

with this subchapter may not be accepted for transportation or transported aboard an aircraft.

[Amdt. 175-25, 47 FR 54822, Dec. 6, 1982]

§ 175.5 Applicability.

(a) This part applies to the acceptance for transportation, loading and transportation of hazardous materials in any aircraft in the United States and in aircraft of United States registry anywhere in air commerce. This part does not apply to:

(1) Aircraft owned and operated by a government when not engaged in carrying persons or property for commercial purposes;

(2) Aircraft which are not owned by a government nor engaged in carrying persons or property for commercial purposes but which are under the exclusive direction and control of a government for a period of not less than 90 days as specified in a written contract or lease. An aircraft is under the exclusive direction and control of a government when the government exercises responsibility for:

(i) Approving crew members and determining that they are qualified to operate the aircraft;

(ii) Determining the airworthiness and directing maintenance of the aircraft; and

(iii) Dispatching the aircraft, including the times of departure, airports to be used, and type and amount of cargo to be carried;

(3) Aircraft of United States registry under lease to and operated by foreign nationals outside the United States if:

(i) Hazardous materials forbidden aboard aircraft by § 172.101 of this subchapter are not carried on the aircraft; and

(ii) Other hazardous materials are carried in accordance with the regulations of the State (nation) of the aircraft operator.

[Amdt. 175-15, 45 FR 35332, May 27, 1980]

§ 175.10 Exceptions.

(a) This subchapter does not apply to:

(1) Aviation fuel and oil in tanks that are in compliance with the installation provisions of 14 CFR, chapter 1.

(2) Hazardous materials required aboard an aircraft in accordance with

the applicable airworthiness requirements and operating regulations. Unless otherwise approved by the Associate Administrator, items of replacement for such hazardous materials must be transported in accordance with this subchapter except that—

(i) In place of the required packagings, packagings specially designed for the transport of aircraft spares and supplies may be used, provided such packagings provide at least an equivalent level of protection to those that would be required by this subchapter;

(ii) Aircraft batteries are not subject to quantity limitations such as those provided in § 172.101 or § 175.75(a) of this subchapter; and,

(iii) A tire assembly with a serviceable tire is not subject to the provisions of this subchapter provided the tire is not inflated to a gauge pressure exceeding the maximum rated pressure for that tire.

(3) Hazardous materials loaded and carried in hoppers or tanks of aircraft certificated for use in aerial seeding, dusting, spraying, fertilizing, crop improvement, or pest control, to be dispensed during such an operation.

(4) The following hazardous materials when carried by a passenger or crew member for personal use in conformance with the following conditions:

(i) Non-radioactive medicinal and toilet articles (including aerosols) may be carried in checked or carry-on baggage;

(ii) One self-defense spray (see § 171.8 of this subchapter), not exceeding 118 mL (4 fluid ounces) by volume, that incorporates a positive means to prevent accidental discharge may be carried in checked baggage only;

(iii) Other aerosols in Division 2.2 with no subsidiary risk may be carried in checked baggage only; and

(iv) The aggregate quantity of hazardous materials carried by the person may not exceed 2 kg (70 ounces) by mass and the capacity of each container may not exceed 0.5 kg (18 ounces) by mass or 470 mL (16 fluid ounces) by volume.

(v) The provisions of this paragraph (a)(4) also apply to an aircraft operator when transporting passenger or crew