Fact Sheet: Dangerous Goods Exceptions for Passengers and Crewmembers Traveling with Baggage (49 CFR 175.10)

Overview

- This Fact Sheet provides awareness on dangerous goods requirements for aircraft operators transporting **passenger and crewmember baggage**, including exceptions (49 CFR 175.10); requirements to submit **incident reports** (49 CFR 171.15 and 171.16); and **discrepancy reporting** (49 CFR 175.31). This Fact Sheet does not replace any regulations and is not considered training.
- Dangerous Goods, also known as hazardous materials (hazmat), pose a risk during transportation. For example, lithium batteries, dry ice and aerosol whipped cream are dangerous goods. These products may seem harmless; however, when transported by air they can be very dangerous. Vibrations, static electricity, temperature and pressure variations can cause items to leak, generate toxic fumes, start a fire, or event explode if these products are not handled properly.
- Crewmembers, passengers and certificate holders are subject to the Department of Transportation (DOT) Hazardous Materials Regulations (HMR), 49 CFR Parts 171-180. These regulations include how to classify, package, communicate, and handle hazardous material for transportation in commerce.

Summary of Requirements

- Most dangerous goods are forbidden in carry-on and checked baggage. There are exceptions in 49 CFR 175.10 for passengers, crewmembers, and aircraft operators when transporting passenger or crewmember baggage for some personal items such as toiletries, medicines, and assistive devices.
- Part 121 and 135 certificate holders are required to indicate in their Operations Specifications whether they "will-carry" or "will-not carry" dangerous goods (see 14 CFR 119.49).
- Any certificate holder, including a will-not-carry certificate holder, may carry dangerous goods in accordance with the passenger and crew exceptions listed in 49 CFR 175.10, provided they communicate the terms in their manual.
- If the aircraft is being operated by a certificate holder issued under 14 CFR Part 121 or Part 135, operations must be conducted in accordance with conditions and limitations specified in the certificate holder's operations specifications or operations manual accepted by the FAA (see 14 CFR 119.49).
- Passenger and crewmember baggage being offered, accepted and transported with exceptions to dangerous goods apply to aircraft operators during handling, loading and unloading functions (see 49 CFR 175.1(b)).
- The exceptions provided in 49 CFR 175.10 also apply to aircraft operators when transporting passenger or crewmember baggage that has been separated from the passenger or crewmember, including transfer to another carrier for transport to its final destination (see 49 CFR 175.10(b)).
- The aircraft operator must remove any package, baggage or cargo that appears to be leaking or contaminated by a dangerous good from the aircraft (see 49 CFR 175.90).
- The requirements to submit incident reports as required under 49 CFR 171.15 and 171.16 of this subchapter apply to the aircraft operator.
- Discrepancies, which must be reported under 49 CFR 175.31(a), are those involving dangerous goods which are improperly described, certified, labeled, marked, or packaged, in a manner not ascertainable when accepted under the provisions of 49 CFR 175.30(a) including packages or baggage which are found to contain dangerous goods subsequent to their being offered and accepted as other than dangerous goods. Learn how to report: https://www.faa.gov/hazmat/incident-reporting

Crewmembers

- The regulations have exceptions for passengers, crewmembers and aircraft operators when dangerous goods are carried by aircraft passengers or crewmembers provided the requirements under 49 CFR 175.10(a) are met.
- FAA's PackSafe chart provides a list showing which common dangerous goods are allowed in checked and/or carry-on baggage and which are not. Remember, this is just a listing of common dangerous goods; if an item is not seen here it doesn't mean it's allowed in baggage. When in doubt, leave it out!
- In reference to guidance on the operational use of Electronic Flight Bags (EFB), see AC 120-76D.

Aircraft Operator Approval

- There are some additional requirements under 49 CFR 175.10(a) requiring passengers or crewmembers to receive approval from the aircraft operator. For example:
    - Dry ice (carbon dioxide, solid) (see 49 CFR 175.10(a)(10))
    - No more than two self-inflating personal safety device (see 49 CFR 175.10(a)(11))
    - Certain lithium battery powered devices (see 49 CFR 175.10(a)(14) and (18))
    - CO_2 cartridges (see 49 CFR 175.10(a)(25))

Pilot-in-Command

- Under 49 CFR 175.10(a) the pilot-in-command is advised, either orally or in writing, prior to departure, as to the location of the wheelchair battery or other battery-powered mobility aid aboard the aircraft equipped with a:
    - Spillable battery (see 49 CFR 175.10(a)(16)) or
    - Lithium ion battery (see 49 CFR 175.10(a)(17))

Aircraft Operator Equipment Company Material (COMAT)

- Crewmember and passenger baggage **should not** be confused with "company materials" (COMAT) under 49 CFR 175.8. Airline and maintenance crew strive to maintain a safe environment for the crewmembers and passengers for items of replacement and equipment. Some COMAT is also regulated as dangerous goods, such as fire extinguishers, lithium batteries and devices, spare oxygen, and food dispensing aerosols. See "Is Your COMAT Safe to Fly?" to learn more.