

Mr Carroll

request-54712-d5326bac@whatdotheyknow.com

20 December 2010

FOIA reference: F0001098

Dear Mr Carroll

I am writing in respect of your recent application of 13 December 2010, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

"Please could you confirm if hazardous chemical substances that can generate toxic gases under certain circumstances, are allowed to be transported, exported or imported over UK air-space and the legal conditions and limitations imposed on such carriage in aircraft under UK laws.

Specifically, though not exclusively I refer to white phosphorus, which can oxidise to phosphorus pentoxide when not stored in water and zinc phosphide which when damp forms phosphine gas. If there are no such current UK laws relating to carriage of such substances, could you please clarify this".

Our response:

In assessing your request in line with the provisions of the Freedom of Information Act 2000, we are pleased to be able to provide the information below.

The international transport of "dangerous goods" by air is subject to the requirements of the International Civil Aviation Organization (ICAO). These are published in ICAO document 9284 "Technical Instructions for the Safe Transport of Dangerous Goods by Air. The Technical Instructions are given the force of law in the United Kingdom by the Air Navigation (Dangerous Goods) Regulations 2002.

The Technical Instructions stipulate the conditions under which dangerous goods may be carried on an aircraft. These include requirements for performance tested packagings, quantity limitations per package, documentation, marking, labelling and training of all persons involved in the transport. The Technical Instructions contain a list of around 3000 substances and articles meeting the criteria of dangerous goods. Consequently, it is not practical to identify those which could generate toxic gases under certain circumstances. However, there are entries for the substances quoted:

Civil Aviation Authority

Aviation House GW Gatwick Airport South Crawley West Sussex England RH6 0YR www.caa.co.uk

Telephone 01293 768512 rick.chatfield@caa.co.uk



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White phosphorus – there are 5 entries relating to this substance. Four of these are classified in division 4.2 (spontaneously combustible) with a subsidiary risk of division 6.1 (toxic):

UN1381 “Phosphorus, white, dry”

UN1381 “Phosphorus, white, in solution”

UN2447 “Phosphorus, white, molten”

UN1381 “Phosphorus, white, under water”

These are all forbidden for transport on both passenger and cargo aircraft in normal circumstances. Exceptionally, in cases of extreme urgency, or when other forms of transport are inappropriate, or full compliance with the prescribed requirements is contrary to public interest, they may be transported under an exemption which would have to be granted by the States of Origin, Operator, Transit, Overflight and Destination. Since 2007, records of exemptions granted by the Dangerous Goods Office have been retained electronically. No exemptions have been granted by the CAA in that time.

There is also an entry for **“Phosphorus (white or red) and a chlorate, mixture of”**. This substance is forbidden for transport under any circumstances.

“Zinc phosphide”, UN1714, is classified in division 4.3 (substances which, in contact with water, emit flammable gases) with a subsidiary risk of division 6.1 (toxic). This substance is forbidden for transport on passenger aircraft but is permitted in normal circumstances to be carried on cargo aircraft, subject to the requirements of the Technical Instructions being met.

The Regulations require that operators (airlines) may only carry dangerous goods if they are approved to do so by the CAA. Such approvals allow the carriage of all dangerous goods which are permitted by the Technical Instructions to be carried in normal circumstances without further permission from the CAA.

Consequently, it is not possible to say whether zinc phosphide has been carried on cargo aircraft in the United Kingdom, although we can confirm that exemptions for such substances would not be granted for carriage on passenger aircraft.

For further information regarding the carriage of dangerous goods on aircraft please see www.caa.co.uk/dangerousgoods

If you are not satisfied with how we have dealt with your request in the first instance you should approach the CAA in writing at:-

Mark Stevens
External Response Manager
Civil Aviation Authority
Aviation House
Gatwick Airport South
West Sussex
RH6 0YR

mark.stevens@caa.co.uk

The CAA has a formal internal review process for dealing with appeals or complaints in connection with Freedom of Information requests. The key steps in this process are set in the attachment.

Should you remain dissatisfied with the outcome you have a right under Section 50 of the Freedom of Information Act to appeal against the decision by contacting the Information Commissioner at:-

Information Commissioner's Office
FOI/EIR Complaints Resolution
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
www.ico.gov.uk/complaints.aspx

Should you wish to make further Freedom of Information requests, please use the e-form at <http://www.caa.co.uk/foi>.

Yours sincerely

Rick Chatfield
FoIA & EIR Case Manager

CAA INTERNAL REVIEW & COMPLAINTS PROCEDURE

- The original case to which the appeal or complaint relates is identified and the case file is made available;
- The appeal or complaint is allocated to an Appeal Manager, the appeal is acknowledged and the details of the Appeal Manager are provided to the applicant;
- The Appeal Manager reviews the case to understand the nature of the appeal or complaint, reviews the actions and decisions taken in connection with the original case and takes account of any new information that may have been received. This will typically require contact with those persons involved in the original case and consultation with the CAA Legal Department;
- The Appeal Manager concludes the review and, after consultation with those involved with the case, and with the CAA Legal Department, agrees on the course of action to be taken;
- The Appeal Manager prepares the necessary response and collates any information to be provided to the applicant;
- The response and any necessary information is sent to the applicant, together with information about further rights of appeal to the Information Commissioners Office, including full contact details.