



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

OCT 02 2014

Ms. Holly Gibeaut
Assistant General Counsel
TASER International, Inc.
17800 N. 85th Street
Scottsdale, AZ 85255-9603

Ref. No. 14-0127

Dear Ms. Gibeaut:

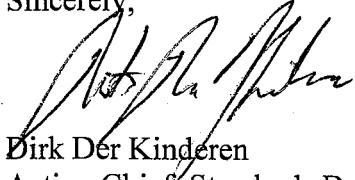
This responds to your June 23, 2014 request for clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if Taser Brand conducted electrical weapons (CEW) and CEW cartridges are authorized by the HMR to be carried aboard a passenger-carrying aircraft by armed law enforcement officers (LEO) under the authority provided in 49 CFR 1544.219. You are 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 Technical Instructions) was recently revised to prohibit electro-shock weapons carried by passengers and crew members and U.S. airlines are now refusing to allow armed LEOs the ability to carry such weapons aboard passenger-carrying aircraft.

Provided the conditions of 49 CFR 1544.219 are met, an armed LEO is authorized under § 173.54(f) of the HMR to carry a loaded firearm aboard a passenger-carrying aircraft. Under § 175.1, such authorization applies to any aircraft of U.S. registry anywhere in air commerce. No similar exceptions for the carriage of electro-shock weapons by LEOs is currently provided under the HMR.

However, unlike Part 8 of the ICAO Technical Instructions, § 175.10 of the HMR only specifies what hazardous materials are permitted to be transported by a passenger or crew member. In other words, unless an exception is explicitly provided by the HMR (e.g., an armed LEO traveling under 49 CFR 1544.219), all hazardous materials are prohibited in passenger or crew member baggage or when carried on one's person. Thus, because there is no specific exception for an LEO traveling with a CEW under the HMR, carriage aboard passenger carrying aircraft is not permitted.

Thank you for bringing this to our attention. We recognize the importance of the duties performed by LEOs and we intend to address the issue in a future rulemaking action. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Dirk Der Kinderen". The signature is written in a cursive style with a large, sweeping initial "D".

Dirk Der Kinderen
Acting Chief, Standards Development Branch
Standards and Rulemaking Division

Thank you for bringing this to our attention. We recognize the importance of the duties performed by LEOs and we intend to address the issue in a future rulemaking action. Please contact us if we can be of further assistance.

Sincerely,

Dirk Der Kinderen
Acting Chief, Standards Development Branch
Standards and Rulemaking Division