



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

**MAY 21 2018**

Mr. J. Michael Moore  
Supervisory Federal Air Marshall  
Federal Air Marshall Service Headquarters  
Law Enforcement Liaison

Reference No. 17-0103

Dear Mr. Moore:

This letter is in response to your September 15, 2017, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the carriage of conducted electrical weapons (CEW) aboard a passenger-carrying aircraft. Specifically, you ask if the HMR permit a passenger or law enforcement officer (LEO) to place an active (i.e., ready-to-fire) CEW in checked baggage.

The answer is no. CEWs may contain hazardous materials such as explosive charges, compressed gases, and lithium batteries. Because it is a complete and active weapon, the CEW may not be placed in checked baggage unless it is rendered inert. One acceptable method that may render a CEW inert could be the removal of the lithium battery. Because the lithium battery is no longer installed in the CEW, it must be carried aboard either on one's person or in carry-on baggage. Conversely, if the only hazardous material in the CEW were the installed lithium battery, it could be considered a portable electronic device and authorized under § 175.10(a)(18) of the HMR. Again, any spare (not installed in a device) lithium batteries must be carried aboard the aircraft on one's person or in carry-on baggage.

As previously stated in our June 25, 2015, letter to the United States Department of the Interior under Reference Number 15-0098, provided the conditions of 49 CFR 1544.219 are met, an armed LEO is authorized by the HMR to carry accessible weapons (including loaded firearms and CEWs) on their person aboard any passenger-carrying aircraft of U.S. registry anywhere in air commerce. Emphasis added. Passengers or crew members (non-LEOs) are prohibited from transporting active CEWs in either checked or carry-on baggage, domestically under the HMR or internationally under Part 8 of the ICAO Technical Instructions. However, a passenger or crew member may transport a CEW in checked baggage if rendered completely inert as described in the second paragraph above.

We hope this further clarifies your concerns regarding the carriage of CEWs aboard aircraft. We intend to work closely with the Federal Aviation Administration and the Transportation Security Administration in a future action to assist in clarifying this issue.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "T. Glenn Foster". The signature is written in black ink and is positioned above the typed name.

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

Stevens  
§ 175.10  
exceptions  
17-0103

**Dodd, Alice (PHMSA)**

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**From:** Foster, Glenn (PHMSA)  
**Sent:** Monday, September 18, 2017 10:00 AM  
**To:** Dodd, Alice (PHMSA)  
**Cc:** DerKinderen, Dirk (PHMSA); Foster, Glenn (PHMSA); Kelley, Shane (PHMSA); Leary, Kevin (PHMSA); Nickels, Matthew (PHMSA); Pfund, Duane (PHMSA)  
**Subject:** FW: CEWs/Tasers/Stun Guns-PHMSA Contact  
**Attachments:** DOT\_PHMSA\_062515.pdf

Alice,

Please check in the attached as an Interpretation and assign.

Thanks,  
Glenn

Sent with Good (www.good.com)

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**From:** Moore, James <James.Moore@tsa.dhs.gov>  
**Sent:** Friday, September 15, 2017 10:06:11 AM  
**To:** Foster, Glenn (PHMSA)  
**Subject:** CEWs/Tasers/Stun Guns-PHMSA Contact

Good morning Glenn,

Concerning the attached document (dated 6-25-2015) clarifying the transport of CEWs inside the aircraft cabin by law enforcement officers-LEOs (authorized to fly armed), would you be able to provide us (TSA/FAMS Law Enforcement Officers Flying Armed-LEOFA Program) an updated document clarifying guidance while also including clarification on whether or not CEWs, tasers, stun guns meet DOT-PHMSA requirements to be checked (by all passengers, civilians and LEOs) in "checked baggage" which would be placed under the belly of the aircraft.

FYA, we did receive the below guidance from FAA in an email concerning regular passengers. If accurate, we request (if you deem appropriate) that details from the below guidance be included in an official document (similar to the above attachment):

*Some of TSA's battery guidance material is borrowed from our FAA battery guidance. A taser that contains a battery -- and no other hazmat--would be just another electronic device under our hazmat rules, and allowed in baggage if it is properly protected from damage and accidental activation (but international ICAO rules specifically prohibit them).*

*Obviously, TSA security rules would prohibit them from the cabin. Spare lithium batteries would always have to be carried in the cabin only--according to DOT/ICAO hazmat rules. But batteries are usually not the issue...*

*Some electro shock weapons and stun guns contain a compressed gas cylinder for shooting the wire projectiles and thus even the US DOT hazmat regs do not allow them in any baggage (unless the cylinder is not pressurized). The attached DOT/PHMSA interps speak to law enforcement officers carrying Taser weapons on board.*

Our reasoning, we want to ensure that our guidance to LEOs and to passengers is accurate and consistent. Please call me to discuss in detail.

Thank you sir,



Mike

***J. Michael Moore***

*Supervisory Federal Air Marshal*

*Federal Air Marshal Service Headquarters*

*Law Enforcement Liaison Section*

*Cell: (312) 952-3764*

*Office: (703) 487-3230*

***Email: [James.Moore@tsa.dhs.gov](mailto:James.Moore@tsa.dhs.gov)***

*Law Enforcement Officers Flying Armed (LEOFA) Program*

*(703) 487-0033*

***[leofa@tsa.dhs.gov](mailto:leofa@tsa.dhs.gov)***

*"It takes less time to do a thing right than it does to explain why you did it wrong"*

*Author Unknown*

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**From:** Moore, James

**Sent:** Friday, September 15, 2017 9:20 AM

**To:** 'Maney, Chris (OST)' <[Chris.Maney@dot.gov](mailto:Chris.Maney@dot.gov)>

**Cc:** Foster, Glenn (PHMSA) <[Glenn.Foster@dot.gov](mailto:Glenn.Foster@dot.gov)>

**Subject:** RE: PHMSA Contact

Thanks a lot Chris!

Glenn, I'll be contacting you soon.

Mike

***J. Michael Moore***

*Supervisory Federal Air Marshal*

*Federal Air Marshal Service Headquarters*

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*Cell: (312) 952-3764*

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*"It takes less time to do a thing right than it does to explain why you did it wrong"*

*Author Unknown*

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**From:** Maney, Chris (OST) [<mailto:Chris.Maney@dot.gov>]

**Sent:** Friday, September 15, 2017 5:52 AM

**To:** Moore, James <[James.Moore@tsa.dhs.gov](mailto:James.Moore@tsa.dhs.gov)>

**Cc:** Foster, Glenn (PHMSA) <[Glenn.Foster@dot.gov](mailto:Glenn.Foster@dot.gov)>

**Subject:** RE: PHMSA Contact

GM Mike,

Mr. Foster is Cc'd

Be Safe

Christopher D. Maney  
Associate Director  
Special Agent In-Charge/Protective Service Division  
Office of Intelligence, Security, and Emergency Response  
Department of Transportation  
1200 New Jersey Ave. SE  
Washington DC 20590  
Cell: 202-309-1780

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**From:** Moore, James [<mailto:James.Moore@tsa.dhs.gov>]

**Sent:** Thursday, September 14, 2017 3:12 PM

**To:** Maney, Chris (OST)

**Subject:** PHMSA Contact

Good afternoon Chris,

As discussed, if it's not a heavy lift, are you able to provide me the contact information for a **T. Glenn Foster, Chief, Regulatory Review and Reinvention, Standard and Rulemaking Division?**

Thank you in advance,

Mike

***J. Michael Moore***

*Supervisory Federal Air Marshal*

*Federal Air Marshal Service Headquarters*

*Law Enforcement Liaison Section*

*Cell: (312) 952-3764*

*Office: (703) 487-3230*

***Email: [James.Moore@tsa.dhs.gov](mailto:James.Moore@tsa.dhs.gov)***

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*"It takes less time to do a thing right than it does to explain why you did it wrong"*

*Author Unknown*



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