AIR LINE PILOTS ASSOCIATION, INTERNATIONAL

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

Subject: Additional Comment to Docket No. RSPA–2002–13658 (HM–215E); Harmonization with the United Nations' Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions

Ladies and Gentlemen:

The Air Line Pilots Association, International (ALPA), representing the safety interests of 66,000 professional airline pilots flying for 43 airlines in the United States and Canada, has reviewed the subject Research and Special Programs Administration (RSPA), Department of Transportation Notice of Proposed Rulemaking (NPRM) that is proposing to amend the Hazardous Materials Regulations (HMR). After further review, we would like to offer an additional comment to the Docket.

ALPA disagrees with the proposed §173.27(e)(2). Although being more clearly written than the current language, ALPA does not believe that the continued difference or "two levels" of packaging safety for Packing Group I (PG I) should exist as it pertains to absorbent material. We believe that at this top hazard level that there should be **one** standard set for absorbent material regardless of whether the packaging will be loaded on a passenger or a cargo aircraft. Because the rule states that the absorbent material must be able to contain the contents of the largest inner container, this does not consider that two or more of the smaller containers (which could actually hold more than the single largest container) could leak. This allows (by design) the contents to breach the outer packaging. The potential safety hazard associated with the PG I material, once it escapes from the packaging, remains the same regardless if it is placed on a cargo aircraft or a passenger aircraft. There is a possibility for more than just the flight crew to be on a cargo aircraft; other persons onboard the "cargo" aircraft are also put at risk.

By allowing the PG I absorbent material requirements to be less for cargo aircraft than those packagings placed on passenger aircraft, the RSPA is consenting that if the inner containers leak the material could breach the integrity of the packaging. The positive safety record of the HMR is based upon the ability of the packaging to, under normal conditions encountered in transportation, maintain and contain the contents <u>within</u> the packaging. The two levels of safety as it relates to absorbent material is unsatisfactory.

ALPA is not proposing in our comments to the Docket that the net quantity limitations be changed for "cargo aircraft only" packagings. We are saying that the absorbent material in a PG I packaging should be under "One Level of Safety" and that single level must be for the

packaging to retain whatever is in all of its inner containers regardless of which type of aircraft it is being loaded upon.

We understand that the proposed §173.27(e)(2) is an effort to align the HMR with the corresponding requirements contained in the ICAO *Technical Instructions* and IATA *Dangerous Goods Regulations* but that does not make them correct. ALPA is currently reviewing the appropriate actions needed to correct this packaging inconsistency within ICAO and IATA regulations.

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 /RSK

MMR:nc