

Part-XVIII

SAFE TRANSPORTATION OF DANGEROUS GOODS BY AIR

304A. General principles, extent and application: (1) The provisions of this part shall be applied to the transport of the intended transport of dangerous goods in aircraft in or over the territory of Bangladesh, or to their transport in aircraft operated by the holder of an Air Operator License issued by Chairman, where they may be.

(2) The Chairman shall take the necessary measures to achieve compliance with the detailed provisions contained in the technical instructions , and shall also take the necessary measures to achieve compliance with any amendment to the Technical Instructions which may be published during the specified period of applicability of an edition of the Technical Instructions.

304B. Carriage of dangerous goods by air- (1) No operator shall engage in the carriage of dangerous goods unless it has been certified by the chairman to carry the dangerous goods.

(2) No operator shall carry and no person shall cause or permit to be carried in any aircraft to, from, within or over Bangladesh or deliver or cause to be delivered for loading on such aircraft any dangerous goods, except in accordance with and subject to the requirements specified in the Technical Instructions:

Provided that dangerous goods classified as explosives shall not be carried in any aircraft to, from, within or over Bangladesh except in accordance with and subject to the terms and conditions of a permission in writing granted by the Chairman.

Provided further that where dangerous goods classified as radioactive material are to be carried in any aircraft to, from or within Bangladesh, the operator shall ensure that the consignor or the consignee, as the case may be, has written consent of the Chairman to carry such goods.

Provided also that where there is extreme emergency such as national or international crisis or natural calamities or otherwise necessitating transportation by air of such goods and full compliance with the requirements specified in the Technical Instructions may adversely affect the public interest, the Chairman or any other officer authorised in this behalf by the Chairman may, by general or special order in writing, grant exemption from complying with these requirements provided that he is satisfied that every effort has been made to achieve an overall level of safety in the transportation of such goods which is equivalent to the level of safety specified in the Technical Instructions.

(3) Notwithstanding anything contained in sub-rule (2), the articles and substances that are specifically identified by name or by generic description in the Technical Instructions as being forbidden for transport by air under any circumstances, shall not be carried on any aircraft.

(4) The provisions of sub-rules (1) and (2) shall not apply to-

(a) The articles and substances classified as dangerous goods but otherwise required to be on board the aircraft in accordance with the pertinent airworthiness requirements and the operating regulations, or for such specialised purposes as are identified in the Technical Instructions.

(b) The articles and substances which are replacements for the articles or substances described under (a) and are transported in compliance with the applicable provisions of the Technical Instructions; or

(c) Specific articles and substances carried by passengers or crew members to the extent specified in the Technical Instructions.

(5) No operator shall carry the following goods under any circumstances:

(a) Any substances or articles specifically mentioned by name in the Technical Instructions as being forbidden for transport by aircraft under any circumstances;

(b) Infected live animals.

(6) Where dangerous goods are carried under sub-rule (2), it shall be the duty of the shipper, the operator and every person concerned with packing, marking, labelling, acceptance, handling, loading, unloading, storage, transportation or any other process connected directly or indirectly with carriage of such dangerous goods, to take all precautions to avoid danger to the aircraft or to the persons on board or to any other person or property.

304C. Classification of Dangerous goods – The dangerous goods shall be classified in accordance with the provisions of the Technical Instructions.

304D. Custody of unauthorised Dangerous Goods - Where any officer authorised in this behalf by the Chairman has reason to believe that the provisions of this rule are, or are about to be, contravened, he may cause the dangerous goods in question to be placed under his custody pending detailed examination of the nature of the goods or pending a decision regarding the action, if any, to be taken in the matter.

304E. Packing – (1) Dangerous goods shall be packed in accordance with the requirements specified in the Technical Instructions in addition to the provisions of this rule.

(2) It shall be ensured that no harmful quantity of a dangerous substance adheres to the outside of the packagings used for the transport of the dangerous goods.

(3) Packagings used for the transport of dangerous goods by air shall be of good quality

and shall be constructed and securely closed so as to prevent leakage which might be caused in normal conditions of transport by changes in temperature, humidity or pressure, or by vibration.

(4) The packagings shall be suitable for the contents and the packagings in direct contact with dangerous goods shall be resistant to any chemical or other action of such goods.

(a) Packagings shall meet the material and construction specifications contained in the Technical Instructions.

(b) Packagings shall be tested in accordance with the provisions of the Technical Instructions.

(c) Packagings for which retention of a liquid is a basic function, shall be capable of withstanding, without leaking, the pressure specified in the Technical Instructions.

(5) Inner packagings used for the transport of the dangerous goods shall be packed, secured or cushioned in such a manner that no breakage or leakage shall be caused and these shall also control the movement of the dangerous goods within the outer packaging(s) during normal conditions of air transport and also the cushioning and absorbent materials shall not react dangerously with the contents of the receptacles.

(6) No packaging used for the transport of the dangerous goods shall be re-used unless,-

(a) It has been inspected and found free from corrosion or other damage; and

(b) All necessary precautions have been taken to prevent contamination of subsequent contents:

Provided that where it is not possible to properly clean a packaging already used for the transport of dangerous goods, then such an un-cleaned empty packaging shall be transported by air following the same procedure as laid down for the transport of the dangerous goods for which such packagings has been used earlier.

304F. Labelling – (1) Unless otherwise provided in the Technical Instructions, each package of dangerous goods shall be labelled in accordance with the requirements specified in the Technical Instructions.

(2) Marking –

(a) Save as otherwise provided in the Technical Instructions, each package of dangerous goods shall be marked with the proper shipping name of its contents and, when assigned, the UN number and such other markings as may be specified in the Technical Instructions.

(b) Save as otherwise provided in the Technical Instructions, each packaging manufactured to the specifications of the Technical Instructions shall be marked in

accordance with the provisions of the Technical Instructions and no other packagings shall be so marked.

(c) In addition to the languages required by the State of origin, English shall also be used for the markings related to dangerous goods.

304G. Shipper's responsibilities – (1) No shipper or his agent shall offer any package or overpack of dangerous goods for transport by air unless he has ensured that such dangerous goods are not forbidden for transport by air and are properly classified, packed, marked and labelled in accordance with the requirements specified in the Technical Instructions.

(2) Unless otherwise provided in these rules, no shipper or his agent shall offer dangerous goods for transport by air unless he has completed, signed and provided to the operator a dangerous goods transport document, as specified in the Technical Instructions.

(3) The dangerous goods transport document shall bear a declaration signed by the shipper or his agent indicating that the dangerous goods are fully and accurately described by their proper shipping names and that they are classified, packed, marked, labelled and in proper condition for transport by air as per requirements of the Technical Instructions.

(4) In addition to the languages required by the State of origin, English shall also be used in the dangerous goods transport document.

304H. Operator's Responsibilities – (1) No operator shall accept dangerous goods for transport by air unless, --

(a) The dangerous goods are accompanied by a completed dangerous goods transport document, except where the Technical Instructions specify that such a document is not required; and

(b) The package, overpack or freight container containing the dangerous goods has been inspected in accordance with the acceptance procedures specified in the Technical Instructions.

(2) The operator shall ensure that an acceptance check-list as required by the Technical Instructions has been developed and is being used.

(3) Packages and overpacks containing dangerous goods and freight containers containing radioactive materials shall be inspected for evidence of leakage or damage before loading on an aircraft or into a unit load device and such packages, overpacks or freight containers shall be loaded and stowed on an aircraft in accordance with the requirements specified in the Technical Instructions.

(4) The operator shall ensure that no leaking or damaged packages, overpacks or freight

containers containing dangerous goods shall be loaded on an aircraft.

(5) A unit load device shall not be loaded aboard an aircraft unless the device has been inspected and found free from any evidence of leakage from, or damage to, any dangerous goods contained therein.

(6) Where any package of dangerous goods loaded on an aircraft appears to be damaged or leaking, the operator shall remove such package from the aircraft, or arrange for its removal by an appropriate authority or organisation, as the case may be, and thereafter shall ensure that the remainder of the consignment is in a proper condition for transport by air and that no other package has been contaminated.

(7) Packages or overpacks containing dangerous goods and freight containers containing radioactive materials shall be inspected for signs of damage or leakage upon unloading from the aircraft or unit load device and if evidence of damage or leakage is found, the area where the dangerous goods or unit load device were stowed on the aircraft shall be inspected for damage or contamination.

(8) No dangerous goods shall be carried in an aircraft cabin occupied by passengers or on the flight deck of an aircraft, except those specified in sub-rule (4) of rule 336.

(9) Any hazardous contamination found on an aircraft as a result of leakage or damage to dangerous goods shall be removed without delay.

(10) An aircraft which has been contaminated by radioactive materials shall immediately be taken out of service and not returned to service until the radiation level (at any accessible surface and the non-fixed contamination are) is not more than the values specified in the Technical Instructions.

(11) Packages containing dangerous goods which might react dangerously with one another shall not be stowed on an aircraft next to each other or in a position that would allow interaction between them in the event of leakage.

(12) Packages of toxic and infectious substances shall be stowed on an aircraft in accordance with the requirements specified in the Technical Instructions.

(13) Packages of radioactive materials shall be stowed on an aircraft so that they are separated from persons, live animals and undeveloped film, in accordance with the requirements specified in the Technical Instructions.

(14) Subject to the provisions of these rules, when dangerous goods are loaded in an aircraft, the operator shall protect the dangerous goods from being damaged, and shall secure such goods in the aircraft in such a manner that will prevent any movement in flight which would change the orientation of the packages. For packages containing radioactive materials, the securing shall be adequate to ensure that the separation requirements of sub-rule (13) are met at all times.

(15) Except as otherwise provided in the Technical Instructions, packages of dangerous goods bearing the "Cargo aircraft only" label shall be loaded in such a manner that a crew member or other authorised person can see, handle and, where size and weight permit, separate such packages from other cargo in flight.

304I. Provision of Information – (1) The operator of the aircraft in which dangerous goods are to be carried shall provide information in writing to the pilot in-command as early as practicable before departure of the aircraft as required by the Technical Instructions.

(2) The operator shall provide such information in the Operations Manual so as to enable the flight crew member to carry out their responsibilities with regard to the transport of dangerous goods and shall also provide instructions as to the action to be taken in the event of emergencies arising involving dangerous goods.

(3) Operators shall ensure that information is promulgated in such a manner that passengers are warned as to the types of goods which they are forbidden from transporting aboard an aircraft as provided in the Technical Instructions.

(4) Operators, shippers or other organisations involved in the transport of dangerous goods by air shall provide such information to their personnel so as to enable them to carry out their responsibilities with regard to the transport of dangerous goods and shall also provide instructions as to the action to be taken in the event of emergencies arising involving dangerous goods.

(5) If an in-flight emergency occurs, the pilot-in-command shall, as soon as the situation permits, inform the appropriate air traffic services unit, for the information of aerodrome authorities, of any dangerous goods on board the aircraft, as provided in the Technical Instructions.

(6) In the event of an aircraft accident or a serious incident where dangerous goods carried as cargo are involved, the operator of the aircraft shall provide information, without delay, to the emergency services responding to the accident or serious incident, and, as soon as possible, to the appropriate authorities of the State of the operator and the State in which the accident or serious incident occurred, about the dangerous goods on board, as shown on the written information to the pilot-in-command.

(7) In the event of an aircraft incident, the operator of an aircraft carrying dangerous goods as cargo shall, upon request, provide information, without delay, to the emergency services responding to the incident and also to the appropriate authority of the State in which the incident occurred, about the dangerous goods on board, as shown on the written information to the pilot-in command.

304J. Inspection. – (1) The Chairman or any other officer authorised in this behalf by the Chairman by general or special order in writing, may, at any reasonable time, enter

any place to which access is necessary and inspect any services, equipment, documents and records.

(2) The operator, shipper, training establishment and every other person concerned with carriage of dangerous goods shall allow the person so authorized, access to any part of the aircraft, building or any facility including equipment, records, documents and personnel, and shall co-operate in exercising his powers or carrying out his duties under these rules.

304K. Dangerous Goods Accidents and Incidents – (1) In the event of a dangerous goods accident or dangerous goods incident, as the case may be, the pilot-in-command of the aircraft and the operator of the aircraft or of the aerodrome, as the case may be, shall submit a report in writing to the Chairman on such accident or incident.

(2) The report under sub-rule (1) shall, in addition to any other relevant information, contain the following information, namely: -

- (a) The type, nationality and registration marks of aircraft;
- (b) The name of the owner, operator and hirer of the aircraft;
- (c) The name of the pilot-in-command of the aircraft;
- (d) The nature and purpose of the flight;
- (e) The date and time of the dangerous goods accident or incident;
- (f) The place where the accident occurred;
- (g) The last point of departure and the next point of intended landing of the aircraft;
- (h) The details of the dangerous goods on board the aircraft viz. their proper shipping name, UN number, quantity etc.
- (i) The known cause of the dangerous goods accident or incident;
- (j) Details of other cargo on board the aircraft;
- (k) The extent of known damage to the aircraft, other property and persons on board the aircraft;
- (l) Any other information required to be included by the Chairman.

(3) On receipt of the report under sub-rule (1), the Chairman may, if considered necessary, order an investigation to determine the causes of such accident or incident and take preventive measures to avoid re-occurrence of such accident or incident.

304L. Establishment of Training Programmes – (1) No person shall engage himself in any manner in the transport of dangerous goods unless he has undergone proper training in accordance with the Technical Instructions.

(2) Initial and recurrent dangerous goods training programmes shall be established and maintained by or on behalf of –

(a) Shippers of dangerous goods including packers and persons or organizations undertaking the responsibilities of the shipper;

(b) Operators;

(c) Ground handling agencies which perform, on behalf of the operator, the act of accepting, handling, loading, unloading, transferring or other processing of cargo;

(d) Ground handling agencies located at an airport which perform, on behalf of the operator, the act of processing passengers;

(e) Agencies, not located at an airport, which perform, on behalf of the operator, the act of checking in passengers;

(f) Freight forwarders; and

(g) Agencies engaged in the security screening of passengers and their baggage, and cargo.

(3) Training shall be provided in the requirements commensurate with the responsibilities of the personnel being trained and such training shall include -

(a) General familiarization training aimed at providing familiarity with the general provisions;

(b) Function-specific training providing detailed training in the requirements applicable to the function for which that person is responsible; and

(c) Safety training covering the hazards presented by dangerous goods, safe handling and emergency response procedures.

(4) Training shall be provided or verified upon the employment of a person in a position involving the transport of dangerous goods by air and recurrent training shall take place within twenty-four months of previous training to ensure knowledge is current.

(5) The training programmes established and maintained by or on behalf of operators shall be subjected to review and approval by the Chairman.

(6) The training programmes established and maintained by or on behalf of agencies other than operators shall be subjected to review and approval by the Chairman.

304M. Directions by Chairman – The Chairman may issue special directions, relating to packing, marking, labelling, acceptance, handling, loading, unloading, storage, training and any other process or procedure connected directly or indirectly with the carriage of dangerous goods by air.

304N. General Power to exempt - The Chairman may, by general or special order in writing, exempt any aircraft or class of aircraft or any person or class of persons from the operation of these rules, either wholly or partially, subject to such conditions, if any, as may be specified in that order.

304O. Cancellation or suspension of licence, certificate and approval – Where the Chairman, after giving an opportunity of being heard, is satisfied that any person has contravened or failed to comply with the provisions of the rules relating to issuance of license, certificate or approval, he may, for reasons to be recorded in writing, cancel or suspend such licence, certificate or approval issued under these rules."