



WORKING PAPER

**DANGEROUS GOODS PANEL (DGP)
WORKING GROUP MEETING (DGP-WG/22)**

Montréal, 21 to 25 November 2022

**Agenda Item 9: Coordination with other panels
9.1: Flight Operations Panel (FLTOSP)**

CARRIAGE OF “NOT REGULATED” DANGEROUS GOODS BY “NO-CARRY” OPERATORS

(Presented by D. Brennan)

SUMMARY

This working paper again seeks discussion by DGP-WG/22 on the development of guidance associated with Annex 6 — *Operation of Aircraft*, Part I — *International Commercial Air Transport — Aeroplanes*, Chapter 14 — Dangerous Goods for “no-carry” operators for dangerous goods that are excepted from some or all of the provisions of the Technical Instructions as well as dangerous goods that may be in mail offered for air transport by a designated postal operator.

Action by the DGP-WG is in paragraph 2.

1. INTRODUCTION

1.2 At DGP-WG/18 a working paper was presented (DGP-WG/18-WP/31) that raised the issue of dangerous goods that may be in cargo offered to a “no-carry” operator where the dangerous goods are excepted from some or all the provisions of the Technical Instructions (see paragraph 3.8.1.3 of the DGP-WG/18 Report).

1.3 Examples of these dangerous goods are:

- a) Dangerous goods in de minimis quantities as provided for in Part 3;5.6. These are very small quantities of dangerous goods that are assigned to excepted quantity codes E1, E2, E4 and E5.
- b) Refrigerating machines that contain less than 12 kg of a gas in Division 2.2 or less than 12 L ammonia solution in accordance with Special Provision A26.

- c) Environmentally hazardous substances packed in accordance with Special Provision A197.
- d) Articles such as watches, calculators and key fobs that contain a lithium button cell.

1.4 All of the above dangerous goods, and others, can be offered for transport as cargo and there is no requirement for packages to bear any marks or labels that identifies the presence of dangerous goods and no requirement for any indication on a transport document such as an air waybill. Description of the cargo on an air waybill, when one is used, may simply show “consolidation” or be a general description that provides no indication to an operator of the exact contents of the packages.

1.5 As such an operator without a specific approval to carry dangerous goods as cargo may be offered and carry such cargo. For some exceptions, which apply across all modes of transport, there is a legitimate question as to whether these are still truly “dangerous goods”, or because of the blanket exception that is applied, if the Technical Instructions even now apply.

1.6 There is also the question of dangerous goods in mail that are permitted by Part 1;2.3.2 where there is no requirement for the designated postal operator to provide any detailed description of the contents to the operator. In addition, there is nothing in Annex 6, Chapter 14 that requires an operator to hold a specific approval to carry dangerous goods in mail.

1.7 The report of DGP-WG/18 on the discussion of working paper DGP-WG/18-WP/31 concluded with:

“It was agreed to defer work on the issue until comments from States and international organizations on the new safety-risk provisions were received and reviewed, as they might affect how to address the gaps identified.”

1.8 These comments were in relation to the addition to Annex 6 of Chapter 15 – Cargo Compartment Safety and the associated *Guidance for Safe Operations Involving Aeroplane Cargo Compartments* (Doc 10102).

1.9 Annex 6, Chapter 15 became effective 5 November 2019 and Doc 10102 was published in early 2020. There is nothing in either of these that addresses the issues described in this working paper.

2. ACTION BY THE DGP-WG

2.2 The DGP-WG is invited to:

- a) consider the development of guidance or recommendations that could be included in the *Procedures for Air Navigation Services — Aircraft Operations Procedure* (PANS-OPS, Doc 8168), or other appropriate document, to address dangerous goods that are excepted from the provisions of the Technical Instructions. For example, should text, or guidance be proposed to the Flight Operations Panel (FLTOPSP) that states:

- (a) an operator without a specific approval to carry dangerous goods as cargo can accept and carry dangerous goods that are excepted from the provisions of the technical instructions such as dangerous goods in de minimis quantities,

environmentally hazardous substances offered in accordance with Special Provision A197, and lithium batteries contained in equipment that are excepted from the application of the lithium battery mark.

- b) consider if dangerous goods in mail should be subject to Annex 6, Chapter 14. If so, what information should a designated postal operator be required to provide to the operator that identifies the dangerous goods?

— END —