



U.S. Department  
of Transportation

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

**Pipeline and Hazardous  
Materials Safety  
Administration**

FEB 11 2014

Mr. Hilmar Leng  
Process and Dangerous Goods Manager  
Lufthansa Cargo – the Americas  
3400 Peachtree Road N.E.  
Suite 1225  
Atlanta, GA 30326

Ref. No.: 14-0021

Dear Mr. Leng:

This is in response to your letter dated January 14, 2014, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) relating to the air transportation of hazardous material. You ask whether the HMR apply to aircraft transporting hazardous material and overflying U.S. airspace without landing in U.S. jurisdiction. You further ask if the HMR apply if an aircraft transporting hazardous material lands in U.S. jurisdiction en-route to its final destination and the hazardous material remains onboard the aircraft.

In both instances, the HMR would apply. Section 171.1(c) provides that the requirements of the HMR apply to transportation of a hazardous material in commerce and to each person who transports a hazardous material in commerce. The definition of commerce in § 171.8 is trade or transportation in the jurisdiction of the United States. The jurisdiction of the United States includes the airspace.

However, § 171.22 authorizes, with certain conditions and limitations, the transportation of hazardous materials in commerce in accordance with the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO TI). The hazardous materials being transported must be subject to and in conformance with the ICAO TI, and must conform to all applicable requirements of subpart C of part 171 of the HMR.

I trust this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Duane A. Pfund  
International Standards Coordinator  
Standards and Rulemaking Division

Babich  
§171.1  
§171.22  
§171.23  
Applicability  
14-0021



Lufthansa Cargo AG  
The Americas  
3400 Peachtree Rd. N.E., Suite 1225, Atlanta GA 30326 USA

Ihre Zeichen  
Your Reference

Unsere Zeichen/Datum  
Our Reference/Date

Telefon/Telefax  
Telephone/Telefax

United States Department of Transportation  
PHMSA Office of Hazardous Materials  
Standards  
Attention: PHH-10  
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14.JAN.14

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Re: U.S./DOT regulations for Hazmat overflying / in transit U.S. territory

To whom it may concern,

- 1) Do the U.S./DOT Hazmat Regulations apply for hazardous material loaded on board an aircraft just overflying U.S. airspace without making a landing in U.S. territory? e.g. Frankfurt, Germany to Mexico City, Mexico just flying over U.S. territory
- 2) Same scenario as above but loaded on board an aircraft which transits the U.S. but the hazardous material remains on board the aircraft? e.g. Frankfurt, Germany to Chicago, U.S. onto final destination Mexico City, Mexico

With kindest regards,

Lufthansa Cargo AG

Hilmar Leng  
Process and Dangerous Goods Manager  
Lufthansa Cargo - the Americas

Sitz der Gesellschaft/Corporate Headquarters: Lufthansa Cargo AG, Langer Kornweg 34i, 65451 Kelsterbach  
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