



**U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
National Policy**

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**SUBJ:** Transportation Of Hazardous Materials

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This order provides an overview of the mission and responsibilities of the Office of Security and Hazardous Materials Safety (ASH), the Office of Hazardous Materials Safety (ADG), and the Hazardous Materials Safety Program (HMSP). It provides information on the structure of ASH, ADG, and HMSP field offices along with references to relevant regulations, applicable orders and documents, risk based decision making, and safety oversight activities.

A handwritten signature in black ink, appearing to read "Claudio Manno".

Claudio Manno  
Associate Administrator for  
Security and Hazardous Materials Safety

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## Chapter 1. General Information

- 1. Purpose of This Order.** This order provides an overview of the mission and responsibilities of the Office of Security and Hazardous Materials Safety (ASH), the Office of Hazardous Materials Safety (ADG), and the Hazardous Materials Safety Program (HMSP).
- 2. HMSP Mission.** The mission of the HMSP is to protect the National Airspace System (NAS) and the flying public from the inherent risks posed by the commercial air transportation of hazardous materials in cargo and baggage.
- 3. Distribution.** This order is distributed to ASH Joint Office Directors and Deputies and to all HMSP personnel.
- 4. Cancellations.** This order cancels FAA Order 1650.9A, *Transportation of Hazardous Materials*, dated November 28, 1984.

## Chapter 2. Responsibilities and Structure of the HMSP

**1. Responsibilities.** The HMSP is one of three major program areas in ASH. ASH is led by the Associate Administrator for Security and Hazardous Materials Safety (ASH-1) and the Deputy Associate Administrator for Security and Hazardous Materials Safety (ASH-2). ADG provides overall leadership of the HMSP. ADG is led by a Director (ADG-1), who reports directly to ASH-2, and is assisted by a Deputy (ADG-2). There are four divisions in ADG reporting to ADG-1 and ADG-2, each tasked with overseeing specific components of the HMSP.

In addition to the ADG office, HMSP field operations are located in three ASH Joint Offices: Joint Office East (AHE), Joint Office Central (AHC), and Joint Office West (AHW), all of which execute and conduct inspections and investigations, and other field activities, to fulfill the requirements of the overall ASH mission, including the HMSP. The three Joint Office Directors (JODs) report directly to ASH-2, and each has a Deputy Joint Office Director (DJOD). Hazardous Materials Division Managers (HMDM) report to their respective DJOD. Each HMDM leads a staff, consisting of Front Line Managers (FLM) and Hazardous Materials Safety Inspectors (HSI).

**a) ASH-1.** Responsible for the decisions and actions of the ADG Office and the three Joint Offices as they relate to the HMSP.

**b) Office of Hazardous Material Safety (ADG).** Responsible for directing the HMSP by issuing orders, policies, and procedures for the Joint Offices to implement. ADG is also responsible for supporting rulemaking and guidance initiatives related to hazardous material transportation by air. This office authors orders, policies, and procedures for oversight activities over any entity that performs a function related to the air transportation of hazardous materials including the inspection of air carriers (both foreign and domestic), freight forwarders, those who offer hazmat for transport (including repair stations), and aircraft passengers and crew to, from, or through the United States. This office coordinates the review and approval of Department of Transportation (DOT) Special Permits and Competent Authority Approvals as they relate to the air transportation of hazardous materials. This office conducts national analysis on HMSP inspection, compliance, and enforcement data. This office coordinates inspection, certificate management, compliance and enforcement activities for certain air operators (certificate holders) that have been assigned a Principal Hazmat Inspector (PHI).

ADG is also responsible for establishing policies, processes, and procedures for resolving safety deficiencies and noncompliance. In addition, the Director, or a designee, provides global leadership at ICAO for Annex 18, Annex 6: Chapter 14, and all other matters regarding dangerous goods in International Standards. ADG is responsible for the implementation of all FAA SMS and Safety Risk Management (SRM) initiatives through HMSP activities, including interfacing with all safety-related FAA Lines of Business (LOB) to address cross-LOB safety issues relating to hazardous materials transportation. ASH oversight responsibilities over hazardous materials transportation safety matters is referenced in FAA Order 8900.1, *Flight Standards Information Management System*, Volume 2, Chapter 2, Section 6, which describes the processes used to ensure appropriate certification and oversight of the air operator (certificate holder). This order recognizes ASH's responsibilities for the safety oversight of an air operator's hazardous materials program.

The *FAA Compliance Philosophy* (FAA Order 8000.73) and *FAA Compliance and Enforcement Program* (FAA Order 2150.3B) are implemented through guidance and policy to the Joint Offices.

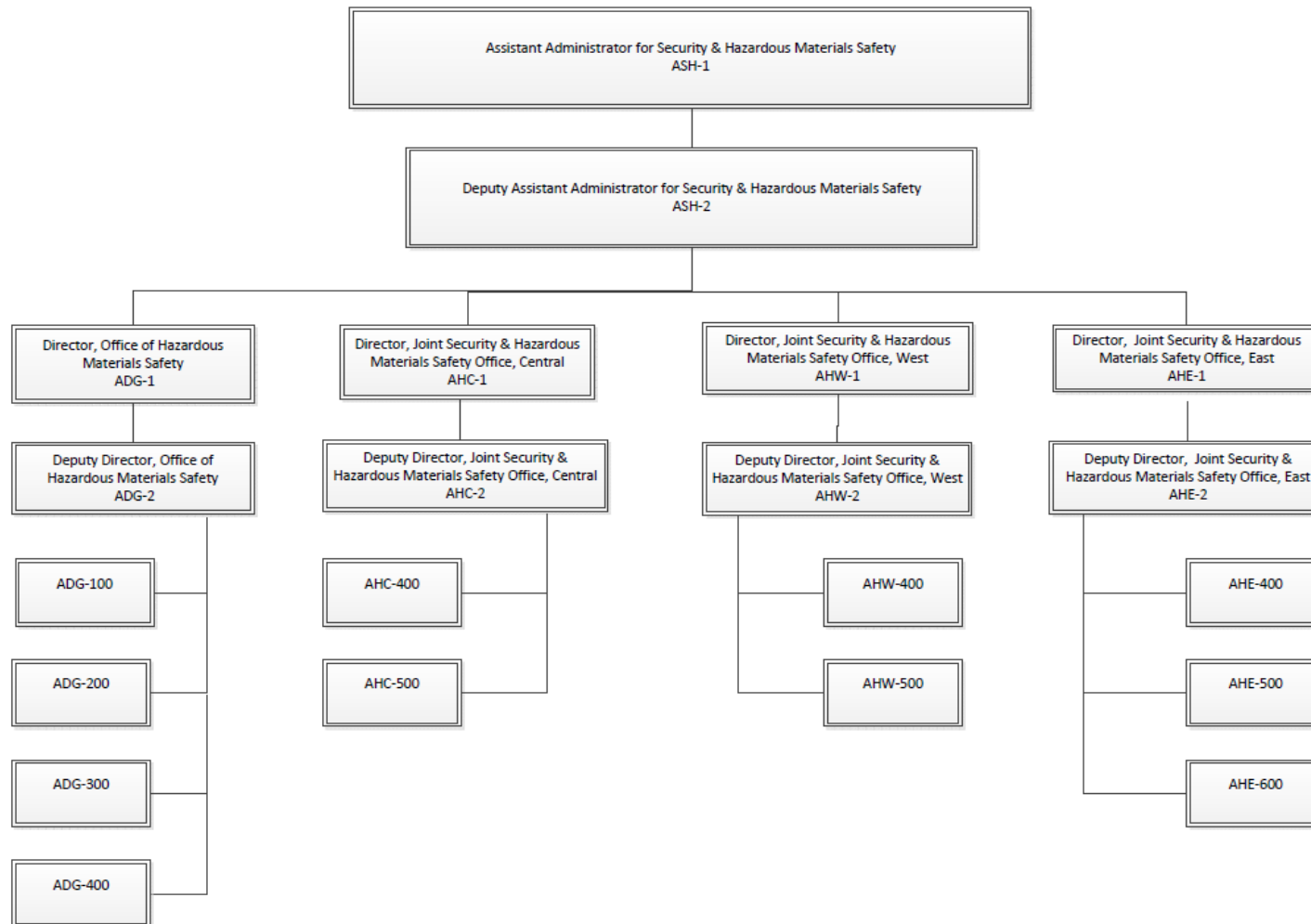
ADG has four divisions reporting to ADG-2, and each division has a manager and a staff of technical specialists:

- (1) ADG-100. Hazardous Materials Rulemaking and Enforcement Division. This division is responsible for the policies, procedures and guidance to provide direction to the HMSP in implementing a compliance and enforcement program consistent with applicable FAA policies and orders. In addition, this division coordinates on all rulemaking regarding the transportation of hazardous materials by air (under the Federal Aviation Regulations [FAR] and Hazardous Material Regulations [HMR]) as well as interpretations of the respective regulations. This includes coordination within the HMSP, with other FAA LOBs, and other agencies as required to carry out the mission of the program.
- (2) ADG-200. Hazardous Materials Infrastructure and Operational Support Division. This division is responsible for coordinating inspection, certificate management, and compliance and enforcement activities as they relate to certain air operators (certificate holders) that are assigned a PHI. The PHIs coordinate these activities with the Joint Offices, as appropriate. This division also serves as a resource to the Joint Offices for guidance on implementing HMSP policies and processes in field operations.
- (3) ADG-300. Hazardous Materials Safety Analysis and Evaluation Division. This division is responsible for coordinating the development and issuance of policies, guidance, procedures, and training in support of the HMSP. This division is also responsible for coordinating the development, maintenance, and oversight of all data collection and analysis tools and conducting analysis, modeling, and forecasting in support of the HMSP. In addition, this division will analyze compliance data, enforcement data, accident/incident information, and other oversight data sources to support hazard identification and continuous improvement. This division will coordinate review and approval of DOT Special Permits and Competent Authority Approvals as they relate to the transportation of hazardous materials by air.
- (4) ADG-400. Hazardous Materials International and Stakeholder Engagement Division. This division is responsible for coordinating the development of international regulations through ICAO, the United Nations, and other venues. This division is also responsible for safety promotion, engagement, and development of agreements with various stakeholders, including other FAA Lines of Business, U.S. government agencies, foreign states, trade associations and industry.

**c) ASH Joint Offices.** Responsible for the implementation of the HMSP in the field through planning, resourcing and conducting inspections, investigations, enforcement and outreach activities to fulfill the requirements of the HMSP policies and procedures. These include inspections of FAA certificate holders, air agencies and foreign air carriers (FACs), freight forwarders, those who offer hazmat for transport, aircraft passengers, and crew. Safety inspections, and other associated HMSP activities, are conducted in compliance with the FAA Order 1650.23, *National Inspection and Investigation Manual (NIIM)*, and data is collected as required by data quality guidelines of FAA oversight reporting systems. Joint Office personnel conduct investigations to resolve safety deficiencies found during surveillance activities, incident investigation, and other activities, and work with the PHIs, as appropriate.

2. Structure.

*ORGANIZATIONAL CHART OF THE HMSP*



### Chapter 3. Relevant Regulations and Documents

#### 1. **HMSP Authority.** The HMSP derives its authority from the following sources:

a) **Federal Aviation Act of 1958.** This act transferred the safety regulatory authority found in the Civil Aeronautics Act to a newly created independent aviation safety regulatory agency, the Federal Aviation Agency. The FAA retained the provision making it a crime for a person to deliver knowingly, or cause to be delivered, or to cause the transportation of, explosives or other dangerous articles if that transportation was prohibited by any rule, regulation, or requirement prescribed by the Administrator under the FAA. The FAA Administrator has broad authority to regulate civil aviation to promote the highest degree of safety through the oversight of certificate holder operations and the activities of other regulated parties.

b) **Hazardous Materials Transportation Act (HMTA) of 1974.** The statutory alignment established in 1966 remained in effect until Congress enacted the Transportation Safety Act of 1974. Title I of this act was entitled the HMTA. This act was a self-contained regulatory and enforcement statute that included its own criminal penalty provision. The act established a comprehensive scheme for the regulation of HM transportation of all modes and gave the Secretary of Transportation responsibility for its enforcement.

c) **Hazardous Materials Transportation Law.** Federal HM transportation law (49 U.S.C. § 5101et seq.) directs the Secretary of Transportation to establish regulations for the safe and secure transportation of HM in commerce. Regulations prescribed in accordance with Federal HM transportation law govern safety and security of hazardous materials in transportation that the Secretary considers appropriate.

d) **Pipeline and Hazardous Materials Safety Administration.** In 49 CFR § 1.97, the Secretary delegated authority to issue regulations for the safe and secure transportation of HM in commerce to the Administrator of the Pipeline and Hazardous Materials Safety Administration (PHMSA). The PHMSA Administrator issues the Hazardous Materials Regulations (HMR; 49 CFR parts 171 through 180) under that delegated authority. The authority for conducting inspections, investigations, and enforcement of the HMR is shared by PHMSA, FAA, the United States Coast Guard (USCG), Federal Motor Carrier Safety Administration (FMCSA), and Federal Railroad Administration (FRA). FAA has primary responsibility concerning transportation and shipments of HM by air, per 49 CFR § 1.83(d).

#### 2. **Applicable Regulations and Technical Instructions.** The following are references to the regulations and technical instructions that govern the domestic, international, and inter-modal transportation of HM in commerce:

a) **14 CFR Part 91K and Parts 119–145.** The FAR provide specific operating requirements for certificated operators and repair stations. Specifically, these regulations include HM training and program requirements for those air carriers and repair stations.

b) **49 CFR Parts 100–185.** Also referred to as the HMR, these regulations govern the safe transportation of HM in commerce. These regulations are designed to facilitate the movement of HM between various modes of transportation, with 49 CFR, Parts 171–178 covering general information and the general requirements for classification, description, marking, labeling,

packaging, and conditions for shipment of HM. 49 CFR, Part 175, specifically governs the carriage of HM in air transportation.

**c) International Civil Aviation Organization (ICAO), Annexes.** The Convention on International Civil Aviation (Chicago Convention) established ICAO. As a contracting State to the Convention, the U.S. is obligated to implement the articles and the supporting 19 annexes that contain standards and recommended practices (SARP). The transport of dangerous goods in aviation is governed by the provisions of Annex 18 – The Safe Transport of Dangerous Goods by Air. Additionally, there are SARPs in Annex 6 – Operations of Aircraft, Part I, Chapter 14 and in Annex 19 – Safety Management, which affect the transport of dangerous goods by air.

**d) ICAO, Technical Instructions for the Safe Transport of Dangerous Goods by Air.** The broad provisions of Annex 18 – The Safe Transport of Dangerous Goods by Air are detailed in the specifications of the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air, as applicable for regulated entities. In 49 CFR, Part 171, Subpart C, the U.S. allows hazardous materials offered for transport and transported in commerce, in accordance with the Technical Instructions. Hazardous materials offered for international air transportation must meet the provisions of ICAO and U.S. State Variations, at a minimum. 49 CFR Subpart C also specifies that the use of the Technical Instructions is subject to certain limitations and conditions. One of these conditions is that any person who offers or transports hazardous materials in accordance with the Technical Instructions must also comply with 49 CFR, Parts 171 and 175, for more restrictive provisions.

**3. Memorandums of Agreement (MOA), Understanding (MOU), and Cooperation (MOC).** Memorandums are used as written agreements between parties to establish working relationships. There is no established legal difference, and these terms are interchangeable. The following documents may impact HM inspections, field activities, investigations, or compliance and enforcement:

**a) MOA Cross-Modal DOT Authority.** This intra-departmental cross-modal MOA, put into effect March 16, 2012, provides guidelines for coordination of effective compliance and enforcement activities between DOT Operating Administrations (OAs) with HM civil enforcement authority.

**b) MOA Transportation Security Administration (TSA).** Annex VIII to this MOA, put into effect February 28, 2003, provides FAA and TSA with guidance for coordinating compliance and enforcement activities involving HM discovered by TSA during screening.

**c) MOU Nuclear Regulatory Commission (NRC).** MOU between DOT and the NRC, put into effect June 8, 1979, provided working arrangements with respect to the roles of each administration in regulating transportation of radioactive materials. Put into effect.

**d) MOU Occupational Safety & Health Administration (OSHA).** MOU between FAA and OSHA, put in effect March 22, 2002, to facilitate coordination and cooperation concerning the protection of employees who provide air safety information under the provisions of 49 U.S.C. § 42121, the Aviation Whistleblower Protection Program.



e) **MOC United Kingdom (UK).** MOC between FAA and the UK Civil Aviation Authority to establish the terms and conditions of their cooperation in promoting compliance with, and enforcement of, national and international HM transportation standards.

f) **MOU DOT Hazmat Dispute Resolution.** MOU, put into effect May 12, 2011, that establishes a process for resolution of disagreements among USDOT OAs regarding a regulation or policy relating to the transportation of HM.

g) **MOA United States Coast Guard (USCG) Hazmat Enforcement.** MOA, put into effect February 26, 2003, to ensure an enduring working relationship concerning HM transportation between USDOT OAs and the USCG following the latter's transfer to the Department of Homeland Security (DHS).

h) **Operational Workflow Document (OWD).** OWA, put into effect February 21, 2014, applies to the issuance of Special Permits (SP) and Approvals (CA). OWD establishes the governance for coordination among the USDOT OAs for the issuance of SPs and CAs under 49 CFR for the commercial transportation of HM.

**4. Applicable Orders.** Several FAA Orders provide specific directions that impact how HSIs conduct HM investigations. These orders are national directives (e.g., 2150.3b) that apply to multiple lines of businesses or internal directives (e.g., 1650.23) that apply to one specific office or service. FAA Orders remain in effect until specifically cancelled as stipulated in FAA Order 1320.1, FAA Directives Management. Listed below are the FAA Orders that directly impact HM inspections, field activities, investigations, and compliance and enforcement:

a) **FAA Order 1100.1B – FAA Organization–Policy and Standards.** Provides the organizational structure and functions for FAA headquarters, regions and centers. This order also gives ASH the authority to receive evidence, examine witnesses, and administer oaths and affirmations. Within the HMSP, this authority is delegated to HSIs only.

b) **FAA Order 1270.1A – Freedom of Information Act Program.** Provides for the administration of the Freedom of Information Act (FOIA), 5 U.S.C. § 552, within the FAA. It states the authorities, requirements, and responsibilities for administering the FOIA, and provides direction and guidance for the administration of the FOIA at all levels within the FAA.

c) **FAA Order 1280.1B – Protecting Privacy of Information about Individuals.** Provides direction for the administration of the Privacy Act at all levels of the FAA. Specifically, the order provides FAA with instructions for the collection, storage, and dissemination of personal information to ensure compliance with the provisions of the Privacy Act. The Privacy Act of 1974 and the Computer Matching and Privacy Act of 1988 protect individuals against unwarranted invasions of privacy by requiring all Federal agencies to adhere to certain standards in collecting and handling personal information.

d) **ASH Order 1600.20C – Investigations Handbook.** Provides specific guidance, procedures and policies for conducting all investigations and inquiries under the jurisdiction of ASH. This order is restricted to ASH personnel only, and is not in the FAA or public domain.

**e) FAA Order 1600.38F – Employee and Other Internal Security Investigations.** Delegates the authority to conduct administrative, civil, and regulatory investigations to ASH. This order contains information on referral of criminal investigations to the DOT Office of Inspector General (OIG).

**f) FAA Order 1650.23 – National Inspection and Investigation Manual (NIIM).** Establishes the philosophy, techniques, guidelines, and procedures for conducting hazardous materials inspections, investigations, and outreach activities under the jurisdiction of the FAA ASH. The NIIM also sets forth policy regarding the preparation of Enforcement Investigative Reports (EIR) and use of FAA- and ASH-specific automation systems. Changes to this document are made by ADG-1, in coordination with the JODs and Hazardous Materials Safety Offices.

**g) FAA Order 2150.3B – Compliance and Enforcement Program.** Provides policies, procedures and guidelines for the FAA compliance and enforcement program. The order articulates FAA's philosophy for using various remedies (e.g., corrective action, administrative action, legal enforcement action) to address noncompliance with statutory and regulatory requirements enforced by the FAA. Additionally, the order articulates what is expected and required of an HSI when conducting an investigation into noncompliance by a regulated party. This order is used at all levels by Agency personnel who are engaged in the investigation, reporting, and processing of enforcement actions.

**h) FAA Order 8000.373 – FAA Compliance Philosophy.** Establishes the overarching guidance for implementing the FAA's strategic oversight approach to meet the challenges of a rapidly changing aerospace system.

**i) DOT Order 8000.8 – DOT OIG General Investigative Responsibilities.** Provides a summary of the investigative responsibilities of the OIG and delineates the respective roles of the OIG and DOT OAs in criminal investigations. This order also contains information on referral of criminal investigations to the DOT OIG.

**j) FAA Order 8900.1 – Flight Standards Information Management System (FSIMS).** Directs the activities of aviation safety inspectors (ASI) and HSIs responsible for the certification, technical administration, and surveillance of air carriers, certain other air operators conducting operations in accordance with the appropriate part of Title 14 of the Code of Federal Regulations (14 CFR), certificated airmen, and other aviation activities. This order also provides direction for tasks related to aircraft accidents and incidents, investigations and compliance, the aviation safety program, administrative areas, and miscellaneous tasks not related to a specific regulation. In addition, it contains regional and district office requirements for the support of ASIs responsible for those activities.

**k) FAA Order 8000.369A – Safety Management Systems.** This order provides information for FAA organizations regarding implementation of SMS or State Safety Program (SSP) frameworks, as described by ICAO, to form the overall FAA SMS. This order applies to the Air Traffic Organization (ATO), Aviation Safety Organization (AVS), Office of Airports (ARP), Office of Commercial Space Transportation (AST), the Office of the Next Generation Air Transportation System (ANG), and the Hazardous Materials Safety Program Office in ASH.

**D) FAA Order 8040.4A – Safety Risk Management Policy.** Supports FAA Order 8000.369, Safety Management System Guidance, and establishes requirements for how to conduct SRM in the FAA. It formalizes the use and communication of SRM across the FAA and describes the specific steps when performing SRM.

## Chapter 4. Information for HMSP RBDM

**1. Aviation Hazmat Portal 2.0 (AHP).** A database application that the FAA's HMSP managers and inspectors use to input safety-related information collected during inspections of certificate holders, shippers, repair stations, and freight forwarders. Additionally, information collected during incident response and investigation activities and response to hazardous materials reports (e.g., DOT 5800.1 and discrepancy reports) are recorded and retained in AHP.

This database application is also used to document possible passenger violations of the HMR and serves as the platform from which the HMSP initiates educational letters to passengers informing them of their potential noncompliance with the HMR.

**2. Enforcement Information System (EIS).** FAA's primary database for tracking and reporting information about formal enforcement actions for statutory or regulatory violations.

**3. Hazmat Intelligence Portal (HIP).** A PHMSA-owned and -managed web-based hazardous materials intelligence data warehouse that provides centralized access to actionable information to support risk management, transparency, and decision-support objectives.

**4. DOT Hazmat Portal.** A PHMSA-owned and -managed web-based system for DOT Special Permit (SP) and Competent Authority Approval (CAA) application management and processing.

**5. Knowledge Service Network (KSN).** An ADG-owned and -managed internal database application for the collection of HMSP data for special programs that also serves as a platform for electronic versions of National Inspections and Investigation Manual (NIIM) and other relevant program orders.

**6. Safety Assurance System (SAS).** SAS is the primary airline certificate management tool for ASH and AFS. 14 CFR Part 121 certificate holders are now managed in SAS, and eventually the tool will be used to manage all other FAA certificate holders.

**7. Safety Performance Analysis System (SPAS).** SPAS is the primary risk analysis and decision support system for the FAA's oversight of air operator and air agency certificate holder safety performance. The system is a key component of FAA initiatives to improve safety and reduce the number of accidents and incidents.

**8. Hazard Identification, Risk Management & Tracking (HIRMT).** HIRMT is an analysis and decision making tool that captures and records air transportation system-level hazards using a hazard/risk taxonomy based on international standards, and also provides the capability to address risk(s) at the specific program office level.

## Chapter 5. Safety Oversight Activities

**1. Inspections.** For FAA certificate holders, the HMSP performs work in accordance with the roles, responsibilities and processes that must be used for successful certificate management and safety oversight operations. These processes include:

- Risk-based planning,
- Assignment of surveillance resources,
- Collection and reporting of high quality safety related data,
- Data analysis, and
- Risk assessment and baseline decisions on hazardous materials safety system performance.

This includes inspection and evaluation of regulatory compliance to determine how transport systems perform within the safety attributes of: Responsibility, Authority, Procedures, Controls, Process Measurements, and Interfaces.

For non-certificated entities performing a hazardous materials function, such as FACs, shippers, freight forwarders and passengers, the HMSP will continue to develop systems to support RBDM. This also includes inspection and evaluation of regulatory compliance for those that offer and/or introduce hazardous materials into the air transportation system, and for how those processes perform.

**2. Investigations.** The HMSP initiates investigative activities on an as-required or as-discovered basis. Incident and discrepancy reports that are received by HMSP offices are used as the basis for conducting many of the compliance and enforcement investigations that are initiated; however, enforcement investigation is also an available outcome of inspection/surveillance. The HMSP views targets of investigations as entities that may pose a higher risk to the hazardous materials transportation system.

**3. Compliance and Enforcement.** The HMSP reviews the findings from inspection and investigation activities and determines an appropriate action to resolve the noncompliance based on the entity type (e.g certificate holder, shipper, etc.).

**4. Safety Promotion and Stakeholder Engagement.** As an integral part of meeting the HMSP's obligation to promote the safe transportation of hazardous materials in air transportation, the HMSP provides aviation education and guidance to affected segments of the aviation, shipper, and passenger communities. The HMSP will engage internal and external stakeholders to to promote hazardous materials transportation safety.

Note: All of the safety oversight activities identified above will be conducted in accordance with FAA Order 2150.3B, applicable FAA and HMSP policies, and with the processes, procedures and methodologies in the NIIM, as appropriate. Data and information will be collected, reported and analyzed in applicable DOT and FAA databases (SAS, AHP, EIS, HIP, KSN).