



DANGEROUS GOODS PANEL (DGP) WORKING GROUP MEETING (DGP-WG/17)

Montreal, 24 to 28 April 2017

Agenda Item 5: Specific work items identified by the Air Navigation Commission:

5.2: Dangerous goods accident and incident reporting system (ANC job card DGP.002.01)

REPORT OF THE WORKING GROUP ON REPORTING

(Presented by the Chairman of the DGP Working Group on Reporting)

SUMMARY

This information paper provides an update on the work of the Dangerous Goods Panel Working Group on Reporting which continued work following DGP-WG/16 via correspondence and met face-to-face from 20 to 21 April 2017 in Ottawa, Canada.

1. INTRODUCTION

1.1 The DGP Working Group on Reporting (DGP-WG/Reporting) met in Ottawa on 20 and 21 April 2017. The purpose of the meeting was to review guidance material on reporting and investigating which had been developed via WebEx meetings and email correspondence prior to the meeting. The guidance material would support the proposed new Annex 18 compliance and reporting provisions (see paragraph 3.5.2.1 of the DGP-WG/16 Report). These provisions, currently contained in Chapters 11 and 12 of Annex 18, were revised with the aim of aligning the provisions with Annexes 13 and 19 and removing, whenever practicable, redundancies. They are reproduced in Appendix A to this working paper.

1.2 The working group made much progress on the development of guidance material. It developed material using the following outline as a basis:

Reporting

1. Scope
2. Definitions
3. Why report?
4. Who should report?
5. Dangerous goods point of contact

6. Mandatory versus voluntary dangerous goods reporting systems
7. Reporting flow/guidance chart
8. Templates for dangerous goods occurrence reporting highlighting the minimum reporting requirements
9. Occurrence reporting by entities other than the operator.
10. What to do with the information in the report
11. States' internal dangerous goods occurrence's reporting requirements and the reporting timeframe
12. Cooperation between States/reporting to other States (as and when required)
13. Reporting to ICAO (if applicable)

Investigation

1. Scope
2. Definitions
3. Why investigate?
4. Who should investigate/the investigator's qualifications?
5. Investigation techniques
6. Dangerous goods investigation point of contact
7. Annex 13 related dangerous goods occurrences
8. What needs to be considered by the investigator upon receiving an occurrence report
9. Investigation flow/guidance chart.
10. Analyzing data/information, identification of root cause and the Corrective Action Plan (CAP).
11. Continuous monitoring/ follow up to ensure that the CAP is implemented.
12. Cooperation between States and information sharing.
13. Sharing with ICAO (if applicable).

1.3 It became evident during the development of the investigation material that a clear distinction needed to be made between official accident investigations that would be subject to Annex 13 — *Aircraft Accident and Incident Investigation* and investigations that would be prompted by dangerous goods occurrences. The group became aware of simultaneous work being undertaken by ICAO's safety management experts on guidance material for "safety investigations" and consulted with them on the subject. This material will be included in the next edition of the *Safety Management Manual (SMM)* (Doc 9859). Additional material on reporting will also be included in that edition.

1.4 There was a conclusion that coordination between the reporting group and the safety management experts would be beneficial to both during the development process. The DGP-WG/Reporting will review the safety management material once it is received by the safety management experts. An initial draft of the safety management material is expected in early Summer 2017. DGP-WG/Reporting will then align its dangerous goods reporting and investigation material with the safety management guidance. DGP-WG/Reporting will take a similar approach as the one taken in aligning Annex 18 with Annex 19 and remove, whenever practicable, redundancies.

2. **FUTURE WORK**

2.1 DGP-WG/Reporting will continue developing guidance material for investigation and reporting and ensure it aligns with the new safety management material. A mature draft will be presented to DGP/26.

2.2 The draft amendments to Annex 18 and the Technical Instructions which were submitted to DGP-WG/16 are reproduced in Appendices A and B to this working paper.

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APPENDIX A

PROPOSED AMENDMENTS TO ANNEX 18

CHAPTER 1. DEFINITIONS

The following amendment is proposed for the sake of alignment with dangerous goods incident and to differentiate from the definition of an aircraft incident in Annex 13.

Dangerous goods accident. An occurrence associated with and related to the transport of dangerous goods by air, not necessarily occurring on board an aircraft, which results in fatal or serious injury to a person or major property or environmental damage.

The following added for the sake of clarity. The note is currently included under the definition for dangerous goods incident in the Technical Instructions.

Note.— A dangerous goods accident may also constitute an aircraft accident as defined in Annex 13— Aircraft Accident and Incident Investigation.

The following amendments are largely structural to improve readability. In addition, “fluid” is replaced with “contents” so as to address solids.

Dangerous goods incident. An occurrence, other than a dangerous goods accident, associated with and related to the transport of dangerous goods by air, not necessarily occurring on board an aircraft, ~~which results in~~ where:

- a) ~~injury to a person,~~ a person is injured;
- b) ~~there is~~ property or environmental damage, ~~;~~
- c) there is fire, breakage, spillage, leakage of ~~fluid~~ contents or radiation or there is other evidence that the integrity of the packaging has not been maintained, ~~;~~ or
- d) ~~Any occurrence relating to the transport of dangerous goods which seriously jeopardizes the aircraft or its occupants is also deemed to constitute a dangerous goods incident.~~

Note.— A dangerous goods incident may also constitute an aircraft incident as defined in Annex 13 — Aircraft Accident and Incident Investigation.

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**CHAPTER ~~12~~ 11. DANGEROUS GOODS ACCIDENT
AND INCIDENT REPORTING DANGEROUS GOODS OCCURRENCE
REPORTING**

Replace reporting provisions currently contained in Chapter 12 with the following new provisions. These revised provisions are based on Annex 19 with Amendment 1 incorporated. Reporting requirements already covered by Annex 19 are not repeated here. They are, however, expanded to include entities other than operators.

The following note is copied from note under Chapter 8 of Annex 13.

Note.— In addition to the provisions of this chapter, other provisions relative to the promotion of dangerous goods accident and incident prevention by collection and analysis of safety data and by a prompt exchange of safety information, as part of the State safety programme (SSP), are included in Annex 19 — Safety Management and, to this effect, are applicable to this Annex. Further guidance is contained in the Safety Management Manual (SMM) (Doc 9859).

The following aligns with paragraph 5.1.2 of Annex 19.

11.1 Mandatory safety reporting system

11.1.1 States shall include reporting of dangerous goods accidents, dangerous goods incidents and occasions when undeclared or misdeclared dangerous goods are discovered in cargo or mail as part of their mandatory safety reporting systems in accordance with the provisions of Annex 19.

11.1.2 States' mandatory reporting systems shall include a requirement for the operator to report dangerous goods accidents and dangerous goods incidents to the appropriate authority of the State in which they occurred and to the State of the Operator.

11.1.3 States' mandatory reporting systems shall include a requirement for the operator to report occasions when undeclared or misdeclared dangerous goods are discovered ~~[in cargo or mail]~~ to the appropriate authority of the State in which they were discovered and to the State of the Operator.

11.1.4 States' mandatory reporting systems shall include a requirement for entities other than operators to report dangerous goods accidents and dangerous goods incidents to the appropriate authority of the State in which they occurred.

11.1.5 States' mandatory reporting systems shall include a requirement for entities other than operators to report occasions when undeclared or misdeclared dangerous goods are discovered ~~[in cargo or mail]~~ to the appropriate authority of the State in which they were discovered.

11.2 Voluntary safety reporting system

Recommendation.— States should establish a voluntary safety reporting system to collect safety data and safety information not captured by mandatory reporting systems for entities other than operators.

Note.— States are required to establish voluntary safety reporting systems for air operators in accordance with the provisions of Annex 19. Further guidance is included in the Safety Management Manual (SMM) (Doc 9859).

11.3 Safety information exchange

11.3.1 If a State, in the analysis of the dangerous goods information contained in its safety data collection and processing system (SDCPS) identifies safety issues which may have an impact on global safety, that State shall forward such safety information to ICAO with a minimum of delay.

Note 1.— Provisions for a SDCPS and safety information sharing and exchange between States are included in Annex 19. Further guidance is contained in the Safety Management Manual (SMM) (Doc 9859).

Note 2.— Whenever practicable, the safety information sent to ICAO is to be prepared in one of the working languages of the Organization.

[11.3.2 States shall provide ICAO with dangerous goods information from their SDCPS upon request to address global safety issues related to the transport of dangerous goods.]

~~CHAPTER 11~~**12. COMPLIANCE DANGEROUS GOODS OVERSIGHT AND COOPERATION**

Replace compliance provisions currently contained in Chapter 11 with the following new provisions. These revised provisions are based on Annex 19 with Amendment 1 incorporated. Oversight requirements already covered by Annex 19 are not repeated here. They are, however, expanded to include entities other than operators.

The following note is copied from note under Chapter 8 of Annex 13 (same as note added to reporting chapter, above (Chapter 11)).

Note.— In addition to the provisions of this chapter, other provisions relative to the promotion of dangerous goods accident and incident prevention by collection and analysis of safety data and by a prompt exchange of safety information, as part of the State safety programme (SSP), are included in Annex 19 — Safety Management and, to this effect, are applicable to this Annex. Further guidance is contained in the Safety Management Manual (SMM) (Doc 9859).

12.1 Surveillance obligations

12.1.1 States shall ensure that the surveillance obligations required by Annex 19 apply to all entities performing any function prescribed in the Technical Instructions.

12.1.2 States shall establish procedures for investigating reports of dangerous goods accidents and dangerous goods incidents and identified safety issues related to the transport of dangerous goods.

12.1.3 States shall establish procedures for investigating ~~occasions when~~ reports of undeclared or misdeclared dangerous goods are discovered ~~[in cargo or mail]~~ and identified safety issues related to the transport of dangerous goods.

12.1.4 States shall ensure that operators establish procedures for investigating safety issues related to the transport of dangerous goods through the application of their safety management system.

12.2 Resolution of safety issues related to the safe transport of dangerous goods

12.2.1 States shall ensure that the resolution of safety issues required by Annex 19 related to the transport of dangerous goods applies to all entities performing any function prescribed in the Technical Instructions.

12.3 Cooperation between States

12.3.1 States shall participate in cooperative efforts with other States with the aim of eliminating unsafe practices and non-compliance with the Technical Instructions.

12.3.2 States' cooperative efforts shall include coordination of investigations of dangerous goods accidents and dangerous goods incidents, identified safety issues related to the transport of dangerous goods, non-compliance with the Technical Instructions and enforcement actions.

Provisions for dangerous good by mail currently included in Chapter 11 (11.4) are moved to new Chapter 14 (see below). Training programme requirements for designated postal operators are also moved to new Chapter 14 (proposed amendments to Chapter 10 are shown after proposed new Chapter 14 below)

CHAPTER 14. DANGEROUS GOODS BY MAIL

Moved from Chapter 10:

10.114.1 Establishment of training programmes

Initial and recurrent dangerous goods training programmes shall be established and maintained in accordance with the Technical Instructions.

10.214.2 Approval of training programmes

Moved from Chapter 10:

~~10.2.2~~—Dangerous goods training programmes for designated postal operators shall be approved by the civil aviation authority of the State where the mail is accepted by the designated postal operator.

~~Note 1.~~— *See 11.4 for dangerous goods by mail.*

Moved from Chapter 11:

11.414.2 ~~Dangerous goods by mail~~ Procedures for controlling the introduction of dangerous goods in mail into air transport

~~11.4~~—The procedures of designated postal operators for controlling the introduction of dangerous goods in mail into air transport shall be approved by the civil aviation authority of the State where the mail is accepted.

Note 1.— In accordance with the Universal Postal Union (UPU) Convention, dangerous goods are not permitted in mail, except as provided for in the Technical Instructions.

Note 2.— The Universal Postal Union has established procedures to control the introduction of dangerous goods into air transport through the postal services (see the UPU Parcel Post Regulations and Letter Post Regulations).

Note 3.— Guidance for approving the procedures established by designated postal operators to control the introduction of dangerous goods into air transport may be found in the Supplement to the Technical Instructions (Part S-1, Chapter 3).

CHAPTER 10. TRAINING PROGRAMMES

10.1 Establishment of training programmes

Initial and recurrent dangerous goods training programmes shall be established and maintained in accordance with the Technical Instructions.

10.2 Approval of training programmes

10.2.1 Dangerous goods training programmes for operators shall be approved by the appropriate authority of the State of the Operator.

Note.— Dangerous goods training programmes are required for all operators regardless of whether or not they are approved to transport dangerous goods.

~~10.2.2 Dangerous goods training programmes for designated postal operators shall be approved by the civil aviation authority of the State where the mail is accepted by the designated postal operator.~~

10.2.3 **Recommendation.**— *Dangerous goods training programmes required for entities other than operators and designated postal operators should be approved as determined by the appropriate national authority.*

Note 1.— Dangerous goods training programme requirements for designated postal operators are included in See 11.4 Chapter 14 for dangerous goods by mail.

Note 2.— See 4.2.2 of Annex 6 — Operation of Aircraft, Part I — International Commercial Air Transport — Aeroplanes for surveillance of operations by a foreign operator.

APPENDIX B

PROPOSED AMENDMENTS TO 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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Dangerous goods accident. An occurrence associated with and related to the transport of dangerous goods by air, not necessarily occurring on board an aircraft, which results in fatal or serious injury to a person or major property or environmental damage.

Note.— A dangerous goods accident may also constitute an aircraft accident as defined in Annex 13 — Aircraft Accident and Incident Investigation.

Dangerous goods incident. An occurrence, other than a dangerous goods accident, associated with and related to the transport of dangerous goods by air, not necessarily occurring on board an aircraft, ~~which~~ where:

a) ~~results in injury to a person~~ is injured;

b) ~~there is~~ property or environmental damage;

c) ~~there is~~ fire, breakage, spillage, leakage of fluid contents or radiation or other evidence that the integrity of the packaging has not been maintained; ~~or~~

d) ~~Any occurrence relating to the transport of dangerous goods which seriously jeopardizes the aircraft or its occupants is also deemed to be a dangerous goods incident.~~

Note.— A dangerous goods ~~accident or incident~~ may also constitute an aircraft ~~accident or incident~~ as ~~specified~~ defined in Annex 13 — Aircraft Accident and Incident Investigation.

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Chapter 7

~~INCIDENT AND ACCIDENT~~ **DANGEROUS GOODS OCCURRENCE** REPORTING

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Moved from Part 7;4:

4.47.1 REPORTING OF DANGEROUS GOODS ACCIDENTS AND INCIDENTS

7.1.1 An operator must report dangerous goods accidents and dangerous goods incidents to the appropriate authorities of the State of the Operator and the State in which ~~the accident or incident~~ they occurred in accordance with the reporting requirements of those appropriate authorities.

Based on current Part 1;7 (Struck out text is moved to new 1;7.2.2):

7.1.2 Entities other than operators who are in possession of dangerous goods at the time a dangerous goods accident or dangerous goods incident occurs or at the time a dangerous goods incident is discovered to have occurred ~~should follow the reporting requirements of Part 7;4.4. Entities other than operators who discover undeclared or misdeclared dangerous goods should follow the reporting requirements of Part 7;4.5. These entities may include, but are not limited to, freight forwarders, customs authorities and security screening providers.~~ must report to the appropriate authority of the State in which the accident or incident occurred.

Moved from Part 7;4:

Note 1.— ~~This~~ The provisions in 7.1.1 and 7.1.2 includes incidents occurrences involving dangerous goods that are not subject to all or part of these Instructions through the application of an exception or of a special provision (e.g. an incident involving the short circuiting of a dry cell battery that is required to meet short-circuit prevention conditions in a special provision of 3;3).

Based on end of current Part 1;7:

Note 2.— The entities referred to in 7.1.2 may include, but are not limited to, freight forwarders, customs authorities and security screening providers.

Moved from Part 7;4:

4.57.2 REPORTING OF UNDECLARED OR MISDECLARED DANGEROUS GOODS

7.2.1 An operator must report any occasion when undeclared or misdeclared dangerous goods are discovered in cargo or mail. Such a report must be made to the appropriate authorities of the State of the Operator and the State ~~in which this occurred~~ in which they were discovered. An operator must also report any occasion when dangerous goods not permitted under 8;1.1.1 are discovered, either in the baggage of passengers or crew members or on ~~the~~ their person, ~~of passengers or crew members~~. Such a report must be made to the appropriate authority of the State ~~in which this occurred~~ in which they were discovered.

Based on second part of current Part 1;7:

7.2.2 Entities other than operators who discover undeclared or misdeclared dangerous goods in cargo or mail must report to the appropriate authority of the State in which they were discovered. These entities must also report any occasion when dangerous goods not permitted under 8;1.1.1 are discovered, either in the baggage of passengers or crew members or on their person.

Note.— These entities referred in 7.2.42 may include, but are not limited to, freight forwarders, customs authorities and security screening providers.

Discussions on the following provisions to be continued, including relationship to voluntary reporting system:

4.67.3 REPORTING OF DANGEROUS GOODS OCCURRENCES

An operator must report to the State of the Operator and the State of Origin any occasion when:

- a) dangerous goods are discovered to have been carried when not loaded, segregated, separated or secured in accordance with Part 7;2; or
- b) dangerous goods are discovered to have been carried without information having been provided to the pilot-in-command in accordance with Part 7;4.1.

To be done: consequential amendments to references to reporting provisions throughout Technical Instructions to be

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