

Appendix A.4 - Other Regulations

Although the ICAO Technical Instructions are the principle regulations governing the transport of dangerous goods by air, application and enforcement is the responsibility of individual states. In addition other modal and local requirements may impose additional requirements on shippers and surface carriers when shipping and transporting dangerous goods incidental to air transport. This appendix identifies some of these requirements and is intended to assist users in understanding the relationship between the air mode specific regulations, national requirements and other modal requirements. Several of the entries are referenced in the State variations in A.1.1.

Included in this appendix are the reference designating the ICAO Technical Instructions as the principle means of compliance with the US hazardous materials regulations for air transport. There are important differences and users should consult the variations and 49CFR for precise interpretation. If in any doubt, the US DOT should be called for clarification. The requirements for incident reporting are also included. The revised US incident reporting form was not available in time for inclusion in this edition of AIR Shipper. It will be included in future additions.

A.4.1 – United States (49CFR Hazardous Materials Regulations)

A.4.1.1 §171.11 Use of ICAO Technical Instructions. [USA.1]

Notwithstanding the requirements of parts 172 and 173 of this subchapter, a hazardous material may be transported by aircraft, and by motor vehicle either before or after being transported by aircraft, in accordance with the ICAO Technical Instructions (IBR, see §171.7) if the hazardous material;

- (a) Is packaged, marked, labeled, classified, described and certified on a shipping paper and otherwise in a condition for shipment as required by the ICAO Technical Instructions;
- (b) Is within the quantity limits prescribed for transportation by either passenger-carrying or cargo aircraft, as appropriate, as specified in the ICAO Technical Instructions;
- (c) Is not a forbidden material or package according to §173.21 of this subchapter; is not a forbidden material as designated in Column (3) of the §172.101 Table of this subchapter; and is not forbidden by Column 9(A) of the §172.101 Table of this subchapter when transported on passenger aircraft, or is not forbidden by Column 9(B) of the §172.101 Table of this subchapter when transported by cargo aircraft.
- (d) Fulfills the following additional requirements as applicable:
 - (1) For a material that meets the definition of a hazardous substance as defined in this subchapter, the shipping paper and package markings must conform to the provisions in §172.203(c) and §172.324, respectively, of this subchapter.
 - (2) When a hazardous material, which is subject to the requirements of the ICAO Technical Instructions, is also a hazardous waste as defined in this subchapter:
 - (i) The word "Waste" must precede the proper shipping name on shipping papers and package markings; and,
 - (ii) It must comply with §172.205 with respect to the hazardous waste manifests.
 - (3) When a hazardous material is not subject to the requirements of the ICAO Technical Instructions, it must be transported as required by this subchapter.
 - (4) When a hazardous material that is regulated by this subchapter for transportation by highway is transported by motor vehicle on a public highway under the provisions of this section, the following requirements apply:
 - (i) The motor vehicle must be placarded in accordance with subpart F of part 172 of this subchapter; and
 - (ii) The shipping paper may include an indication that the shipment is being made under the provisions of this section or the letters "ICAO".

Appendix A.4 includes the US shipping requirements