

Legislation and Regulation

Regional Seminar/Workshop
of the Safe Transport of
Dangerous Goods

Legislation

- Every State must promulgate **effective primary aviation law** consistent with the environment and complexity of the State's aviation activity.
- This legislation generally authorizes the Civil Aviation Authority (CAA) by the Civil Aviation Act to promote safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the CAA finds necessary for safety in air commerce and national security.

Legislation

- This law generally designates the regulatory authority for all dangerous goods requirements related to Annex 6. This includes all dangerous goods regulations related to minimum operating requirements for air carriers whose certificate is issued by the FAA.

Legislation

- This law also generally designates the regulatory authority for all dangerous goods requirements related to Annex 18.
- This can be an incorporation of the Technical Instructions by reference.
- The legislation may provide the authority to develop regulations.

Dangerous Goods Regulations

- Each State should promulgate operating regulations to enable the implementation of the provisions of Annex 18.
- This may be the incorporation of the TIs.
- This also may be done through National Regulations.

Dangerous Goods Regulations

- The DG Regulations should be relevant and guidance should be issued and used by operators.
- ICAO should be notified of any differences with a documented process and effective implementation of the process.
- Amendments of the TI or Annex 18 should be effected in a timely manner.

Amending Regulations

- Each State must develop procedures for the amendment of the enabling regulations and national standards.
- Documented evidence of procedures for amendments whenever an Annex amendment is completed.

Differences

- Sufficient legal authority must be delegated to operations inspectors to carry out their functions.
- Inspectors must have authority to enter facilities for inspection and to open enforcement proceedings.

Regulatory Responsibility

- Division of Dangerous Goods
 - If the authority for promulgating regulations and oversight of the regulations is delegated to additional organizations outside of dangerous goods within the CAA, then lines of authority and responsibilities should be clear and delineated.

Enforcement

- Penalties for dangerous goods violations are allowed by the Civil Aviation Act and other legislation.
- The relevant regulations implementing the enforcement system and penalties to be assessed should be in place with procedures for implementation.

Enforcement Actions

- May be in the legislation and regulation:
 - Criminal penalties
 - Civil penalties
 - Certificate action
 - Penalty criteria

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