e) any other State which provided relevant information; and f) ICAO.		

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APPENDIX B

AMENDMENTS TO THE TECHNICAL INSTRUCTIONS

Part 1 GENERAL

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Chapter 3 GENERAL INFORMATION

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3.1 **DEFINITIONS**

3.1.1 The following is a list of definitions of commonly used terms in these Instructions. Definitions of terms which have their usual dictionary meanings or are used in the common technical sense are not included. Definitions of additional terms used solely in conjunction with radioactive material are contained in 2;7.1.3.

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Approval. An authorization issued by the appropriate national authority for:

- a) transport of those entries listed in Table 3-1 as forbidden on passenger and/or cargo aircraft to which Special Provision A1, A2 or A109 has been assigned in column 7; or
- b) other purposes as specified in these Instructions.

Note. Unless otherwise indicated, approval is only required from the State of Origin.

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Part 3 DANGEROUS GOODS LIST, SPECIAL PROVISIONS AND LIMITED AND EXCEPTED QUANTITIES

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Chapter 2

ARRANGEMENT OF THE DANGEROUS GOODS LIST (TABLE 3-1)

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2.1 ARRANGEMENT OF THE DANGEROUS GOODS LIST (TABLE 3-1)

2.1.1 The Dangerous Goods List (Table 3-1) is divided into 13 columns as follows:

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Column 13 "Cargo aircraft — Maximum net quantity per package" — this gives information similar to that in column 11, but for articles or substances which may be transported on a cargo aircraft only. The mass quoted is the net mass unless otherwise indicated by a letter "G". The maximum quantity per package may be further limited by the type of packaging used. The maximum net quantities indicated do not apply to transport in portable tanks, as permitted in the Supplement to these Instructions, Part S-4, Chapter 12, with the approval of the appropriate authority of the State of Origin and the State of the Operator.

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Chapter 3

SPECIAL PROVISIONS

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Table 3-2. Special provisions

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This commodity may be transported on passenger aircraft, only with the prior approval of the appropriate authority of the State of Origin and the State of the Operator under the written conditions established by that authority those authorities. The conditions must include the quantity limitations and packing requirements and these must comply with S-3;1.2.2 of the Supplement. A copy of the documents of approval, showing the quantity limitations and packing requirements, must accompany the consignment. The commodity may be carried on cargo aircraft in accordance with columns 12 and 13 of Table 3-1. When States, other than the State of Origin and the State of the Operator, have notified ICAO that they require prior approval of shipments made under this special provision, approval must also be obtained from these States, as appropriate.

Α2

This commodity may be transported on passenger aircraft and on cargo aircraft, only with the prior approval of the appropriate authority of the State of Origin and the State of the Operator under the written conditions established by the authority those authorities.

Where States, other than the State of Origin and the State of the Operator, have notified ICAO that they require prior approval of shipments made under this special provision, approval must also be obtained from the States of transit, overflight and destination and of the State of the Operator, as appropriate.

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In each case the conditions must include the quantity limitations and packing requirements and these must comply with S-3;1.2.3 of the Supplement. A copy of the document(s)s of approval, showing the quantity limitations and the packing and labelling requirements, must accompany the consignment.

- A62 (178) This designation must be used only may only be used when no other appropriate designation exists in the list and then only with the approval of the appropriate authority of the State of Origin.
- A78 Radioactive material with a subsidiary risk must:

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Radioactive material with a subsidiary risk of Division 4.2 (Packing Group I) must be transported in Type B packages. Radioactive material with a subsidiary risk of Division 2.1 is forbidden from transport on passenger aircraft, and radioactive material with a subsidiary risk of Division 2.3 is forbidden from transport on passenger or cargo aircraft except with the prior approval of the appropriate authority of the State of Origin and the State of the Operator under the conditions established by that authority those authorities. A copy of the documents of approval, showing the quantity limitations and the packaging requirements, must accompany the consignment.

A109 This commodity may be transported on cargo aircraft, only with the prior approval of the appropriate authority of the State of Origin and the State of the Operator under the written conditions established by that authority those authorities. The conditions must include the quantity limitations and packing requirements and these must comply with S-3;1.2.4 of the Supplement. A copy of the documents of approval, showing the quantity limitations and packing requirements, must accompany the consignment.

Where States, other than the State of Origin and the State of Operator, have notified ICAO that they require prior approval of shipments made under this special provision, approval must also be obtained from these States, as appropriate.

Part 4

PACKING INSTRUCTIONS

INTRODUCTORY NOTES

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Note 6.— Portable tanks

With the approval of the appropriate authority of the State of Origin and the State of the Operator, certain dangerous goods may also be carried on cargo aircraft in portable tanks in accordance with the provisions of Part S-4, Chapter 12 of the Supplement.

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Chapter 2

GENERAL

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2.9 UNPACKAGED ARTICLES OTHER THAN CLASS 1 ARTICLES

The appropriate authority of the State of Origin and the State of the Operator may approve the transport of large and robust articles which cannot be packaged in accordance with the requirements of 6;1 to 6;4, where they have to be transported empty, uncleaned and unpackaged, providing they comply with the requirements in Part S-4, Chapter 3 of the Supplement.

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Part 7

OPERATOR'S RESPONSIBILITIES

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Chapter 2

STORAGE AND LOADING

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2.1.2 Under the conditions specified in S-7;2.2 of the Supplement, the State of Origin and the State of the Operator may approve the transport of dangerous goods in main deck cargo compartments of passenger aircraft that do not meet the requirements in 2.1.1.

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APPENDIX C

AMENDMENTS TO THE SUPPLEMENT TO THE TECHNICAL INSTRUCTIONS

Part S-3

DANGEROUS GOODS LIST AND LIMITED QUANTITIES EXCEPTIONS

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Chapter 1

GENERAL

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1.2 QUANTITY LIMITATIONS AND PACKING REQUIREMENTS

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- 1.2.2 In the case of Special Provision A1, dangerous goods may be transported on passenger aircraft with the prior approval of the appropriate authority of the State of Origin and the State of the Operator provided that the quantity per package does not exceed the quantity shown in Table S-3-1 and the packing is in accordance with the packing instruction indicated by Table S-3-1. The detailed requirements of the packing instruction are given in Part S-4, unless they already appear in the Technical Instructions. A copy of the documents of approval showing the quantity limitations and packing requirements must accompany the consignment. Approval is not required for transport on cargo aircraft in these cases.
- 1.2.3 In the case of Special Provision A2, dangerous goods may be transported on passenger and cargo aircraft with the prior approval of the appropriate authority of the State of Origin and the State of the Operator provided that the quantity per package does not exceed the quantity shown in Table S-3-1 and the packing is in accordance with the packing instruction indicated by Table S-3-1. The detailed requirements of the packing instruction are given in Part S-4, unless they already appear in the Technical Instructions. The consignment must be accompanied by a copy of the documents(s) of approval showing the quantity limitations and packing and labelling requirements.
- 1.2.4 In the case of Special Provision 109, dangerous goods may be transported on cargo aircraft with the prior approval of the appropriate authority of the State of Origin and the State of the Operator provided that the quantity per package does not exceed the quantity shown in Table S-3-1 and the packing is in accordance with the packing instruction indicated by Table S-3-1. The detailed requirements of the packing instruction are given in Part S-4, unless they already appear in the Technical Instructions. The consignment must be accompanied by a copy of the documents showing the quantity limitations and packing and labelling requirements.

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Part S-4

PACKING INSTRUCTIONS

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Chapter 3

CLASS 1 — EXPLOSIVES

3.1 LARGE AND ROBUST ARTICLES

- 3.1.1 The appropriate authority of the State of Origin and the State of Operator may approve the transport of large and robust articles which cannot be packaged in accordance with the requirements of Part 6, Chapters 1 to 4 of the Technical Instructions where they have to be transported empty, uncleaned and unpackaged.
- 3.1.2 In doing so, the appropriate authority of the State of Origin and the State of Operator must take into account that:

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3.1.3 All other relevant provisions of the Instructions apply. A copy of the approvals must accompany the consignment.

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Chapter 12

PORTABLE TANKS

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12.1 GENERAL

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- 12.1.2 Portable tanks may be used for the transport of dangerous goods in accordance with the provisions of this Chapter only when the following conditions are met:
 - a) transport is on cargo aircraft only;
 - b) approval of the appropriate authority of the State of Origin and the State of the Operator is obtained;
 - c) the Packing Instruction for the substance indicated in column 12 of Table 3-1 of the Technical Instructions authorizes the substance to be transported in steel drums as single packagings; and
 - d) for liquid dangerous goods, the substance is authorized for transport in portable tanks by the International Maritime Organization (IMO), International Maritime Dangerous Goods (IMDG) Code.

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12.5 ADDITIONAL DOCUMENTATION

The requirements concerning the dangerous goods transport document in Part 5;4.1 of the Technical Instructions must be met. When dangerous goods are shipped in portable tanks under the approval of the appropriate authority of the State of

Origin and the State of the Operator, the consignment must be accompanied by a copy of the documents of approval showing all relevant transport conditions.

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Part S-7

STATE'S RESPONSIBILITIES

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Chapter 2

STORAGE AND LOADING

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2.2 LOADING ON PASSENGER AIRCRAFT

2.2.1 Part 7;2.1 of the Technical Instructions provides that dangerous goods may only be carried in a main deck cargo compartment of a passenger aircraft that meet the certification requirements for a Class B or C cargo compartment. There may be occasions when there is a need to carry dangerous goods on passenger aircraft that do not have these cargo compartments, such as on those serving remote areas where there is no other transport available. In such circumstances, the State of Origin and the State of the Operator may approve the transport of dangerous goods in accordance with the following paragraphs.

— END —