

EIGHTEENTH SCHEDULE (Regulations 78, 79)

CARRIAGE OF DANGEROUS GOODS BY AIR

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SUBPART A: GENERAL

18.001 APPLICABILITY

- (a) The requirements of this Schedule shall apply to the carriage of dangerous goods by air as specified in the current ICAO manual, *Technical Instructions for the Safe Transport of Dangerous Goods by Air*, whether that transport relates to an operation under general aviation, aerial work or commercial air transport requirements.
- (b) These requirements shall not apply to dangerous goods of the classifications specified in the ICAO manual, *Technical Instructions*, provided that –

- (1) the dangerous goods do not exceed the appropriate quantity limitations specified therein; and
 - (2) such other conditions as are specified therein are complied with.
- (c) These requirements shall not apply to dangerous goods which are carried, loaded or suspended from the aircraft —
- (1) for the purpose of ensuring the proper navigation or safety of the aircraft; or
 - (2) solely from the personal use of the passengers and crew members of the aircraft.

18.005 DEFINITIONS

As used in this Schedule, these words or phrases are defined as follows –

- (1) **“Acceptance checklist”** A document used to assist in carrying out a check on the external appearance of packages of dangerous goods and their associated documents to determine that all appropriate requirements have been met;
- (2) **“Consignment”** One or more packages of dangerous goods accepted by an operator from one shipper at one time and at one address for delivery to one consignee at one destination address and in respect of which there is not more than one air waybill;
- (3) **“Dangerous goods”** Any article or substance which is capable of posing a significant risk to health, safety, property, or the environment, when carried by air and which is classified in the *Technical Instructions*;
- (4) **“Dangerous goods accident”** An occurrence associated with and related to the transport of dangerous goods which results in fatal or serious injury to a person or major property damage;
- (5) **“Dangerous goods incident”** An occurrence, other than a dangerous goods accident, associated with and related to the transport of dangerous goods, not necessarily occurring on board an aircraft, which results in injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained. Any occurrence relating to the transport of dangerous goods which seriously jeopardises an aircraft or its occupants is deemed to constitute a dangerous goods incident;
- (6) **“Dangerous goods transport document”** A document specified by the ICAO *Technical Instructions for the Safe Transportation of Dangerous Goods by Air* (See definition, below). It is completed by the person who offers dangerous goods for air transport and contains information about those dangerous goods. The document bears a signed declaration indicating that the dangerous goods are fully and accurately described by their proper shipping names and UN numbers (if assigned) and that they are correctly classified, packed, marked, labelled and in a proper condition for transport;
- (7) **“Freight container”** See Unit Load Device;
- (8) **“Freight container”** (Radioactive Material only). Such a freight container is an article of transport equipment for radioactive materials, designed to facilitate the transport of such materials, either packaged or unpackaged, by one or more modes of transport without intermediate reloading;
- (9) **“Handling agent”** An agency which performs on behalf of the operator some or all of the latter's functions including receiving, loading, unloading, transferring or other processing of passengers or cargo;
- (10) **“Package”** The complete product of the packing operation consisting of the packaging and its contents prepared for transport;
- (11) **“Packaging”** Receptacles and any other components or materials necessary for the receptacle to perform its containment function and to ensure compliance with the packing requirements;
- (12) **“Proper shipping name”** The name to be used to describe a particular article or substance in all shipping documents and notifications and, where appropriate, on packaging;

- (13) **“Overpack”** An enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage;
- (14) **“State of Origin”** The State in which dangerous goods were first loaded on an aircraft;
- (15) **“Technical instructions”** The latest effective edition of the *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc. 9284-AN/905), including the supplement and any addendum, approved and published by decision of the Council of the ICAO. The term "*Technical Instructions*" is used in this Schedule;
- (16) **“UN number”** The four-digit number assigned by the United Nations Committee of Experts on the Transport of Dangerous Goods to identify a substance or a particular group of substances;
- (17) **“Unit load device”** Any type of aircraft container, aircraft pallet with a net, or aircraft pallet with a net over an igloo;

18.010 ANY LOCATION ON AIRCRAFT

Any instructions or limitations contained in the *Technical Instructions* for the carriage of dangerous goods on passenger or cargo aircraft, as therein defined shall for the purpose of this Schedule be interpreted as applying also to the carriage of such goods beneath passenger or cargo aircraft.

18.015 GENERAL PROHIBITION

With respect to any goods which a person knows or ought to know or suspect to be dangerous goods, that person shall not, without determining and complying with the restrictions regarding carriage by air -

- (1) take or cause it to be taken on board;
- (2) suspend or cause it to be suspended beneath; or
- (3) deliver or cause it to be delivered for loading or suspension beneath an aircraft.

18.020 AUTHORIZATION REQUIRED

An aircraft shall not carry or have loaded therein or suspended there under any dangerous goods, unless such goods are carried, loaded or suspended-

- (1) with the written authorization of the Authority and in accordance with any conditions to which such approvals may be subject, and
- (2) in accordance with the *Technical Instructions* and any conditions specified therein.

SUBPART B: DOCUMENTATION

18.035 SHIPPER’S DOCUMENT REQUIRED

- (a) No person may allow or cause an aircraft to carry dangerous goods as cargo unless the shipper of the goods has furnished the operator of the aircraft with a dangerous goods transport document.
- (b) Except that such a document shall not be required in respect of such categories of dangerous goods as may be specified in the *Technical Instructions* as being goods in respect of which a dangerous goods transport document is not required.

18.040 DOCUMENT COMPLETION AND CONTENTS

The dangerous goods transport document shall be completed in duplicate and shall —

- (1) describe the dangerous goods in accordance with and contain such information as is required by the provisions of the *Technical Instructions*;
- (2) contain a signed declaration that the *Technical Instructions* have been complied with in that the dangerous goods —
 - (i) are fully and accurately described; and
 - (ii) are correctly classified, packed, marked and labelled; and
 - (iii) are in a proper condition for carriage by air.

18.045 ACCEPTANCE INSPECTION REQUIRED

The operator of the aircraft, upon acceptance of dangerous goods will conduct an inspection of the consignment.

18.050 ACCEPTANCE CHECKLIST REQUIRED

The person conducting the inspection on behalf of the operator shall complete a checklist specifically designed for this purpose.

18.055 RETENTION OF DOCUMENTS

The operator of an aircraft shall retain for not less than 6 months —

- (1) any dangerous goods transport document which has been furnished to him in accordance with these requirements; and
- (2) any checklist used in the acceptance of the dangerous goods consignment.

SUBPART C: SHIPPER'S RESPONSIBILITIES

18.060 SHIPPER'S RESPONSIBILITIES

Before consigning any packaged containing dangerous goods for carriage by air the shipper shall ensure that -

- (1) the goods are not of a category whose carriage by air is prohibited by the provisions of the *Technical Instructions*;
- (2) the goods are classified and packed in accordance with the *Technical Instructions* and the packaging used is in accordance with such provisions of the *Technical Instructions* as apply to the goods;
- (3) the package is marked and labelled in accordance with the marking and labelling requirements of the *Technical Instructions*;
- (4) the package is in a fit condition for carriage by air; and
- (5) the dangerous goods transport documents required by Subsection 18.035 has been completed and that the declaration therein has been made.

SUBPART D: OPERATOR REQUIREMENTS AND RESPONSIBILITIES

18.070 APPROVAL TO TRANSPORT DANGEROUS GOODS

- (a) No operator may transport dangerous goods or act as the ground handling agents for the shipment of dangerous goods by air unless approved to do so by the Authority.
- (b) The certification requirements for the provisions to transport dangerous goods by air shall encompass the submission of a dangerous goods operations manual in accordance with the guidelines stipulated in the Twelfth Schedule, Subsection 12.355 which must be approved by the Authority.
- (c) An operator authorized to transport dangerous goods shall ensure that the contents and structure of the dangerous goods operations manual are in accordance with the Jamaica Civil Aviation Regulations, 2004, the current *Technical Instructions* and the Dangerous Goods guidance material provided by the Authority.

18.075 SCOPE

- (a) Every operator shall comply with the provisions contained in the ICAO Technical Instructions for the Safe Transport of Dangerous Goods By Air, ICAO Doc. 9284 (Technical Instructions) on all occasions when dangerous goods are carried, irrespective of whether the flight is wholly or partly within or wholly outside the territory of Jamaica. Where dangerous goods are to be transported outside the territory of Jamaica, the Operator shall review and comply with the appropriate variations noted by Contracting States contained in the *Technical Instructions*.

- (b) Articles and substances which would otherwise be classed as dangerous goods are excluded from the provisions of this Schedule to the extent specified in the *Technical Instructions*, provided they are —
- (1) required to be aboard the aircraft for operating reasons;
 - (2) carried as catering or cabin service supplies;
 - (3) carried for use in flight as veterinary aid or as a humane killer for an animal; or
 - (4) carried for use in flight for medical aid for a patient, provided that —
 - (i) gas cylinders have been manufactured specifically for the purpose of containing and transporting that particular gas;
 - (ii) drugs, medicines and other medical matter are under the control of trained personnel during the time when they are in use in the aircraft;
 - (iii) equipment containing wet cell batteries is kept and, when necessary secured, in an upright position to prevent spillage of the electrolyte; and
 - (iv) proper provision is made to stow and secure all the equipment during take-off and landing and at all other times when deemed necessary by the PIC in the interests of safety; or
 - (v) they are carried by passengers or crewmembers.
- (c) Articles and substances, such as company materials (COMAT), intended as replacements for those in paragraph (b) (1) may be transported on an aircraft as specified in the *Technical Instructions*.

18.080 LIMITATIONS ON THE TRANSPORT OF DANGEROUS GOODS

- (a) Each Operator shall take all reasonable measures to ensure that articles and substances that are specifically identified by name or generic description in the *Technical Instructions* as being forbidden for transport under any circumstances are not carried on any aircraft.
- (b) Each operator shall take all reasonable measures to ensure that articles and substances or other goods that are identified in the *Technical Instructions* as being forbidden for transport in normal circumstances are transported only when —
- (1) they are exempted by the States concerned under the provisions of the *Technical Instructions*; or
 - (2) the *Technical Instructions* indicate they may be transported under an approval issued by the State of Origin.

18.085 CLASSIFICATION

Every operator shall take all reasonable measures to ensure that articles and substances are classified as dangerous goods as specified in the *Technical Instructions*.

18.090 PACKING

Each operator shall take all reasonable measures to ensure that dangerous goods are packed as specified in the *Technical Instructions*.

18.095 LABELLING AND MARKING

- (a) Each operator shall take all reasonable measures to ensure that packages, overpacks and freight containers are labelled and marked as specified in the *Technical Instructions*.
- (b) Where dangerous goods are carried on a flight which takes place wholly or partly outside the territory of Jamaica, the operator shall ensure that labelling and marking are in the English language in addition to any other language requirements.

18.100 DANGEROUS GOODS TRANSPORT DOCUMENT

- (a) Each operator shall ensure that, except when otherwise specified in the *Technical Instructions*, dangerous goods are accompanied by a dangerous goods transport document.

- (b) Where dangerous goods are carried on a flight which takes place wholly or partly outside the territory of a State, the operator shall ensure that the English language is used for the dangerous goods transport document in addition to any other language requirements.

18.105 ACCEPTANCE OF DANGEROUS GOODS

- (a) No operator may accept dangerous goods for transport until the package, overpack or freight container has been inspected in accordance with the acceptance procedures in the *Technical Instructions*.
- (b) Every operator, or its handling agent, shall use an acceptance check list which —
 - (1) shall allow for all relevant details to be checked; and
 - (2) shall be in such form as will allow for the recording of the results of the acceptance check by manual, mechanical or computerised means.
- (c) No operator may accept dangerous goods for transport by air unless the dangerous goods are accompanied by a completed dangerous good transport document, except where the *Technical Instructions* indicate that such a document is not required.

18.110 INSPECTION FOR DAMAGE, LEAKAGE OR CONTAMINATION

Every operator shall ensure that -

- (1) packages, overpacks and freight containers are inspected for evidence of leakage or damage immediately prior to loading on an aircraft or into a unit load device, as specified in the *Technical Instructions*;
- (2) a unit load device is not loaded on an aircraft unless it has been inspected as required by the *Technical Instructions* and found free from any evidence of leakage from, or damage to, the dangerous goods contained therein;
- (3) leaking or damaged packages, overpacks or freight containers are not loaded on an aircraft;
- (4) any package of dangerous goods found on an aircraft and which appears to be damaged or leaking is removed or arrangements made for its removal by an appropriate authority or organisation;
- (5) after removal of any leaking or damaged goods, the remainder of the consignment is inspected to ensure it is in a proper condition for transport and that no damage or contamination has occurred to the aircraft or its load; and
- (6) packages, overpacks and freight containers are inspected for signs of damage or leakage upon unloading from an aircraft or from a unit load device and, if there is evidence of damage or leakage, the area where the dangerous goods were stowed is inspected for damage or contamination.

18.115 REMOVAL OF CONTAMINATION

Every operator shall ensure that —

- (1) any contamination found as a result of the leakage or damage of dangerous goods is removed without delay; and
- (2) an aircraft which has been contaminated by radioactive materials is immediately taken out of service and not returned until the radiation level at any accessible surface and the non-fixed contamination are not more than the values specified in the *Technical Instructions*.

18.120 LOADING RESTRICTIONS

- (a) Passenger Cabin and Flight Deck. Every operator shall ensure that dangerous goods are not carried in an aircraft cabin occupied by passengers or on the flight deck, unless otherwise specified in the *Technical Instructions*.
- (b) Cargo Compartments. Every operator shall ensure that dangerous goods are loaded, segregated, stowed and secured on an aircraft as specified in the *Technical Instructions*.

- (c) Dangerous Goods Designated for Carriage Only on Cargo Aircraft. Every operator shall ensure that packages of dangerous goods bearing the “Cargo Aircraft Only” label are carried on a cargo aircraft and loaded as specified in the *Technical Instructions*.

18.125 PROVISION OF INFORMATION

- (a) Information to Ground Staff. Every operator shall ensure that -
 - (1) information is provided to enable ground staff to carry out their duties with regard to the transport of dangerous goods, including the actions to be taken in the event of incidents and accidents involving dangerous goods; and
 - (2) where applicable, the information referred to in paragraph (a)(1) is also provided to the handling agent.
- (b) Information to Passengers. Every operator shall ensure that information is promulgated as required by the *Technical Instructions* so that passengers are warned as to the types of goods which they are forbidden from transporting aboard an aircraft.
- (c) Information to Acceptance Points Personnel. Every operator and, where applicable, the handling agent shall ensure that notices are provided at acceptance points for cargo giving information about the transport of dangerous goods.
- (d) Information to Crewmembers. Every operator shall ensure that information is provided in the Operations Manual to enable crew members to carry out their responsibilities in regard to the transport of dangerous goods, including the actions to be taken in the event of emergencies arising involving dangerous goods.
- (e) Information to the PIC. Every operator shall ensure that the PIC is provided with written information, as specified in the *Technical Instructions*.
- (f) Information in the Event of an Aircraft Incident or Accident. Every operator which is involved in an aircraft incident shall —
 - (1) as soon as possible, inform the appropriate authority of the State in which the aircraft accident occurred of any dangerous goods carried; and
 - (2) on request, provide any information required to minimise the hazards created by any dangerous goods carried.

18.130 TRAINING PROGRAMMES

- (a) All personnel involved in the transport of dangerous goods by air, as identified by the *Technical Instructions*, shall receive initial and recurrent training in the requirements commensurate with their responsibilities. The recurrent training shall be at intervals of not longer than 12 months except personnel who ship and/or accept dangerous goods for transport by air, in which case the training shall be every 24 months.
- (b) Dangerous Goods Training programmes shall be submitted for review and approval by the Authority for:
 - (1) air operators;
 - (2) ground handling agencies which perform, on behalf of the operator, the act of accepting, handling, loading, unloading, transferring or other processing of cargo;
 - (3) ground handling agencies located at the airport which perform, on behalf of the operator, the act of processing passengers;
 - (4) agencies, not located at the airport, which perform, on behalf of the air operator, the act of checking in passengers;
 - (5) freight forwarders; and
 - (6) agencies engaged in the security screening of passengers and their baggage and/or cargo.
- (c) No person may use a person nor may any person serve as a dangerous goods instructor unless that person has successfully completed the required dangerous goods training that is approved by the Authority.

- (1) a dangerous goods instructor must successfully undergo an approved ICAO or equivalent dangerous goods training programme;
- (2) a dangerous goods instructor must undergo recurrent training within 24 months of previous training to ensure knowledge is current.

18.135 Dangerous Goods Incident and Accident Reports

- (a) Every operator shall report dangerous goods incidents and accidents to the Authority immediately, unless exceptional circumstances prevent this.
- (b) In the event of -
 - (1) an aircraft accident; or
 - (2) a serious incident where dangerous goods carried as cargo may be involved, the operator of the aircraft carrying the dangerous goods as cargo shall provide information, without delay, to the emergency services responding to the accident or serious incident about the dangerous goods on board, as shown on the written information to the pilot-in-command. As soon as possible, the operator shall also provide this information to the appropriate authorities of the state of the operator and the state in which the accident or serious incident occurred.

SUBPART E: REGULATORY REQUIREMENTS

18.140 COMPLIANCE WITH AN DANGEROUS GOODS CERTIFICATE (DGC)

- (a) No operator may operate a Jamaican aircraft in commercial air transport for the transportation of dangerous goods unless that operator holds a DGC for the operations being conducted.
- (b) No person may act as the ground handling agent(s) which perform, on behalf of the operator, the act of accepting, handling, loading, unloading, transferring or other processing of cargo unless that person holds a DGC for the operations being conducted.
- (c) No person may operate a Jamaican aircraft in commercial air transport operations that are not authorized by the terms and conditions of its DGC.
- (d) The AOC holder shall, at all times, continue in compliance with the DGC terms, conditions of issuance and requirements in order to hold that certificate.

(Note: The conditions of issuance include all written approvals granted to meet the requirements of this Schedule, including letters of designation, letters of approval, approval of a manual's list of effective pages.)

18.145 APPLICATION FOR A DANGEROUS GOODS CERTIFICATE

- (a) An operator applying to the Authority for an DGC shall submit an application —
 - (1) in a form and manner prescribed by the Authority; and
 - (2) containing any information the Authority requires the applicant to submit.
- (b) Every applicant shall make the application for an initial issue of a DGC at least 90 days before the date of intended operation, except the Dangerous Goods Training Manual and the pertinent parts of the Operations Manual which may be submitted later than but not less than 60 days before the date of intended operation.

18.150 ISSUANCE OR DENIAL OF DANGEROUS GOODS CERTIFICATE (DGC)

- (a) The Authority may issue a DGC if, after investigation, the Authority finds that the applicant—
 - (1) is a citizen of Jamaica;
 - (2) has its principal place of business and its registered office, if any, located in Jamaica;
 - (3) meets the applicable regulations and standards for the holder of a DGC;
 - (4) is properly and adequately equipped for safe operations for the transport by air of dangerous goods in commercial air transport ; and

- (5) holds the economic authority issued by Jamaica under the provisions of the Civil Aviation Act.
- (b) The Authority may deny application for a DGC if the Authority finds that —
 - (1) the applicant is not properly and adequately equipped for safe operations for the transport by air of dangerous goods in commercial air transport;
 - (2) the applicant previously held a DGC, which was revoked; or
 - (3) an individual that contributed to the circumstances causing the revocation process of a DGC obtains a substantial ownership or is employed in a position required by this regulation.

18.155 CONTENTS OF DANGEROUS GOODS CERTIFICATE

- (a) The DGC will consist of two documents —
 - (1) a one-page certificate for public display signed by the Authority; and
 - (2) multi-page DGC operations specifications containing the terms and conditions applicable to the DGC holder's certificate.
- (b) The Authority will issue a DGC which will contain —
 - (1) the name and location (main place of business) of the DGC holder;
 - (2) the date of issue and period of validity for each page issued;
 - (3) a description of the type of operations authorized;
 - (4) the authorized areas of operations; and
 - (5) other special authorizations, approvals and limitations issued by the Authority in accordance with the standards which are applicable to the operations conducted by the DGC holder.

18.160 DURATION OF A DANGEROUS GOODS CERTIFICATE

- A DGC, or any portion of the DGC, issued by the Authority is effective until —
- (1) the Authority amends, suspends, revokes or otherwise terminates the certificate;
 - (2) the DGC holder surrenders it to the Authority;
 - (3) the DGC holder suspends operations for more than 60 days; or
 - (4) twelve calendar months elapses, whichever comes first.

18.165 AMENDMENT OF A DANGEROUS GOODS CERTIFICATE

- (a) The Authority may amend any DGC where —
 - (1) the Authority determines that safety in commercial air transport and the public interest require the amendment; or
 - (2) the DGC holder applies for an amendment and the Authority determines that safety in commercial air transport and the public interest allows the amendment.
- (b) Where the Authority stipulates in writing that an emergency exists requiring immediate amendment in the public interest with respect to safety in commercial air transportation, such an amendment is effective without stay on the date the DGC holder receives notice.
- (c) A DGC holder may appeal the amendment but shall operate in accordance with it, unless it is subsequently withdrawn.
- (d) Amendments proposed by the Authority, other than emergency amendments, become effective 30 days after notice to the DGC holder, unless the DGC holder appeals the proposal in writing prior to the effective date. The filing of an appeal stays the effective date until the appeal process is completed.
- (e) Amendments proposed by the DGC holder shall be made at least 30 days prior to the intended date of any operation under that amendment.

- (f) No operator may perform any activity associated with the carriage of dangerous goods for commercial air transport operation for which a DGC amendment is required, unless it has received notice of the approval from the Authority.

SUBPART F: COMPLIANCE

18.170 INSPECTIONS

- (a) The air operator, on their own account and/or through their handling agent(s) shall provide the Authority any documentation associated with the transportation of dangerous goods by air no later than 24 hours after the initial request is made.
- (b) The Authority shall conduct inspections in accordance with the *Technical Instructions*.