

**VOLUME 6 SURVEILLANCE****CHAPTER 11 OTHER SURVEILLANCE****Section 1 Transportation of Oxygen Generators (Chemical)**

**6-2151. PURPOSE.** This section contains information for Flight Standards Aviation Safety Inspectors (ASI), and provides guidance concerning the prohibition of transporting chemical oxygen generators as cargo in passenger carrying aircraft. One attachment accompanies this chapter, the Emergency Notice of Enforcement Policy.

**6-2152. DISCUSSION.**

**A.** Chemical oxygen generators, when not in their protective thermal canisters (normal installation), and packaged in any quantity in a confined area, are hazardous if activated.

**B.** The Department of Transportation (DOT) Research and Special Programs Administration (RSPA) has amended Title 49 of the Code of Federal Regulations (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 releases oxygen as a product of chemical reaction. 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. Importantly, the carriage of Passenger Service Units (PSU) and seats that incorporate PSUs must have the oxygen generator removed before transporting, 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 carriage of hazardous materials (HAZMAT).

**C.** In order to prevent the possibility that an oxygen generator may cause or contribute to an accident in air commerce, ASIs must familiarize themselves with the amendments to 49 CFR and ensure that all Title 14 CFR part 121, 125, 129, 135 Air Carriers, Commercial Operators, and 145 Air Agencies are aware of those changes. Chemical oxygen generators may be transported on cargo-only aircraft, if they are properly packaged, marked with the proper shipping name, labeled in accordance with the manufacturers instructions, and are accompanied by shipping papers.

**6-2153. ACTION.**

**A.** During normal surveillance of air carriers, air operators and air agencies, inspectors will place special emphasis on the methods they use to avoid transporting chemical oxygen generators and other prohibited hazardous materials on passenger carrying aircraft.

**B.** Inspectors must make the RSPA rule and the Administrator's Emergency Notice of Enforcement Policy (see figure 6-97) available to affected operators upon their request.

**RESERVED.** Paragraphs 6-2154 through 2-2170.

**Figure 6-97, Emergency Notice of Enforcement Policy**

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 violating 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.

Effective immediately, any person 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 willfully violating 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