



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

MAR 21 2009

Mr. Larry D. Sweetser, Jr.  
Sweetser & Associates  
2115 Rheem Avenue  
Richmond, CA 94801

Ref. No.: 08-0041

Dear Mr. Sweetser:

This is in response to your February 17, 2008 letter regarding transportation of household waste by government employees under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows:

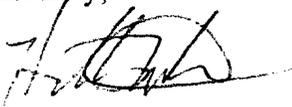
- Q1. Is household hazardous waste transported by a government employee subject to the HMR?
- A1. The HMR apply to entities covered by the definition of "person," in § 171.8, which includes a government entity offering hazardous material for transportation in commerce or transporting hazardous material in furtherance of a commercial enterprise. The HMR do not apply to government employees who are transporting hazardous materials in vehicles operated by government personnel for non-commercial purposes.
- Q2. Are shipping papers required for non-commercial household hazardous waste shipments when transported in vehicles operated by government employees?
- A2. No. See A1.
- Q3. Does the quantity of hazardous material shipped affect applicability of hazardous material shipments by government employees?
- A3. No. See A1.

Q4. Are non- commercial household hazardous wastes shipments when transported separately from other non-hazardous household wastes in vehicles operated by government employees subject to the HMR?

A4. No. See A1.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Mitchell', written over a horizontal line.

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



Assisting you through the regulatory maze  
**SWEETSER & ASSOCIATES**

Pollack  
§ 171.8  
§ 173.12  
§ 173.134  
Definitions & Exceptions  
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08-0041

February 17, 2008

Edward Mazullo, Director, Standards Division  
Office of Hazardous Materials Standards,  
Pipeline and Hazardous Materials Safety Administration  
U. S. Department of Transportation  
1200 New Jersey Avenue, SE.,  
Washington, DC 20590

RE: Household Hazardous Waste Transportation Between Locations

Dear Mr. Mazullo:

I am requesting clarification regarding the hazardous materials transportation requirements for household hazardous waste transported by government employees between collection locations. In reviewing the requirements in Federal Register / Vol. 73, No. 18 / Monday, January 28, 2008, the statement on page 4704 indicates that:

[T]ransportation of consolidated household waste material in a motor vehicle by a government employee, solely for noncommercial government purposes, is not "commercial" transportation for purposes of the HMR and, therefore, is not subject to the requirements of the HMR

The actual regulatory text in Section 173.12 states that "Household waste, as defined in § 171.8 of this subchapter, is not subject to the requirements of this subchapter". But Section 171.8 states that the term "Household wastes" "is not applicable to consolidated shipments of household hazardous materials transported from collection centers" thus indicating that consolidate shipments are subject to the hazardous materials transportation requirements. These regulations do not distinguish between household hazardous wastes transported by government employees or commercial transporters as indicated on page 4704. I have include copies of the appropriate federal register sections.

The concern is both for household hazardous wastes from dedicated collection locations for these wastes and household wastes from load checking programs. Load checking is the practice of examining incoming solid wastes for the presence of hazardous and other wastes prohibited from landfilling. Any discovered prohibited waste are removed from the solid waste and either returned to the generator or stored for future off-site disposal. These wastes are typically managed as household hazardous wastes.

Although California regulates these household hazardous wastes, these wastes are exempt from federal hazardous waste regulation which states that:

40 CFR Section § 261.4 Exclusions. (b) Solid wastes which are not hazardous wastes. The following solid wastes are not hazardous wastes:

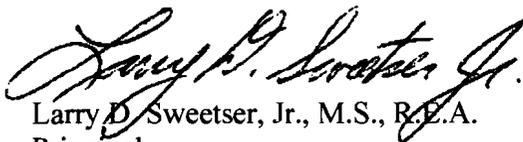
(1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel) or reused. "Household waste" means any material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas).

I am requesting the following clarifications of these requirements:

- Is household hazardous waste transported by a government employee from one location to another exempt from DOT hazardous materials transportation requirements, especially regarding uniform hazardous waste manifesting and placarding? Please explain and provide the citations for this exemption.
- Is a bill of lading or other shipping record still required to be used for the transport of these wastes?
- If the quantity of household hazardous waste transported is greater than 1,000 pounds, does this exemption still apply?
- Does this exemption apply to household hazardous waste removed by a load checking program and transported by a government employee?

Thank you for your assistance. Many of my local government household hazardous waste colleagues are awaiting your response.

Sincerely



Larry D. Sweetser, Jr., M.S., R.E.A.  
Principal

cc: Cameron Satterhwaite, U. S. Department of Transportation

Enclosure