



WORKING PAPER

**DANGEROUS GOODS PANEL (DGP)
MEETING OF THE WORKING GROUP OF THE WHOLE**

Rio de Janeiro, Brazil, 20 to 24 October 2014

Agenda Item 6: Resolution, where possible, of the non-recurrent work items identified by Air Navigation Commission or the Dangerous Goods Panel:

6.1: Dangerous incident and accident data collection

DEFINITION OF DANGEROUS GOODS OCCURRENCE AND DISCREPANCY

(Presented by B. Carrara)

SUMMARY

This working paper proposes the publication of guidance material related to dangerous goods occurrences on the ICAO dangerous goods website to help operators to deal with reporting requirements in the Technical Instructions.

Action by the DGP-WG: Action by the DGP-WG is in paragraph 2.

1. INTRODUCTION

1.1 Part 1;3.1.1 of the Technical Instructions provides definitions for dangerous goods accident and dangerous goods incident and Part 7;4.4 provides requirements for operators to report accidents and incidents related to dangerous goods to States involved.

1.2 Part 7;4.5 and Part 7;4.6 provide requirements concerning undeclared or misdeclared dangerous goods and other types of occurrences involving dangerous goods, but the Technical Instructions do not clarify their meanings.

1.3 Two working papers were submitted at DGP/24 in order to clarify what is considered a dangerous goods occurrence and a dangerous goods discrepancy (DGP/24-WP/60 and DGP/24-WP/68), but they were not approved by the panel (see paragraph 2.7.6 of the DGP/24 Report). However, the complexity of the reporting requirements was recognized, and it was suggested that guidance material should be developed for incorporation in the Supplement. It was believed that this guidance material would also facilitate data collection for the dangerous goods accident and incident reporting system that was discussed through DGP/24-WP/22 (see paragraph 5.2 of the DGP/24 Report).

1.4 Thus, this working paper presents a first draft of guidance material for operators to deal with reporting requirements established by the Technical Instructions for dangerous goods occurrences.

2. ACTION BY THE DGP-WG

2.1 The DGP-WG is invited to review and comment on the draft guidance material as presented in the appendix to this working paper with a view to publishing the guidance material on the ICAO dangerous goods website.

2.2 The DGP-WG is also invited to consider if these procedures or any other additional procedures that might be included in the guidance material may be appropriate for inclusion in the next edition of the Supplement. If there is support for this, a working paper will be brought forward to DGP-WG/15.

APPENDIX A

DRAFT GUIDANCE MATERIAL ON REPORTING OF DANGEROUS GOODS OCCURRENCES

The objective of ICAO in publishing this document is to provide guidance to operators and to Contracting States related to reporting of dangerous goods occurrences. This guidance has been prepared by the Dangerous Goods Panel (DGP). It includes a basic framework related to regulations requirements that may be used as an auxiliary summary for helping operators in identifying which States must be reported in each situation of occurrence involving the transport of dangerous goods and ensure compliance with their obligations in respect to Annex 18 — *The Safe Transport of Dangerous Goods by Air* – and the detailed specifications in the *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284). Specific requirements for reporting of dangerous goods accidents and incidents, undeclared and misdeclared dangerous goods as well as other situations that might be considered as an occurrence involving dangerous goods are contained in the Technical Instructions, Part 7, Chapter 4, Sections 4.4, 4.5 and 4.6.

In order to harmonize understanding about dangerous goods occurrences, this document provides some terminologies that have been described in section 2. If any terminology presented in this guidance is not part of section 2 of this document, it can be consulted by using the definitions contained in Part 1, Chapter 3, Section 3.1 of the Technical Instructions.

The following sections provide instructions to help operators in classifying dangerous goods occurrences by gravity and by type so that they can easily identify the requirements applied to each situation of occurrence and move on following the correct reporting procedures. In turn, this will have a positive impact on the standardization of dangerous goods occurrence reporting between operators and States involved.

2. TERMINOLOGY¹

For the purpose of this document, the following terminology applies:

Baggage. Personal property of passengers or crew carried on an aircraft by agreement with the operator.

Cargo. Any property carried on an aircraft other than mail and accompanied or mishandled baggage.

Note.— This definition differs from the definition of “cargo” given in Annex 9 — Facilitation.

Dangerous goods accident. An occurrence associated with and related to the transport of dangerous goods by air which results in fatal or serious injury to a person or major property or environmental damage.

Dangerous goods discrepancy. Any occurrence of non-compliance with the Technical Instructions, other than a dangerous goods accident or incident, associated with and related to the transport of dangerous goods by air, discovered after the consignment acceptance procedure or the passenger check-in procedure.

¹ To be updated, as appropriate, after finalization of the document by the working group.

Note.— A situation of non-compliance discovered before the consignment acceptance procedure or the passenger check-in procedure might be considered a dangerous goods discrepancy if it is recurrent or in cases when there are suspicions of bad faith from the shipper, passenger or person acting on their behalf.

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 injury to a person, property or environmental damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained. 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.

Dangerous goods occurrence. Any dangerous goods accident, dangerous goods incident or dangerous goods discrepancy.

Note.— This definition includes the discovery of undeclared and misdeclared dangerous goods which may be classified as an accident, an incident or a discrepancy.

Mail. Dispatches of correspondence and other items tendered by, and intended for delivery to, postal services in accordance with the rules of the Universal Postal Union (UPU).

Operator. A person, organization or enterprise engaged in or offering to engage in an aircraft operation.

Serious injury. An injury which is sustained by a person in an accident and which:

- a) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or
- b) results in a fracture of any bone (except simple fractures of fingers, toes or nose); or
- c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or
- d) involves injury to any internal organ; or
- e) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or
- f) involves verified exposure to infectious substances or injurious radiation.

State of Destination. The State in the territory of which the consignment is finally to be unloaded from an aircraft.

State of Occurrence. The State in the territory of which a dangerous goods occurrence happens or it is discovered.

State of Origin. The State in the territory of which the consignment is first to be loaded on an aircraft.

State of the Operator. The State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence.

Supplement. The *Supplement of the Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284 Supplement), approved and issued periodically in accordance with the procedure established by the ICAO Council.

Technical Instructions. The *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284), approved and issued periodically in accordance with the procedure established by the ICAO Council.

3. SCOPE OF THE GUIDANCE

The scope of the guidance concerns the responsibilities of operators about reporting of dangerous goods occurrences in accordance to the Technical Instructions requirements. The Technical Instructions provide requirements about reporting of dangerous goods occurrences by operators to States involved while the Supplement provides requirements and instructions for States to deal with such occurrences. In accordance with the Technical Instructions, there are requirements for reporting of dangerous goods occurrences by operators to the State of Occurrence, to the State of the Operator and to the State of Origin, depending on the classification of the occurrence.

Although the Technical Instructions does not obligate entities other than operators to report dangerous goods occurrences, it is strongly recommended that those entities should follow the same procedures established by this guidance to report these situations to the States involved in an occurrence.

4. CLASSIFICATION OF DANGEROUS GOODS OCCURRENCES

Many situations of non-compliance with the Technical Instructions may be pointed out as a dangerous goods occurrence if it is discovered after the cargo or mail acceptance procedure or the passenger check-in procedure. However, Note 1 of Part 7;1.3.1 of the Technical Instructions establishes that minor discrepancies, such as the omission of dots and commas in the proper shipping name appearing on the transport document or on package markings, or minor variations in hazard labels which do not affect the obvious meaning of the label, are not considered as errors if they do not compromise safety and should not be considered as reason for rejecting a consignment. Thus, if those situations are realized after acceptance, they should not be considered as dangerous goods occurrences.

Dangerous goods occurrences may be classified according to gravity as:

- a) dangerous goods discrepancies;
- b) dangerous goods incidents; and
- c) dangerous goods accidents.

Figure 1 presents the classification of occurrences according to gravity considering that an accident is the most serious occurrence.

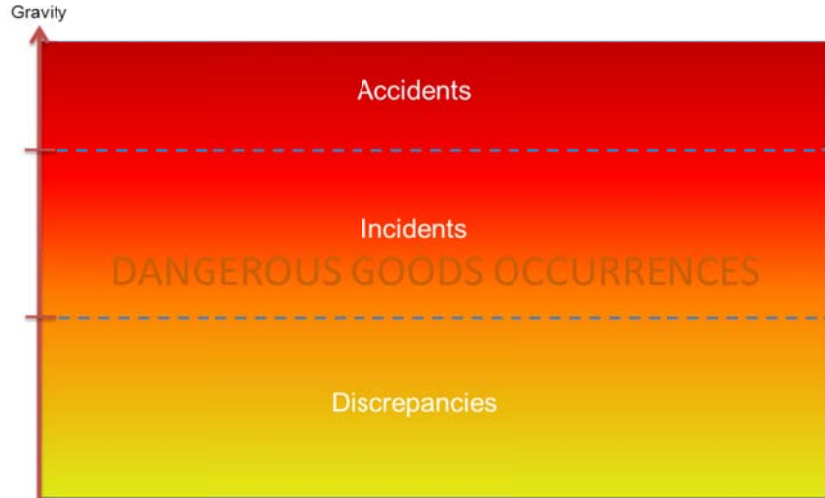


Figure 1: Classification of dangerous goods occurrences according to gravity.

Dangerous goods occurrences may also be divided into some groups of non-compliance. These groups are presented in Figure 2.

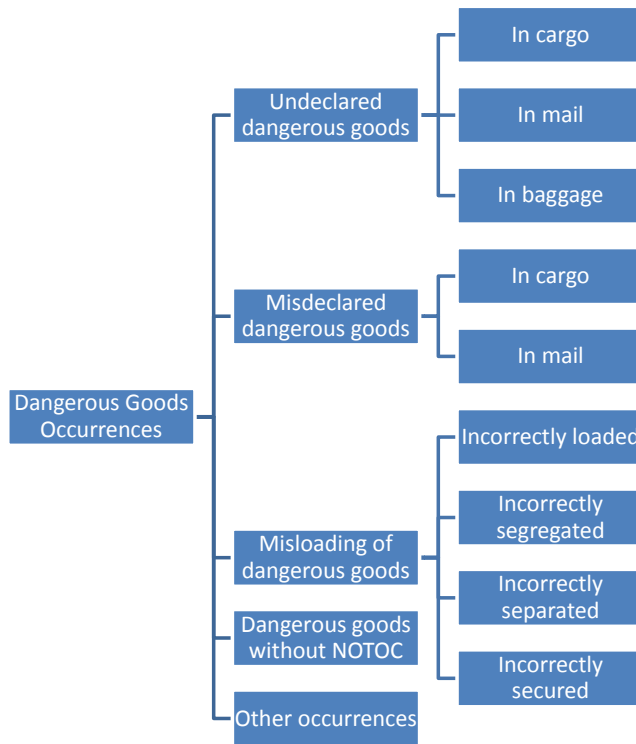


Figure 2: Types of dangerous goods occurrences.

In order to facilitate classification of occurrences according to type they might be grouped into:

- a) undeclared and misdeclared dangerous goods (cargo & mail);
- b) undeclared dangerous goods (baggage);
- c) misloading of dangerous goods (not in compliance with Part 7;2) or dangerous goods without information to the pilot-in-command (not in compliance with Part 7;4.1);
- d) other occurrences.

Figure 3 presents the possible classifications of occurrences according to their type.

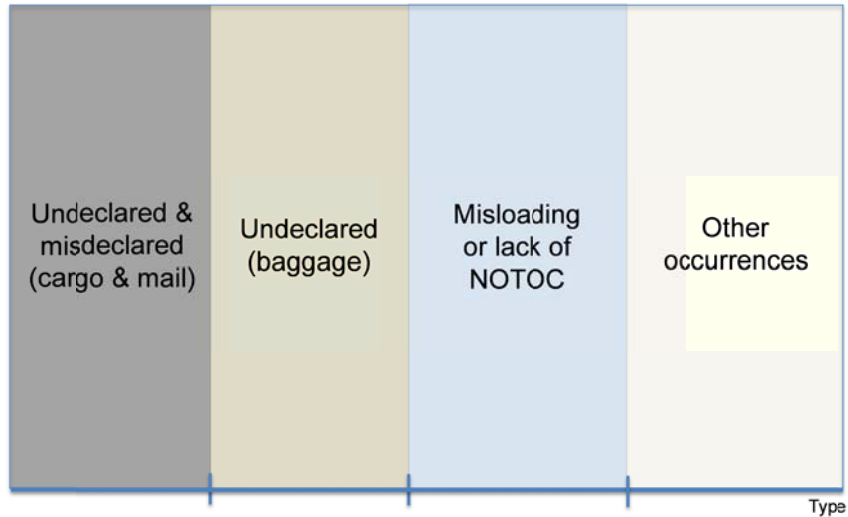


Figure 3: Classification of dangerous goods occurrences according to type.

Having presented the possible classifications for dangerous goods occurrences, Figure 4 shows the combination of Figure 1 and Figure 3.

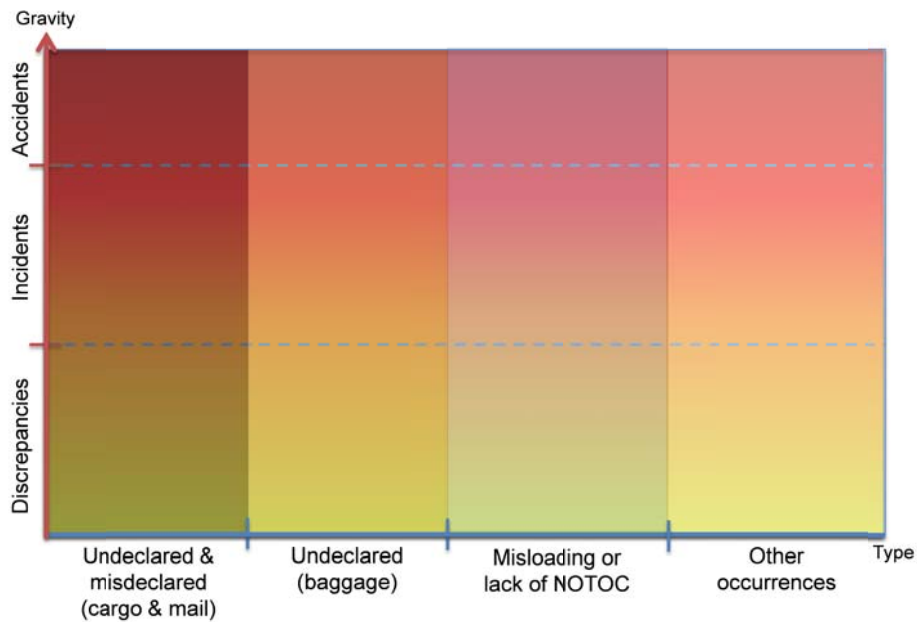


Figure 4: Combination for classifications of dangerous goods occurrences.

5. REPORTING REQUIREMENTS FOR DANGEROUS GOODS OCCURRENCES

The Technical Instructions contain requirements for operators to report States involved in dangerous goods occurrences. The States that must be reported depend on the classification of the occurrences. Those States might be: State of the Operator, State of Occurrence and State of Origin.

In this section each reporting requirement contained in Chapter 4 of Part 7 of the Technical Instructions is identified and presented in a figure that facilitates its understanding.

Figures 5 to 8 present reporting requirements in accordance to respective sections of the Technical Instructions.

“4.4 REPORTING OF DANGEROUS GOODS ACCIDENTS AND INCIDENTS

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

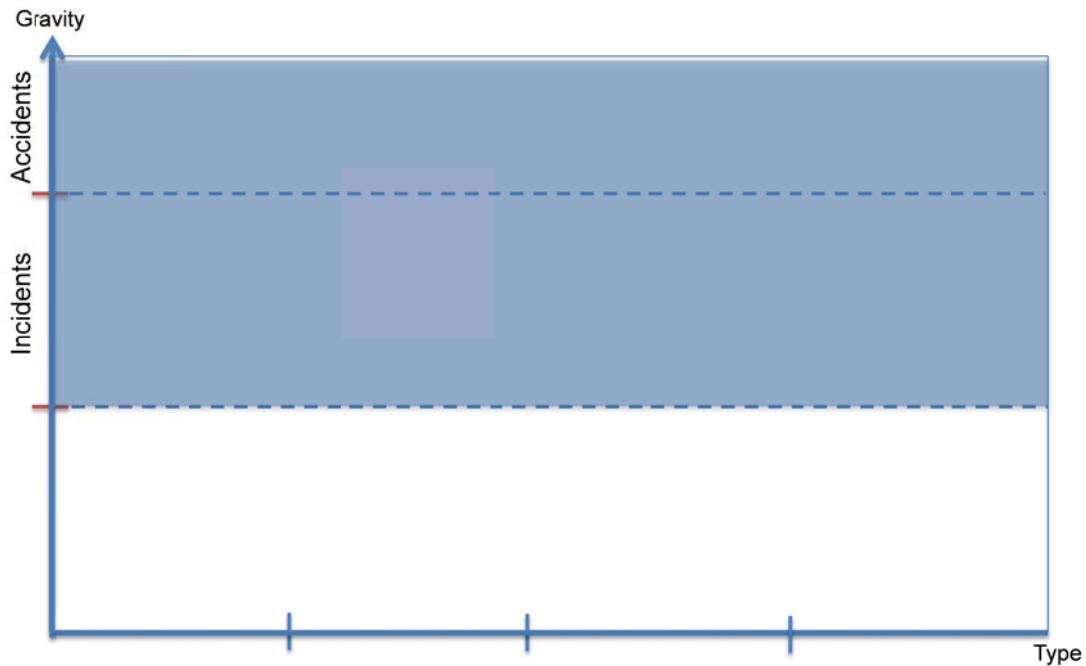


Figure 5: Reporting requirements for occurrences according to gravity (7;4.4).

“4.5 REPORTING OF UNDECLARED OR MISDECLARED DANGEROUS GOODS

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.”

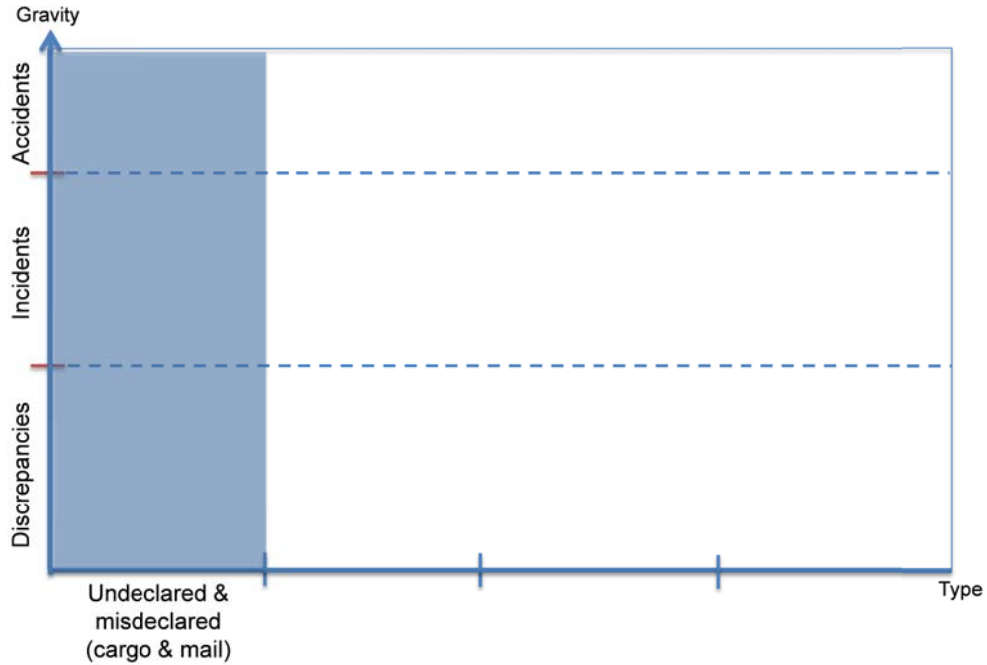


Figure 6: Reporting requirements for occurrences according to type (7;4.5 – cargo & mail).

“4.5 REPORTING OF UNDECLARED OR MISDECLARED DANGEROUS GOODS

...An operator must also report any occasion when dangerous goods not permitted under 8;1.1.1 are discovered, either in the baggage or on the person, of passengers or crew members. Such a report must be made to the appropriate authority of the State in which this occurred.”

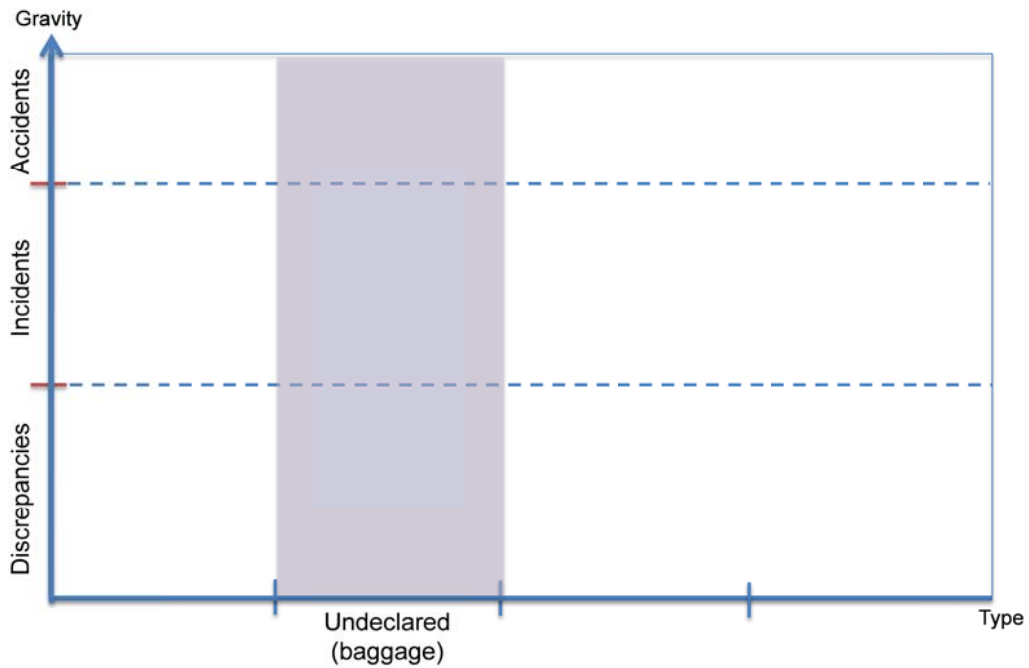


Figure 7: Reporting requirements for occurrences according to type (7;4.5 – baggage).

“4.6 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.”

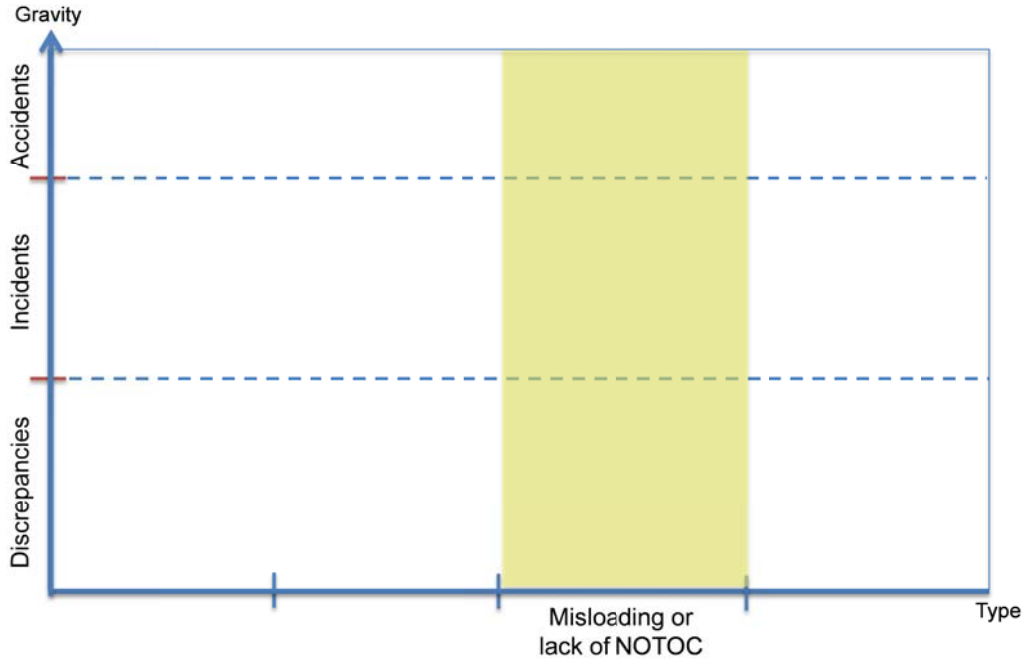


Figure 8: Reporting requirements for occurrences according to type (7;4.6).

Figure 9 represents other types of occurrences that might be caused by any other situations of non-compliance not described before and for which there are no direct requirements in the Technical Instructions.

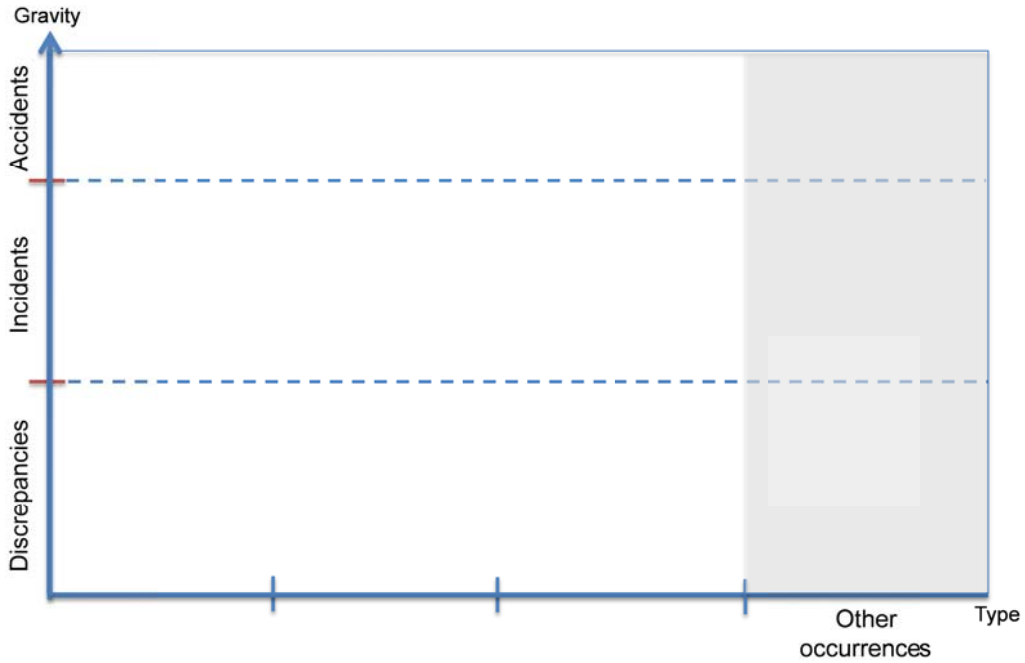


Figure 9: Reporting requirements for occurrences according to type (other occurrences).

Finally, Figure 10 shows a combination of all reporting requirements of the Technical Instructions, including those related to the gravity of occurrences and those related to their types. For each combination between gravity and type classifications Figure 10 presents which States must be reported by the operator.

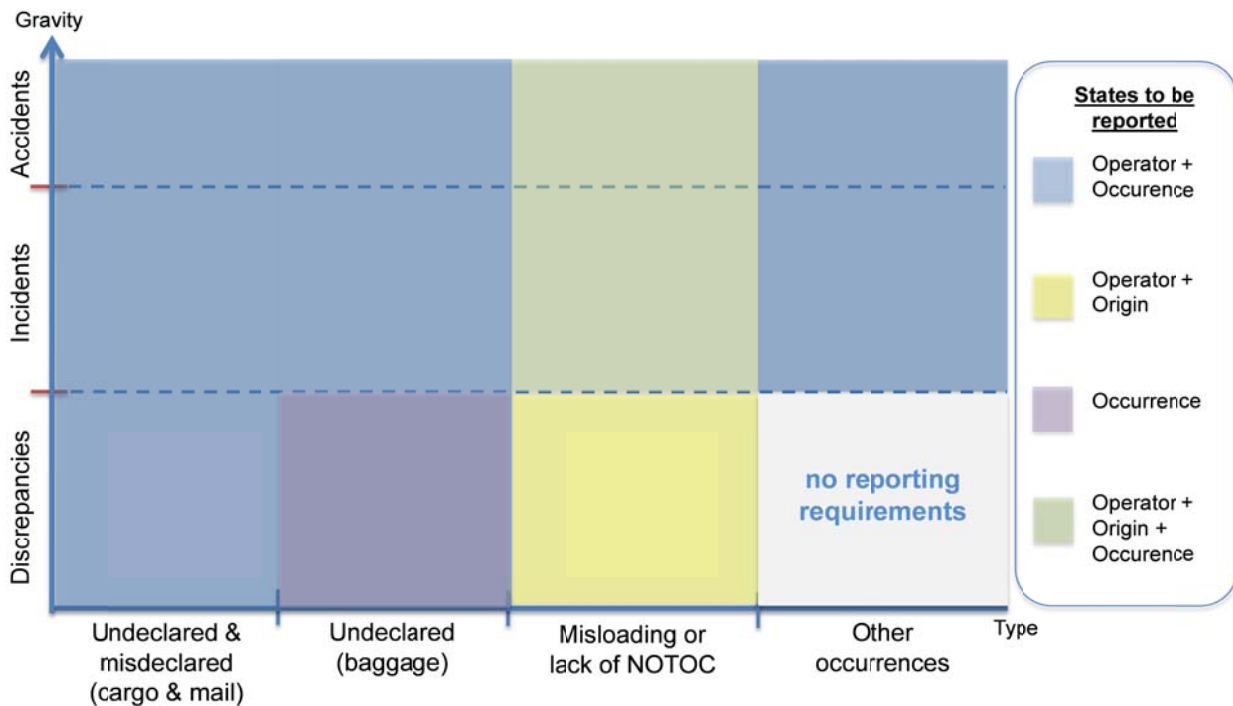


Figure 10: Combination of reporting requirements for dangerous goods occurrences.

6. FLOWCHART FOR REPORTINGS

To report a dangerous goods occurrence some steps must be followed. The flowchart presented in Figure 11 is intended to help operators' responsible people in identifying occurrence situations, classify them in accordance to criteria defined in previous sections and finally comply with the Technical Instructions reporting requirements for dangerous goods occurrences.

7. FINAL PROVISIONS

The instructions presented in this document are related to the requirements established by the Technical Instructions. The specific requirements issued by each State member of ICAO have not been considered therefore they must be consulted before conclude whether a situation of non-compliance is not classified as a dangerous goods occurrence must be reported or not.

This guidance material provides a summary of the Technical Instructions requirements related to reporting of dangerous goods occurrences. It is not the intention of this document to substitute any provision issued by those Instructions or any training requirements established by them.

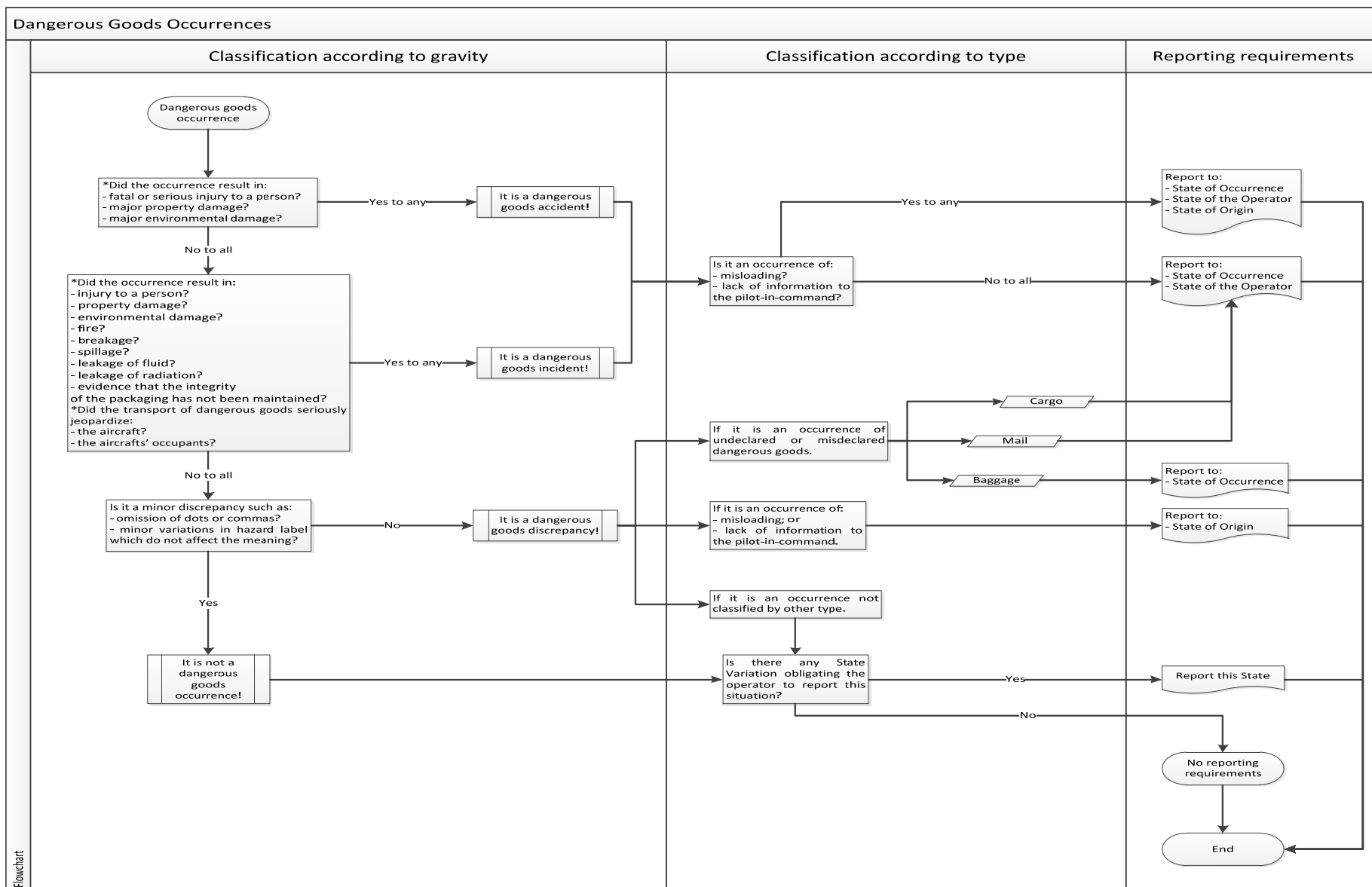


Figure 11: Flowchart for dangerous goods occurrences.