



KINOSHITA AVIATION CONSULTANTS

Website:<http://www.airtransport-tozai.com>

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The following was received from Mr. David Brennan, Assistant Director, Cargo Safety and Standards, IATA Montreal, and is posted for your guidance.

Update on US Harmonization Rulemaking (HM-215N)

As advised on 25 January the new US administration directed DOT to withdraw the Final Rule (HM-215N) that would have harmonized the US domestic dangerous goods regulations, 49 CFR, with the new international regulations set out in the 19th revised edition of the UN Model Regulations, IMDG Code and 2017-2018 edition of the ICAO Technical Instructions.

The purpose of the harmonization rulemaking is to formally bring into 49 CFR the new provisions that have been agreed by the international bodies and which now apply to the transport of dangerous goods by air with effect 1 January 2017. These include the new UN numbers for engines and the new entries for machinery (UN 3528, UN 3529 and UN 3530), the new lithium battery mark and the new lithium battery Class 9 hazard label.

By not implementing the Final Rule all of the new provisions that are set out in the 2017–2018 Technical Instructions and 58th edition of the DGR are not brought into 49 CFR. The effect of this that for dangerous goods shipped to, from, through or within the US the provisions that remain in effect are those set out in the 2015-2016 edition of the Technical Instructions and in the 57th edition of the DGR. This means that effectively the new UN numbers, lithium battery mark and Lithium battery Class 9 label do not exist in the US regulations, and therefore cannot be used.

On that basis it is strongly recommended that shippers of engines not use the new UN numbers, but keep using UN 3166. There are transitional provisions set out in the Technical Instructions and the DGR in a note to Special Provision A208 that allows engines to be shipped as UN 3166 until 31 March 2017. This transitional provision was put in place to allow shippers and others sufficient time to update their systems, processes and procedures. However, it also allows for the movement of engines as UN 3166 under the existing requirements in 49 CFR.

For lithium batteries and the use of the new lithium battery mark and new lithium battery Class 9 hazard label, here too shippers should be strongly encouraged to continue to use the lithium battery handling label and the standard Class 9 hazard label. For these there is a two-year transition period until 31 December 2018.

I will let you know once more information becomes available on when the HM-215N Final Rule may be issued through the Federal Register.

Nothing more