



U.S. Department  
of Transportation

Research and  
Special Programs  
Administration

# Memorandum

Date: FEB 13 2003

Reply to Attn. of: Ref. No. 03-0027

Subject: **INFORMATION:** Definition of "on one's person"

*Edward T. Mazzullo*  
From: Edward T. Mazzullo, Director  
Office of Hazardous Materials Standards

To: William Wilkening  
Dangerous Goods Program

This is in response to your memo requesting clarification of the phrase "on one's person" as used in 49 CFR 175.10(a)(10). At issue is whether a lighter or pack of matches must be in a person's clothing, such as in a pocket, to be "on one's person" for carriage by a passenger onto an aircraft.

Section 175.10(a)(10) excepts from the HMR safety matches or lighters intended for use by an individual when carried "on one's person." It is the opinion of this office that the term "on one's person" includes any item carried aboard an aircraft by a passenger, including what would otherwise be construed as "carry-on baggage." Therefore, a passenger is authorized to carry safety matches or lighters onto an aircraft in their clothing, carry-on baggage, fanny pack, purse, or any other item under their control. However, the phrase "on one's person" does not include those items which are considered "checked baggage."

I trust this satisfies your inquiry. If this Office can be of further assistance, please contact us.

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IN HOUSE  
MEMOGale  
\$ 175.10 (a)(10)  
03-Air Exceptions  
03-0027U.S. Department  
of Transportation  
Federal Aviation  
Administration**Memorandum**Subject: Interpretation of 49 CFR  
175.10(a)(10)

Date: February 3, 2003

From: FAA Dangerous Goods, ASI-300

Reply to  
Attn. of:To: Ed Mazullo, Director  
RSPA Office of Hazardous Materials  
Standards

In 49 CFR 175.10(a)(10) the Hazardous Materials Regulations indicate that safety matches or a lighter may be carried aboard aircraft by passengers for use by an individual when these items are carried "on one's person". The terms "carry-on baggage" and "checked baggage" appear to be specifically excluded as options for carrying these items.

Due to the greater scrutiny of hazardous materials at airport passenger screening checkpoints, it has become necessary to further delineate what constitutes "on one's person" as opposed to "carry-on baggage." Specifically in question are purses, fanny-packs, and other small carry-on items traditionally used for carrying matches and lighters.

We request an interpretation from your office of the term "on one's person" as it is used in 49 CFR 175.10(a)(10). Please include how this term may or may not relate to carry-on and checked baggage.

  
William Wilkening

**INFOCNTR**

**From:** DStigerman@aol.com  
**Sent:** Wednesday, May 26, 2004 12:49 PM  
**To:** INFOCNTR  
**Subject:** Request for Letter of Clarification

Stevens  
§ 175.10 (a)(5)  
Air Exceptions  
04-0131

Mr. Edward T. Mazzullo  
Director, Office of Hazardous Materials Standards  
US DOT/RSPA (DHM-10)  
400 Seventh Street SW  
Washington, DC 20590-0001

Subject: Request for a Letter of Clarification

Dear Mr. Mazzullo:

Does a firearm magazine or "clip" **with** a metal, plastic, or fiberboard "oversleeve" designed to fit the "clip" satisfy the requirement of 49 CFR, Section 175.10(a)(5)?

Does a firearm magazine or "clip" **without** a metal, plastic, or fiberboard "oversleeve" designed to fit the "clip" satisfy the requirement of 49 CFR, Section 175.10(a)(5)?

What does RSPA consider as a "**small amount**" of ammunition as described in 49 CFR, Section 175.10(a)(5)? Does RSPA consider 50 pounds of small-arms ammunition for personal use as meeting the requirement in 49 CFR, 175.10(a)(5)?

I appreciate your assistance in the is manner and look forward to your written response.

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