



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Office of Security and Hazardous Materials

490 L'Enfant Plaza East, SW  
2<sup>nd</sup> Floor, Ste 2200  
Washington, DC 20024

[POC Name] [Title]  
[Company Name]  
[Address]  
[City], [ST] [ZIP]

Dear Mr. [or Ms.] [133 Operator]:

It has come to our attention that certain holders of Rotorcraft External Load Operator Certificates issued under Part 133 of the Federal Aviation Regulations (14 C.F.R. Part 133) may be transporting hazardous materials, including materials that are forbidden from transportation by air, without appropriate authority. You are receiving this letter because your company has been identified as the holder of a Part 133 certificate. This letter serves as a reminder that you are not authorized to transport hazardous materials unless and until you receive appropriate authority to do so, as described below.

Any person who, among other things, transports or causes the transportation of hazardous materials in commerce is subject to the hazardous materials regulations, which are set forth at 49 C.F.R. Parts 171-180. To the extent that your company seeks to perform a function that is not otherwise permitted under these regulations, it must seek a special permit from the Pipeline and Hazardous Materials Safety Administration (PHMSA) in accordance with the requirements set forth in 49 C.F.R. Part 107.

Your company must also ensure that it adheres to the requirements of 14 C.F.R. Part 133, including the admonition that it not conduct any operations that pose a hazard to persons or property. The transportation of hazardous materials, including forbidden hazardous materials, in external load operations may create "a hazard to persons or property on the surface," which is not permitted under 14 C.F.R. §§ 133.33(d) and (e). The specific hazards include operations in congested areas (14 C.F.R. § 133.33(d)) and operations that are below 500 feet from the surface and closer than 500 feet to persons, vessels, vehicles and structures (14 C.F.R. § 133.33(e)). The regulations provide for such operations only after the Federal Aviation Administration (FAA) Flight Standards District Office having jurisdiction over the area in which the operations will be conducted approves of a plan to mitigate these hazards.

To the extent that your company seeks authority to transport hazardous materials, it must develop a plan to mitigate the hazards created by the transportation of these materials. This plan must ensure that personnel conducting these operations are trained to handle, accept, and transport hazardous materials commensurate with the unique operating requirements of Part 133 operations. Your plan must be submitted to and approved by your Principal

Operations Inspector (POI). The POI will coordinate your plan with the Regional Hazardous Materials Branch Manager who services your geographic area.

Transporting hazardous materials without obtaining a special permit from PHMSA and without obtaining FAA approval of a hazardous materials plan, as outlined in 14 C.F.R. §§ 133.33(d) and (e) may result in the FAA initiating an enforcement action against your company for violation of the hazardous materials regulations.

If you have any questions in connection with this matter, please contact Ms. Janet McLaughlin, Manager for the International and Outreach Division, FAA Office of Hazardous Materials, at (202) 385-4897, or Angel Collaku, Manager for the Compliance and Enforcement Division, at (202) 385-4614.

Sincerely,

Christopher Glasow  
Director, FAA Office of Hazardous Materials

Enclosure: FAA Interpretation Letter Titled "Transport of Hazardous Material in 14 C.F.R. Part 133 External Load Operations"