



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

400 Seventh St., S.W.  
Washington, D.C. 20590

MAY 26 2004

Dr. H. Tiit Tohver  
1405 Sunshine Circle  
Birmingham, AL 35213

Ref. No. 04-0125

Dear Dr. Tohver:

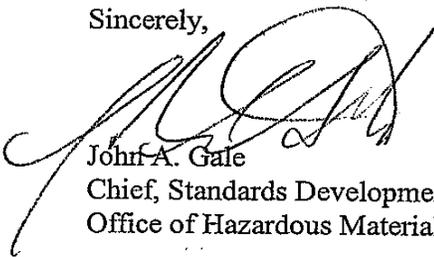
This is in response to your letter dated May 1, 2004 regarding the transportation of pepper spray aboard a passenger carrying aircraft under the requirements of the Hazardous Materials Regulations (HMR: 49 CFR Parts 171-180). Specifically, you ask if you can pack a can of bear repellent pepper spray in your checked baggage.

According to § 175.10(a)(4)(ii), a single container of self-defense spray, not exceeding 118 ml (4 fluid ounces) by volume, that incorporates a positive means to prevent accidental discharge is not regulated under the HMR and may be carried in checked baggage. The term "self-defense spray" is defined in § 171.8 (copy enclosed).

If your bear repellent pepper spray meets the definition of a self-defense spray, is packaged in a container with a volume not exceeding 4 fluid ounces, and has a positive means to prevent accidental discharge then, if permitted by the airline, a single can may be placed in your checked baggage. You should check with the airline before your trip to make sure that it will permit you to have pepper spray in your checked baggage.

I hope this satisfies your request.

Sincerely,



John A. Gale  
Chief, Standards Development  
Office of Hazardous Materials Standards



040125

175.10

Supko  
\$175.10  
Exceptions  
04-0125

1405 Sunshine Circle  
Birmingham AL  
35213  
April 30/04

Federal Aviation Administration  
Room 300E  
900 Independence Ave SW  
Washington DC 20591

Question:

This summer I plan to do a canoe trip in the North West Territories, Canada. The brown grizzly can be a danger there.

Can I pack a can of bear repellent pepper spray in my checked luggage?

Yours truly,  
Tilt Tohver



Dr. H. Tilt Tohver  
1405 Sunshine Circle  
Birmingham, AL 35213