

Rules for a Happy Landing When Hunters Fly

By Clint Rand

Imagine that you and your buddies have been planning a hunting and fishing trip to Alaska all year. You imagine the tents pitched by the lake and sitting by the fire in the cool evenings after a day of hunting moose and fishing for Pacific salmon in the Tikchik Lakes. But now it's time to finish getting the gear packed for an early morning flight to Anchorage.

Everything is loaded into the car except a small carry-on bag - and, oh yeah, a sixteen ounce can of black powder, a sixteen ounce propane camp stove cylinder and a box of wooden matches. You're not sure about bringing those things on a plane so you call one of your friends, a veteran traveler, to get his opinion. You tell him, "It says on the can of black powder 'Extremely Flammable and Explosive.'"

He says, "That means when the powder is out of the can. We're not going to have a chance to stop to get powder so you can either bring a center fire rifle like the rest of us or wrap the can of powder along with the propane and the matches in your rain gear and bury it in your check-in bag." You take your friend's advice and pack the can of black powder, the propane cylinder and strike anywhere matches in your check-in bag.

Imagine the next morning everything at check-in goes smoothly and you are sitting on the plane, relaxing with your eyes closed, when you feel a tap on your shoulder and a female voice calls you by name. When you open your eyes, instead of a smiling

flight attendant serving coffee, a stern-faced state trooper orders you to follow her. What follows is something far more difficult to imagine.

The trooper appears agitated and asks if you packed black powder, propane and matches in your check-in bag. You admit that you did. She asks if you are aware that you have violated Federal Hazardous Materials Regulations. She's not interested in your plea of ignorance. After a severe reprimand she confiscates the offending items and tells you to get back on the plane and promises to turn the matter over to the Federal Aviation Administration.

When you get home from an otherwise fabulous trip, there is a letter from the Federal Aviation Administration (FAA) which reads in part:

The FAA is investigating the circumstances surrounding your alleged failure to comply with Hazardous Materials Regulations (HMR; 49 CFR parts 171 - 180).

The purpose of this investigation is to determine if you violated the HMR in that the black rifle powder, the propane cylinder and the strike anywhere matches that were allegedly in your checked baggage were not properly declared, certified, marked, labeled, packaged and in condition for transport in air commerce. Under the provisions of Title 49, United States Code 5123 (a)(1), you could be subject to civil penalties for the alleged violations.

The following day, you receive a call from an FAA special agent requesting an interview. In the interview, you recount the circumstances surrounding your decision to pack the prohibited items in your checked-in luggage. The FAA agent was courteous and didn't make it seem like you had committed that serious a crime but then you receive another letter from the FAA a few weeks later, this time by certified mail.

NOTICE OF PROPOSED CIVIL PENALTY

Based upon the facts and circumstances of this investigation, the following Department of Transportation Hazardous Materials Regulations (Title 40 of the Code of Federal Regulations) were violated:

- a. Offering hazardous material for transportation in commerce when the material was not properly classed, described, packaged, marked, labeled, and in the condition for shipment required.*
- b. Offering hazardous material for transportation without properly describing the material on the shipping paper.*
- c. Offering hazardous material for transportation when the package was not marked with the proper shipping name and identification number for its contents.*
- d. Offering hazardous material for transportation when the required markings were not durable, in English and printed on or affixed to the surface of the package or on a label, tag or sign*
- e. Offering a package containing hazardous material for transportation by air when the package was not properly labeled as specified.*
- f. Offering a package containing hazardous material for transportation by air without making emergency response information immediately available for use at all times the hazardous material was present.*
- g. Offering a package containing hazardous material for transportation by air without properly preparing the shipment.*
- h. Offering a package containing a material that is “Forbidden” for transportation aboard a passenger-carrying aircraft as indicated.*

i. *Offering a package containing a material that is “Forbidden” for transportation aboard aircraft as indicated.*

You are liable for a civil penalty of not less than \$250 nor greater than \$50,000, for each violation of the regulations.

In summary, the seemingly simple, though extremely dangerous, act of carrying a one pound can of black rifle powder, a one pound cylinder of propane and a box of common wooden matches on a commercial aircraft could result in nine violations of the Hazardous Materials Regulations with accompanying fines for each violation! Violating the Hazardous Materials Regulations, even unintentionally, can turn out to be an expensive mistake.

So, what should have been done in this case?

According to an official at the Federal Aviation Administration, there are frequent issues with hunters attempting to carry propane, butane, white gas, kerosene, black powder and strike anywhere matches on airplanes in their baggage. Many commercially available items that are marked “flammable or extremely flammable, explosive hazard, corrosive, contents under pressure or oxidizer” are regulated as hazardous materials and prohibited in both carry-on and checked baggage.

If you have any doubt about an item that you are planning to bring on an airplane, don’t just rely on a well-meaning friend’s advice. The Federal Aviation Administration and the Transportation Security Administration websites contain a wealth of information regarding items that are prohibited and permitted in checked and carry-on luggage. Go to faa.gov and tsa.gov/prohibited items. You should consult these websites well in advance of your trip. Many airlines also have their own policies regarding the transportation of

certain hazardous items. Be sure to check with your carrier regarding any hazardous materials policies when purchasing your ticket. If you are still in doubt you should leave the item home or if you absolutely feel you must take the item with you, show the item to the airline employee when you're checking in and ask if the item is permitted in checked or carry-on baggage.

It pays to know the rules and follow them and it can cost dearly if you don't. Imagine that.

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