

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.265

National Policy

Effective Date:
6/10/14

Cancellation Date:
6/10/15

SUBJ: Hazardous Materials Safety Oversight in ATOS

1. Purpose of This Notice. This notice provides guidance for the integration and collaboration of hazardous materials (hazmat) oversight activities by the Office of Hazardous Materials Safety (ADG) and Flight Standards Service (AFS) for Title 14 of the Code of Federal Regulations (14 CFR) part 121 operators.

2. Audience. The primary audience for this notice is Flight Standards District Offices (FSDO), certificate management offices (CMO), Certificate Management Teams (CMT), aviation safety inspectors (ASI), and Hazardous Materials Safety Inspectors (HSI). The secondary audience includes Flight Standards and Hazardous Materials Safety branches and divisions in the regions and in headquarters (HQ).

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee Web site at https://employees.faa.gov/tools_resources/orders_notices. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <http://fsims.avs.faa.gov>. Operators can find this notice on the Federal Aviation Administration's (FAA) Web site at <http://fsims.faa.gov>. This notice is available to the public at http://www.faa.gov/regulations_policies/orders_notices.

4. Background. ADG has the primary responsibility for the oversight of hazmat transportation by air to, from, and within the United States. Principal operations inspectors (POI) have the responsibility to approve hazmat training programs and accept hazmat manuals. The approval or acceptance is facilitated by the technical review and recommendation by Hazardous Materials Division Managers (HMDM). In an effort to more effectively use FAA resources, ADG and AFS lines of business (LOB) are teaming up to consolidate and standardize oversight of air carriers' transportation of hazmats.

a. Hazardous Materials Safety Program (HMSP) and Air Transportation Oversight System (ATOS). Currently, the FAA uses two surveillance programs for oversight of hazmat transportation by air. HMSP is solely dedicated to hazmat oversight, and ATOS includes two hazmat Data Collection Tools (DCT). ADG and AFS will continue to conduct hazmat oversight activities and use risk-based data to effectively manage resources and focus on areas of greater risk. To maximize use of FAA oversight resources, it is beneficial to integrate ADG air carrier hazmat oversight operations into ATOS.

b. Enhanced Safety Oversight. Previous field test data and organizational feedback between AFS and ADG at selected air carriers has produced enhanced safety oversight. This has led to the full integration of hazmat oversight into ATOS. Collaborative efforts between AFS and ADG will result in the collection and analysis of high-quality data for use in overall certificate management. This risk-based approach for hazmat inspections will produce clear priorities and aid in the direction of hazmat inspection resources. Overall, the collaboration of ADG and AFS will benefit the FAA in many ways, to include sharing a common database, conducting quality surveillance without duplicating efforts, and increasing communication between LOBs. Once implemented, hazmat ATOS activities using the new ATOS Element 3.1.14, applicable to ADG personnel only, will begin with existing certificate-holding district offices (CHDO) and add additional CHDOs as resources are available. Inspectors can access the new DCTs, which are available through FSIMS at <http://fsims.avs.faa.gov>.

5. Explanation of Policy Changes. HSIs who have completed the ATOS baseline training will be added to the CMT roster in ATOS to collect and report data in the ATOS database. The POI is still responsible for the certificate management process, while ADG managers and HSIs provide expertise on any hazmat topics. HSIs will collect data on Title 49 of the Code of Federal Regulations (49 CFR) parts 171 through 180. HSIs and ASIs will record data in the ATOS database, creating a single source for monitoring all aspects of air carrier compliance with hazmat requirements outlined in Appendix A, Hazardous Materials Safety Oversight in ATOS.

6. Disposition. We will incorporate the information in this notice into FAA Order 8900.1, Volume 10, before this notice expires. Direct questions or comments concerning the information in this notice to the ADG and AFS points of contact listed below:

ADG Contact:

Janet McLaughlin
Deputy Director, ADG-2
Hazardous Materials Safety Program
Email: Janet.McLaughlin@faa.gov

AFS Contact:

Renee Schrupp
Manager
Continual Improvement Program Office
Email: Renee.S.Schrupp@faa.gov



John Barbagallo
Acting Director, Flight Standards Service

Appendix A. Hazardous Materials Safety Oversight in ATOS

Introduction. This appendix explains how Hazardous Materials Safety Program (HMSP) personnel will conduct Air Transportation Oversight System (ATOS) activities related to hazardous materials (hazmat). HMSP personnel will work in collaboration with the principal operations inspector (POI).

a. Acronyms, Abbreviations, and Definitions. The following acronyms, abbreviations, and definitions apply to hazmat personnel.

Figure 1. Acronyms, Abbreviations, and Definitions

ADG	Office of Hazardous Materials Safety
ADG-1	Director of the Office of Hazardous Materials Safety
HMDM	Hazardous Materials Division Manager
HM FLM	Hazardous Materials Front Line Manager
HMFO	Hazardous Materials Field Office
HMSP	Hazardous Materials Safety Program
HSI	Hazardous Materials Safety Inspector
Hazardous Materials	A substance or material that the Secretary of Transportation has determined is capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and has designated as hazardous under Title 49 of the United States Code (49 U.S.C.) § 5103. The term includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in the Hazardous Materials Table (refer to Title 49 of the Code of Federal Regulations (49 CFR) part 172, § 172.101), and materials that meet the defining criteria for hazard classes and divisions in 49 CFR part 173.

b. Roles and Responsibilities.

(1) Hazardous Materials Division Manager (HMDM). The HMDM and the POI/certification project manager (CPM) are responsible for collaborating on hazmat activities during the initial certification and certificate management process. When hazmat elements are involved, the HMDM assists the POI/CPM with providing and organizing information to:

(a) Review an applicant's request for new or changed scope of operation and, if accepted, assist in tailoring the hazmat elements and Data Collection Tool (DCT) questions to the requested scope of operation and advise the POI/CPM with the Air Carrier Oversight Profile (ACOP).

(b) Collect and organize information to complete an applicant or air carrier assessment, solicit input from team members, and assist the POI/CPM in making decisions about oversight requirements.

(c) Prioritize Design Assessment (DA) and Performance Assessment (PA) for Element 3.1.14 and assist in prioritizing Element 3.1.12 and Element 4.2.12 by following planning procedures.

(d) Assist in monitoring the effects of industry changes to determine when retargeting oversight activities is required based on analysis of data or significant changes in the operating environment. Other triggers, such as accidents, incidents, or occurrences, could affect an applicant or air carrier.

(e) Participate in periodic meetings with the applicant or air carrier to stay informed about financial health and growth plans or other conditions that might cause an imbalance between resources and operations.

(f) Provide specific instructions for completing inspections for Element 3.1.14 using the planning procedures.

(g) Identify and bring aviation safety concerns to the Operations Research Analyst's (ORA) attention.

(h) Determine if the applicant's or air carrier's hazmat program and processes meet the standards for acceptance or approval.

(i) Determine the appropriate action for the results of a DA or PA in conjunction with the POI/CPM.

(j) Assist the POI/CPM with organizing information to initiate a risk management process (RMP).

(2) Hazardous Material Front Line Manager (HM FLM).

(a) Provides leadership, support, and resources to ensure HSIs are trained and qualified (see Figure 2, Baseline Training Requirements).

(b) Ensures HSIs conduct assigned responsibilities in accordance with established ATOS policies.

(c) Assigns work activities to HSIs.

(d) Ensures HSIs conduct their assigned activities according to the HMDM and POI/CPM specific inspection instructions.

(e) Assists to resolve differences of opinion between HSIs and data reviewer (DR)/data evaluation program manager (DEPM).

(f) Ensures the roster accurately reflects HSIs who are active qualified, active nonqualified, or inactive. The HM FLM ensures HSIs do not remain on the roster when an air carrier surrenders its certificate.

(3) Hazardous Materials Safety Inspector (HSI) Assigned to a Certificate Management Team (CMT). HSIs may be assigned to more than four CMTs.

(a) Participates in the planning activities to develop the Comprehensive Assessment Plan (CAP).

(b) Schedules, coordinates, and accomplishes the work assignments using hazmat DCTs. May be assigned to a Safety Attribute Inspection (SAI) individually or as part of a team.

(c) Enters data collection results into the database in accordance with data quality guidelines (DQG).

(d) Submits a Dynamic Observation Report (DOR) when reporting observations related to safety goals that are unplanned or outside the CAP.

(e) Reevaluates returned inspection records and decides on the appropriate action (e.g., editing the record, conducting additional observations, or taking no action).

(f) Promptly identifies unsafe conditions or possible regulatory violations observed during data collection, notifies the appropriate personnel (HMDM, HM FLM, POI/CPM), and makes appropriate entries.

(g) Assists the HMDM and POI/CPM in determining whether the applicant or air carrier complies with written procedures and established performance measures.

(h) Reviews data within their subject matter expertise.

(i) Supports the HMDM and POI/CPM and performs tasks associated with the RMP and the System Analysis Team (SAT).

(j) Collaborates with the HMDM and POI/CPM during the Assessment Determination and Implementation (ADI) to make the bottom-line assessment.

(4) Hazardous Materials Safety Inspector (HSI) Not Assigned to a Certificate Management Team (CMT).

(a) Uses a DOR to document observations related to regulatory noncompliance.

(b) Reevaluates returned inspection records and decides on the appropriate action (e.g., editing the record, conducting additional observations, or taking no action).

(c) Notifies the HMDM and POI/CPM of unsafe conditions or possible regulatory violations and makes appropriate entries.

c. Baseline Training Requirements.

Figure 2. Baseline Training Requirements

HSI	<u>To Collect Data:</u> 1. Air Transportation of Dangerous Goods (108 Hours) 2. ATOS Element 1.2 Interactive Training 3. Safety Management Systems (SMS) 4. Tailored Air-Carrier-Specific Familiarization Briefing
HMDM HM FLM	<u>To Assign Work:</u> 1. Air Transportation of Dangerous Goods (108 Hours) 2. ATOS Element 1.2 Interactive Training 3. Safety Management Systems (SMS) 4. Tailored Air-Carrier-Specific Familiarization Briefing

d. Planning—Module 2. This module applies to the HMDM and POI/CPM. The HMDM will coordinate with the POI/CPM to schedule a meeting to determine when hazmat assessments (PAs and DAs) should be scheduled. (Refer to FAA Order 8900.1, Volume 10 (ATOS), Chapter 2, Section 2, for more information related to Planning.)

(1) The HMDM prepares reports, to include Voluntary Disclosure Reporting Program (VDRP) and other documents for review and analysis. Contacts the POI/CPM to develop a risk-based data collection plan for DAs and/or PAs.

(2) The POI/CPM and HMDM considers the following for ATOS Elements 3.1.12, 3.1.14, and 4.2.12:

(a) The number of team members—both aviation safety inspectors (ASI) and HSIs, if applicable.

(b) The number of PAs and DAs (Element Performance Inspections (EPI) and SAIs), who will do them, and at what locations.

(c) Include the location and name(s) of the ASI/HSI in the POI/CPM instructions.

(3) The POI/CPM will then update the CAP with the PAs and DAs.

Note: The HMDM will provide the Flight Standards National Field Office (AFS-900) Continual Improvement Program Office Automation Team with the names of the HSIs to be added to the ATOS database.

e. Resource Management—Module 3. This module applies to the HM FLM for ATOS Elements 3.1.12, 3.1.14, and 4.2.12. (Refer to 8900.1, Volume 10 (ATOS), Chapter 2, Section 3, for more information related to Resource Management.)

(1) The HM FLM evaluates the CAP to determine if resources are available to accomplish the hazmat assessments. The HM FLM considers scheduled leave, scheduled training, and other potential resource factors.

(2) The HM FLM assigns SAI team coordinators (TC) and SAI team members as needed.

Note: When an HSI is not available to perform hazmat data collection, then the HM FLM will use Resources Not Available (RNA) to document the lack of resources. ASIs must not be assigned to hazmat data collection activities when HSI resources are not available.

f. Data Collection, Reporting, and Review—Modules 4, 5, and 6. These modules apply to the HSIs, HM FLMs, HMDM, DR/DEPM, and POI/CPM. (Refer to Order 8900.1, Volume 10 (ATOS), Chapter 2, Sections 4 and 5, for more information.)

(1) The HSIs collect and report data in accordance with Order 8900.1, Volume 10 (ATOS), Chapter 2, Sections 4 and 5.

(2) If the HSI identifies a 14 CFR part 121 regulatory noncompliance, then the HSI must immediately notify the HM FLM and the HMDM, who will coordinate with the POI/CPM. The HSI follows the guidance outlined in the current edition of FAA Order 2150.3, FAA Compliance and Enforcement Program, to address the issue.

(3) If the HSI identifies 49 CFR parts 171 through 180 regulatory noncompliance, then the HSI must immediately notify the HM FLM and the HMDM, who will coordinate with the POI/CPM. The HSI follows the guidance outlined in Order 2150.3 to address the issue.

(4) The HM FLM will review the HSI data in accordance with DQGs found in Order 8900.1, Volume 10 (ATOS), Chapter 2, Sections 6 and 7, before the HSI saves the record to “final.”

(5) Once the record has been saved as “final,” the DR/DEPM reviews the record.

g. Analysis and Assessment—Module 7. This module applies to the HMDM and POI/CPM. (Refer to Order 8900.1, Volume 10 (ATOS), Chapter 2, Sections 8 and 10, for more information.)

(1) The HMDM reviews data and conducts analysis and assessment to consider if there were any failures attributed to the air carrier’s system design. Then the HMDM will coordinate with the POI/CPM to assist in making the decision regarding the system design and/or performance related to hazmats.

(2) The POI/CPM and HMDM refers to Order 8900.1, Volume 2, Chapter 2, Section 6, to determine if the hazmat program continues to meet the requirements for approval of training and/or acceptance of manuals. The HMDM includes a memorandum to the POI/CPM with their recommending the acceptance or approval (or rejection if changes are necessary).

h. Assessment Determination and Implementation (ADI)—Module 8. This module applies to the HMDM and POI/CPM. (Refer to Order 8900.1, Volume 10 (ATOS), Chapter 2, Sections 9 and 11, for more information.)

Note: The HMDM will coordinate with the POI/CPM to ensure the appropriate actions are taken in response to the bottom-line assessment.