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Part II

Department of
Transportation

Federal Aviation Administration

14 CFR Part 121, et al.
Removal of Burn Compound From First-
Aid Kits; Final Rule

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 121, 125, 135**

[Docket No. 25154; Amendment No. 121-236; 125-19; 135-47]

Removal of Burn Compound From First-Aid Kits

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comment.

SUMMARY: This amendment revises the regulations concerning first aid kits required on board air carrier, air taxi, and commercial aircraft to remove the burn compound from the list of items required for the kits. This amendment responds to a petition from Air Transport Association, supported by the American Red Cross, that the burn compound be removed from the kits since the use of ice or cold water is the preferred treatment for minor burns. This amendment will relieve affected operators from the expense of having to periodically replace an item in the first aid kits that is not needed.

DATES: Effective date: January 12, 1994. Comments must be received on or before March 14, 1994.

ADDRESSES: Send or deliver comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), room 916, 800 Independence Avenue, SW., Washington, DC 20591. Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Gary Davis, Regulatory Branch, Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone: (202) 267-8096.

SUPPLEMENTARY INFORMATION:**Background**

On December 5, 1986, the Air Transport Association (ATA) submitted a petition to delete burn compound (burn ointment) from the first-aid kits required to be carried on each aircraft operated under part 121 of the Federal Aviation Regulations. In the petition ATA noted that the application of ice or cold water is the preferred treatment for minor burns. As part of its supporting data, the petition included a request from Western Airlines to delete burn ointment from their first aid kits. Also included in the petition were copies of

instructions from flight manuals for several other airlines in which flight attendants were advised to use ice compresses for the treatment of burns and not to use the burn ointment unless it is requested by the passenger. In addition, ATA stated that burn ointment normally has an expiration date, which requires replacement, inspection, and record-keeping.

On January 21, 1987, ATA submitted a second letter to the docket that transmitted an American Red Cross statement confirming their position that burn ointment retains heat within the wound, causing the wound to actually worsen in some cases. In addition, information provided by the Red Cross indicated that burn ointment must be removed before any other treatment can be applied.

ATA submitted additional information on April 9, 1987, in which it cited the March 1987 ATA Cabin Safety Panel meeting where the subject of first-aid for minor burns was discussed. At that meeting, each panel member present stated that their flight attendants were trained to use cold water or ice rather than burn ointment, unless burn ointment was specifically requested by the passenger.

Representatives of most of the major airlines were included in this group, constituting over 80 percent of all the seat miles flown by the major airlines.

By letter dated July 6, 1987, ATA submitted a comment from the School of Nursing at the University of Miami as an additional medical opinion. That letter, from an associate professor, stated that emergency care for burns should begin with stopping the burning process by applying cool water to stop the pain and slow the process of heat damage. This medical opinion also noted that application of ointments, oils, etc., should be avoided.

The petition of ATA was published in the Federal Register on February 20, 1987 (52 FR 5309). The comment period closed April 20, 1987. The only comments received on the petition are those cited above.

By letter dated July 6, 1993, ATA petitioned on behalf of its member airlines and similarly situated operators for an exemption from the requirement to carry burn ointment in first aid kits as required by appendix A to part 121. A summary of that petition was published in the Federal Register on August 11, 1993, and the comment period closed August 31, 1993 (58FR42752). Two comments were received. The Air Line Pilots Association supports the removal of the ointment from first aid kits and notes that this removal would facilitate

maintenance by eliminating the need for purchasing, stocking, record keeping, replacing, and disposing of the ointment. The Association of Flight Attendants (AFA) agrees that the removal of the ointment from first aid kits is an appropriate action; however, the AFA also suggests that the FAA should require an equivalent amount of an antibiotic ointment in its place. AFA adds that more recent information from the American Red Cross suggests that cool water or wet cloths is the first step in treatment, but that ice is not recommended except for minor burns.

The FAA's Analysis of the Petition

The FAA agrees with industry practice. Serious burns can be properly treated only by professionals in a medical facility. Neither burn ointment nor cold water is, by itself, an adequate response to a major burn injury. The intent of the burn ointment requirement has always been to provide relief from minor burns caused by cigarettes or hot beverages.

In the limited situation of treating minor burns aboard an aircraft, cold water is the preferred treatment. This treatment avoids the heat retentive properties of burn ointment. Moreover, if the wound requires further medical treatment, the use of ice or cold water eliminates the need to scrape the wound to remove burn ointment.

Therefore, the FAA has determined that burn ointment should be deleted from the list of items required for first aid kits in parts 121, 125, and 135. Ice or cold water is carried on aircraft operated under part 121 and on aircraft with 20 or more passenger seats operated under parts 125 and 135 to which aircraft the burn ointment requirement applies. This will spare air carriers the unnecessary expense of having to maintain an unneeded item.

Good Cause Justification

In consideration of the fact that burn ointment is not the preferred treatment for minor burns, the requirement to carry burn ointment aboard aircraft is inappropriate. Most types of burn ointment have expiration dates, thus new ointment must be purchased, kits must be opened, the ointment replaced, kit resealed and re-installed, and a record of the action must be made. The cost of this process, with labor being far more expensive than the ointment itself, represents a significant nuisance burden for air carriers and commercial operators. ATA carriers are required to maintain over 10,000 kits. This is an unnecessary cost to the industry for which the consumer derives no benefit.

It is clearly in the public interest to delete the requirement.

Since this is a minor amendment in which there is not expected to be any public comment or disagreement from the medical community, the FAA finds that public notice and comment on this amendment is unnecessary. Moreover, because this amendment relieves a requirement, it should be made effective upon publication in the *Federal Register*. Interested persons, however, are invited to submit such comments as they may desire regarding this amendment. Correspondence should identify the docket number and be submitted in duplicate to the address provided above. All communications received on or before the close of the comment period will be considered by the Administrator, and this amendment may be changed in light of comments received. All comments will be available for public review, both before and after the closing date for comments, in the rules docket.

Trade Impact Statement

The FAA finds that this amendment will have no impact on international trade.

Economic Assessment

Because the amendment imposes no cost to operators, the only impact of this amendment is expected to be that carriers will experience some cost savings. Accordingly, the FAA has determined that the impact of this amendment is so minimal that a full regulatory evaluation is not warranted.

Federalism Implications

The regulation adopted herein would not have substantial direct effects on the states, on the relationship between the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this regulation

would not have sufficient federalism implications to warrant the preparation of the Federalism Assessment.

Paperwork Reduction

This final rule is expected to produce a minor reduction in the record keeping requirements under parts 121, 125, and 135. The paperwork estimation for those parts will be revised accordingly.

Conclusion

To the extent that this amendment will have an economic effect on the airlines and the general public, it will only be a minor, positive one. Therefore, the FAA has determined that this amendment involves a regulation that is not a significant regulatory action under Executive Order 12866 or significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since no small entities would be affected by the rule, the FAA has determined, and it is certified that under the criteria of the Regulatory Flexibility Act, the rule will not have a significant economic impact, positive or negative, on a substantial number of small entities. The economic impact is so minimal that it does not warrant a full regulatory evaluation.

List of Subjects in 14 CFR Parts 121, 125, 135

Air safety, Air transportation, Aviation safety, Safety, Transportation, Cabin safety, First-aid kits.

The Amendment

Accordingly, parts 121, 125, and 135 of the Federal Aviation Regulations (14 CFR part 121) are amended as follows:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1355, 1356, 1357, 1401, 1421-1430, 1472, 1485, and 1502; 49 U.S.C. 106(g) (revised, Pub. L. 97-449, January 12, 1983).

2. In Appendix A to part 121, paragraph (5) is amended by removing the item "Burn compound, 1/2 ounce or an equivalent of other burn remedy, quantity 6" and by moving the remaining six items in the list to the end of the list in paragraph (4).

PART 125—CERTIFICATION AND OPERATIONS: AIRPLANES HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MAXIMUM PAYLOAD CAPACITY OF 6,000 POUNDS OR MORE

3. The authority citation for part 125 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 through 1430, and 1502; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983.)

§ 125.207 [Amended]

4. Section 125.207(a)(1)(iii) is amended by removing the item: Burn compound, 1/2 oz or an equivalent of other burn remedy, quantity 6.

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

5. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1355(a), 1421 through 1431, and 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

§ 135.177 [Amended]

6. Section 135.177(a)(1)(iii) is amended by removing the item: Burn compound, 1/2 oz or an equivalent of other burn remedy, quantity 6.

Issued in Washington, DC on January 5, 1994.

David R. Hinson,
Administrator.

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14 CFR Parts 121, 125, and 135

[Docket No. 25154; Reference Amendments 121-236; 125-19; 135-47]

Removal of Burn Ointment From First-Aid Kits

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Disposition of comments to a final rule.

SUMMARY: On January 12, 1994, the FAA published a final rule with request for comments [59 FR 1780] that revised the regulations concerning first aid kits required on board air carrier, air taxi, and commercial aircraft to remove the burn compound from the list of items required for the kits. The rule was effective upon publication and the comment period closed March 14, 1994. This action responds to those comments received as a result of that final rule and completes that rulemaking.

FOR FURTHER INFORMATION CONTACT: Gary Davis, Regulatory Branch, Air Transportation Division, Flight Standards Service, FAA, 800 Independence Ave., SW., Washington, DC 20591, telephone: (202) 267-3747.

SUPPLEMENTARY INFORMATION:

Background

On December 5, 1986, the Air Transport Association (ATA) submitted

a petition to delete the burn compound (burn ointment) from the first aid kits required to be carried on each aircraft operated under part 121 of the Federal Aviation Regulations. In the petition ATA noted that the application of ice or cold water is the preferred treatment for minor burns. As part of the supporting data, the petition included a request from Western Airlines to delete the burn ointment from their first aid kits and instructions from other carriers' flight manuals advising flight attendants not to use the burn ointment unless requested to do so by passengers. ATA stated that the burn ointment normally has an expiration date, which requires replacement, inspection, and record-keeping. Later, ATA submitted a letter to the docket from the American Red Cross that supported their position that burn ointment retains heat, causing the burn to worsen in some cases. Additional information submitted by ATA noted that the March 1987 meeting of the ATA Cabin Safety Panel each member present stated that cold water or ice, rather than the burn ointment, was the preferred method of treatment for burns.

A summary of ATA's petition was published in the *Federal Register* on February 20, 1987, [52 FR 5309]; the comment period closed April 20, 1987. The only comments received were those cited above.

In issuing a final rule removing the burn ointment from the first aid kits, the FAA agreed with industry practice. It stated that in the limited situation of treating minor burns aboard aircraft, cold water is the preferred treatment. Therefore, the requirement for burn ointment should be eliminated to spare air carriers the unnecessary expense of having to maintain an unneeded item. Further, because that final rule action was a minor amendment in which there was not expected to be any public disagreement, the FAA found that public notice and comment were unnecessary. Because it was relieving, the rule was made effective upon publication.

Discussion of Comments Received

Two comments were received on the final rule. Water Jel Technologies (Water Jel) comments that the revisions to the regulations were timely; however, the recommendation is flawed and should be amended to reflect the current protocol for the care of minor burns. Water Jel believes that burns occur so frequently that some burn preparations are necessary. This commenter urges the FAA to require instead a water-based burn product for the first aid kit.

Industrial Safety Equipment Association (ISEA) comments that the removal of burn compound from first aid kits is not justified by the record, which cites the burden of maintaining the kits and the protocol of treating minor burns. ISEA believes that the majority of burn ointments and compounds sold in FAA kits are water-soluble products that have no expiration dates. ISEA states that the pain-relieving benefits of water soluble burn ointments clearly outweigh the cost of maintaining them in first aid kits used on aircraft. ISEA recommends that 14 CFR parts 121, 125, and 135 be amended to add the words 'water soluble' to the description of the burn ointment.

FAA Response to Comments

The FAA agrees with commenters that a water-based compound may provide additional, longer lasting treatment for a burn until medical attention is provided. The incidence of burns aboard aircraft, however, does not support such a requirement. With the elimination of smoking aboard aircraft, the vast majority of burns occur when hot beverages are spilled. These are usually minor burns, and cold water provides sufficient relief to passengers. Therefore, the FAA finds that the final rule should be retained, as amended.

Issued in Washington, DC on February 13, 1996.

Thomas C. Accardi,
Director, Flight Standards Service.
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