

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

WASHINGTON, D.C. 20580



STATEMENT OF JAMES F. RUDOLPH, DIRECTOR, FLIGHT STANDARDS SERVICE,
FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION BEFORE
THE HOUSE GOVERNMENT OPERATIONS COMMITTEE, SUBCOMMITTEE ON GOVERNMENT
ACTIVITIES, REGARDING THE AIR TRANSPORTATION OF HAZARDOUS MATERIALS
ON 14 MARCH 1973

Mr. Chairman and Members of the Committee:

I appreciate the opportunity to appear before this Committee to provide you with such information as may be helpful in your consideration of the overall role of the Federal Government and the Department of Transportation in the safe air transportation of hazardous materials.

The overall safety record with respect to the air transportation of hazardous materials has been very good. To the best of our knowledge, there has not been a single aircraft accident as defined by the National Transportation Safety Board (NTSB) or passenger injury caused by the air transportation of such materials in the 26 years since the carriage by air of hazardous materials and certain other dangerous articles was first authorized by the Federal Air Regulations in 1946. With regard to the carriage of radioactive materials, NTSB Report AAS-72-4 dated 26 April 1972 stated that "at this time the radioactive materials carried by aircraft do not normally constitute an unusual risk or injury to the public". There have only been three instances of release of radioactive material aboard civil aircraft since it was first allowed in air transportation. In all cases, contamination was minor with no injuries or technical over-exposure to the public.

Notwithstanding this excellent safety record, the FAA realizes that maintenance of such a record requires an active, viable public and internal education, regulation, and enforcement program to deal with the ever-increasing movement of hazardous materials by air. Accordingly, we are continuing to place additional emphasis in this area. As in the past, we are constantly reevaluating the effectiveness of our regulations in light of technological discoveries and operational considerations and last year we published several rule changes and notices of proposed rule making on the subject. We have increased our surveillance and inspections of hazardous materials shipments, and last year there was a significant rise in enforcement action against shippers and carriers.

I would like to outline briefly the FAA's general activities and procedures in the regulation of hazardous materials and then discuss some of the steps being taken to improve the overall program.

The Department of Transportation has an Office of Hazardous Materials (OHM) to coordinate the regulatory processes of the several transportation administrations within the Department. Since October 1969, the FAA has assigned a representative to the Office of Hazardous Materials to coordinate the rule making between the FAA and the Department. This specialist also serves as a focal point for our field personnel in expediting matters pertaining to the air transportation of hazardous materials. OHM is responsible for surveillance and enforcement

activities involving manufacturers and shippers. The FAA responsibility is primarily to insure compliance with appropriate rules by the air carriers and by shippers when they tender cargo for carriage aboard aircraft. At present we have 408 air carrier operations inspectors and 470 general aviation operations inspectors assigned to 107 district offices and the International Field Office in New York City. While none of these inspectors are assigned exclusively or specifically to hazardous materials, they include this function in their inspection and surveillance duties. In addition to surveillance and inspection, the FAA has maintained a reporting system on hazardous materials incidents since 1946 and there is a national reporting system on hazardous materials incidents and accidents which was inaugurated on 1 January 1971.

The rules pertaining to the shipment of hazardous materials by air are found in title 14 (Federal Aviation Regulations) Part 103 and title 49 Parts 170-189 of the Code of Federal Regulations. The former deals exclusively with air transportation of hazardous materials; the latter includes surface transportation by all surface modes. In upholding its responsibility to assure the safety of air transportation, the FAA has set up in Part 103 special and additional requirements, over and above those contained in title 49, for the carriage by air of materials classified as hazardous. With certain well-regulated exceptions, our regulations only allow those types and amounts of hazardous materials on board a passenger-carrying aircraft which have been determined by the Department to present such a low risk to the public that, when carried in other modes of transportation, they are

exempted from all packaging, marking, and labeling requirements provided certain minimum packaging requirements are met. However, despite this Departmental exemption, the FAA requires labeling of these same types and amounts, primarily for the purpose of communicating to the cargo handlers the necessity for special handling. The FAA regulations, in addition to specifying requirements unique to the air transportation of hazardous materials, incorporate by reference the comprehensive regulations of the Department's Hazardous Materials Regulations Board (HMRB) of which FAA and all other operating administrations of DOT are members.

In keeping with our policy of constant reevaluation we have conducted a test of the validity of existing tables on the rate of exposure of passengers and crew to radioactive materials being transported aboard aircraft. In a cooperative effort, personnel of the Atomic Energy Commission, the OHM, and the FAA recently completed a series of tests, using two different airline type airplanes. These tests involved taking readings in the passenger compartment with various amounts of radioactive materials packed in accordance with the regulations, and stored in the cargo compartments using various loading configurations. On the basis of preliminary scanning of the data obtained, the exposure rates in occupied areas of the aircraft from packages with maximum permitted contents and with largest package loading distribution in the aircraft baggage compartment permitted under present rules, are well within the safety levels contemplated by the AEC when the present guidelines were drawn up.

The FAA in cooperation with OHM has undertaken a national program for educating not only FAA field inspectors, but also personnel representing the shippers and the air carriers. From 10 May 1972 to 7 February 1973, a total of 17 seminars have been conducted dealing with the shipment of hazardous materials. These seminars were attended by over 1,350 persons. In addition to this educational effort, the FAA established in October 1972 a training course for its field inspectors at the Transportation Institute at Oklahoma City.

We expect to publish amendments to the Federal Aviation Regulations within the next 30-60 days that will require all air carrier, air taxi, and commercial operators to conduct training programs for their personnel in the classification, packaging, marking, labeling, handling, stowage, and carriage of hazardous materials in air transportation. The new rules will also require the operators to publish and maintain up-to-date manuals on these subjects. All training programs and manuals will require approval by the Administrator.

Additionally, in the coming months we will strengthen both our field and headquarters staffing to stay abreast of the state-of-the-art in the movement of hazardous materials. The regions have been directed to designate specialists at each Regional Headquarters to coordinate all matters relating to the air shipment of hazardous materials. We have also directed that a specialist be designated at those District Offices having considerable activity in this area.

In conclusion -

. . We believe that the FAA regulations now in effect and those amendments soon to be issued are effective from the standpoint of ensuring continued safety in the transportation of hazardous materials.

. . We will continue working with the OHM and the AEC regarding radioactive materials, to improve our standards as necessary to ensure the continued safe air transportation of radioactive and other hazardous materials.

. . We will continue the education of shippers, air carriers, and FAA inspectors through the continuation of the hazardous materials seminars and the training provided at Oklahoma City.

. . We have been placing and will continue to place increasing emphasis on the inspection and surveillance of shipments of hazardous materials in air transportation; in this regard, we intend to assign additional inspectors to perform surveillance and inspections of hazardous materials shipments.

. . Non-compliance with our hazardous materials regulations will be met with vigorous enforcement action.

Gentlemen, this concludes my prepared statement. My staff and I will be happy to answer any questions you may have.