



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

General Aviation Airworthiness Alerts

SPECIAL ISSUE

AC No. 43-16



ALERTS

AFS-96-1, TRANSPORTATION
OF OXYGEN GENERATORS
(CHEMICAL)

**Improve Reliability-
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SPECIAL AIRWORTHINESS ALERT

TRANSPORTATION OF OXYGEN GENERATORS (CHEMICAL)

INTRODUCTION

The purpose of this special issue is to advise and provide guidance concerning the prohibition of transporting chemical oxygen generators as cargo on passenger-carrying aircraft.

BACKGROUND

On May 11, 1996, an aircraft accident occurred involving a passenger-carrying DC-9 aircraft which was believed to be transporting chemical oxygen generators in its cargo hold.

The official cause of the accident has not yet been determined, and the accident investigation continues.

The oxygen generators (see Figure 1), allegedly transported on this aircraft, were unused and the service life had expired. They were being transported as company material (COMAT) to another location for storage or disposal. Chemical oxygen generators, when not in their protective thermal canisters (normal installation), and packaged in any quantity in a confined area, can become hazardous, if activated.

The Department of Transportation (DOT) Research and Special Programs Administration (RSPA) has amended 49 CFR Parts 171 and 173 to address the chemical oxygen generator issue. The rule defines oxygen generators (chemical) to mean a device containing chemicals that upon activation release oxygen as a product of chemical reaction. Furthermore, with one exception, the rule prohibits the carriage of an oxygen generator (chemical) as cargo on a passenger-carrying aircraft. This prohibition does not apply to the carriage of chemical oxygen generators for medical use of a passenger, provided that units for passenger use meet applicable regulatory requirements. An important additional note is the carriage of Passenger Service Units (PSU) and seats that incorporate PSU's must have the oxygen generator removed before transporting as cargo, even though the complete seat assembly contains the oxygen generator protective fire shield. This prohibition does not apply to cargo operations provided they are approved for and are in compliance with all regulatory requirements pertaining to the transportation of hazardous materials (HAZMAT).

Chemical oxygen generators may be transported on cargo-only aircraft only, if they are properly packaged, marked with the proper shipping name, labeled in accordance with the manufacturer's instructions (see Figure 2), and are accompanied by shipping papers.

In order to preclude the possibility that an oxygen generator may cause or contribute to an accident in air commerce, all 14 CFR 121, 125, 129, 135 Air Carriers, Commercial Operators, and 145 Air Agencies should be familiar with the amendments to 49 CFR.

During normal surveillance of Air Carriers, Air Operators, and Air Agencies, aviation safety inspectors will place special emphasis on the methods used to avoid transporting chemical oxygen generators and other prohibited hazardous materials on passenger-carrying aircraft.

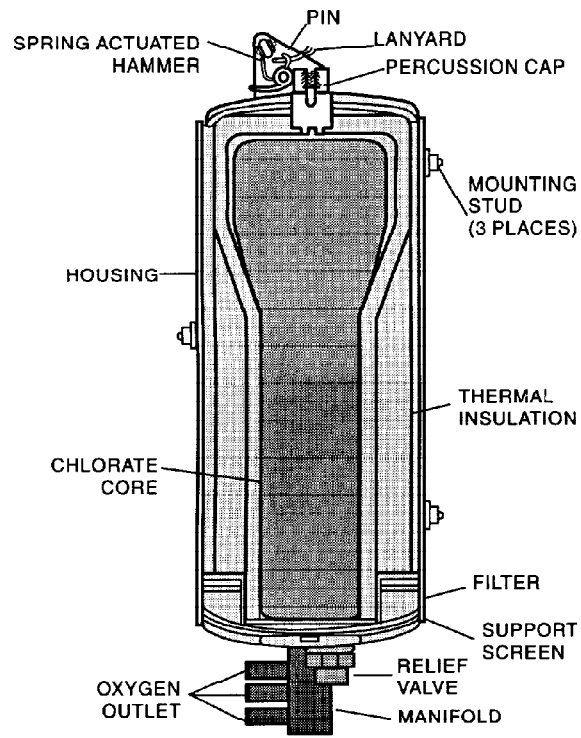


FIGURE 1

FIGURE 1, Oxygen Generator Cutaway Drawing



FIGURE 2, Transportation of Hazardous Materials (HAZMAT) Labels (2)

The Department of Transportation (DOT) has taken swift action to change 49 CFR Parts 171 and 173 as follows:

PART 171 - - GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. The authority citation for Part 171 continues to read as follows:

Authority: 49 U.S.C. 5101-5127, 44701; 49 CFR 1.45, 1.53.

2. In § 171.8, a definition for “oxygen generator (chemical)” is added in alphabetical order to read as follows:

§ 171.8, Definitions and Abbreviations.

Oxygen generator (chemical) means a device containing chemicals that upon activation release oxygen as a product of chemical reaction.

PART 173 - - SHIPPERS - - GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

3. The authority citation for Part 173 continues to read as follows:

Authority: 49 U.S.C. 5101-5127, 44701; 49 CFR 1.45, 1.53.

4. In § 173.21, paragraph (k) is added to read as follows:

§ 173.21, Forbidden Materials and Packages.

(k) Notwithstanding any other provision of this subchapter, including §§ 171.11 and 175.10(a)(2), an oxygen generator (chemical) as cargo on a passenger-carrying aircraft until January 1, 1997. This prohibition does not apply to an oxygen generator for medical or personal use of a passenger that meets the requirements of § 175.10(a)(7) or § 175.10(a)(24).

This rule change was issued in Washington, DC, on May 23, 1996, under authority delegated in 49 CFR Part 1.

The following statement of enforcement policy was established by the FAA Administrator and is printed in its entirety.

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
EMERGENCY NOTICE OF ENFORCEMENT POLICY

The National Transportation Safety Board and the FAA are investigating a recent accident involving a passenger aircraft. Preliminary evidence indicates that oxygen generators (containing a chemical or chemicals intended to release oxygen upon activation) were carried as cargo on board the aircraft and may have caused or contributed to the severity of the accident.

The Research and Special Programs Administration has amended the Department of Transportation (DOT) Hazardous Materials Regulations, to prohibit the offering for transportation or transportation of oxygen generators as cargo in passenger-carrying aircraft. The rule applies to both foreign and domestic aircraft entering, leaving, or operating in the United States and to any person offering an oxygen generator for transportation on any of those aircraft.

The FAA enforces the DOT Hazardous Materials Regulations as they apply to the shipment or transportation of such materials by air. Any person who violates these regulations is subject to a civil penalty of up to \$25,000 for each violation. In determining the amount of the civil penalty, the FAA considers, among other things, the nature, circumstances, extent, and gravity of the violation. The FAA considers the offering or transporting of such oxygen generators in violation of the regulations to be an extremely serious offense.

TAKE NOTICE that, effective immediately, any person who in violation of the DOT Hazardous Materials Regulations, offers for transportation or transports oxygen generators as cargo aboard a passenger-carrying aircraft will be subject to swift enforcement action, including, but not limited to, significant civil penalties and appropriate judicial remedies.

Further, any person who willfully violates a DOT Hazardous Materials Regulation is subject to criminal penalties of up to 5 years in prison and/or fines.

/s/ David R. Hinson
Administrator
Issued May 23, 1996

FOR FURTHER INFORMATION ON THIS SUBJECT, YOU MAY CONTACT:

FAA
ATTN: AFS-300, Aircraft Maintenance Division
800 Independence Ave., S.W.
Washington, DC 20591

Telephone: (202) 267-3546.