



WORKING PAPER

DANGEROUS GOODS PANEL (DGP)

TWENTY-SEVENTH MEETING

Montréal, 16 to 20 September 2019

Agenda Item 2: Managing air-specific safety risks and identifying anomalies

2.1: Develop proposals, if necessary, for amendments to Annex 18 — *The Safe Transport of Dangerous Goods by Air*

2.2: Develop proposals, if necessary, for amendments to the *Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc 9284)* for incorporation in the 2021-2022 Edition

REMOVE THE DEFINITIONS OF CARGO AND PASSENGER AIRCRAFT FROM ANNEX 18 AND THE TECHNICAL INSTRUCTIONS

(Presented by Schwartz Scott)

SUMMARY

The definitions of passenger and all-cargo (hereafter referred to simply as cargo) aircraft in Annex 18 and the Technical Instructions has led to inconsistencies as to who is allowed on a cargo aircraft when cargo aircraft only (CAO) dangerous goods are on board. The definitions are also not consistent with those accepted in other areas of the Convention on International Civil Aviation. The dangerous goods definitions can be used to deny access to personnel who can provide important safety benefits during normal and emergency operations, while at the same time allowing persons on board who can lead to distraction and extra work for the flight crew in the case of an emergency.

Action by the DGP: The DGP is invited to consider a proposal to remove the definitions of cargo and passenger aircraft from Annex 18 and the Technical Instructions as shown in the appendices to this working paper and to work with other panels to ensure that anyone on board commercial aircraft is appropriately qualified and trained.

1. INTRODUCTION

1.1 As stated in the general principles of the Technical Instructions, the role of the dangerous goods regulatory structure is to “ensure that should an incident occur it cannot lead to an accident.” It should not be to determine who is permitted to be aboard commercial flights, unless it is directly related

to the safe handling and carriage of dangerous goods (for example, a courier traveling with cargo with special handling requirements). Who can be aboard and what non-dangerous goods related training is required falls under airworthiness, operations, and aviation security regulations.

1.2 The definitions of cargo and passenger aircraft in Annex 18 and the Technical Instructions are based on aircraft types and operating procedures that were developed decades ago when the type and amount of dangerous goods transported and the aircraft in use were very different than today. Both the risk profile and risk mitigation possibilities have changed since the 1960's, but the definitions and the underlying safety assumptions have not.

1.3 Other Annexes rarely distinguish between cargo and passenger operations and have no formal definitions for them. When there are distinctions between passenger and cargo operations, they are risk based, and have more to do with underlying safety differences rather than providing for different levels of safety. And when there is a distinction, it is assumed that passenger flights are those with fare paying passengers on board. As shown below, the definitions in Annex 18 and the Technical Instructions include several types of personnel that are not fare-paying passengers.

1.4 Annex 18, Chapter 1 Definitions and the Technical Instructions Part 1;1.3.1 Definitions both state:

“**Cargo aircraft.** Any aircraft, other than a passenger aircraft, which is carrying goods or property.

...

Passenger aircraft. An aircraft that carries any person other than a crew member, an operator's employee in an official capacity, an authorized representative of an appropriate national authority or a person accompanying a consignment or other cargo.”

1.5 The current definitions in Annex 18 and the Technical Instructions can be interpreted by some to exclude off-duty pilots from traveling on cargo aircraft with CAO freight on board. The Air Line Pilots Association, International has maintained a database of over 1000 instances where an extra pilot on the flight deck has been beneficial to flight safety. This extra safety margin is provided by pilots from other airlines as well as those of the operator. Local pilot knowledge often enhances flight safety on routine flights and has resulted in saved lives in emergency situations. United 232 in 1989 and a Lion Air flight the day before the JT610 accident are only two examples. Therefore, in the interest of flight safety, the DGP should not restrict certificated pilots, whether they are from the operating carrier or another airline from any cargo aircraft.

1.6 Some have proposed to allow all airline employees, couriers travelling to or from assignments, and other persons on these flights. During normal operations and during emergencies, these passengers can be distractions for the flight crew, and would rarely be of assistance. It would be ironic that because of language in Annex 18 and related documents, they could be allowed on certain flights while fully qualified flight crews that have been demonstrated to save lives and prevent incidents could be prohibited.

1.7 In any case, these decisions have little to do with the safe transport of dangerous goods and should be regulated by other bodies.

1.8 It is proposed here to harmonize dangerous goods text with other Annexes and remove the arbitrary definitions for cargo and passenger aircraft and rely on the same meaning of the terms used in other areas of regulation.

2. ACTION BY THE DGP

2.1 The DGP is invited to consider whether the definitions for passenger and cargo aircraft should be made by other ICAO panels and be deleted from the dangerous goods documents as shown in the appendices to this working paper and to work with other panels to ensure that those allowed on board cargo aircraft are properly qualified and trained.

APPENDIX A

PROPOSED AMENDMENT TO ANNEX 18

INTERNATIONAL STANDARDS
AND RECOMMENDED PRACTICES

CHAPTER 1. DEFINITIONS

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~~*Cargo aircraft.* Any aircraft, other than a passenger aircraft, which is carrying goods or property.~~

...

~~*Passenger aircraft.* An aircraft that carries any person other than a crew member, an operator's employee in an official capacity, an authorized representative of an appropriate national authority or a person accompanying a consignment or other cargo.~~

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APPENDIX B

PROPOSED AMENDMENT TO PART 1 OF THE TECHNICAL INSTRUCTIONS

Part 1

GENERAL

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Chapter 3

GENERAL INFORMATION

Parts of this Chapter are affected by State Variation BE 1; see Table A-1

3.1 DEFINITIONS

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~~**Cargo aircraft.** Any aircraft, other than a passenger aircraft, which is carrying goods or property.~~

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~~**Passenger aircraft.** An aircraft that carries any person other than a crew member, an operator's employee in an official capacity, an authorized representative of an appropriate national authority or a person accompanying a consignment of other cargo.~~

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