W-244

UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD
WASHINGTON, D. C.

Civil Air Regulations Amendment 49-2
Effective: January 7, 1955
Adopted: December 27, 1954

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

PACKING, MARKING, LABELING, AND SHIPPERS' CERTIFICATION REQUIREMENTS

There have been filed with the Board in accordance with § 412 of the Civil Aeronautics Act of 1938, as amended, certain resolutions of the International Air Transport Association (IATA) whereby the member carriers will transport restricted articles in air transportation. These resolutions include certain regulations entitled "IATA Regulations Relating to the Carriage of Restricted Articles." Implementation of these agreements requires both approval by the Board of the basic IATA resolutions and an amendment to Part 49 of the Civil Air Regulations relating to the transportation of explosives and other dangerous articles.

The carriers which are members of IATA operate in 42 different countries at the present time. For that reason alone, transportation of restricted articles would be greatly facilitated should the Board approve the agreements, since a majority of the countries involved have accepted these IATA resolutions substantially without change. Additionally, a significant increase in safety in international air transportation will result from the uniformity of standards with respect to the classification of materials and their packaging.

A comparison of the proposed IATA requirements with the provisions of Part 49 indicates that they comply with Part 49 with the exception of the labeling and shippers' certification requirements. Part 49 presently requires the display of an appropriate Interstate Commerce Commission (ICC) label on all explosives and restricted articles transported by air. Each such package is required by Part 49 to be conspicuously labeled by the shipper, and labels must conform to prescribed ICC standards as to size, shape, printing, and color. No label of any other sort may be used which might be readily confused with any specified ICC label.

Although each proposed IATA label does not differ in size, shape, or color from the counterpart ICC label, the following differences in printing and certification do exist:

(a) The IATA label shows a pictorial display (symbol) depicting the classification of the material as corrosive liquid;

flammable (liquid or compressed gas); poison (poison, poison gas or tear gas); flammable solid or oxidising material; nonflammable compressed gas; explosive; radioactive material Group I or II; or radioactive material Group III. In addition it displays the name of the classification of the material and other printing, which is completely consistent with the cautionary instructions for safe handling contained on the corresponding ICC label.

(b) The IATA label does not contain a shippers' certification similar to that contained on the ICC label. The IATA shippers' certification, however, meets the ICC requirements as referred to in Part 49 except that, in lieu of being contained in the label, it is made by a separate statement (in duplicate) signed by the shipper or agent authorized by the shipper. One signed copy of the statement is retained by the air carrier originally accepting the shipment and the other signed copy accompanies the consignment en route.

The use of the pictorial (symbolic) IATA label in lieu of the ICC label has been discussed with representatives of the ICC and the Bureau for the Safe Transportation of Explosives and other Dangerous Articles (Bureau of Explosives). As a result of these discussions, it appears that no objection would be raised against the use of the IATA label, a factor which is important since surface transportation is needed to move such materials to and from airports.

The differences existing in the two methods of handling the shippers' certification have been carefully examined; and the discussions held with ICC and the Bureau of Explosives representatives indicated that there would be no objection to a shipper's certification made in accordance with the IATA requirements. From a practical viewpoint the present U. S. method would, in some instances where the package was mutilated or destroyed, prevent a determination as to whether or not the package had been so certified. The IATA method ensures the ability to make such a determination.

Concurrently with the adoption of this amendment to Part 49, the Board is approving the IATA resolutions relating to the carriage of restricted articles. Subsequent amendments to these IATA resolutions must be submitted to the Board in accordance with § 412 of the Act, and will be subject to consideration on their merits at that time.

This amendment to Part 49 pertains only to the form of certification and labeling of restricted articles and does not authorize the carriage of such articles on any other terms or in any greater quantities than now authorized by Part 49. Accordingly the amendment is only minor in nature, and notice and public procedure hereon are unnecessary. Since no additional burden is imposed on any person, the amendment may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Board hereby amends Part 49 of the Civil Air Regulations (14 CFR Part 49, as amended) as follows, effective January 7, 1955.

1. By amending § 49.1 (a) (12) to read as follows:

49.1 Definitions.

(a) * * *

(12) Labeling. Labeling is the display on the container of an appropriate label specified for the particular class of articles either by the ICC regulations or by the rules of this part.

2. By amending § 49.3 to read as follows:

49.3 Packing, marking, labeling, and shippers' certification requirements.

(a) Unless otherwise specifically provided in this part, explosives and other dangerous articles shall be packed and marked in accordance with such requirements prescribed in Parts 72 and 73 of the ICC regulations as are applicable to rail express, including any instructions that are necessary for safe handling. Liquids shall be packed only in containers which are securely closed, sufficient in strength to prevent any leakage or distortion of the containers caused by change in temperature or altitude during transit, and so filled as to provide adequate outage. All explosives or dangerous articles shall be conspicuously labeled by the shipper even though they may be exempted from ICC labeling requirements by virtue of ICC quantity and packing limitations.

(b) No shipper shall offer and no air carrier or other operator of aircraft shall knowingly accept explosives or dangerous articles for carriage of air unless the shipper or his authorized agent has certified that the shipment complies with the requirements of this part. No shipment shall be accepted for transportation by passenger-carrying aircraft unless the package is accompanied by or shows a clear and plainly visible statement that it is within the limitations prescribed for passenger operations. Any operator of aircraft may rely on such a certificate as prima facie evidence that the shipment so certified complies with the requirements of this part 4/.

(c) Explosives or other dangerous articles acceptable under the provisions of this part for transportation in air commerce shall bear the appropriate ICC label, or a label which is a true copy of a label portrayed in I.A.T.A. Traffic Conference Resolution 608 (as amended) as approved by the Board under § 412 of the Civil Aeronautics Act of 1938, as amended, on December 27, 1954. When the label used does not bear the shipper's certification, such certification shall be made in duplicate and signed by the shipper or authorized agent for each consignment. One signed copy

shall accompany the shipment and the other signed copy shall be retained by the originating carrier. The carrier may also require the shipper to have the shipper's statement certified by an authority approved by the carrier.

3. By deleting Footnote 4 to § 49.3 (a), by renumbering Footnote 5 to § 49.3 (b) as Footnote 4, and by deleting the phrase "on a shipping label" from the first line thereof.

(Sec. 205 (a), 52 Stat. 984; 49 U.S.C. 425. Interpret or apply §§ 601, 902 (h), 52 Stat. 1007, 1015, as amended; 49 U.S.C. 551, 622)

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

M. C. Mulligan
Secretary

(SEAL)

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