



U.S. Department  
of Transportation

1200 New Jersey Avenue SE  
Washington, DC 20590

**Pipeline and Hazardous  
Materials Safety  
Administration**

JUL 11 2013

Lara Currie  
Administrator  
The Council on Safe Transportation  
of Hazardous Articles, Inc.  
7803 Hill House Court  
Fairfax Station, VA 22039

Ref. No. 13-0058

Dear Ms. Currie:

This responds to our March 7, 2013 telephone conversation and your subsequent letter requesting clarification of the recently adopted passenger notification requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). The amendments to the passenger notification provisions in § 175.25 were originally adopted in a January 19, 2011 final rule under Docket PHMSA-2009-0126 (HM-215K; 76 FR 3308). On January 7, 2013, the effective date for provisions adopted in the final rule was extended to January 1, 2015 as a result of administrative appeals and a public meeting held in Washington, DC on August 16, 2012. In your letter, you inquire whether the Pipeline and Hazardous Materials Safety Administration (PHMSA) intended the § 175.25(b) requirement to be applicable to passenger notification by telephone. It is your understanding that such a requirement is not consistent with the passenger notification provisions recently adopted in Part 7; 5 of the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions).

Section 175.25(b) explicitly references purchase by telephone as a means of purchasing a ticket remotely. Therefore, as written, the § 175.25(b) passenger notification and acknowledgement requirements apply when purchasing a ticket by telephone and this is generally consistent with Part 7; 5.1.1 of the ICAO Technical Instructions. However, as you have correctly pointed out, the effective date for these requirements has been extended to January 1, 2015 as adopted in a final rule published on January 7, 2013 (HM-215K Administrative Appeals; 78 FR 1101). The Federal Aviation Administration (FAA) has chartered an Aviation Rulemaking Committee (ARC) on Passenger Notification of Hazardous Materials Regulations and we note that The Council on Safe Transportation of Hazardous Articles, Inc. (COSTHA) is participating. Before these requirements become effective, the ARC will develop consistent and effective messages for disseminating hazardous materials information to passengers. We believe this work will enhance the airline industry's ability to comply with these requirements and we appreciate your willingness to participate.

This response was coordinated with the Federal Aviation Administration's Office of Security and Hazardous Materials Safety.

Thank you for your continued interest in this matter. If you have any questions regarding the handling of your request, please feel free to contact me directly on (202) 366-8553.

Sincerely,

A handwritten signature in cursive script that reads "Charles E. Betts". The signature is written in black ink and is positioned above the typed name.

Charles E. Betts  
Director  
Standards and Rulemaking Division



Council on Safe Transportation of Hazardous Articles

Stevens  
3175-25  
Air  
13-0058

March 7, 2013

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Mr. Charles Betts  
Director of Hazmat Standards

1200 New Jersey Ave, SE East Bldg, Room E24-421, PHH-10  
Washington, DC 20590

Dear Mr. Betts:

Per our previous discussions and the letter that you sent on Aug 30 2012 (attached) we understood that DOT did not intend to add any additional requirements for passenger notification for the carriers and other air ticket companies (Expedia, Orbitz etc) until 2015. We have been working with FAA and it seems as if the Advisory and Rulemaking Committee is progressing and industry anticipates being able to work with them on the final components of the passenger notification process.

Unfortunately in the final rulemaking 215K 175.25 section (b) includes the word "phone" which is not in the ICAO text (attached) nor is it part of the current scope of passenger notification programs.

Please clarify that it was not PHMSA's intention to include programs that are not currently part of the passenger notification programs such as "phone" in HM-215K.

We also understand that PHMSA will be able to clarify this in an upcoming rulemaking, however, immediate guidance to industry is necessary.

We appreciate your review and response to this important issue.

Sincerely,

Lara Mehr Currie  
Administrator

## Chapter 1

### PROVISIONS FOR DANGEROUS GOODS CARRIED BY PASSENGERS OR CREW

Parts of this Chapter are affected by State Variations CH 1, US 15; see Table A-1

#### 1.1 DANGEROUS GOODS CARRIED BY PASSENGERS OR CREW

≠ 1.1.1 Except as otherwise provided in 1.1.2, dangerous goods, including excepted packages of radioactive material, must not be carried by passengers or crew members, either as or in carry-on baggage or checked baggage or on their person. Except as provided for in Table 8-1, 30), security type equipment such as attaché cases, cash boxes, cash bags, etc., incorporating dangerous goods, for example lithium batteries or pyrotechnic material, are totally forbidden; see entry in Table 3-1. Personal medical oxygen devices that utilize liquid oxygen are forbidden either as or in carry-on baggage or checked baggage or on the person. Electroshock weapons (e.g. tasers) containing dangerous goods such as explosives, compressed gases, lithium batteries, etc., are forbidden in carry-on baggage or checked baggage or on the person.

1.1.2 Notwithstanding any additional restrictions which may be implemented by States in the interests of aviation security, except for the incident reporting provisions of 7.4.4 or 7.4.5, as applicable, the provisions of these Instructions do not apply to the following when carried by passengers or crew members or in baggage that has been separated from its owner during transit (e.g. lost baggage or improperly routed baggage) or in excess baggage carried as cargo as permitted by 1.1.1.5.1 g):

1.1.3 Any organization or enterprise other than an operator (such as a travel agent), involved in the air transport of passengers, should provide passengers with information about the types of dangerous goods which they are forbidden to transport aboard an aircraft. This information should consist of, as a minimum, notices at those locations where there is an interface with the passengers.

1.1.4 Where provision is made for the purchase of tickets via the Internet, information on the types of dangerous goods which a passenger is forbidden to transport aboard an aircraft should be provided in either text or pictorial form and should be such that ticket purchase cannot be completed until the passenger, or a person acting on their behalf, has indicated that they have understood the restrictions on dangerous goods in baggage.

≠ **Table 8-1. Provisions for dangerous goods carried by passengers or crew**

Items or articles	Location			Approval of the operator(s) is required	The pilot-in-command must be informed	Restrictions
	Checked baggage	Carry-on baggage	On the person			
<b>Medical necessities</b>						
1) Small gaseous oxygen or air cylinders required for medical use	Yes	Yes	Yes	Yes	Yes	a) no more than 5 kg gross mass per cylinder; b) cylinders, valves and regulators, where fitted, must be protected from damage which could cause inadvertent release of the contents; and c) the pilot-in-command must be informed of the number of oxygen or air cylinders loaded on board the aircraft and their loading location(s).
Devices containing liquid oxygen	No	No	No	n/a	n/a	Devices containing liquid oxygen are forbidden in carry-on baggage, checked baggage or on the person.
2) Cylinders of a gas of Division 2.2 worn for the operation of mechanical limbs	Yes	Yes	Yes	No	No	Spare cylinders of a similar size are also allowed, if required, to ensure an adequate supply for the duration of the journey.



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AUG 30 2012

Lara Currie  
Administrator  
The Council on Safe Transportation  
of Hazardous Articles, Inc.  
7803 Hill House Court  
Fairfax Station, VA 22039

Dear Ms. Currie:

This responds to your administrative appeal and subsequent August 17, 2012 e-mail requesting a two year extension of the compliance date of the recently adopted passenger notification provisions under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). These revised provisions in § 175.25 were adopted in a January 19, 2011 final rule, under Docket PHMSA-2009-0126 (HM-215K; 76 FR 3308). In this final rule, notification and acknowledgement of the types of hazardous materials that a passenger may or may not carry aboard an aircraft were revised by updating the ticketing and flight check-in provisions of the HMR based on current technologies used to perform such functions. Subsequent to the issuance of the final rule, the Pipeline and Hazardous Materials Safety Administration (PHMSA) and the Federal Aviation Administration (FAA) received both written and oral comments, at an August 16, 2012 public meeting, requesting more time for the affected entities to implement the new provisions in a more effective and cooperative manner.

PHMSA and FAA agree that a delay in the compliance date of the revised § 175.25 is warranted, particularly if a delay supports the implementation of more effective methods for increasing passenger awareness of, and compliance with, the HMR. Additionally, we acknowledge that immediate notification of industry stakeholders is necessary if we wish to gain widespread support of the collaborative approach to implementing effective and value-added solutions as discussed during the August 16, 2012 public meeting.

Therefore, PHMSA and FAA are providing this notification of our intent to extend, in a rulemaking in the near future, the compliance date by no less than one year, beyond the current January 1, 2013 compliance date. Further, we look forward to the collaborative efforts in this noteworthy endeavor and its success by directly involving all interested parties in its outcome as we move ahead to enhance aviation safety.

If you have any questions about the handling of your administrative appeal, please feel free to contact me directly on (202) 366-8553.

Sincerely,

Charles E. Betts  
Director  
Standards and Rulemaking Division