

Civil Aviation Rules



Part 92

CAA Consolidation

22 June 2006

Carriage of Dangerous Goods

DESCRIPTION

Part 92 prescribes rules governing the carriage of dangerous goods by air.

Part 92 does not apply to articles or substances that are –

- specifically excluded under Part One in the Technical Instructions
- required to be aboard an aircraft in accordance with the airworthiness or operational requirements of the Civil Aviation Rules
- approved by the Director to meet special operational requirements.

This document is the current consolidated version of Part 92 produced by the Civil Aviation Authority, and serves as a reference only. It is compiled from the official ordinary rules that have been signed into law by the Minister of Transport. Copies of the official rule and amendments as signed by the Minister of Transport may be obtained from the Civil Aviation Authority or may be downloaded from the official web site at: www.caa.govt.nz

Bulletin

This Part first came into force on 14 November 1995 and now incorporates the following amendments:

Amendment	Effective Date
Amendment 1	1 April 1997
Amendment 2	22 June 2006

Summary of amendments:

Amendment 1
(Docket 1246)

Rules 92.3 and 92.17 are amended, rules 92.51 and 92.105 are revoked and substituted.

Amendment 2
(3/CAR/4)

Rules 92.1, 92.3, 92.7, 92.9, 92.11, 92.53, 92.59, 92.179 and 92.203 are revoked and substituted, rule 92.5 is revoked and rule number is reserved.

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Appendix A — Dangerous Goods Training Programme

Subpart A — General

92.1 Purpose

- (a) This Part prescribes rules governing the carriage of dangerous goods by air.
- (b) This Part does not apply to articles or substances that are—
- (1) specifically excluded under Part One in the Technical Instructions; or
 - (2) required to be aboard an aircraft in accordance with the airworthiness or operational requirements of the Civil Aviation Rules; or
 - (3) approved by the Director to meet special operational requirements.
- (c) Articles and substances intended as replacements for those covered by paragraphs (b)(2) and (3) must be carried in accordance with this Part except when consigned by operators in accordance with Part 1, Chapter 2, Paragraph 2.2 of the Technical Instructions.

92.3 Definitions

In this Part—

Approved handler has the same meaning as in the Hazardous Substances and New Organisms (Personnel Qualifications) Regulations 2001:

Cargo aircraft means an aircraft, other than an aircraft that carries passengers, which is carrying goods or property:

Classification of dangerous goods (Classes 1 to 9) have the same meaning as defined in Part 2 of the Technical Instructions:

Consignment means 1 or more packages of dangerous goods accepted by an operator from 1 consignor at one time and at 1 address, received for in 1 lot and moving to 1 consignee at 1 destination address:

Handling agent means an agency which performs on behalf of the operator some or all of the operator's functions including receiving, loading, unloading, transferring, or other processing of passengers or cargo:

Operator means a person engaged in or offering to engage in an aircraft operation:

Overpack means an enclosure used to contain 1 or more packages and to form 1 handling unit for convenience of handling and stowage:

Package means the complete product for the packing operation consisting of the packaging and its contents prepared for transport:

Packaging means the receptacle and any other components necessary for the receptacle to perform its containment function and to ensure compliance with the packing requirements of Annex 18 to the Convention:

Packing means the art and operation by which articles or substances are enveloped in wrappings, enclosed in packagings or otherwise secured:

Postal article has the same meaning as in the Postal Services Act 1998:

Proper shipping name means the name used to describe a particular article or substance in every shipping document and notification and, where appropriate, on packaging:

Receptacle means a containment vessel for receiving and holding a substance or article, including any means of closing:

Regular shipper means any person who—

- (1) manufactures or supplies dangerous goods and offers those dangerous goods for carriage by air; or
- (2) provides a service to the public to arrange the offer of dangerous goods for carriage by air:

Telarc means the Testing Laboratory Registration Council established by section 3 of the Testing Laboratory Registration Act 1972:

UN number means the 4 digit number assigned by the United Nations Committee of Experts on the Transport of Dangerous Goods to identify a substance or a particular group of substances:

Unit load device means any type of freight container, aircraft container, aircraft pallet with a net, or aircraft pallet with a net over an igloo, except for—

- (1) an overpack; or
- (2) a freight container for radioactive materials.

92.5 Reserved

92.7 General carriage requirements

(a) A person must not offer or accept dangerous goods for carriage by air unless those goods are classified, documented, certificated, described, packaged, marked, and labelled in accordance with the Technical Instructions, and are in the condition for shipment prescribed by the Technical Instructions.

(b) A person must not carry dangerous goods by air unless those goods are accepted, handled, and carried in accordance with the Technical Instructions or under the provisions of this Part.

92.9 Forbidden dangerous goods

(a) Except as provided in paragraph (b), a person must not offer or accept dangerous goods for carriage by air if the dangerous goods are forbidden for carriage by air under the Technical Instructions.

(b) A person may offer or accept for carriage by air an article or substance identified as being forbidden in columns 9 and 10, or 11 and 12, of the Dangerous Goods List in the Technical Instructions, including that article or substance described as *not otherwise specified*, if the Director approves the carriage of the article or substance.

92.11 Exceptions

(a) A member of the Police may carry dangerous goods in an aircraft in the course of that person's duties without complying with this Part if the aircraft is performing an operation solely for Police purposes.

(b) A person may offer or accept Class 1 dangerous goods for carriage by air without complying with this Part if—

- (1) carriage is approved by an approved handler; and
- (2) the dangerous goods are carried—
 - (i) under the supervision of an approved handler; or
 - (ii) in accordance with instructions given by an approved handler and that approved handler is readily contactable to provide assistance at all times whilst the dangerous goods are being carried; and
- (3) safety and emergency procedures are established for the carriage of the goods; and
- (4) the goods are—
 - (i) in a proper condition for carriage by air; and
 - (ii) stowed and secured for safe carriage; and
- (5) the aircraft does not carry any passenger other than a passenger who is essential for the purpose of the flight; and
- (6) the flight is conducted clear of any congested area of a city, town, or settlement.

(c) A person may offer or accept dangerous goods for carriage by air that are for the recreational use of a passenger without complying with this Part if—

- (1) the dangerous goods are carried in an unpressurised aircraft that—
 - (i) has a MCTOW of 5700 kg or less; and
 - (ii) is on a domestic VFR flight; and

- (2) the dangerous goods are not listed in the Dangerous Goods List in the Technical Instructions as being forbidden for carriage by air in an aircraft that carries passengers; and
- (3) safety and emergency procedures for the carriage of the dangerous goods are established; and
- (4) each item of dangerous goods is identified; and
- (5) the pilot-in-command is informed of the hazardous nature of the goods; and
- (6) the dangerous goods are—
 - (i) in a proper condition for carriage by air; and
 - (ii) segregated if they are likely to react dangerously together; and
 - (iii) stowed, secured, and, if necessary, packed, to prevent leakage or damage in flight; and
- (7) the only passengers carried aboard the aircraft are passengers who are associated with the dangerous goods.

92.13 Carriage by passenger or crew member

A person shall not carry dangerous goods or cause dangerous goods to be carried aboard an aircraft in checked or carry-on baggage or on their person unless permitted by the Technical Instructions.

92.15 Offer of goods

- (a) Each person who offers an article or substance for carriage by air shall—
 - (1) if the article or substance is not a dangerous good, provide the operator with a signed document that—
 - (i) accurately describes the article or substance; or
 - (ii) states that the article or substance is not a dangerous good; or

- (2) if the article or substance is a dangerous good, comply with Subpart C.
- (b) Paragraph (a)(1) shall not apply to—
 - (1) a postal article; or
 - (2) checked or carry-on baggage.

92.17 Custody of dangerous goods

- (a) Any dangerous goods offered or accepted for carriage by air that are associated with an accident or incident reported under Part 12 shall be deemed to be in the custody of the Director.
- (b) The Director may—
 - (1) inspect and open any of those goods specified in paragraph (a); and
 - (2) retain samples of the contents for testing and analysis and for evidential purposes.

Subpart B — Packaging, Packing, Marking, and Labelling

92.51 Packaging requirements

- (a) A person shall not mark, label, certify, or offer a packaging as meeting the requirements of this Part unless the packaging is—
 - (1) manufactured, fabricated, marked, maintained, reconditioned, and repaired, as applicable, in accordance with the Technical Instructions; and
 - (2) tested in accordance with the Technical Instructions; and
 - (3) for a New Zealand manufactured packaging—
 - (i) tested by an organisation accredited by Telarc for testing; and

- (ii) except for class 7 dangerous goods, approved by the Director; and
 - (iii) for class 7 dangerous goods, approved by the National Radiation Laboratory of the Ministry of Health; and
 - (4) for a packaging not manufactured in New Zealand, manufactured and tested in an ICAO contracting State.
- (b) Paragraphs (a)(3) and (4) shall not apply to a packaging that is not required by the Technical Instructions to be tested.

92.53 Packaging approval

- (a) An application for an approval under rule 92.51(a)(3)(ii), or renewal of an approval, must be made by submitting to the Director a packaging performance test report in accordance with the Technical Instructions.
- (b) An approval referred to in paragraph (a) may be granted if—
- (1) the packaging performance test report indicates a successful result; and
 - (2) the applicant pays any applicable fees or charges prescribed by regulations made under the Act.
- (c) An approval granted under paragraph (b) may—
- (1) be granted or renewed for a period of up to 5 years; and
 - (2) remain in force until it expires or is revoked; and
 - (3) specify markings to be placed on the packaging in accordance with the Technical Instructions.

92.55 Packing requirements

Each person who packs dangerous goods for carriage by air shall—

- (1) pack the goods in accordance with the Technical Instructions; and

- (2) except where the Technical Instructions otherwise provides, ensure that the packaging—
 - (i) is used as specified in the applicable test; and
 - (ii) conforms in all respects with the design type, including the method of packing and size and type of any inner packagings, which was tested.

92.57 Marking requirements

Each person who marks a package or overpack containing dangerous goods for carriage by air shall mark the package or overpack—

- (1) in accordance with the Technical Instructions; and
- (2) with the following:
 - (i) the proper shipping name of the dangerous goods, and, if appropriate, supplemented with the technical name:
 - (ii) when assigned, the corresponding UN number, preceded by the letters **UN**:
 - (iii) the name and address of the person who offers the dangerous goods for carriage by air and the consignee:
 - (iv) such other markings as are specified in the Technical Instructions.

92.59 Labelling requirements

A person who labels a package or overpack containing dangerous goods for carriage by air must—

- (1) label each package and overpack in accordance with the Technical Instructions; and
- (2) ensure that each hazard label indicates the true nature of the hazard in accordance with the Technical Instructions.

Subpart C —Offer of Dangerous Goods

92.101 Applicability

(a) This Subpart prescribes rules governing the offer of dangerous goods for carriage by air.

(b) Each person who performs a function required by this Subpart on behalf of the person who offers the dangerous goods for carriage by air, shall perform that function in accordance with this Subpart.

92.103 Offer of dangerous goods

Each person who offers a package or overpack containing dangerous goods for carriage by air shall ensure that—

- (1) the dangerous goods are not forbidden under the Technical Instructions for carriage by air; and
- (2) the dangerous goods are certified in accordance with this Subpart; and
- (3) the dangerous goods are packaged, packed, marked, and labelled in the manner described in Subpart B; and
- (4) when required by the Technical Instructions, the dangerous goods are accompanied by a dangerous goods transport document that has been executed and signed in accordance with 92.105; and
- (5) they have otherwise complied with the Technical Instructions.

92.105 Dangerous goods transport document

(a) Each person who offers dangerous goods for carriage by air shall, subject to 92.103(4), provide the operator with 2 copies of a completed and signed dangerous goods transport document that—

- (1) accurately describes the dangerous goods in the following order by their—
 - (i) proper shipping name; and

- (ii) class or, when assigned, division, including for Class 1, compatibility group; and
 - (iii) UN number, if any, preceded by the letters UN; and
 - (iv) where assigned, the appropriate packing group; and
- (2) bears the following declaration signed by the person who offered the dangerous goods for carriage by air:

I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked, and labelled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations; and

- (3) complies with any additional requirements prescribed by the Technical Instructions.
- (b) The declaration required by paragraph (a)(2) may omit the reference to *placarded*, where appropriate.

Subpart D — Operator

92.151 Applicability

- (a) This Subpart prescribes rules governing the—
- (1) acceptance, handling, storage, loading, and inspection of dangerous goods by operators; and
 - (2) provision of information by operators concerning dangerous goods.
- (b) Where a person performs a function required by this Subpart on behalf of the operator, that person shall perform the function in accordance with this Subpart.
- (c) Nothing in this Subpart should be interpreted as requiring an operator to carry a particular article or substance or as preventing an operator from

imposing special requirements on the carriage of a particular article or substance.

92.153 Acceptance of dangerous goods

An operator shall not accept for carriage by air a package, overpack, or, where permitted by the Technical Instructions, a unit load device, containing dangerous goods, unless—

- (1) it is accompanied by 2 copies of the dangerous goods transport document prescribed in 92.105, except where the Technical Instructions state that such a document is not required; and
- (2) the package, overpack, or unit load device has been—
 - (i) inspected in accordance with 92.163; and
 - (ii) marked and labelled in accordance with 92.57 and 92.59.

92.155 Acceptance check

Each operator who accepts dangerous goods for carriage by air shall—

- (1) use an acceptance check-list to ensure that—
 - (i) the requirements in 92.153 are performed; and
 - (ii) the dangerous goods transport document meets the requirements in 92.105; and
- (2) maintain a record of the results of the acceptance check; and
- (3) retain the record required in subparagraph (2) for a minimum period of 6 months.

92.157 Aircraft loading restrictions

(a) Except as provided in paragraph (b), an operator shall not carry dangerous goods in an aircraft cabin occupied by passengers or on the flight deck of an aircraft.

(b) An operator may—

- (1) permit a passenger or crew member to carry dangerous goods in checked or carry on baggage or on their person if permitted to do so under the Technical Instructions; and
 - (2) permit carriage of radioactive material in an aircraft cabin occupied by passengers or on the flight deck of an aircraft if permitted to do so as an excepted package under the Technical Instructions; and
 - (3) if performing a domestic operation, carry the following dangerous goods in the cargo compartment of a passenger cabin, where the aircraft is not equipped with a class B cargo compartment:
 - (i) Class 1, Division 1.4 Compatibility Group S explosives:
 - (ii) Class 2, Division 2.2, non-flammable, non-toxic gas:
 - (iii) Class 3, flammable liquids, Packing Group III:
 - (iv) Class 4, Division 4.1, flammable solids, Packing Group III:
 - (v) Class 5, Division 5.1, oxidising substances, Packing Group III:
 - (vi) Class 6, Division 6.1, poisonous substances, Packing Group III:
 - (vii) Class 7, radioactive materials loaded in compliance with the minimum separation distances:
 - (viii) Class 8, Packing Group III substances:
 - (ix) Class 9, miscellaneous goods.
- (c) An operator may carry dangerous goods in a main deck cargo compartment of an aircraft that carries passengers if the compartment meets all certification requirements for a class B cargo or baggage compartment.

(d) Each operator who accepts dangerous goods for carriage by air shall load packages of dangerous goods bearing the *Cargo Aircraft Only* label on cargo aircraft.

92.159 Incompatible dangerous goods

An operator who accepts dangerous goods for carriage by air shall not stow packages containing dangerous goods which might react dangerously together, next to each other or in a position that would allow interaction between them in the event of leakage.

92.161 Separation, segregation, and security

Each operator who accepts dangerous goods for carriage by air shall—

- (1) stow packages of poisons and infectious substances in accordance with the Technical Instructions; and
- (2) stow radioactive materials separate from persons, live animals, and undeveloped film in accordance with the Technical Instructions; and
- (3) protect the dangerous goods loaded on an aircraft from being damaged; and
- (4) secure such goods in the aircraft in a manner that will prevent any movement in flight which would change the orientation of the packages.

92.163 Loading inspection

An operator shall not load—

- (1) a package or overpack containing dangerous goods onto an aircraft or into a unit load device unless it has been—
 - (i) inspected immediately prior to loading; and
 - (ii) found free from evidence of leakage or damage; and
- (2) a unit load device onto an aircraft until the device has been—
 - (i) inspected immediately prior to loading; and

- (ii) found free of any evidence of leakage from, or damage to, any dangerous goods contained within.

92.165 Unloading inspection

Each operator who carries a package or overpack containing dangerous goods by air shall inspect the package or overpack for signs of damage or leakage when unloading from the aircraft or unit load device.

92.167 Removal of damage or leakage

Where evidence of damage or leakage is found when unloading an aircraft, the operator shall—

- (1) inspect the area of the aircraft where the dangerous goods or unit load device was stowed for damage or contamination; and
- (2) remove any hazardous contamination.

92.169 Infectious substances

Where any package containing infectious substances loaded on an aircraft appears to be damaged or leaking, the operator shall—

- (1) avoid handling the package or keep handling to a minimum; and
- (2) inspect adjacent packages for contamination and put aside any that may be contaminated; and
- (3) inform the appropriate public health authority or veterinary authority and provide information on any other countries of transit where any persons may have been exposed to danger; and
- (4) notify the consignor or the consignee.

92.171 Radioactive material

Each operator who carries dangerous goods by air shall, where the aircraft has been contaminated by radioactive materials—

- (1) immediately take the aircraft out of service; and

- (2) not return the aircraft into service until the radiation level at any accessible surface and the remaining contamination does not exceed the values specified in the Technical Instructions.

92.173 Information to pilot-in-command

(a) Each operator of an aircraft in which dangerous goods are to be carried shall, before the departure of the aircraft, provide the pilot-in-command of the aircraft with written information concerning those goods in accordance with the Technical Instructions.

(b) The operator shall ensure that the information in paragraph (a) is—

- (1) readily available to the pilot-in-command during the flight; and
- (2) presented on a dedicated form.

(c) Each operator of an aircraft in which dangerous goods are being carried that require a dangerous goods transport document to be completed under 92.105 shall, before the departure of the aircraft, provide the pilot-in-command of the aircraft with information for use in emergency response to accidents and incidents involving the dangerous goods being carried.

(d) The operator shall ensure that the information required in paragraph (c) is readily available to the pilot-in-command during the flight.

(e) The operator shall ensure that the information required in paragraph (c) is that provided by—

- (1) the current ICAO Doc 9481 Emergency Response Guidance for Aircraft Incidents Involving Dangerous Goods; or
- (2) any other document which provides similar information concerning the dangerous goods being carried.

92.175 Information to employees

Each operator shall provide such information to their employees and, where applicable, their handling agent, as will enable them to carry out their responsibilities with regard to the carriage of dangerous goods including—

- (1) instructions on action to be taken in emergencies arising involving the dangerous goods; and

- (2) such other information as specified in the Technical Instructions.

92.177 Information in cargo acceptance areas

- (a) Each operator shall display notices to the public at cargo acceptance areas providing information about the carriage of dangerous goods.
- (b) The notices in paragraph (a) shall be—
 - (1) sufficient in number; and
 - (2) prominently displayed.

92.179 Information to passenger

- (a) An operator of an aircraft must inform a passenger of the type of goods that he or she is prohibited from carrying aboard an aircraft.
- (b) The information required by paragraph (a) must be provided—
 - (1) by notices sufficient in number and prominently displayed—
 - (i) at each location where tickets are issued and baggage checked; and
 - (ii) in each aircraft boarding area; and
 - (2) with the passenger ticket, or if no physical ticket is issued, as part of the booking confirmation.

92.181 Custody by operator

Where the operator is in possession of dangerous goods that are deemed to be in the custody of the Director under 92.17, the operator—

- (1) shall take all reasonable precautions to secure the goods until they are in the possession of the Director; and
- (2) may release the goods taken into custody when the Director states that they are no longer needed for inspection, testing, analysis, or evidential purposes.

Subpart E — Training

92.201 Applicability

This Subpart prescribes rules governing the dangerous goods training requirements for—

- (1) regular shippers of dangerous goods and their agents; and
- (2) operators who accept dangerous goods for carriage by air; and
- (3) handling agents who accept dangerous goods for carriage by air; and
- (4) agencies, organisations and persons, other than operators, involved in processing or carrying by air either passengers or cargo; and
- (5) agencies engaged in the security screening of passengers and their baggage.

[98/DET/9]

92.203 Dangerous goods training programmes

(a) A holder of an air operator certificate issued in accordance with Part 119, or the certificate holder's handling agent must ensure that personnel who are assigned duties involving dangerous goods that are intended for carriage by air have satisfactorily completed a dangerous goods training programme, including recurrent training under rule 92.205, in accordance with Appendix A conducted by—

- (1) the holder of an air operator certificate issued in accordance with Part 119 if the certificate authorises dangerous goods training; or
- (2) the holder of an aviation training organisation certificate issued in accordance with Part 141 if the certificate authorises dangerous goods training.

(b) A person, other than the holder of an air operator certificate or the certificate holder's handling agent, must ensure that personnel assigned duties involving dangerous goods that are intended for carriage by air have satisfactorily completed a dangerous goods training programme, including

recurrent training under rule 92.205 if applicable, in accordance with Appendix A conducted by the holder of—

- (1) an aviation training organisation certificate issued in accordance with Part 141 if the certificate authorises dangerous goods training; or
 - (2) a current International Air Transport Association dangerous goods training programme Certificate of Accreditation.
- (c) An operator of a New Zealand registered aircraft in a foreign State is not required to comply with paragraph (a) if the loading and unloading of aircraft is performed by personnel of that State who—
- (1) are supervised by a person who has completed the training requirements under rule 92.203; or
 - (2) have satisfactorily completed a dangerous goods training programme required by that State; or
 - (3) have satisfactorily completed a dangerous goods training programme conducted by—
 - (i) another operator that is a member airline of the International Air Transport Association; or
 - (ii) the holder of a current International Air Transport Association dangerous goods training programme Certificate of Accreditation.
- (d) An operator or handling agent of a foreign registered aircraft in New Zealand is not required to comply with paragraph (a) if the personnel who are assigned dangerous goods duties have satisfactorily completed a dangerous goods training programme required by the State of the aircraft's registry.

92.205 Recurrent training

Each person who is required under 92.203 to have completed a dangerous goods training programme shall—

- (1) within 2 years of completing the programme, undertake a recurrent dangerous goods training programme; and
- (2) repeat the recurrent dangerous goods training programme at intervals not exceeding 2 years.

92.207 Personnel records

(a) Each person to whom this Subpart applies shall retain a record, for every person assigned duties involving dangerous goods, for the duration of the person's employment.

(b) The record required to be retained under paragraph (a) shall identify for each person—

- (1) the initial training programme and last recurrent training undertaken; and
- (2) when it was undertaken; and
- (3) the identity of the person and organisation that conducted the training; and
- (4) the result and competence achieved.

Appendix A — Dangerous Goods Training Programme

Each dangerous goods training programme undertaken by a person shall be commensurate with the duties involving dangerous goods assigned to that person and include—

- (1) general familiarisation training, aimed at providing familiarity with the general provisions; and
- (2) function-specific training, providing detailed training in the requirements applicable to the function for which the person is responsible; and

- (3) safety training, covering the hazards presented by dangerous goods, safe handling and emergency response procedures; and
- (4) the following applicable subject matter:

Category of Personnel	Subject Matter
Operator acceptance personnel	New Zealand legislation; classification of dangerous goods; prohibitions; packing instructions; labelling and marking; dangerous goods transport document(s) operator responsibilities; shipper responsibilities; emergency procedures
Personnel engaged in the ground handling storage and loading of dangerous goods	General philosophy; labelling and markings; handling and loading procedures; compatibility; emergency procedures
Passenger handling personnel and security staff who screen passengers and baggage	General philosophy; New Zealand legislation; dangerous goods prohibited; exceptions for passengers; general label identification
Flight crew members	General philosophy; New Zealand legislation; labelling and marking; pilots notification; emergency procedures; compatibility; loading procedures
Crew members other than flight crew members	General philosophy; New Zealand legislation; dangerous goods prohibited; exceptions for passengers; general label identification; emergency procedures
Packers	Classes of dangerous goods; list of dangerous goods; general packing requirements; equivalents; specific packing instructions; labelling and marking
Regular shippers and their agents	Classification of dangerous goods; list of dangerous goods' prohibitions; packing instructions; labelling and marking; shippers responsibilities; dangerous goods transport document