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September 5, 2003

Dockets Management System
U.S. Department of Transportation
Room PL-401
400 Seventh Street, S.W.
Washington, D.C. 20590-0001

Subject: Comment to Docket No. FAA–2003–15085; Notice No. 03–08;
Hazardous Materials Training Requirements

Ladies and Gentlemen:

The Air Line Pilots Association, International (ALPA), representing the safety interests of 66,000 professional airline pilots flying for 42 airlines in the United States and Canada, has reviewed the subject Notice of Proposed Rulemaking (NPRM) where the Federal Aviation Administration (FAA) is proposing to amend its hazardous materials (hazmat) training requirements for certain air carriers and commercial operators. In addition, the FAA is proposing that certain repair stations document for the FAA that persons handling hazmat for transportation have been trained as required by the Department of Transportation's Hazardous Materials Regulations (HMRs). We understand that the FAA is updating its regulations because hazmat transport and the aviation industry have changed significantly since the FAA promulgated its hazmat training regulations over 25 years ago. We further understand that industry voluntary adherence to the recommendations in applicable Advisory Circulars (AC) has been high. ALPA concurs with the FAA when they state in the NPRM's preamble, "…these critical safety practices need to be clearly established within the FAA's safety regulations". The proposed rule would set clear standards and ensure uniform compliance with HazMat training requirements. For the reader, the terms "HazMat" and "dangerous goods" are used interchangeably in these comments.

ALPA agrees with the principle and intent of the NPRM in its entirety and supports the FAA's proposed improved standardized training requirements for flight deck (pilot) crew members and those other personnel, as appropriate, with the responsibility of preparing, handling and loading HazMat onboard passenger and cargo aircraft. We also support the FAA's proposed surveillance that will extend to personnel involved in transportation-related functions conducted by FAR Part 145 Aircraft Repair Stations (ARS). The FAA's issuance of the proposed Special Federal Aviation Regulation (SFAR) No. 99 to introduce the new requirements into the regulations and the establishment of SUBPART Y - *HAZARDOUS MATERIALS TRAINING PROGRAM* in 14 CFR Part 121 will be helpful in implementing the program.

The largest single threat to the air transport industry from dangerous goods remains the shipment of undeclared regulated substances (HazMat). The most extreme examples of improperly prepared and improperly shipped dangerous goods have caused aircraft accidents and loss of life. Effective education and training represents the single best means available to prevent improper shipments from being carried aboard aircraft, and would have in fact prevented most of the aircraft accidents that have involved dangerous goods. A person who, either unwittingly or intentionally, offers an improper dangerous goods shipment does not select a carrier based on whether that carrier is legally authorized to accept and carry dangerous goods or not. Therefore, it is important that the training of baggage, cargo acceptance, maintenance, and appropriate aircraft repair station personnel for both “will-carry” and “will-not-carry” airlines should be identical in detecting and preventing undeclared dangerous goods from being loaded onto and aircraft. The primary difference in the training programs between the training to educate “will-carry” carrier’s personnel in their “function specific” duties and responsibilities involves the acceptance of offered dangerous goods. We therefore strongly support that the training should be the same for all carriers except for those involved with acceptance duties and responsibilities.

Although possibly outside of the scope of this proposal, ALPA would like to see a greater clarification between "will not carry" and "will not accept". “Will not carry” means just that; no HazMat on their aircraft, while “will not accept” means that they may carry their own HazMat as company materials (COMAT) from point to point on their aircraft but do not accept HazMat shipments from outside entities. This would result in three categories of operations: <u>will not carry</u>, <u>will not accept</u> and <u>will carry</u>. We conclude that these classifications would be useful in not only developing a carrier’s training program that would meet the needs of their operation but for the air transportation industry and the public at large.

Education and training is the key to safety. We realize that the training prescribed in this NPRM may incur additional costs to the carriers, but since the Pilots are the final link in the checks and balances of the safety net for the “safe transportation of hazardous materials”, a from beginning to end level of knowledge through training is absolutely necessary to meet our responsibilities for the safety of our flights. We consider the training given to pilot crew members in the past as not being adequate. On too many occasions, ALPA members have been so concerned about their cargo that they have reported or made inquiries to the members of the ALPA Dangerous Goods Programs that they, the line pilot, were uncomfortable with carrying hazardous materials because they did not know if what they had was proper or not. They attributed their distress to the inadequate level of training they had received. We hope this proposal will work towards correcting this problem by instilling in all personnel involved in the transportation of dangerous goods the knowledge and confidence required to keep, establish and maintain the high margin of safety.

Today’s regulations (§121.433a) and associated training syllabus standards do not sufficiently address the responsibilities pilots face when transporting dangerous goods. While some carriers currently provide acceptable pilot crew training, others comply through what we consider insufficient training, e.g., short video presentations and/or a short multiple choice question written test. ALPA feels that the modules listed for pilot crew members in the NPRM are

appropriate, as long as the training is specifically tailored for the duties and responsibilities (function specific) of the flight deck crew member. For example, a pilot at a major airline needs to know that an acceptance process exists, but does not need to be trained in actually accepting shipments; while that might not be the case at a smaller carrier. If the pilot's responsibility does involve the handling and loading of HazMat, then they should receive the appropriate "function specific" level of training. The proposal should clearly allow for variation in the extent of the training required, recognizing that depending upon their function-specific job description. We have considered that the subject topics in each module could only call for awareness or "knowledge of" training if the person (employee) does not in fact perform those functions. Other topics contained in a module should be covered in sufficient depth to provide a functional working understanding and knowledge of the topic specific to the individual's job responsibilities.

ALPA is concerned that the proposal only designates interactive classroom instruction where other instruction methods may be just as suitable. While having the ability to have questions answered is absolutely vital, recent interactive Computer Based Training (CBT) improvements have made that medium more acceptable for training. In fact, many carriers use CBT in aircraft ground schools with an instructor available to review wrong answers and respond to difficult questions and administer exams. It would seem counterintuitive that the regulations require only classroom based training for dangerous goods but interactive CBT for the aircraft's electrical system. In some cases, interactive CBT can be more effective than classroom training and at a far lower cost to the carrier. Ultimately, ALPA feels that as long as the proposed modular training is effective and relevant, the ultimate means of accomplishing that level of training could be left to the carrier. As mentioned earlier, we would recommend that the extent and detail of the training be "function specific".

We believe that additional clarification is needed in defining who the FAA is classifying as a "hazmat employee" in transportation. One interpretation of the proposal would have anyone working in a cargo facility, including presumably the janitorial staff, educated in dangerous goods transport. ALPA hopes this is not the intent of the regulation and that the FAA follows the "function specific" concept.

ALPA solidly agrees with the FAA including FAR Part 145 Aircraft Repair Stations in the NPRM. A significant potential exists that materials or components being shipped to, from or returned into service could contain hazardous materials. These materials could be contained within shipments of company materials or COMAT. By including the ARS extends the awareness and specific knowledge required to prepare and offer materials or components that are considered regulated. The training programs for the ARS should include the modules contained with Table 1 & 2 of the NPRM as applicable to their operation. We understand that the training program could either be adopted from the contracting carrier for whom they provide or one developed and administered in-house. A method to comply with the requirement for access to the training records of the repair station personnel as part of the carrier's approved program would need to be implemented.

Training Records: The proposed §121.804 (b) and §135.504 (b) - "Location of records" should include language as follows: "the crew member training records should be maintained at the company headquarters or at a facility that is charged with keeping such records". Otherwise the crew member may have to carry their training records with them on flights in order to be in compliance. This is important and may be unavoidable for some international carriers depending upon the point of departure or destination that may require verification that HazMat training has been completed.

Recommendations:

1. Adopt the NPRM taking into consideration our comments of explanation and clarification.
2. The FAA should consider the use of training programs that go beyond the traditional classroom instruction that involve interactive training with instructor availability.
3. Crew members training records should be maintained at the company headquarters or at a facility that is charged with keeping such records
4. Aircraft repair stations must remain included in the scope of this NPRM
5. There should be three categories of operations when establishing a training program that involves the transportation of dangerous goods by air:
    a. "will not carry" (does not carry known HazMat packages/shipments of any kind),
    b. "will not accept" (does not accept known HazMat packages/shipments from entities outside the airline but does include carriage of HazMat COMAT), and
    c. "will carry" (accepts known HazMat packages/shipments from entities outside the airline and also carries HazMat COMAT)
6. A note should be added to Table 1 & 2; "Note: Awareness-level training of components within a module may be appropriate if the person (employee) does not actually perform those functions."

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact me directly at mark.rogers@ALPA.org or via Rick Kessel, ALPA Engineering and Air Safety Department staff at 703/689-4202 or kesselr@ALPA.org.

Sincerely,

Mark Rogers

Mark Rogers, Director
Dangerous Goods Programs /RDK

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cc: Bill Wilkening, FAA