



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

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

DEC 28 2004

Vincent R. Hill, Ph.D., P.E.
Parasitic Diseases Branch
Division of Parasitic Diseases
Centers for Disease Control and Prevention
4770 Buford Highway, MS/F-36
Atlanta, GA 30341-3724

Ref. No. 04-0270

Dear Dr. Hill:

This is in response to your letter requesting clarification of the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to water samples that will be transported for testing. You state that the samples are potentially contaminated with biological agents and ask whether such samples should be transported as Division 6.2 materials.

Section 172.101(c)(11) permits the shipment of a sample material to a laboratory for testing by the assignment of a tentative proper shipping name based on the shipper's knowledge of the material. If you determine that the water sample is likely to contain an infectious substance, then the material is subject to the HMR. In this case, you must tentatively assign the most appropriate proper shipping name and packing group from the § 172.101 Hazardous Materials Table (HMT) based on the hazard class and packing group criteria in Part 173 and your best knowledge of the material (see § 173.22 for shipper's responsibility). For a water sample suspected of containing an infectious substance, the material must be described as "Infectious substance, affecting humans," classed as a Division 6.2 material, and assigned to UN 2814. In addition, the sample must be transported in accordance with all HMR requirements applicable to the transportation of Division 6.2 materials. Note that under § 172.101(c)(11), the word "sample" must appear as part of the proper shipping name or in association with the basic description on the shipping paper, and the sample may not exceed a net mass 5.5 pounds per package.

If there is no reason to know or strongly suspect that the samples contain an infectious substance, the material is not considered a Division 6.2 material under the HMR.



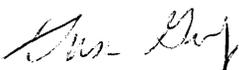
040270

172.101(c)(11)
173.22

Provided the samples are also not strongly suspected of meeting the definition of any other hazard class, the material is not subject to the HMR.

I hope this information is helpful. Please contact this office if you have additional questions.

Sincerely,



lr
Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

INFOCNTR

From: LaValle, Diane
Sent: Tuesday, November 23, 2004 3:20 PM
To: INFOCNTR
Subject: FW: CDC Request for Interpretation of DOT Regulations

McIntyre
§ 173.134
§ 173.196
§ 173.199
Infectious Substances
04-0270

-----Original Message-----

From: Hill, Vincent [mailto:VEH2@CDC.GOV]
Sent: Tuesday, November 23, 2004 2:50 PM
To: Exemptions@rspa.dot.gov
Cc: Popovic, Tanja; Nicholson, Janet; Eberhard, Mark L. (Atl); Juranek, Dennis D.; Holt, James D.; Hughes, James M. MD
Subject: CDC Request for Interpretation of DOT Regulations

Dear Associate Administrator for Hazardous Materials Safety,

I am submitting this email to your office as an agent of the Centers for Disease Control and Prevention (CDC), U.S. Department of Health and Human Services to request that your office provide CDC with an interpretation of DOT regulations that may be applicable to the shipment of 10-L water samples from drinking water systems that are potentially contaminated with biological agents. Based on our reading of the Hazardous Materials Regulations (49 CFR Sections 173.134, 173.196, and 173.199), such water samples might be considered Class 6, Division 6.2 materials containing or suspected to contain pathogens. CDC is requesting clarification as to whether there are controlling DOT regulations that prescribe requirements or standards for shipping 10-L water samples from drinking water systems that are being investigated for possible contamination with biological agents. We are requesting this interpretation from your office based on advice that we received from Susan Gorsky during her recent visit to CDC.

As preparedness for potential attacks on U.S. drinking water systems is a critical concern for CDC, we would like to receive guidance as soon as possible as to whether there are DOT regulations that apply to shipment of 10-L water samples by CDC during such investigations. Thank you for your consideration and help with this matter.

Sincerely,

Vincent R. Hill, Ph.D., P.E.
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