ORDER

1650.9A

TRANSPORTATION OF HAZARDOUS MATERIALS

NOVEMBER 28, 1984

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

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FOREWORD

This order establishes Federal Aviation Administration (FAA) practices and procedures designed to ensure the highest level of safety in the air transportation of hazardous materials. It provides guidance for Civil Aviation Security Special Agents responsible for administering the Hazardous Materials Program in accordance with applicable Federal regulations.

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Director of Civil Aviation Security

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CHAPTER 1. GENERAL

SECTION 1. INTRODUCTION

1. PURPOSE. This order describes objectives, responsibilities, and procedures relating to the administration of the FAA's Hazardous Materials Program by Civil Aviation Security. It outlines basic procedures for use in inspection and enforcement of the Hazardous Materials Regulations (HMR) as they apply to the air mode in Title 49 Code of Federal Regulations (CFR) and the International Civil Aviation Organization (ICAO) Technical Instructions for the Safe Transport of Dangerous Goods by Air.

2. DISTRIBUTION. This order is distributed to the division level in the Offices of Airport Planning and Programming, Airport Standards, and Management Systems, and to the branch level in the Offices of Airworthiness, Aviation Safety, Civil Aviation Security, and Flight Operations in Washington headquarters; to the regional Management Systems and Airport Divisions; to the division level at the Aeronautical Center, FAA Technical Center, Transportation Safety Institute, and Materials Transportation Bureau; to the branch level in the regional Flight Standards Divisions; to all employees in the regional Civil Aviation Security Divisions and Civil Aviation Security Field Offices; to all International Aviation, Aeronautical Quality Assurance, and International Field Offices; and to all Airports, General Aviation, Air Carrier, and Flight Standards District Offices.

3. CANCELLATION. Order 1650.9, Transportation of Hazardous Materials, dated January 14, 1981, is cancelled.

4. EXPLANATION OF CHANGES. This change is necessary to align this order with the Civil Aviation Security Program Guidelines set forth in FAA Order 1650.7A. Additionally, it takes account of the new provisions of Title 49 CFR which incorporates the optional use of the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air. A new chapter has been added dealing with compliance and enforcement aspects, as well as other changes which technically define the overall responsibilities for the various aspects of the FAA's Hazardous Materials Compliance and Enforcement Program.

5. FORMS AND REPORTS. Hazardous materials activities accomplished in accordance with Order 1650.7A, Civil Aviation Security Program Guidelines, will be reported in accordance with paragraph 78 of this order.

6. OBJECTIVE. The Hazardous Materials Program ensures the safe air transportation of hazardous materials in accordance with the Federal Aviation Regulations (FAR) and the HMR by:

a. Maintaining a comprehensive and viable compliance and enforcement program to ensure compliance with the FAR and HMR as they pertain to the air transportation of hazardous materials.

b. Participating in Hazardous Materials Seminars, awareness training, and training programs for aircraft operators, freight forwarders and shippers, and providing hazardous materials information to the public in general.

c. Establishing and maintaining an effective liaison with other modal administrations, other Federal agencies, state and local authorities, and emergency services involved in the air transportation of hazardous materials.

7.-10. RESERVED.

CHAPTER 2. RESPONSIBILITIES

SECTION 1. HEADQUARTERS

11. OFFICE OF CIVIL AVIATION SECURITY. The Office of Civil Aviation Security shall:

a. Be responsible for the administration and enforcement of the HMR as they pertain to transportation by air.

b. Provide management of the Hazardous Materials Program.

c. Develop and implement policies, standards, programs, and procedures to be used by special agents in the conduct of the FAA inspection and surveillance of the technical and operational aspects of the Hazardous Materials Program.

d. Maintain statistics dealing with the Hazardous Materials Program and provide relevant data to field personnel.

e. Review and recommend appropriate action on draft notices of proposed rulemaking as they relate to air transportation of hazardous materials.

f. Develop, coordinate, and forward FAA recommendations to MTB relative to the FAA position on approval or denial of petitions for exemptions from established rules on the transportation of hazardous materials by air.

g. Review regional hazardous materials violation investigation reports being forwarded to the Office of the Chief Counsel and assist Legal Counsel as required on legal enforcement cases.

h. Maintain liaison with other modal administrations and industry in matters pertaining to hazardous materials.

i. Develop policies and procedures toward improving the effectiveness of the Hazardous Materials Program.

j. Plan and coordinate hazardous materials training for Civil Aviation Security Special Agents.

k. Plan, coordinate, and conduct an annual meeting of all regional hazardous materials coordinators to discuss (and provide instruction as necessary) changes in the Hazardous Materials Program, recommended changes in the ICAO Technical Instructions and 49 CFR.

l. Represent the FAA in industry-wide surveys, forums, technical committees, conferences, and meetings considering substantive views concerning proposed rules, regulations, and amendments thereof of all regulatory actions effecting the transportation of hazardous materials by air.

m. Provide a representative as the Alternate U.S. Panel Member and principal advisor to the U.S. Panel Member on the ICAO Dangerous Goods Panels and Working Group Meetings. The representative will represent the interests of the FAA and will provide advice and regulatory input to the panel as required.

n. Research and develop responses to Congressional inquiries/requirements and prepare correspondence relative to the air transportation of hazardous materials.

o. Develop, review, and revise advisory circulars, orders, handbooks, and other guidance material on the air transportation of hazardous materials for FAA, industry, and public use.

12.-14. RESERVED.

SECTION 2. REGIONS

15. DIVISION MANAGERS. Regional Civil Aviation Security Division Managers shall:

a. Have the overall responsibility for the regions' Hazardous Materials Program.

b. Establish a regional Hazardous Materials Coordinator position to be filled by an inspector experienced in the hazardous materials inspection program.

c. Provide for basic and recurrent hazardous materials training of all Civil Aviation Security Special Agents. Prior to conducting any hazardous materials inspections, Civil Aviation Security Special Agents will attend the basic hazardous materials training course. Once an agent has received initial training, the agent will attend recurrent hazardous materials courses at least every 24 months or more frequently as deemed necessary.

16. REGIONAL HAZARDOUS MATERIALS COORDINATORS. Regional Hazardous Materials Coordinators shall, under the direction of the Civil Aviation Security Division Manager:

a. Serve as the authority in the region on hazardous materials and be the point of contact for any persons seeking advice or guidance relative to the air transportation of hazardous materials.

b. Identify aircraft operators who transport hazardous materials and maintain a list of certificated operators, as well as the offices having hazardous materials responsibilities for these operators.

c. Coordinate and provide technical guidance as necessary for the review and approval of aircraft operators hazardous materials procedures and training programs.

d. Evaluate procedures established by Civil Aviation Security Field Offices relative to the inspection of aircraft operators to ensure that they have established procedures, training programs, and instructions relating to the air transportation of hazardous materials.

e. Provide for the coordination and technical guidance of investigative activities for all actual or suspected hazardous materials incidents or discrepancies in the regional area.

f. Coordinate and review all regional hazardous materials enforcement actions (to include a status report on related cases). When criminal enforcement action is contemplated, immediately advise the division manager, AGC-260, and keep ACS informed as to the progress of the case.

g. Coordinate and advise on the hazardous materials initial and recurrent training requirements for Civil Aviation Security Special Agents.

h. Ensure that all Civil Aviation Security Special Agents receive new/amended HMR and other necessary pertinent information.

i. Participate in seminars and awareness training for aircraft operators, freight forwarders and shippers, and others involved in the air transportation of hazardous materials.

j. Establish liaison and participate in programs conducted by outside agencies or organizations as the FAA representative, providing expertise regarding Title 49 CFR and ICAO Technical Instructions as they pertain to the air mode.

k. Prepare and initiate procedures to accomplish the regional Hazardous Materials Program requirements and keep the division manager advised on program status.

l. Review and coordinate evaluation of all requests for operator exemptions (including emergency exemptions).

m. Provide guidance and assistance to regional General Counsel (and U.S. Attorney on criminal violation proceedings) concerning hazardous materials legal interpretations and pending violation cases, as necessary.

n. Coordinate with regional counterparts of other modes.

17.-20. RESERVED.

SECTION 3. FIELD OFFICES

21. CIVIL AVIATION SECURITY FIELD OFFICE MANAGERS. Civil Aviation Security Field Office Managers shall:

a. Establish inspection schedules and procedures to ensure that hazardous materials inspections are accomplished in accordance with both this order and Order 1650.7A.

b. Assure inspectors maintain their proficiency in the conduct of hazardous materials inspections.

c. Initiate appropriate investigative/enforcement action for noncompliance with the HMR.

d. Investigate all discrepancy reports (49 CFR 175.31) and all hazardous materials incident reports (DOT F 5800.1) for possible violations of the HMR.

e. Evaluate and, in coordination with the Regional Hazardous Materials Coordinator (RHMC), transmit applications for emergency exemptions from aircraft operators in accordance with 49 CFR 107.113. Shippers requesting emergency exemptions will be referred to the Materials Transportation Bureau for exemption processing. (See Section 1, Chapter 3.)

22. CIVIL AVIATION SECURITY SPECIAL AGENTS. Civil Aviation Security Special Agents shall:

a. Satisfactorily complete initial and recurrent training and maintain proficiency to perform hazardous materials inspections.

b. Conduct hazardous materials inspections and investigations as directed.

c. Conduct or assist in investigations of hazardous materials violations, incidents, and discrepancies as required.

d. Based on all facts available and the severity of the case, follow the guidelines established in 14 CFR 13.16 and Order 1000.9D, in making appropriate recommendations as to the amount of civil penalty sought. (If a civil penalty is recommended, give status report of any related cases.)

e. In accordance with regional policy, review and evaluate aircraft operators hazardous materials training programs.

23.-25. RESERVED.

SECTION 4. HAZARDOUS MATERIALS REGULATIONS

26. GENERAL REFERENCES. The HMR refer, in several paragraphs, to "The Federal Aviation Administration, Civil Aviation Security Field Office (CASFO) which serves the place where the flight(s) will originate or which is responsible for the operator's overall aviation security program." In most instances, this will be where the principal security inspector (PSI) is located; however, not all aircraft operators have been assigned a PSI. Also, due to geographical distance, functional separations within an operator's management structure, and/or workload of presently assigned PSI's, a regional division manager may wish to assign the responsibility for an operator's Hazardous Materials Program to an office other than the office where the PSI is located. To provide this latitude, this chapter will refer only to the "CASFO which is responsible for the operator's Hazardous Materials Program" or the "Responsible CASFO," and detail the action to be taken by that office.

27.-29. RESERVED.

CHAPTER 3. REGULATORY REQUIREMENTS

SECTION 1. EXEMPTIONS

30. EXEMPTIONS. An exemption is an administrative relief from the requirements of the Hazardous Materials Regulations. Persons subject to these regulations may obtain an exemption from the Materials Transportation Bureau on a basis of equivalent levels of safety or levels of safety consistent with the public interest. For purposes of enforcement, they fall into two categories: shipper exemptions and operator exemptions.

a. Shipper Exemptions. Since the shippers are subjected primarily to 49 CFR 172 and 173, these exemptions are usually for nonspecification packaging or variations in classification, labeling, and marking. The expertise in this area is primarily in the Materials Transportation Bureau. Application for these exemptions is made by the shipper to the Bureau. In enforcement, the exemption is treated as a regulation.

b. Operator Exemptions. This is an exemption granted to the operator for relief from the requirements of 49 CFR 175 to transport hazardous materials by air that are in quantities larger than authorized or normally forbidden for air transportation. The expertise in this area is primarily in the Office of Civil Aviation Security. In an emergency situation, even though the Materials Transportation Bureau makes final decision to issue or deny the petition for exemption, the CASFO is the office through which the operator applies for the exemption.

31. EXEMPTION NOTIFICATION. Regional coordinators and ACS must be notified on a timely basis by the CASFO processing exemption applications of all exemption actions and requests.

32. DEPARTMENT OF DEFENSE AND MILITARY SALES. Where possible, all shipments of this nature should originate from DOD facility airports.

33.-34. RESERVED.

SECTION 2. EMERGENCY EXEMPTIONS

35. EMERGENCY EXEMPTIONS. Aircraft operators or shippers needing air service may apply for emergency exemptions in accordance with 49 CFR 107.113. An application may be initiated by telephone with a written application to be submitted through the CASFO responsible for the operator's Hazardous Materials Programs or the CASO serving the location where flight(s) concerned will originate. The written application must be forwarded to the Associate Director for HMR through the Civil Aviation Security Office with CASFO's written recommendations on the merits of the application and on the carrier's fitness and ability to perform the required functions.

36. CASFO ACTION. The CASFO shall:

a. Ascertain that the request contains all necessary information required by 49 CFR 107.103.

b. Evaluate the reason for the emergency exemption, i.e.; is it necessary:

(1) For protection of life or property,

(a) The application must specifically describe the nature of the emergency and advise whether existing conditions present an imminent danger to life or property.

(b) If there is no imminent danger, the applicant must explain the extenuating circumstances.

(2) To prevent or minimize a serious economic loss,

(a) The applicant must establish that serious economic loss would be incurred should the application be handled routinely. In most cases, the loss should be reflected by an adverse dollar impact value that may be incurred. Examples of factors that will be considered include necessary delivery to preclude facility shutdown resulting in employee furlough or layoff, and adverse impact on continued production and research.

(b) Potential loss of revenue by a carrier will not be accepted to establish serious economic loss including any statement related to breach of contract for carrier services not authorized by the HMR.

(3) In the national interest, which is not specified in section 107.115, will only be considered when supported in writing by a Federal agency such as the Department of Defense or the Department of State.

c. Check the status of the operator's hazardous materials training and procedures. This can be accomplished by contacting the CASFO responsible for the operator's hazardous materials training program.

d. Review any relevant accident/incident experience of the operator.

e. Check for any pending certificate actions.

f. Review the application for compliance with 49 CFR 107.103(b) and for any provisions that in the CASFO's opinion should be added over and above those in Appendix B to Subpart B of 49 CFR 107.

NOTE: Coordinate with the operator's principal operations inspector in the Flight Operations Certificate Holding Office. He should be made aware of the proposed operation and furnish information as to items d., e., and f. above.

g. Require the operator requesting the emergency exemption to submit, as a followup, a copy of the request in writing.

h. Make no statement that the applicant could construe as a commitment that an exemption will be issued.

37. MATERIALS TRANSPORTATION BUREAU ACTION. The Associate Director for HMR will grant or deny the application in accordance with 49 CFR 107.115 based on the information transmitted to him by the CASFO in accordance with 49 CFR 107.113(c). The information and CASFO's recommendation should be transmitted in writing subsequent to communication by phone, FTS 755-4962 or (202) 426-0656 during duty hours, (202) 428-1830 after duty hours, or telex (892427 Coastguard WSH) to Office of Hazardous Materials Regulations, U.S. Department of Transportation, Washington, D.C. 20590, Attention: Exemptions Branch.

38. FOLLOW-UP PROCEDURES.

a. If the exemption is granted, the CASFO should, if possible, follow-up with an inspection to assure compliance with the conditions of the exemption. If the aircraft is departing from an airport in another CASFO area, that CASFO will be notified of all pertinent information for purposes of inspection and assistance.

b. After the flight departs, or if the application is denied, forward a written copy of the application to the Associate Director for HMR with a copy to regional coordinator.

c. Coordination with other CASFO's responsible for en route airports to be used is recommended to inspect for compliance with the exemption.

39.-41. RESERVED.

SECTION 3. INCIDENT REPORTS

42. HAZARDOUS MATERIALS INCIDENT REPORTS. Hazardous materials incidents are explained in 49 CFR 175.45. Those meeting the criteria of 49 CFR 175.45(a) should be telephoned to the nearest CASFO. These must be investigated and the regional coordinators and ACS are to be notified. CASFO's should pay particular attention to 49 CFR 175.45(c) which requires a copy of DOT F 5800.1, Hazardous Materials Incident Report, to be submitted whenever there is an unintentional release of hazardous materials from a package. While these types of reports do not necessarily require telephonic notification, they do require a copy of the report form to be sent to the nearest CASFO. They should be reviewed for possible violations and investigated as necessary.

43. RESERVED.

SECTION 4. CARGO AIRCRAFT ONLY; ONLY MEANS OF TRANSPORTATION

44. GENERAL. This section (49 CFR 175.320) excepts the materials listed therein from the requirements of Section 172.101 for air transportation to remote areas and where timely delivery is necessary (i.e., areas in Alaska, remote areas in the United States, etc.). CASFO's should coordinate with certificate holding or responsible Flight Operations offices for approvals under paragraph 175.320b(7).

45. FOLLOW-UP. CASFO's should perform follow-up inspection to see that the operator complies with the conditions of 49 CFR 175.320(b) and (c). Coordination with other CASFO's responsible for en route airports is recommended for inspection of compliance with 175.320(b)(1), (2), (3), (9), and (c)(4). Additionally, it is recommended that CASFO's maintain records on all flights conducted under the 175.320 exceptions which they process or inspect.

46. LIMITATIONS. The material transported under this section must meet the descriptions and definitions found in the 49 CFR 175.320 table.

47.-48. RESERVED.

CHAPTER 4. HAZARDOUS MATERIALS ACTIVITY

SECTION 1. GENERAL

49. GENERAL. Hazardous materials activities performed by Civil Aviation Security Special Agents and reported on Form 1650.14, Inspection/Surveillance/ Activities Report, fall into six categories. These are Cargo Facility Inspections, Ramp Inspections, Special Inspections, Incident Investigation, Training Inspection and Review, and Instruction. Cargo Facility Inspections, Ramp Inspections, and Training Inspections and Review are performed on a scheduled basis as prescribed in Order 1650.7A. The other activities are performed as necessary.

50. PACKAGE INSPECTION. Section 109(c) of the Hazardous Materials Transportation Act (49 U.S.C. 1808(c)) and the North American Local Cargo Rules and Rates Tariff Number 11, Rule G-24, contain the authority to open packages containing hazardous materials if it becomes necessary during the course of discharging the compliance and enforcement responsibilities to assure that regulated parties are in compliance with the Hazardous Materials Regulations. This may be accomplished if it is necessary to ascertain if the contents of a package are as described on the exterior of the package or as listed on the shipping document. In cases of this nature, the FAA Special Agent will request that the "person(s) in possession" of the package in question (operator, freight forwarder, etc.) open the package in the inspector's presence or, absent such opening, to prohibit its shipment in air transportation. Regional Hazardous Materials Coordinators should be advised whenever action of this type is taken.

51.-52. RESERVED.

SECTION 2. - CARGO FACILITY INSPECTIONS

53. GENERAL. A Cargo Facility Inspection is an inspection conducted where a shipper offers and the operator accepts a hazardous materials package for transport by air. An offering of a hazardous material occurs when the package is presented, the shipping paper is presented, the shipper's certificate is executed, and the transfer of the package and shipping paper is completed with no further exchange (written or verbal) between the shipper and aircraft operator, as usually evidenced by the departure of the shipper. Although the operator is in possession of the shipment offered, the shipment should not be considered as being accepted "for transportation aboard an aircraft" per 49 CFR 175.30(a) until the operator has completed the necessary acceptance checks and approved the package for transportation by air.

54. PURPOSE. The purpose of the Cargo Facility Inspection is to:

a. See that the operator has the procedures for the use and guidance of each person performing duties or assigned duties and responsibilities for the handling and carriage of hazardous materials and that the guidance is readily available.

b. Verify that the personnel involved with any duty concerning hazardous materials have been trained in an FAA-approved training program within the last 12 months.

c. Check for adequate acceptance procedures used to verify quantity limitations, proper article description, certification, shipping paper requirements, labeling, marking, placarding (when required), and inspection for condition of package before loading (to include seal on radioactive packages).

d. A random sampling of shipping papers shall be inspected to determine compliance with 49 CFR 172, Subpart C. If it is the orignating aircraft operator, insure that one copy of shipping papers is retained for 90 days once the shipping papers are prepared in accordance with the regulations.

e. During the operator's comprehensive inspection, conduct a 90-day survey of the shipping papers by hazard class to determine the amount of hazardous materials shipped from this location. Random sampling in cases of large amounts of hazardous materials shipping papers is authorized.

f. Check that there is a supply of extra labels.

g. Check procedures for notification and the availability of current phone numbers to report hazardous materials incidents or discrepancies.

h. Check cargo makeup procedures to assure aircraft loading personnel comply with regulations pertaining to quantity limitations, storage compatibility, package orientation, cargo location, and cargo aircraft only restrictions.

i. Inspect hazardous materials package(s) on hand (inbound and outbound).

55.-56. RESERVED.

SECTION 3. RAMP INSPECTION

57. GENERAL. A Ramp Inspection is an inspection of an operator's hazardous material procedures and compliance with regulatory requirements, outside or away from the shipper/carrier interface where aircraft are loaded and unloaded.

58. PURPOSE. The purpose of the Ramp Inspection is to inspect:

a. Procedures used by loading personnel to assure compliance with quantity limitations aboard the aircraft.

b. Compliance with accessibility requirements.

c. Container placarding or labeling, as required.

d. Notification of pilot-in-command.

e. Orientation of cargo on the ramp or aboard aircraft.

f. Compatibility of cargo stowed on the aircraft.

g. Separation distance requirements are met concerning radioactive shipments.

h. Shipping papers on aircraft.

59.-60. RESERVED.

SECTION 4. SPECIAL INSPECTION

61. GENERAL. A Special Inspection is an inspection of an operator granted an exemption by the Materials Transportation Bureau and/or conducting operations under an exception noted in 175 which requires review and approval by Civil Aviation Security. It is a review of the operator's compliance with the safety control measures, special provisions, and reporting requirements.

62. RESERVED.

SECTION 5. INCIDENT INSPECTION/INVESTIGATION

63. GENERAL. An incident investigation is an investigation resulting from a hazardous materials incident or discrepancy report. In order to insure that the proper authorities have been notified, each FAA Civil Aviation Security Office that receives a hazardous materials report in accordance with 49 CFR 171.15 and 49 CFR 175.45 will ascertain from the operator whether or not Center for Disease Control or the Department of Transportation has been notified as required by 49 CFR 171.15(b). If not, advise the operator that they must comply with the provisions of 49 CFR 171.15(b) and notify the Department of Transportation on (202) 426-2675 (or toll free (800) 424-8802). Notice involving etiologic agents will be given to the Director, Center for Disease Control, U.S. Public Health Service, Atlanta, Georgia, (404) 633-5313 in place of DOT. These notices must include all information as outlined in 171.15(b)(1) through (7).

64. PURPOSE. Hazardous materials incident reports received in accordance with 49 CFR 175.45 and all discrepancy reports reported as required by 49 CFR 175.31 will be investigated in accordance with FAA Order 2150.3 to determine if a violation has occurred.

65.-66. RESERVED.

SECTION 6. TRAINING INSPECTIONS AND REVIEW

67. GENERAL. This activity covers inspection and surveillance of hazardous materials training programs, and the procedures contained in the operations manual in conjunction with the operator's certificate holding office.

68. TRAINING PROGRAM. Training requirements with respect to air transportation of hazardous materials are contained in FAR Parts 121, 125, and 135. The information outlined in Advisory Circular (AC) 121-21B is the minimum necessary to meet regulatory requirements.

69. TRAINING PROGRAM APPROVAL PROCEDURES.

a. General. The responsible CASFO shall recommend approval to the POI of the hazardous materials training program in parts; e.g., initial or recurrent, or it may recommend approval of the entire hazardous materials program when it is complete. Civil Aviation Security personnel should, if necessary, assist the applicant in the preparation of the program. This assistance may include examination of proposed training facilities, aids, equipment and/or instruction personnel, and providing informal evaluation as to the adequacy of each program.

b. Approval and Revision. Application for approval or revision of the hazardous materials training program will be in the format prescribed by FAR 135.325 or FAR 121.405. The application must be accompanied by three copies of the proposed training curriculum and related forms, records, materials, etc.

c. Initial Training. The initial approval of an operator's application will establish the minimum training requirements. Thereafter, the approval of any newly added training parts will reestablish the minimum training requirements for those parts. The amount of formal training, both initial and recurrent, to be received should be commensurate with the assigned duties. For example, personnel assigned the responsibility of accepting and inspecting hazardous materials in accordance with 49 CFR 175.30 should receive more training than personnel assigned responsibilities for loading an aircraft.

d. Curriculum. The curriculum will set forth the initial and recurrent courses of training required for each person assigned duties for the carriage and handling of hazardous materials, and should be commensurate with the scope of the overall operation.

e. Contract Handling of Hazardous Materials. Contract personnel may be used by aircraft operators provided that each person handling hazardous materials has received training under an approved program. This training must encompass hazardous materials loading procedures for all types of aircraft serviced under the contract.

70. TRAINING PROGRAM SURVEILLANCE, INSPECTION, MONITORING, AND EVALUATION. The best way to determine the scope, quality, adequacy, and effectiveness of hazardous materials training programs is to observe the actual training being given. The information gathered from all sources during inspections, surveillance, and monitoring should be used to evaluate the program. For example, the program may be satisfactory in all aspects except one; the student fails to apply on the job what he/she was exposed to in training. Check the following:

a. Adequacy of training facilities, classrooms, aids, materials, and equipment.

b. Competency of instructors to get across the subject matter to all students.

c. Adherence to the prescribed curriculum.

d. The adequacy of testing materials.

e. The operator's maintenance of training records. Personnel must not be assigned to duties requiring the training until they have satisfactorily completed the training. Records should show initial training and recurrent training at least each 12 months, for personnel performing duties related to hazardous materials.

71. ONE-MAN OPERATIONS. The inspection, surveillance, monitoring, and evaluation of one-man FAR 135 operators who engage in the air carriage of hazardous materials will be conducted by the responsible CASFO. The CASFO must assess the operator's knowledge of the regulatory requirements for air transportation of hazardous materials and competency to conduct safe operations.

72.-73. RESERVED.

SECTION 7. INSTRUCTION

74. GENERAL. This activity is not an inspection function. The regional coordinator, or other inspector as designated by proper authority, conducts update sessions for FAA Special Agents to keep them informed of changes to HMR, inspection procedures, and training requirements. They also conduct awareness sessions for persons outside of DOT and represent the FAA at various meetings and industry training sessions as a hazardous materials expert.

75. PURPOSE. The purpose of recording this activity is to identify the time spent by Civil Aviation Security in fulfilling responsibilities not directly related to inspection and security, but necessary to achieve safety in the air transportation of hazardous materials.

76.-77. RESERVED.

SECTION 8. HAZARDOUS MATERIALS ACTIVITY REPORTING

78. GENERAL. All hazardous material activity, except time spent processing compliance and enforcement reports in accordance with FAA Order 2150.3, Compliance and Enforcement Program, will be recorded on FAA Form 1650-14, Inspection/Surveillance/Activities Report (Appendix I). The completed form will be forwarded through regional channels to the Transportation Systems Center, Transportation Information Division, Statistical Information Reporting Branch, Cambridge, Massachusetts 02142.

79. RESERVED.

CHAPTER 5. COMPLIANCE AND ENFORCEMENT

80. ENFORCEMENT ACTION. When it becomes evident that a violation of the HMR has occurred, it is the responsibility of the Special Agent to determine the nature of the violation. A decision shall be made as to the severity of the violation and whether it can be closed administratively, requires a civil penalty or should be considered a criminal violation. In making this decision, the Special Agent shall consider the following:

a. The commodity, its hazard class and packaging.

b. The shipping paper/Dangerous Goods Transport document and its completeness.

c. The degree of violation as to its relationship to safe practices of shipment and whether it would result in an unacceptable unsafe condition.

d. The particular portion of the HMR violated.

In compiling the necessary information to complete the investigative report, the provisions of FAA Order 2150.3 will be followed. Particular attention should be directed to Chapter 9, Preparation of Enforcement Investigation Reports. All enforcement investigations will be reported in accordance with these instructions and those contained in paragraphs 203 and 902-906. It will be the responsibility of the Special Agent to prepare the FAA Form 2150-5. The guidelines as set forth in paragraph 903 will be strictly adhered to. In determining the type of action necessary and a recommended civil penalty, the Special Agent will be guided by the provisions of FAA Order 1000.9D.

81. CRIMINAL CASES. When it becomes evident that the evidence meets the provision of FAA Order 2150.3, paragraph 205(d)(4), the provision of that paragraph will be complied with. In addition, AGC-260 and ACS-100 will immediately be notified.

CHAPTER 6. MISCELLANEOUS AGREEMENTS

82. GENERAL. Other modal administrations and/or Federal agencies have completed or are in the process of completing a memorandum of understanding or agreement with FAA regarding the transportation of hazardous materials. A copy of all memoranda will be on file at regional headquarters and will be made available through the RHMC as needed.

83. RESERVED.

APPENDIX 1. FAA FORM 1650-14 HAZARDOUS MATERIALS INSPECTION/SURVEILLANCE/ACTIVITIES REPORT

RIS:CS-1650-11

HAZARDOUS MATERIALS INSPECTION/SURVEILLANCE/ACTIVITIES REPORT

1. OPERATOR/FORWARDER	2. LOCATION	3. INSPECTION DATE/TIME	
		HOUR *(START)*	MO./DAY/YEAR

TYPE OF REPORT

4.
☐ CARGO FACILITY ☐ RAMP ☐ SPECIAL ☐ INCIDENT ☐ TRAINING ☐ INSTRUCTION *(IF CHECKED FILL IN BLOCK 11)*

5. NUMBER OF PACKAGES INSPECTED *(Enter Number in Box Below Appropriate Hazard Class)*

1	2	3	4	5	6	7	8	9

6. NUMBER OF PACKAGES ON RECORD IN 90 DAY FILE – *(Enter Number in Box Below Appropriate Hazard Class)*

1	2	3	4	5	6	7	8	9

7. VIOLATION ENFORCEMENT INVESTIGATIVE REPORT (EIR) NUMBERS

A _____ B _____ C _____ D _____ E _____

OFFICIAL(S) MAKING INSPECTION.

8. INSPECTOR CREDENTIAL NO.(S)	9. MANHOURS EXPENDED	10. CIVIL AVIATION SECURITY (CAS) OFFICE *(Give Regional & Field Office Identifier (eg., EA-71)*
1. 2.		

11. CHECK PURPOSE IF INSTRUCTION REPORT

☐ FOR FAA INSPECTORS ☐ FOR SHIPPER, FREIGHT FORWARDERS ☐ ATTENDANCE AS HAZARDOUS MATERIALS EXPERT

NUMBER OF PERSONS ATTENDING _____

12. HAZARD CLASS

1. EXPLOSIVES
2. GASES (COMPRESSED, LIQUIFIED OR DISSOLVED UNDER PRESSURE)
3. FLAMMABLE LIQUIDS
4. FLAMMABLE SOLIDS (SUBSTANCES LIABLE TO SPONTANEOUS COMBUSTION, SUBSTANCES WHICH ON CONTACT WITH WATER EMIT FLAMMABLE GASES)
5. OXIDIZING SUBSTANCES; ORGANIC PEROXIDES
6. POISONS; INFECTIOUS SUBSTANCES (ETIOLOGIC AGENTS)
7. RADIOACTIVE MATERIALS
8. CORROSIVES
9. OTHER HAZARDOUS MATERIALS

13. REMARKS

APPENDIX 1. FAA FORM 1650-14 HAZARDOUS MATERIALS INSPECTION/SURVEILLANCE/ACTIVITIES REPORT (reverse side)

INSTRUCTIONS FOR COMPLETING FAA FORM 1650-14

ITEM 1 **OPERATOR/FORWARDER.** Write the name of the organization associated with or being inspected in accordance with the activity being reported. For aircraft operators, you may use the FAA letter designator commonly used to designate the operator.

ITEM 2 **LOCATION.** If the activity is conducted within an airport boundary of an airport identified in FAA Order 7350.4, Location Identifiers, use the location identifier. If it is conducted elsewhere, use the zip code of the place where the activity is conducted.

ITEM 3 **DATE/TIME.** Enter the start time of the activity being reported in 24-hour local time and the date. See next item for exception.

ITEM 4 **REPORT TYPE.** Make only one entry per report. If more than one activity is performed on one visit to an operator/forwarder, complete separate report for each activity. When an investigation is conducted of an incident which has been, will, or should be reported in accordance with 49 CFR 171.16 or 175.45; the hazardous materials activity report of the incident investigation must, in the *operator/forwarder, location,* and *date/time* blocks, be identical to the *reporting carrier, company, or individual; location of incident,* and *date and time of incident* on the associated DOT Form 5800.1, Hazardous Materials Incident Report.

ITEM 5 **PACKAGES INSPECTED.** Enter, by hazard class, the number of packages physically present in the facility.

ITEM 6 **PACKAGES LAST 90 DAYS.** From the shipping papers that are mantained in accordance with 49 CFR 175.30 (a)(2), enter the number of packages, by hazard class, that have been shipped in the last 90 days. Note: One shipping paper may have more than one package. This is a package count by hazard class.

ITEM 7 **VIOLATION EIR NUMBERS.** Enter the EIR number for each compliance and enforcement action resulting from the activity covered by the report.

ITEM 8 **INSPECTOR CREDENTIAL NO.(S).** Enter the number on the credential of the inspector(s) performing the activity. The numbers of no more than two inspectors may be entered.

ITEM 9 **PERSON HOURS EXPENDED.** Enter the hours, to the nearest tenth, expended by the inspector(s) conducting the activity being reported. Note: Example — two inspectors inspecting for 1 hour would enter 2 person hours expended.

ITEM 10 **CAS OFFICE.** Enter the two-letter region identifier and the two-digit permanent identifier as found in FAA Order 2150.3, paragraph 1402(b).

ITEM 11 **PURPOSE OF INSTRUCTION.** This is only used for instruction reports. Check the description that best describes the audience and/or purpose of the activity.

ITEM 11 **NUMBER ATTENDING.** This is also used only for instruction reports. Enter the number of people in attendance.