



WORKING PAPER

DANGEROUS GOODS PANEL (DGP)

TWENTY-SIXTH MEETING

Montréal, 16 to 27 October 2017

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 2019-2020 Edition

DANGEROUS GOODS TRANSPORTED AS REPLACEMENTS BY THE OPERATOR

(Presented by L. Cascardo)

SUMMARY

This working paper invites the DGP to analyze the current provisions for exceptions for dangerous goods transported as replacements by the operator regarding the expression “unless otherwise authorized by the State of the Operator” that could lead to a lack of international harmonization and the introduction of risks.

Action by the DGP: The DGP is invited to revise Part 1;2.2 of the Technical Instructions as presented in the appendix to this working paper.

1. INTRODUCTION

1.1 At the seventeenth working group meeting of the Dangerous Goods Panel (DGP-WG/17, Montréal, 24 to 28 April 2017), a proposal to delete the expression “*unless otherwise authorized by the State of the Operator*” from Part 1;2.2.2, 2.2.3 and 2.2.4 was discussed (see paragraph 3.2.1.4 of the DGP-WG/17 Report).

1.2 At that time, the presenter expressed his concerns about the expression that implicitly turned compliance with the Technical Instructions optional for dangerous goods intended as replacements for articles listed in Part 1;2.2.1 a) to d), because each State of the Operator could authorize it differently.

1.3 It was also argued that the lack of any reference to an approval or an exemption in those paragraphs meant that other States involved in the transport of such goods would not have a say in how the operator shipped the replacements and there was no requirement for an equivalent level of safety.

1.4 The situation presented in this paper was primarily discussed At the sixteenth working group meeting of the Dangerous Goods Panel (DGP-WG/16, Montréal, 17 to 21 October 2016) and got some support from experts who agreed the State of Operator did not have the authority to not comply with the Technical Instructions in this case (see paragraph 3.2.1.4 of the DGP-WG/16 report).

1.5 At DGP-WG/17, a small working group was created to discuss the issue. There was no agreement on an amendment to the provisions, but some participants expressed the same concerns.

1.6 In an informal meeting after DGP-WG/17, ANC Commissioners asked the DGP to consider clarification of language used with respect to exceptions for dangerous goods of the operator in Part 1;2.2 to avoid misinterpretation and unintended consequences.

1.7 This working paper addresses the issue in separate ways:

- a) combines the items related to electronic devices in a unique paragraph;
- b) separates spare lithium batteries in a new paragraph; and
- c) refers to different methods of approval for each item of replacement for those excepted from the Instructions by Part 1;2.2.1.

2. ACTION BY THE DGP

2.1 The DGP is invited to consider the suggested amendments in Part 1;2.2.2 to 2.2.4 presented in the appendix to this working paper and also to express preference for Option 1 or Option 2.

APPENDIX

PROPOSED AMENDMENTS TO PART 1 OF THE TECHNICAL INSTRUCTIONS

Part 1

GENERAL

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Chapter 2

LIMITATION OF DANGEROUS GOODS ON AIRCRAFT

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2.2 EXCEPTIONS FOR DANGEROUS GOODS OF THE OPERATOR

2.2.1 The provisions of these Instructions do not apply to the following:

- a) articles and substances which would otherwise be classified as dangerous goods but which are required to be aboard the aircraft in accordance with the pertinent airworthiness requirements and operating regulations or that are authorized by the State of the Operator to meet special requirements;
- ≠ b) aerosols, alcoholic beverages, perfumes, colognes, and liquefied gas lighters and portable electronic devices containing lithium metal or lithium ion cells or batteries provided that the batteries meet the provisions of Table 8-1, ~~Item 20~~ carried aboard an aircraft by the operator for use or sale on the aircraft during the flight or series of flights, but excluding non-refillable gas lighters and those lighters liable to leak when exposed to reduced pressure;
- c) dry ice intended for use in food and beverage service aboard the aircraft;
- d) electronic devices, such as ~~electronic flight bags,~~ personal entertainment devices, portable electronic devices, and credit card readers, containing lithium metal or lithium ion cells or batteries and ~~spare lithium batteries for such devices~~ carried aboard an aircraft by the operator for use or sale on the aircraft during the flight or series of flights, provided that the batteries meet the provisions of 8.1.1.2 20). ~~Spare lithium batteries must be individually protected so as to prevent short circuits when not in use. Conditions for the carriage and use of these electronic devices and for the carriage of spare batteries must be provided in the operations manual and/or other appropriate manuals as will enable flight crew, cabin crew and other employees to carry out their responsibilities.~~
- e) spare lithium batteries for those devices described in letter d) above carried aboard an aircraft by the operator for use on the aircraft during the flight or series of flights, provided that the batteries meet the provisions of 8.1.1.2 20). Spare lithium batteries must be individually protected so as to prevent short circuits when not in use. Conditions for the carriage of spare batteries must be provided in the operations manual and/or other appropriate manuals as will enable flight crew, cabin crew and other employees to carry out their responsibilities.

OPTION 1

2.2.2 Unless otherwise ~~authorized by the State of the Operator~~ carried under an approval granted by the States concerned, articles and substances intended as replacements for those referred to in 2.2.1 a), or articles and substances referred to in 2.2.1 a) which have been removed for replacement, must be transported in accordance with the provisions of these Instructions, except that when consigned by operators, they may be carried in containers specially designed for their transport, provided such containers are capable of meeting at least the requirements for the packagings specified in these Instructions for the items packed in the containers.

2.2.3 Unless otherwise ~~authorized by~~ carried under an approval granted by the State of the Operator, articles and substances intended as replacements for those referred to in 2.2.1 b) and c) must be transported in accordance with the provisions of these Instructions.

2.2.4 Unless otherwise ~~authorized by the State of the Operator~~ carried under an approval granted by the States concerned, battery-powered devices with installed batteries ~~and spare batteries~~ intended as replacements for those referred to in 2.2.1 d) must be transported in accordance with the provisions of these Instructions.

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OPTION 2

2.2.2 Unless otherwise ~~authorized by~~ approved by the appropriate authority of the State of Origin and the State of the Operator and provided an overall level of safety in transport which is equivalent to the level of safety provided for in these Instructions is achieved, articles and substances intended as replacements for those referred to in 2.2.1 a), or articles and substances referred to in 2.2.1 a) which have been removed for replacement, must be transported in accordance with the provisions of these Instructions, except that when consigned by operators, they may be carried in containers specially designed for their transport, provided such containers are capable of meeting at least the requirements for the packagings specified in these Instructions for the items packed in the containers.

2.2.3 Unless otherwise ~~authorized by~~ approved by the appropriate authority of the State of the Operator and provided an overall level of safety in transport which is equivalent to the level of safety provided for in these Instructions is achieved, articles and substances intended as replacements for those referred to in 2.2.1 b) and c) must be transported in accordance with the provisions of these Instructions.

2.2.4 Unless otherwise ~~authorized by~~ approved by the appropriate authority of the State of Origin and the State of the Operator and provided an overall level of safety in transport which is equivalent to the level of safety provided for in these Instructions is achieved, battery-powered devices with installed batteries ~~and spare batteries~~ intended as replacements for those referred to in 2.2.1 d) must be transported in accordance with the provisions of these Instructions.

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