



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

MAR 29 2016

Mr. Dennis Franco  
Manager, DG Compliance  
Air General Inc.  
2200 Columbia Pike, Apt # 711  
Arlington, Virginia 22204-4418

Reference No. 15-0205

Dear Mr. Franco:

This letter is in response to your October 17, 2015 e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the Hazardous Materials Table (HMT) entry, "UN1950, Aerosols, *poison, Packing Group III (each not exceeding 1 L capacity)*." Specifically, you request confirmation of your understanding that because this material is forbidden for air transportation in Columns 9A and 9B of the HMT, it cannot be transported by air, even when authorized by the international air regulations.

Your understanding is correct. The International Air Transport Association (IATA) Dangerous Goods Regulations do not have official standing within the United States. However, § 171.22(a) authorizes use of the International Civil Aviation Organization (ICAO) Technical Instructions as an alternative to compliance with the HMR, provided the requirements of Part 171 Subpart C are met. Under § 171.22(e), a material that is designated as "forbidden" in Column 9A or 9B of the HMT may not be transported to, from, or within the United States by passenger or cargo aircraft, respectively.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

T. Glenn Foster  
Chief, Regulatory Review and Reinvention  
Standards and Rulemaking Division

**Goodall, Shante CTR (PHMSA)**

Lehman  
172.101  
Purpose and use  
15-0205

**From:** Wiener, Aaron (PHMSA)  
**Sent:** Monday, October 19, 2015 3:32 PM  
**To:** Dodd, Alice (PHMSA); Goodall, Shante CTR (PHMSA)  
**Subject:** FW: Forbidden on 49 CFR but allow on Technical Instruction and IATA DGR

Alice, Shante,

Please enter this new request for an interpretation

Thanks

Aaron

**From:** Dennis Franco [<mailto:dennis.franco@airgeneral.com>]  
**Sent:** Saturday, October 17, 2015 3:00 PM  
**To:** Wiener, Aaron (PHMSA)  
**Subject:** Forbidden on 49 CFR but allow on Technical Instruction and IATA DGR

Good Morning Aaron,

Request for an interpretation on:

**UN 1950 Aerosols, non-flammable, containing substances in Division 6.1, Packing Group III**

The ICAO Technical Instruction for the safe transport of Dangerous Goods and the IATA Dangerous Goods Manual 56<sup>th</sup> Edition allows this UN 1950 on both passenger and cargo aircraft

However, the material in question is **FORBIDDEN in Columns 9A and 9B of the part 172.101 Hazardous Materials of the 49 CFR.**

Even **USG-01** state that: Transport of dangerous goods by air must be in accordance with United States Regulations (49 CFR Parts 171-180) **or the ICAO Technical Instructions as limited by 49 CFR Part 171 Subpart C.**

As I understand the 49 CFR will prevail in this case, Where such variations are more restrictive than the provisions contained in these Regulations, they apply to the transport of dangerous goods by air. Consequently, any additional or explanatory material added by IATA does not form part of the authentic text of the ICAO Technical Instructions and does not have the same legal force.

Please advise.

Thanks,  
Dennis Franco  
Manager DG Compliance  
Air General Inc.