



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

FEB 28 2008

Mr. Tom Ausbury  
Director of Station Training  
Republic Airways Holdings, Inc.  
8909 Purdue Road  
Suite 300  
Indianapolis, Indiana 46268

Ref. No. 07-0200

Dear Mr. Ausbury:

This responds to your October 12, 2007 letter requesting clarification on transporting dry ice under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if a package containing dry ice in carry-on baggage must be marked as required in §175.10(a)(10) if it is transferred for transportation in checked baggage.

The answer is yes. When a carry-on bag containing dry ice cannot fit in the cabin and will then be placed in the cargo compartment of an aircraft, it is now considered checked baggage. For checked baggage, the package containing dry ice must be marked with "Dry Ice" or "Carbon dioxide, solid" and the net weight of the dry ice or an indication the net weight is 2.3 kg (5 pounds) or less.

I hope this answers your inquiry.

Sincerely,

A handwritten signature in black ink that reads "Edward T. Mazzullo".

Edward T. Mazzullo

Director  
Office of Hazardous Materials Standards

Boothe  
\$175.10(a)(10)

Air

07-0200

**Drakeford, Carolyn <PHMSA>**

**From:** Gale, John <PHMSA>  
**Sent:** Monday, October 15, 2007 9:02 AM  
**To:** Drakeford, Carolyn <PHMSA>  
**Subject:** FW:

Carolyn:

Please assign to Debbie for response. Debbie please see me on this, I would lie to move this ASAP.

John

**From:** Ausbury, Tom [mailto:TAusbury@Rjet.com]  
**Sent:** Friday, October 12, 2007 6:49 AM  
**To:** Gale, John <PHMSA>  
**Cc:** Martiney, John  
**Subject:**

Good Afternoon John,

To introduce myself, I am the Director in charge of customer service training over our three operating certificates (Chautauqua Airlines, Shuttle America and Republic Airlines). John Carter and I spoke this afternoon and he referred me to you for clarification of dry ice in carry-on / plane-side loaded baggage as stated in 49 CFR 175.10 (a) (10) .

10) Dry ice (carbon dioxide, solid), in quantities not exceeding 2.0 kg (4.4 pounds) per person in carry-on baggage or 2.3 kg (5 pounds) per person in checked baggage, when used to refrigerate perishables. The packaging must permit the release of carbon dioxide gas. For checked baggage, the package must be marked "DRY ICE" or "CARBON DIOXIDE, SOLID" and must be marked with the net weight of dry ice or an indication the net weight is 2.3 kg (5 pounds) or less.

This all started several months back as we combined our dangerous goods training with our code share partners (United, American, Delta, US Airways and Continental) to streamline training differences with our partners. I've been working with Randy Drymiller from the Great Lakes Region, he has been very helpful during this entire process and has provided invaluable time and guidance to me through the past months.

During our conversations and reviewing of training material, it was determined when a carry on / plane-side loaded bag was placed in the cargo compartment, it would then become "checked baggage" as 49 CFR 175.10 (a) (10) states, it has to be labeled. Mr. Drymiller has spoken to his superiors and was given this direction to pass onto us. With this change, we are the only carriers (our three certificates) that have been directed to meet this standard. In meetings with our code share partners and other regional carriers, they have not had this requirement sent to them from their Dangerous Goods Inspectors. To meet the direction we were given, we started to change our training material to reflect labeling a carry on bag if a passenger declares there is dry ice in the bag, the bag cannot fit in the cabin and will be loaded into the cargo bin.

10/15/2007

This has met a lot of resistance with our partners and has prompted me to inquire about an interpretation of the rule. We are receiving conflicting information that it's not required to tag carry on / plane-side loaded bags this way.

Working with our partners, we have limited amount of time to clarify this requirement. We are finalizing web based training material over the next few weeks and have reached a point to where as a carrier, what we do. We can accept the decision to train this (and will do so) but we feel like were being singled out on this matter. It's not fair in our eyes to be held to a higher standard than other carriers that operate as regional feed for mainline partners. We only ask if the requirement is to do it, then all carriers should be held to the same expectations.

Thank you for your time to review this request, at your convenience we look forward to your interpretation and direction of this CFR.

Best Regards,

Tom Ausbury  
Director of Station Training  
Republic Airways Holdings, Inc  
[tausbury@rjet.com](mailto:tausbury@rjet.com) [cstraining@rjet.com](mailto:cstraining@rjet.com)  
317-471-2282 317-710-1931(cell)  
317-484-4584 (fax)