



October 19, 2012

Ms. Cynthia L. Quarterman
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Pipeline and Hazardous Materials Safety Administration
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Dear Administrator Quarterman:

SUBJECT: AIR CARRIER HAZARDOUS MATERIALS NOTIFICATION REQUIREMENTS (49 CFR 175.25)

On behalf the American Society of Travel Agents, Inc. ("ASTA"), we ask that you either provide the travel industry with guidance, as promised, or provide the industry with an extension of the Air Carrier Hazardous Materials Passenger Notification Requirements regulation (49 CFR 175.25), as the January 1, 2013 effective date is fast approaching.

On August 16, 2012, ASTA, along with other stakeholders, attended an industry meeting sponsored by the Federal Aviation Administration ("FAA") and the Pipeline and the Hazardous Materials Safety Administration ("PHMSA") to discuss the acceptability of various means of complying with 49 CFR 175.25. While many questions and concerns were posed, either orally or in the form of written comments, at this meeting, these questions remain largely unanswered; despite assurance that a guidance letter would be forthcoming. Two months have passed, and the industry has less than nine weeks before the regulation becomes effective. It's therefor imperative that the FAA and the PHMSA respond to the industry's concerned stakeholders as soon as possible.

Outlined below you will find many of the questions that we posed at the August 16 meeting. These questions were also submitted as written comments by other stakeholders.

- 1) Does the rule apply to corporate/government transactions (B2B), consumer bookings (B2C) or both?
- 2) What is the scope of the rule? Does it apply to flights sold by travel agents outside the US for travel within the US? Does the rule apply to flights with only a stopover in the US?
- 3) With oral disclosure, what is the suggested oral disclosure script and what should be asked when obtaining the required "acknowledgement?" In the absence of guidance, we have proposed that members state: *"Under federal law, passengers are prohibited from bringing hazardous materials on the aircraft. Please go to TSA dot gov and click on the "prohibited*

items” link for more information. Please acknowledge your receipt of this message.” Is this acceptable?

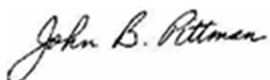
- 4) How would the agent record (document) the purchaser’s acknowledgement of oral disclosure?
- 5) Can a concession be made for road warriors (repeat travelers), such as by having the customer sign or electronically accept an acknowledgement form so that the disclosure does not need to be made with every transactions? [Following the rule as narrowly written, requires that disclosure be provided with every transaction, including those of repeat customers that clearly know and understand the rule. In such situations, repeatedly fulfilling this mandate creates an unnecessary economic burden on the travel seller and a nuisance to the travel buyer.]
- 6) Since the rule restricts ticketing from occurring before disclosure is made, what do the Global Distribution Systems (GDS) need to do to collect the acknowledgement to ensure the disclosure has been made? Are the GDSs required to inhibit ticketing until the travel agent affirms that the acknowledgement has been collected? Are the GDSs prepared to meet the January 1, 2013 deadline? There is no reason for us to believe they are.

As noted at the August 16 meeting, we are deeply concerned about the cost of 49 CF 175.25, especially with oral disclosures. While the FAA and the PHMSA did not perform an economic impact analysis of this rule as required, we have calculated that this rule will impose an estimated annual economic burden of \$27,118,992 on traditional travel agencies, which is a significant amount on an industry that is 98 percent small business as defined by the SBA. We also estimate that travel agencies will endure up-front training costs of \$24,492,000.

We mention this to denote the magnitude, calculated using DOT's own metrics, the investment our industry will have to make to comply. It is essential, therefore, that we obtain answers to the questions posed by industry stakeholders on August 16.

While the regulation may seem simple to the FAA and the PHMSA, it presents huge economic and process issues for the travel agency industry. It is therefore important that these issues be addressed immediately. Alternatively, if the FAA and the PHMSA needs more time to respond to this issue, it’s important that an extension be provided and communicated to the industry.

Respectfully Submitted,



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VP, Industry Affairs
AMERICAN SOCIETY OF TRAVEL AGENTS, INC.

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