

Notice No.

AWN-03-2021

Date:

06 December 2021

Regulatory Deviation 1309 - Carriage of Cargo in Passenger Cabins



1 INTRODUCTION

- 1.1 This AWN supersedes AWN 05-20. This Airworthiness Notice reflects current approaches to the related risks and acknowledges the position with regard to Bermuda AOC holders, as well as Article 83bis Operators.
- 1.2 In 2020 BCAA responded positively and flexibly to the additional air transport needs of its Operators, in meeting the challenges created by the Covid-19 pandemic, whilst managing related safety risks, proportionately and in alignment with internationally published standards and guidance.
- 1.3 BCAA will continue to provide an approval mechanism, via a further Deviation to OTAR 21, valid until 31 July 2022, permitting approval of modifications from approved sources, where those modifications had not previously been approved via Supplemental Type Certificate (STC) by either EASA, FAA or TCCA, as would normally be required by the CS and OTAR 21 for this type of change.
- 1.4 BCAA acknowledges the validity of those temporary STC approvals, issued by EASA and the time and operational limitations imposed by EASA, in relation to approved those STC.

2 BACKGROUND

- 2.1 The passenger compartments of large passenger aircraft were not certified to carry cargo and do not therefore comply with the certification requirements for cargo compartments. For this reason, these aircraft do not have the necessary equipment or data supporting the mass and balance, loading, restraint, fire detection and suppression, of cargo loaded into these areas of the cabin. Converting these areas for this use requires approval via STC and also Operational Approval
- 2.2 BCAA obligations and responsibilities under ICAO Annex 8 and the AN(OT)O in respect of upholding the standards of the Certificate of Airworthiness, have continued to apply during this Pandemic period.
- 2.3 BCAA therefore implemented a regulatory Deviation to OTAR Part 21.73, to address the urgent need for approval of the required changes to aircraft, to introduce this capability for Bermuda Operators and also the Article 83bis Operators.
- 2.4 Due to the continuing pandemic throughout 2021 and ongoing shortage of dedicated freighter aircraft, operators of passenger aircraft continue to request the extension of this transportation means, for pandemic relief supplies.
- 2.5 Further to the experiences of operating with Deviation 1309 in place, BCAA has continuously reviewed the safety justification for the Deviation and has extended the period of its applicability based upon its understanding of the uptake and effectiveness of the controls, from operating performance. Effective from 01 January 2022, Deviation 1309 has been amended to Revision 4, to



reflect current understanding and this revision introduces additional conditions for those seeking renewed approval of modifications utilising the Deviation.

- 2.6 The amended Deviation 1309 Revision 4, including the related conditions, has been published on the BCAA website at; <https://www.bcaa.bm/exemptions-and-deviations>.

3 INSTRUCTIONS

3.1 Application

3.1.1 Operators wishing to modify the passenger cabins of their aircraft to carry cargo should seek approval via this Deviation, by making a modification approval submission, to their allocated Airworthiness Inspector, in the normal manner on BCAA Form AW220.

3.1.2 Applications to extend an existing approval should be made as at 3.1.1 above. Recognising that the conditions for extension beyond 2021 are revised by Deviation 1309 at Revision 4 (or later published Revisions).

3.1.3 The modification application should include the full modification document package and approval of the applicant design organisation, containing the technical requirements of the change as they apply to seat stowed or floor stowed, cargoes of pandemic relief aid only and address the requirements of the EASA Cargo Transport Guidelines referenced in their ref: TE.RPRO.00065-003 and TE.CERT.00075-002.

3.1.4 The application should also reference compliance to the statements of 'no technical objection' from the type certificate holder, in respect to the airworthiness of the proposed change:

3.1.4.1 Boeing ref: MOM-MOM-20-0239-08B Dated 08 April 2020, or later revision, as applicable.

3.1.4.2 Airbus ref: FOT-999.0028/20 Rev 01 Dated 08 April 2020, or later revision, as applicable.

3.1.5 Bermuda Air Operators are required to:

3.1.5.1 Train and equip any crew required for fire detection and fire-fighting duties.

3.1.5.2 Submit for approval, or acceptance, the necessary amendments or supplements as applicable, to their Operations Specification, Operations, Handling, Loading Manuals, Flight Manual and Minimum Equipment List (MEL).

3.1.5.3 Evaluate and document their risk controls through their SMS.

3.1.5.4 Obtain approval for the cargo operation, utilizing the converted passenger cabin, from BCAA Flight Operations.

3.1.6 For those Operators operating under Article 83bis arrangements, the necessary crew training and amendments to their Flight Manual, MEL, Operations Specification, Operations, Handling and Loading Manuals, would need to be approved independently by the Regulatory Authority of the State of the Operator.



4 ENQUIRIES

- 4.1 Enquiries regarding the content of this Notice should be addressed to the Bermuda Civil Aviation Authority. Enquiries can be sent by email to info@bcaa.bm.

Thomas Dunstan, Director General