



WORKING PAPER

**DANGEROUS GOODS PANEL (DGP)
WORKING GROUP MEETING (DGP-WG/25)**

Delhi, India, 21 to 25 April 2025

Agenda Item 3: Facilitating safe transport of dangerous goods by air (Ref: REC-A-DGS-2027)

**ILLICIT SUBSTANCES UNDER CHAIN OF CUSTODY BY LAW ENFORCEMENT
AGENCIES**

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SUMMARY

This working paper proposes amendments to Part 8;1.1.8, Part 8;1.1.9 and Table 8-2 of the Technical Instructions to provide certain provisions for the carriage of illicit substances, under chain of custody, by law enforcement agencies.

Action by the DGP-WG is in paragraph 2.

1. INTRODUCTION

1.1 This working paper continues discussions from the DGP's twenty-ninth meeting (13 to 17 November 2023, Montréal) (DGP/29, see paragraph 11.4 of the report) and the 2024 DGP Working Group Meeting (21 to 25 October 2024, Montréal) (DGP-WG/24, see paragraph 4.3.7 of the report) on facilitating law enforcement agencies' transport of illicit substances under chain of custody. It incorporates comments raised during the discussion at DGP-WG/24.

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) for the transport of illicit substances for evidentiary purposes and under the chain of custody, by law enforcement agency officers for the purposes of specialized laboratory testing and in support of an active investigation and/or prosecution.

1.3 Illicit substances are predominantly Division 6.1, and include illegal drugs, pharmaceutical drugs and anaesthetic agents when used for non-medical purposes, and other substances used inappropriately (such as inhalants). Additionally, there are some illicit substances classified within Class 3 flammable liquids, such as veterinary anaesthetic agents. Appendix B to this working paper contains classification information for a range of illicit substances.

1.4 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.

1.5 Currently, there are no provisions within the Technical Instructions or its Supplement that easily facilitate the transport of illicit substances by law enforcement agencies within the cabin of an aircraft other than by way of issuing State exemptions. State Exemptions require the approval of the States of Origin, Operator, Destination, Transit and Overflight, and are problematic for several reasons, particularly for island nations and the requirement for the law enforcement agency and/or operator to gain multiple exemptions from all States involved, is often unachievable.

1.6 This working paper proposes an amendment to Table 8-2. Provisions for instruments carried by OPCW and government agencies (Table 8-2) (refer Appendix A), to include an entry for illicit substances (being samples for evidentiary or analytical purposes) and permitting them for carriage in the cabin of an aircraft by a member of a government law enforcement agency in the course of their official duties.

Note. — The term “government law enforcement agency” is used to ensure exclusion of any private “para-military” type, security officers.

1.7 In the development of the new entry into Table 8-2, E1 excepted quantities limitations were considered for liquids to address their potential for an additional risk of inhalation of toxic vapours by persons in the cabin. The quantity limitations of E1 permit up to 30 mL per inner receptacle, and up to 1 L total per package, which in the instance of a substance such as Fentanyl (with the potential to release toxic vapours), provides several safety redundancies with the requirement for absorbent material and multiple layers of packaging.

1.8 Additionally, the packing requirements of EQs (where an inner, intermediate and outer packaging are required), were considered as a workable solution that a law enforcement agency officer could achieve as they are likely to have access to forensic containers, tamper proof packaging and rigid, lockable transport cases (such as “Pelican type” cases). Law enforcement agency officers also have specialist training in relation to the safe handling of narcotics and proper packaging of evidence to complement.

1.9 The proposed amendment within Appendix A to this working paper displays two potential options for providing the packing requirements of excepted quantities. In the new entry, subparagraph c) outlines a first option that seeks to bring forward all of the packing requirements for excepted quantities into Table 8-2, followed by a second simplified option that points to the packing requirements for excepted quantities within Part 3;5.2.

Note. — Part 3;5.2 does not include any marking requirements; this to ensure security and discretion when the package is carried in the cabin amongst passengers.

1.10 In Australia, the quantities of the illicit substances requested for carriage by the law enforcement agency officers have been variable, ranging from grams or millilitres up to several kilograms per flight. Weight restrictions in relation to stowage in overhead cabin compartments were also considered.

1.11 The amendment in Appendix A proposes to set an upper limit of 5 kg net weight per outer package for solids, to allow for potentially up to 2 kgs of packaging. This is to ensure that the completed final package which is carried on board the aircraft remains under the nominal 7 kg overhead cabin baggage weight limit.

1.12 More restrictive quantities were considered for liquids to help mitigate unacceptable risk in the cabin and to address the risk of spillages and subsequent inhalation of toxic vapours.

1.13 The proposed amendment in Appendix A includes consequential amendments to Part 8;1.1.8 and 8;1.1.9 to include reference to law enforcement agencies in support of the chain of custody objective and align the terminology of “instruments” to “dangerous goods” whilst also ensuring to maintain the application of the existing provisions for baggage separation and excess baggage that applies only to items carried by members of the OPCW.

1.14 To achieve this, in Part 8;1.1.9 an additional subparagraph d) has been added to ensure that the application of “for official travel” purposes has been applied to the law enforcement agency officers and to require that the travelling Officer gains prior approval from the State of the Operator (in support of restriction e) within Table 8-2).

1.15 The requirement for approval from the State of the Operator has been added as a condition to ensure that the Civil Aviation Authority (CAA) for the air carrier is aware of carriage of such items, thus providing an opportunity for the CAA to ensure that the Operator has a specific risk assessment for the carriage of these samples in the cabin.

1.16 The requirement for the pilot-in-command to be informed of the location of the samples on board the aircraft has been added, so that in the event of an emergency, or breakage or spillage, relevant crew can be made aware of the substances and its exact location within the cabin.

1.17 The amendment also includes adjustments to the title of Table 8-2 to align with the new proposed text within Parts 8;1.1.8 and 8;1.1.9, including reference to Law Enforcement Agencies and to broaden the title with the term “dangerous goods” rather than just “instruments” that contain dangerous goods.

1.18 Due to the timing of publication cycles for amendments to the Technical Instructions, the nature of these changes relative to facilitating timely prosecution of domestic and international drug offences, the current challenges that operators and CAAs face accommodating urgent requests and the safety issues arising from a lack of detailed instructions for the safe carriage of such samples, a request for the proposed amendments to be incorporated via corrigendum, will be put forward to the DGP-WG and Secretariat for consideration. Without this urgent incorporation to facilitate transport, it is possible that these samples could be inadvertently carried in the cabin without proper packaging standards or the approval of the CAA.

2. ACTION BY THE DGP-WG

2.1 The DGP-WG is invited to review the proposed amendments in Appendix A (including the two options in Table 8-2 3) c)) and agree to these amendments for incorporation by corrigendum, in the interests of safety as outlined above, into the 2025–2026 Edition of the Technical Instructions.

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), law enforcement agencies, and government agencies listed in Table 8-2 may carry ~~instruments containing~~ dangerous goods in accordance with Table 8-2.

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 government agencies ~~listed in Table 8-2~~ on official travel;
- b) contained in baggage that has been separated from ~~its owner~~ staff members of the OPCW or government agencies on official travel 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 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.

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

	Dangerous goods	Location		Approval of the operator(s) is required	Restrictions
		Checked baggage	Carry-on baggage		
...					
3)	<u>Samples of Class 3 or Division 6.1 carried by law enforcement agencies for evidentiary or analysis purposes</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<p>a) <u>must be carried by a member of a government law enforcement agency;</u></p> <p>b) <u>must not have a subsidiary risk of Class 1 or be suspected of having explosive properties;</u></p> <p>c) <u>[must be packed with:</u></p> <ul style="list-style-type: none"> <u>— inner packagings (including any closures) that are compatible with the samples; and,</u> <u>— closures that have a secondary means of securing the cap and any moulded screw threads on the closures must have a leakproof threaded type cap;</u> <u>— each inner package secured by cushioning material and packed within the intermediate packaging;</u> <u>— for liquid samples, the intermediate packaging must contain sufficient absorbent material to absorb the entire contents of the inner packaging;</u> <u>— the intermediate package(s) must be securely packed in lockable strong, rigid outer packaging(s);]</u> <u>— [must be packed in accordance with Part 3;5.2 for excepted quantities;]</u> <p>d) <u>each outer package is limited to the following quantities:</u></p> <ul style="list-style-type: none"> <u>— for solids, no more than 5 kgs net mass; or</u> <u>— for liquids, no more than 30 mL per inner package and up to 1 L maximum net quantity per outer packaging;</u> <p>e) <u>a copy of the approval from the State of the Operator must be carried by the accompanying member of the law enforcement agency; and</u></p> <p>f) <u>the pilot-in-command must be informed of the location of the samples on board.</u></p>

APPENDIX B

EXAMPLE LIST OF POTENTIAL ILLICIT SUBSTANCES

#	UN Number	Proper Shipping Name	Chemical / Other Name	Hazard Division
1	UN 2811	Toxic solid, organic, n.o.s.	<ul style="list-style-type: none"> — Methamphetamine hydrochloride (“Ice” or “Crystal Meth”) — Cocaine hydrochloride (Cocaine) — (+/-) 3,4-Methylenedioxy-methamphetamine 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.	<ul style="list-style-type: none"> — 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)

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