



U.S. Department
of Transportation

**Federal Aviation
Administration**

Advisory Circular

**Subject: Reporting Hazardous Materials
Discrepancies to the Federal Aviation
Administration**

Date: 01/17/2007

AC No: 121-38

Initiated by: ADG-1

Change:

1. Purpose.

a. This Advisory Circular is being issued because of recent changes in the requirements regarding the reporting of hazardous materials (HAZMAT) discrepancies to the Federal Aviation Administration (FAA). The Title 49, Code of Federal Regulations (CFR), Section 175 – Carriage by Aircraft, has been amended, in part, to clarify the requirements when reporting HAZMAT discrepancies to the FAA.

b. Reports of Discrepancies, 49 CFR, Section 175.31, part (a) was amended to add the requirement that the air carrier provide the address of the shipper or person responsible for the discrepancy, if known, to the FAA's Regional HAZMAT Office. When an unacceptable shipment of HAZMAT has been discovered, subsequent to acceptance, it must be reported, as soon as practical, to the FAA (see Appendix 2 for a list of FAA's Regional HAZMAT Offices).

2. What Should Be Included in A HAZMAT Discrepancy Report To FAA's Regional HAZMAT Office?

- 1) Name and telephone number of the person reporting the discrepancy.
- 2) Name of aircraft operator.
- 3) Specific location of the shipment concerned.
- 4) Name of shipper.
- 5) Nature of Discrepancy.
- 6) Address of shipper or person responsible for the discrepancy, if known, by the air carrier.

3. This notification shall be by either telephone or electronic transmission. The sample form, in Appendix 1, may be used.

4. How Does 49 CFR Section 175.31 Discrepancy Reporting Requirements Compare To 49 CFR Section 171.16 Incident Reporting Requirements?

- a.** These two reporting requirements are independent of one another.

b. 49 CFR 175.31 requires notification to the FAA as soon as practicable of HAZMAT discrepancies in air cargo or baggage.

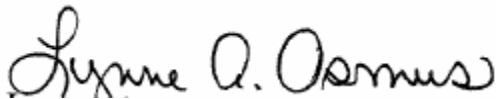
c. 49 CFR 171.16 requires a written incident report (DOT F 5800.1) to be filed within 30 days with the Department of Transportation's Pipeline Hazardous Materials Safety Administration. A copy of that report must be provided to the FAA. Paragraph 171.16(d)(3) excludes passenger baggage from the written report requirements and refers the reporting air carrier to 175.31.

5. What If HAZMAT is Discovered In A Passenger's Checked Baggage?

a. The Transportation Security Administration (TSA) is responsible for any screening of passenger checked baggage. TSA screeners who discover an apparent noncompliant HAZMAT in a passenger's checked baggage, will ordinarily notify the air carrier that accepted the baggage.

b. The air carrier must then determine whether or not the item is compliant with the HAZMAT regulations (HMRs). If they determine that the discovered item is non-compliant with the HMRs, it must be reported to the FAA in accordance with 49 CFR Section 175.31, Reports of Discrepancies.

6. For More Information, Contact The FAA's Regional HAZMAT Office (see Appendix 2).



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APPENDIX 1. Sample format to be followed when submitting notification to the FAA Regional HAZMAT Office as outlined in paragraph 3 of this AC.

This is a suggested format to be used when notifying the Regional HAZMAT Office when reporting a hazardous materials discrepancy.

This notification may be in any form, such as telephonic, fax, e-mail, oral, or written.

You shall provide the following information:

- 1) Your name and telephone number.
- 2) Name of aircraft operator.
- 3) Specific location of the shipment concerned.
- 4) Name of shipper.
- 5) Nature of Discrepancy.
- 6) Address of shipper of person responsible for the discrepancy, if known, by the air carrier.

APPENDIX 2. FAA's Regional HAZMAT Office Phone Numbers

New England Region
Burlington, MA
PHONE: (781) 238-7705
FAX: (781) 238-7716

Eastern Region
Jamaica, NY
PHONE: (718) 553-2596
FAX: (718) 977-6720

Southern Region
Atlanta, GA
PHONE: (404) 305-6831
FAX: (404) 305-6754

Great Lakes Region
Des Plain, IL
PHONE: (847) 294-7414
FAX: (847) 294-7816

Central Region
St. Ann, MO
PHONE: (314) 890-4842
FAX: (314) 890-4842

Southwest Region
Ft. Worth, TX
PHONE: (817) 222-5720
FAX: (817) 222-5990

Western Pacific Region
Lawndale, CA
PHONE: (310) 725-3701
FAX: (310) 725-6879

Northwest Mountain Region
Renton, WA
PHONE: (425) 227-2706
FAX: (425) 227-2706