

Advance copy pending issuance
of Change to FAR Part 103

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Adminis- tration, Department of Transporta- tion

(Docket No. 8649; Amdt. 103-3)

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAG- NETIZED MATERIALS

Miscellaneous Restrictions Against Loading and Transporting Class B Poisonous Liquids or Solids With Foodstuffs

There have been several recent instances of food poisoning attributed to the consumption of food which had become contaminated by a poisonous insecticide or pesticide during the course of transportation. The poisons involved were liquids or solids, of the types defined and described as class B in section 173.-343 of the Hazardous Materials Regulations of this Department. These incidents have caused the death of several persons. While none of the incidents occurred in the United States, there has been, within the past year, a number of container leakages, adverse handling experiences, and motor vehicle accidents involving shipments of poisonous liquids or solids, class B. Therefore, it is possible for the conditions which caused the deaths in other countries to arise in this country.

Investigations of the leakages and other accidents in the United States have not yet developed all of the information which would indicate conclusively the need for a change in the specification packaging requirements for poisons. However, a review of all of the incidents concerned clearly shows that there is good cause to restrict mixed shipments of poisonous liquids or solids, class B, and foodstuffs, feeds, and other materials intended for consumption by humans or animals, which are not packaged in air tight nonpermeable containers to minimize the possibility of food poisoning that could be caused by inadvertent contamination during transportation. Also, because of the multiple uses of transportation equipment, it is considered necessary to place a restriction on the reuse of transportation equipment which has been contaminated by the leakage of poisonous liquids or solids, class B, until the contamination has been removed, to preclude injury to transportation personnel and contamination of subsequent shipments.

As a situation exists which demands

immediate adoption of this regulation in the interests of public safety, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, Part 103 of the Federal Aviation Regulations is amended, effective January 10, 1968, by adding the following new section at the end thereof:

§ 103.35 Special requirements for poi- sonous liquids or solids, Class B.

(a) No operator of an aircraft may carry materials identified as or known to be poisonous liquids or solids, class B, in the same aircraft with material identified as or known to be foodstuffs, feeds, or any other material intended for consumption by humans or animals, unless (except for food carried in the cabin, in a separate compartment from the poisonous materials, that is intended for consumption in flight) those foodstuffs, feeds, or other materials are packaged in air tight nonpermeable containers.

(b) No person may operate an aircraft that has been used to transport any material identified as or known to be poisonous liquid or solid, class B, unless, upon removal of the poisonous material, the aircraft is inspected for leakage, spillage, or other contamination and all contamination is either isolated or removed from the aircraft. The operation of an aircraft contaminated with a class B poison is considered to be the carriage of poisonous materials under paragraph (a) of this section.

(Sec. 831-835, 18 U.S.C., sec. 9, Department of Transportation Act (49 U.S.C. 1657), title VI, sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h))

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ber 21, 1967.

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For the Federal Aviation Administra-
tion.

SAM SCHNEIDER,
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ber 21, 1967.

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