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DANGEROUS GOODS PANEL (DGP) WORKING GROUP MEETING (DGP-WG/26)

Centurion, South Africa, 26 to 30 October 2026

Agenda Item 2: Managing air-specific safety risks and identifying anomalies (REC-A-DGS-2029)
2.2: Develop proposals, if necessary, for amendments to the Technical Instructions for the *Safe Transport of Dangerous Goods by Air* (Doc 9284) for incorporation in the 2029-2030 Edition
2.3: Develop proposals, if necessary, for amendments to the *Supplement to the Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284SU) for incorporation in the 2029-2030 Edition

CONTROLLED SUBSTANCES CARRIED UNDER CHAIN OF CUSTODY BY LAW ENFORCEMENT AGENCIES

(Presented by S. Bitossi)

REVISED

SUMMARY

This working paper proposes amendments to Part 8;1 and Table 8-2 of the *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284) to provide for the carriage of controlled substances, under chain of custody, by law enforcement agencies (LEA). Additionally, this paper seeks to add some guidance to States in Part S-1 of the Supplement to the Technical Instructions for processing approvals granted by States for the transport of controlled substances by government LEAs.

Action by the DGP-WG is in paragraph 2.

1. INTRODUCTION

1.1 This paper is a follow-up to discussions on controlled substances carried under chain of custody by law enforcement agencies at the twenty-ninth meeting of the Dangerous Goods Panel (DGP/29, Montréal, 13 to 17 November 2023) (see paragraph 11.4 of the DGP/29 Report) and incorporates comments raised during discussions at the 2024 Working Group Meeting of the Dangerous Goods Panel (Montréal, 21 to 25 October 2024) (DGP-WG24) (see paragraph 4.3.7 of the DGP-WG24 Report).

1.2 The Civil Aviation Safety Authority (CASA) of Australia has received many requests (through the air operators and/or direct from law enforcement agencies (LEA)) for the transport of

controlled substances for evidentiary purposes and under the chain of custody, by LEA officers for the purposes of specialised laboratory testing and in support of an active investigation and/or prosecution. To provide context, an LEA Officer is an authorised government worker whose primary functions are to enforce laws, keep public order, and investigate crimes.

1.3 Maintaining the chain of custody with respect to evidence, is the most critical part of evidence documentation as this is to assure the courts of law that any evidence presented in a case is authentic, remains untampered with and is the same evidence that was seized at the scene of the crime.

1.4 The term "controlled substance" has been used as it includes illicit or illegal drugs, prescription medication or precursor chemicals used to illegally manufacture prohibited drugs.

1.5 Currently, there are no provisions within the Technical Instructions or its Supplement that easily facilitate the transport of controlled substances by LEAs within the cabin of an aircraft other than by way of issuing State Exemptions.

1.6 State Exemptions require the approval of the State(s) of Origin, Operator, Destination, Transit and Overflight. This is problematic for several reasons, particularly for island nations and the requirement for the LEA and/or operator to gain multiple exemptions from all States involved. Unfortunately, on several occasions where routing required several interconnecting flights and many countries to be overflown, the transport of critical evidence required for court proceedings has proven to be unachievable.

1.7 The types of substances are predominantly Division 6.1, and include illegal narcotics, pharmaceutical drugs and anaesthetic agents (when used for non-medical purposes), and other substances used inappropriately (such as inhalants). Additionally, there are some substances classified within Class 3 flammable liquids, such as veterinary anaesthetic agents. Appendix C contains classification information for a range of controlled substances in Class 3 and Hazard Division 6.1.

1.8 From the working group discussions in India, the members voiced preference towards simplifying the restrictions within Table 8-2 and developing guidance to States in the Supplement to the Technical Instructions to assist them in the approval process.

1.9 This working paper proposes an amendment into Table 8-2. Provisions for instruments carried by OPCW and government agencies (Table 8-2) (refer Appendix A), to include an entry for controlled substances and permitting them for carriage in the cabin of an aircraft by a member of a government LEA in the course of their official duties.

Note. — The new item entry in Table 8-2 proposes to use the term "government law enforcement agencies" to ensure exclusion of any private "para-military" type security officers.

1.10 In the development of the new entry into Table 8-2 (refer Appendix A), we considered what would be the necessary requirements to facilitate the transport of controlled substances by air in the manner that LEA Officers require for their official duties. Considerations included ensuring to apply this entry only to members of a government LEA that are authorised to conduct these official duties and carry the substances on board.

1.11 Approval from the State of the Operator has been added as a restriction into Table 8-2 to ensure that the oversighting CAA for the air carrier is aware of carriage of such items. This provides an opportunity for the CAA to ensure that the Operator has conducted a specific risk assessment for the carriage of controlled substances under this provision.

1.12 With respect to approval from the State of Origin, the appropriate national authorities that oversight controlled substances are different from State to State, with some States utilising their law enforcement agencies to provide authorisation or approval. The requirement for the approval from the appropriate national authority of the State of the Origin is aimed at ensuring that LEAs have collaborated with the relevant government authorities in each State and gained operational approval prior to travel. A copy of the approval(s) would need to accompany the LEA Officers to facilitate their travel through States to the end destination.

1.13 Regarding operator specific requirements, it was thought important from a safety and security perspective that the approval of the operator is obtained prior to flight. This is to ensure that the pilot-in-command is informed of the presence and location of the substances on board. In the unlikely event of an emergency, the pilot-in-command can consider briefing certain cabin crew on the location and contents of the package or alternatively and if deemed necessary, the pilot-in-command may restrict information to certain crew for security reasons (not that dissimilar to instances where an Air Marshall is aboard the aircraft whereby advice to crew is on a "need to know" basis).

1.14 At the DGP-WG/24 meeting, States expressed preference to retain a packing standard within Table 8-2 to mitigate unacceptable risk, and therefore the requirement for combination packaging has been included in the proposed entry for Table 8-2.

1.15 Some States have also expressed that, in certain circumstances, some package(s) may need to be carried in the cargo hold of the aircraft as part of the LEA Officer's checked baggage. Whilst this may not be an option under Australian legislation, the new entry into Table 8-2 has been adjusted to facilitate carriage in checked baggage if required by other States.

1.16 In Appendix A, additional consequential amendments have been proposed to Part 8; 1.1.8 and Part 8;1.1.9 a) to c) to incorporate, clarify and distinguish LEAs from other government agencies (where required) by including reference to LEAs in support of the chain of custody objective. The term "instruments" has been adjusted to "dangerous goods" so that it aligns with the changes made to the title of Table 8-2.

1.17 Also, an extra subparagraph d) has been added to Part 8;1.1.9 to further reinforce that these provisions can only be used "for official travel" purposes requiring that the travelling LEA Officer gains prior approval from the State of Operator(s) and the appropriate national authority of the State of Origin.

1.18 To assist States in the production of an approval, guidance has been developed for inclusion into S-1 of the Supplement to the Technical Instructions (refer Appendix B). This guidance has been generated in the light of our experiences processing many exemptions of this nature. The proposed guidance is intended to provide flexibility to States and account for variances in each request received whilst highlighting specific safety aspects for consideration when processing and granting approvals for the carriage of these controlled substances.

1.19 In Australia, the requested quantities of controlled substances have been variable, ranging from milligrams or millilitres up to several kilograms per flight and as such, this proposal does not specify a quantity limitation. With the requirement for approval of the State of Operator(s), the guidance added into S-1 of the Supplement allows States flexibility to address quantity and mitigate risks safely through applying additional restrictions, specific transport conditions and packaging requirements in their written approvals on a case-by-case basis.

2. ACTION BY THE DGP-WG

2.1 The DGP-WG is invited to:

a) consider the proposed amendments in Appendix A for incorporation into the 2029-2030 edition of the Technical Instructions.

b) consider the proposed amendments in Appendix B for incorporation into the 2029-2030 edition of the Supplement to the Technical Instructions.

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APPENDIX A

PROPOSED AMENDMENT TO PART 8 OF THE TECHNICAL INSTRUCTIONS

Part 8

PROVISIONS CONCERNING PASSENGERS AND CREW

Chapter 1

PROVISIONS FOR DANGEROUS GOODS CARRIED BY PASSENGERS AND CREW

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1.1 DANGEROUS GOODS CARRIED BY PASSENGERS AND CREW

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1.1.8 The Organization for the Prohibition of Chemical Weapons (OPCW) and government agencies ~~listed in Table 8-2~~ may carry ~~instruments containing~~ the dangerous goods specified in Table 8-2 in accordance with ~~Table 8-2~~ the provisions of that table.

1.1.9 Except for the reporting provisions of 7;4.4 and 7;4.5, the provisions of these Instructions do not apply to the dangerous goods permitted in accordance with Table 8-2 when those dangerous goods are:

a) carried by staff members of the OPCW ~~on official travel~~ or other government agencies on official travel ~~listed in Table 8-2 on official travel~~;

b) contained in baggage that has been separated from staff members of the OPCW or other government agencies on official travel ~~its owner~~ during transit (for example, mishandled baggage such as lost baggage or improperly routed baggage); ~~or~~

c) contained within items of excess baggage sent as cargo by staff members of the OPCW or other government agencies on official travel as permitted by 1;1.1.5.1 h); or ~~.~~

d) carried by members of government law enforcement agencies on official travel with the prior approval of the State of the Operator(s) and the appropriate national authority of the State of Origin.

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Table 8-2. Provisions for ~~instruments~~ dangerous goods carried by OPCW and government agencies

	Dangerous goods	*Location*		*Approval of the operator(s) is required*	*Restrictions*
		Checked baggage	*Carry-on baggage*		
1)	Instruments containing radioactive material (i.e. chemical agent monitor (CAM) and/or rapid alarm and identification device monitor (RAID-M))	Yes	Yes	Yes	a) the instruments must not exceed the activity limits specified in Table 2-14 of these Instructions; b) must be securely packed; and c) must be carried by staff members of the Organization for the Prohibition of Chemical Weapons (OPCW) on official travel.
2)	A mercurial barometer or mercurial thermometer	No	Yes	Yes	a) must be carried by a representative of a government weather bureau or similar official agency; b) must be packed in a strong outer packaging, having a sealed inner liner or a bag of strong leakproof and puncture-resistant material impervious to mercury, which will prevent the escape of mercury from the package irrespective of its position; and c) the pilot-in-command must be informed of the barometer or thermometer.
3)	Controlled substances of Class 3 or Division 6.1 carried by government law enforcement agencies	Yes	Yes	Yes	a) must be carried by an authorised member of a government law enforcement agency conducting official duties; b) must be packed in combination packaging, with inner packaging(s) secured within a strong outer packaging that will prevent the escape of the contents irrespective of its position; c) must have approval from the State of the Operator(s) and the appropriate national authority(ies) of the State of Origin; d) a copy of the approval(s) must be carried by the member of the government law enforcement agency; and, e) the pilot-in-command must be informed of the location of the substances on board the aircraft.

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APPENDIX B

PROPOSED AMENDMENT TO PART S-1 OF THE SUPPLEMENT TO THE TECHNICAL INSTRUCTIONS

Part S-1

GENERAL

(ADDITIONAL INFORMATION FOR PART 1 OF THE TECHNICAL INSTRUCTIONS)

Chapter 1

SCOPE AND APPLICABILITY

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ATTACHMENT I TO CHAPTER 1

GUIDANCE FOR PROCESSING EXEMPTIONS AND APPROVALS FOR THE SAFE TRANSPORT OF DANGEROUS GOODS BY AIR

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C. Additional guidance for approvals granted by States for the transport of controlled substances by government law enforcement agencies

This section provides additional information for consideration by appropriate national authorities when processing and granting approvals for the carriage of controlled substances of Class 3 or Division 6.1 by government law enforcement agencies (LEAs) under chain-of-custody arrangements in the cabin of an aircraft or as checked baggage.

The following additional information should be considered by the State of Operator and the appropriate national authority of the State of Origin when issuing an approval:

- Obtaining a specific safety risk assessment from the operator addressing the proposed operation, including the hazards associated with the dangerous goods, the manner in which they will be transported, maintained under chain-of-custody, stowed, handled and controlled throughout the journey, together with any operational limitations or emergency response considerations identified by the operator or LEA.
- Obtaining, where feasible, evidence supporting the classification of the dangerous goods, including confirmation that the substance does not possess, or is not suspected of possessing, explosive properties. Where such information is not available, consideration should be given to assigning a more conservative classification consistent with the known or suspected hazards of the substance.
- Obtaining information demonstrating that any required import, export, transit or other governmental authorisations have been obtained by the relevant authorities.

In addition to the general considerations for States when granting approvals (as outlined in Attachment I, Chapter 1, A. General guidance and B. Considerations for Exemptions and Approvals), the following should be considered regarding the packing of the dangerous goods:

- Limiting the quantity of the dangerous goods to a minimum amount required to support the law enforcement operation (for example, limiting the quantity of dangerous goods within each inner package or limiting the total

quantity per outer package).
— Limiting the quantity of dangerous goods carried within each aircraft, particularly where a release could present a significant hazard to occupants of the aircraft.
— Ensuring that packagings are suitable for the dangerous goods and are capable of preventing leakage under the pressure and temperature conditions normally encountered during air transport, including consideration of:

  — the compatibility of packagings and closures with the dangerous goods;
  — adequate ullage, where necessary, to prevent leakage resulting from changes in pressure or temperature;
  — the use of leakproof closures, including appropriate secondary means of securing caps or closures, where necessary;
  — the use of cushioning material to prevent damage to inner packagings during transport;
  — the use of absorbent material sufficient to absorb the entire contents of the inner packaging(s) when liquids are carried.

— Where more than one controlled substance is being transported, or where both solid and liquid substances are present, considering the use of separate outer packagings to reduce the consequences of leakage or cross-contamination.
— Ensuring the use of strong, rigid outer package(s).
— Limiting outer package markings for security reasons to ensure security and discretion when the package is carried in the cabin amongst passengers.
— Considering the use of tamper-resistant or tamper-evident packaging features, such as security seals or locking mechanisms.

States should consider additional mitigation to address risks associated with the dispersal of dangerous goods in liquid form in the event of a loss of containment from the package in the cabin of the aircraft, particularly where risks of fume or vapour inhalation may be present. Such mitigations may include extra layers of packaging, additional absorbent material, specified stowage locations, stronger more robust outer packaging or specific emergency response actions required of crew members.

Appropriately qualified, authorised personnel (such as personnel from government forensic units and laboratories) should be engaged to classify and pack the dangerous goods, including to provide assurance and verification that the packaging used is compatible with the dangerous goods contained and capable of preventing leakage under the conditions normally encountered during air transport.

Consideration should be given towards any additional authorisations that may be required from appropriate national authorities for the country of transit (such as customs permits, authorisation from local LEAs or in instances where security rescreening may be required).

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APPENDIX C

EXAMPLE LIST OF CONTROLLED SUBSTANCES

#	UN Number	Proper Shipping Name	Chemical / Other Name	Hazard Division
1	UN 2811	Toxic solid, organic, n.o.s.	— Methamphetamine hydrochloride (“Ice” or “Crystal Meth”) — Cocaine hydrochloride (Cocaine) — (+/-) -3,4 Methylenedioxymethamphetamine hydrochloride (MDMA or Ecstasy) — Fentanyl (hydrochloride)	6.1
2	UN 2810	Toxic liquid, organic, n.o.s	— Methamphetamine dissolved in water	6.1
3	UN 1544	Alkaloids, solid, n.o.s. or Alkaloid salts, solid, n.o.s.	— Cocaine hydrochloride (Cocaine) — Heroin	6.1
4	UN 3249	Medicine, solid, toxic, n.o.s.	— Methamphetamine hydrochloride	6.1
5	UN 1230	Methanol solution	— Carfentanil (veterinary anaesthetic / large animal tranquilisers)	3 (6.1)

— END —