

NATIONAL TRANSPORTATION SAFETY BOARD  
WASHINGTON, D.C.

ISSUED: March 26, 1974

-----  
Forwarded to:

Honorable Alexander P. Butterfield  
Administrator  
Federal Aviation Administration  
Washington, D. C. 20591  
-----

SAFETY RECOMMENDATION(S)

A-74-20 thru 26

On February 11, 1974, the National Transportation Safety Board concluded its public hearing into the Pan American World Airways accident which occurred on November 3, 1973. The aircraft was a jet-freighter carrying nearly 16,000 pounds of restricted cargo.

The Safety Board heard extensive testimony that shippers, packers, manufacturers, and carriers of restricted cargo or dangerous articles are either unaware of, or not complying with, current regulations which govern the carriage of hazardous materials by air. Therefore, the Safety Board is concerned about the lack of compliance with these regulations.

The Safety Board realizes that Federal manpower to enforce all aspects of the regulations governing the transportation of hazardous materials is not available. Therefore, it seems appropriate to focus on a limited number of check points at which noncomplying shipments can be halted. The Safety Board believes that the principal check point is the air carrier's receiving dock.

The Safety Board received several recommendations from witnesses and parties to the hearing intended to remedy the shortcomings in the handling of hazardous articles. The Air Line Pilots Association formally recommended to the Safety Board that "... all hazardous materials be banned from interstate air transportation." The Safety Board shares the Association's concern, but believes that conscientious compliance with current regulations and procedures would obviate such a drastic step. Therefore, the immediate emphasis should be on a concerted program by the carriers and the FAA to assure compliance with current regulations.

1209C

The recommendations submitted herein are intended to be interim measures, pending a more definitive resolution of the hazards disclosed during this inquiry.

Accordingly, the National Transportation Safety Board recommends that the Administrator, Federal Aviation Administration:

1. Conduct a comprehensive inspection of each air carrier's procedures for compliance with 14 CFR 103 and 14 CFR 121.433(a), specifically with regard to receiving, palletizing, consolidating, and aircraft loading, as well as the related training. This inspection should be completed at the earliest possible date and not later than 60 days from the date of this recommendation.
2. Develop, in cooperation with the Department of Transportation, Office of Hazardous Materials, a compliance checklist to determine whether or not a shipment conforms to Federal hazardous materials regulations. This checklist should be circulated to all involved agencies and organizations.
3. Develop and disseminate information about Federal regulations which apply to air carriage of hazardous materials to the air carriers' marketing or sales representatives and their appointed agents.

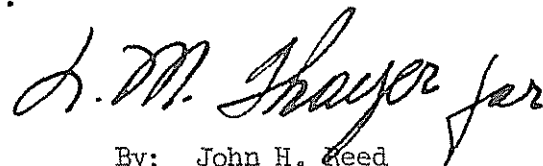
The Board believes that recommendations two and three should be acted upon immediately inasmuch as they are within the scope of current regulatory authority.

The Board recognizes that the following recommendations may require additional research and evaluation before they can be implemented. However, they should be implemented as quickly as possible in light of the hazards involved.

4. Amend 14 CFR 121.597 to require the person authorized to exercise operational control over the flight in the case of supplemental air carriers and commercial operators of large aircraft to inform the captain of any dangerous articles aboard the flight, as outlined in 14 CFR 103.25. Further, amend 14 CFR 121.601 to make the dispatcher responsible in the case of scheduled air carriers, for informing the captain of dangerous articles aboard the flight, in addition to the notification required by 14 CFR 103.25.

5. Amend 14 CFR 135 to require each operator under this part to develop procedures to insure that the captain is informed of any dangerous articles aboard. This notification should contain the information outlined in 14 CFR 103.25.
6. Rescind the provision in 14 CFR 103.3(a) which allows the aircraft operator to rely on the shipper's statement as prima facie evidence that the shipment complies with the requirements of this part. Instead, require the air carrier to institute a monitoring system to assure that all dangerous articles shipped by air are inspected against all regulatory safety controls which can be verified at the air carriers receiving point.
7. Institute rulemaking to require that air carriers notify the shipper and the FAA when a shipment, or its documentation, deviates in any manner from Federal or air carrier regulations. Further, require that when non-conforming shipments are detected by the air carrier, they may not be moved until the deficiency is remedied, or the transportation of the deficient packages-- with prescribed safety controls-- is authorized by the cognizant Federal agency. The deficiencies should be entered on the shipping documents, a copy of which should be retained by the carrier and be made available to the cognizant Federal agency.

REED, Chairman, McADAMS, THAYER, BURGESS, and HALEY, Members, concurred in the above recommendations.



By: John H. Reed  
Chairman

THESE RECOMMENDATIONS WILL BE RELEASED TO THE PUBLIC ON THE ISSUE DATE SHOWN ABOVE. NO PUBLIC DISSEMINATION OF THE CONTENTS OF THIS DOCUMENT SHOULD BE MADE PRIOR TO THAT DATE.