



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

JUN 25 2015

Mr. Greg Lawler
Chief, Operations and Policy
Office of Law Enforcement and Security
United States Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Ref. No. 15-0098

Dear Mr. Lawler:

This responds to your request for further clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Previously, you asked if Taser Brand conducted electrical weapons (CEW) and CEW cartridges are authorized by the HMR to be carried aboard a passenger-carrying aircraft by law enforcement officers (LEO) under the authority provided in 49 CFR 1544.219. You were concerned because Part 8, § 1.1.1 of the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO TI) was recently revised to prohibit electro-shock weapons carried by passengers and crew members, U.S. airlines are now refusing to allow armed LEOs the ability to carry such weapons aboard passenger-carrying aircraft.

As previously stated in our October 1, 2014 letter to the Department of the Interior under Reference Number 14-0145, provided the conditions of 49 CFR 1544.219 are met, an armed LEO is authorized to carry accessible weapons (including loaded firearms and electro-shock weapons) aboard any passenger-carrying aircraft of U.S. registry anywhere in air commerce. Although no passenger or crew member exceptions for the carriage of electro-shock weapons are provided under § 175.10 of the HMR and Part 8 of the ICAO TI, accessible weapons, when carried by LEOs in accordance with 49 CFR 1544.219, are not subject to the requirements of the HMR.

We hope this further clarifies your concerns regarding the carriage of CEWs aboard aircraft. Currently, we are working closely with the Federal Aviation Administration and the Department of Homeland Security's Transportation Security Administration to clarify this issue. Please contact us if we can be of further assistance.

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention
Standards and Rulemaking Division

Stevens, Michael (PHMSA)

From: Lawler, Gregory <greg_lawler@ios.doi.gov>
Sent: Wednesday, April 15, 2015 11:50 AM
To: Klinger, Patricia (PHMSA); Bornhorst, Richard <FAA>; DerKinderen, Dirk (PHMSA); Benedict, Robert (PHMSA); Stevens, Michael (PHMSA); Foster, Glenn (PHMSA)
Subject: Tasers on aircraft

All,

Thank you for holding the conference call on April 1 to discuss the carriage of Tasers on aircraft. We appreciate and are encouraged by your commitment to promptly resolving this issue.

To summarize our discussion, you are going to issue a letter soon to better clarify the regulations. This letterhead response/clarification of regulations could then be presented to any airline to resolve issues that are impeding law enforcement officers from performing their duties while flying armed and while also carrying Tasers. The prompt issuance of this letter could immediately resolve most issues thereby allowing you time to adjust/clarify the existing regulations through the rulemaking process and also establish new policies or regulations to address carriage of Tasers in checked baggage.

In the short term, you agreed to send us a draft of your proposed clarification letter for final review. We await this draft.

Again, we really appreciate your support in promptly resolving this issue and look forward to your correspondence.

Many thanks,

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*Stevens
§175.10
Exception for passengers
15-0098*