



WORKING PAPER

FACILITATION PANEL (FALP)

FIFTH MEETING

Montréal, 31 March to 4 April 2008

Agenda Item 3: Other amendments to Annex 9

THE TRANSPORT OF RADIOACTIVE MATERIAL BY AIR

(Presented by the Secretary)

SUMMARY

The international transport of dangerous goods (such as radioactive material) by air is strictly regulated and controlled through ICAO's Annex 18 and Doc 9284. However, increasing border controls and possible restrictions imposed by airports and on aircraft operators have begun to have a negative effect over the transport of essential radioactive material, particularly that used in medical applications. This paper makes proposals that seek international uniformity and focus on mitigating entry/exit delays and denials of such material.

Action by the FAL Panel:

Action by the Panel is at Paragraph 3.1.

1. INTRODUCTION

1.1 Dangerous goods (such as radioactive material) are carried regularly and routinely by air. To ensure they do not put an aircraft and its occupants at risk there are comprehensive and stringent international standards which each State, under the provisions of the Chicago Convention, is required to introduce into national legislation. This system ensures governmental control over the carriage of dangerous goods by air and gives world-wide harmonization of safety standards.

1.2 Annex 18 governs *The Safe Transport of Dangerous Goods by Air*. It sets down broad principles on such carriage. These principles are amplified by the detailed specifications of the *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284).

2. DISCUSSION

2.1 In spite of compliance with the provisions of Annex 18 and the specifications of Doc 9284, an increasing number of instances of denials and/or delays of shipment of radioactive material, in particular, are being reported. These denials and delays occur at all stages of the transport of the material, including international border controls such as customs. Also, non-uniform restrictions

additional to the internationally agreed Doc 9284 specifications are also being imposed by some States on the transport and entry and/or exit of radioactive material.

2.2 These delays and denials cause problems for end-users. Delays and denials of shipments of radioactive material, in particular material used for medical applications, result in hardships to patients undergoing diagnosis and treatment and to others, who rely on products sterilized by radiation.

2.3 Most countries around the world import isotopes commonly used in medicine, for example, those used to treat cancer and to diagnose heart attacks. Hospitals and clinics depend on these international shipments to arrive on time, particularly if an isotope has a short half-life, is patient- or application-specific and must be sent by air.

2.4 When a State's regulatory controls, such as customs' controls, causes delays even though all international regulations have been complied with, this creates bottlenecks that block shipments. In cases involving isotopes with short half lives – such as iodine used to treat and detect thyroid tumours – delays render the isotopes much less effective and, if the delay is long enough, useless.

2.5 Therefore, in order to promote uniformity of customs' or other entry or exit regulations on the movement of radioactive material, particularly material used in medical applications, this paper proposes the addition of a new sub-section in Chapter 4 of Annex 9 containing two new SARPs relating to the customs' and other entry/exit treatment of radioactive material transported by air and one Standard, similar to Standard 2.5.1 of Annex 18, requiring States to promptly notify ICAO of any variations to Doc 9284.

3. ACTION BY THE FAL PANEL

3.1 The FAL Panel is invited to consider and to agree to the following amendment to Chapter 4 (Entry and departure of cargo and other articles) of Annex 9:

H. Radioactive material

4.54 A Contracting State shall promptly release radioactive material, particularly material used in medical applications, being imported by air provided that the goods are transported in accordance with the relevant provisions of Annex 18, *The Safe Transport of Dangerous Goods by Air* and Doc 9284, *Technical Instructions for the Safe Transport of Dangerous Goods by Air*.

4.55 **Recommended Practice.**— *A Contracting State should avoid imposing customs' or other entry/exit regulations or restrictions supplementary to the provisions of Doc 9284, Technical Instructions for the Safe Transport of Dangerous Goods by Air.*

4.56 Where a Contracting State adopts customs' or other entry/exist regulations or restrictions that differ from those specified in Doc 9284, *Technical Instructions for the Safe Transport of Dangerous Goods by Air*, it shall notify ICAO promptly of such State variations for publication in the Technical Instructions.