



U.S. Department
of Transportation
Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

JAN 27 2009

Mr. John Grindal
Special Waste Disposal, Inc.
2850 100th Court NE
Blaine, MN 55449

Ref. No. 08-0121

Dear Mr. Grindal:

This responds to your letter requesting clarification of the requirements for infectious substances and regulated medical waste (RMW) under the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). You ask several questions that I have paraphrased and answered below:

- Q1. Our facility generates sharps contaminated with medical waste. If we were to chemically disinfect these sharps with a ten percent (10%) bleach solution, would they be subject to the HMR as Division 6.2 materials?
- A1. A material that may or may not have contained a pathogen that has been neutralized or inactivated such that it no longer poses a risk is not regulated as a Division 6.2 material.
- Q2. If an offeror determines a particular medical waste presents greater hazardous characteristics than a Division 6.2, is it permissible to classify that waste with a subsidiary risk of Division 6.2?
- A2. No. In accordance with § 173.2a(c)(3), a Division 6.2 material that also meets the definition of another hazard class or division, other than Class 7, or that also is a limited quantity Class 7 material, must be classed as Division 6.2.
- Q3. Is it permissible to transport a RMW that meets the definition of another hazard class in the same transport vehicle that also contains a non-medical waste material being transported to a non-medical waste disposal facility under the exceptions for RMW in § 173.134(c)(1) and (c)(2)?
- A3. The exception in § 173.134(c)(1) permits RMW when transported by a private or contract carrier to be excepted from certain labeling and packaging requirements of the HMR. For other than waste cultures and stocks, there are no restrictions on the types of materials that may be transported on the same vehicle as RMW. Thus, you

may transport other non-medical waste materials on the same vehicle as RMW, provided the shipment does not contain waste cultures and stocks. Additionally, if the RMW meets the definition of another hazard class, it must be offered for transportation and transported as required by the HMR.

The exception in § 173.134(c)(2) permits Category B waste cultures and stocks to be transported as regulated medical waste when packaged in a rigid non-bulk packaging conforming to certain general packaging requirements and transported by a private or contract carrier in a vehicle used exclusively to transport RMW. An exclusive-use vehicle is one used for the transportation of a single commodity or class of commodities. Transportation in an exclusive-use vehicle in accordance with the exception prevents inadvertent contamination of other types of materials, including non-medical waste materials. Thus, you may not transport non-medical waste materials on the same vehicle as RMW that contains waste cultures and stocks. Additionally, if the RMW meets the definition of another hazard class, it must be offered for transportation and transported as required by the HMR.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Mitchell', with a long horizontal flourish extending to the right.

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

Drakeford, Carolyn <PHMSA>

Stevens
§ 173.134

Definitions & Exceptions
08-0121

From: INFOCNTR <PHMSA>
Sent: Tuesday, April 29, 2008 2:30 PM
To: Drakeford, Carolyn <PHMSA>
Cc: 'john.grindal@swdi.com'
Subject: REQUSET FOR INTERP: FW: Information Center Comments/Questions

Carolyn,
This gentleman would like a written letter of interpretation on the topics listed below.
Thanks,
Rob

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

From: john.grindal@swdi.com [mailto:john.grindal@swdi.com]
Sent: Tuesday, April 29, 2008 11:42 AM
To: INFOCNTR <PHMSA>
Subject: Information Center Comments/Questions

Below is the result of your feedback form. It was submitted by John Grindal (john.grindal@swdi.com) on Tuesday, April 29, 2008 at 11:41:36.

Email: john.grindal@swdi.com

Name: John Grindal

Category: Shippers-General Requirements for Shipments and Packagings (Sections 173.1 - 173.476)

Organization: Special Waste Disposal, Inc.

Street: 2850 100th Court NE

City: Blaine

State: Minnesota

Zip Code: 55449

Phone: 612-490-2778

Fax: 612-285-9000

Comments: This e mail is sent with the intent to receive a written interpretation and guidance concerning the relevent HMR citations. A hospital in the process of patient care generates a waste that has contacted human bodily tissues and still contains a DOT PGIII toxic substance (i.e. a hypodermic needle containing Epinephrine HCL). Additionally, an alcohol wipe with a resovoir of Isopropanol has contacted blood and other bodily tissues. These wastes were generated in a surgical suite during an operation and both materials were placed in the same sharps container. With regards to transporting this waste I have the following questions:

1) Per 173.134 (b)(4): If this waste was chemically disinfected with a 10% bleach solution prior to sealing the container would it be considered a Division 6.2 material when offered for transport?

2) Per 173.24a (c)(3): This citation states that an infectious substance must be classed a division 6.2. Can the 6.2 be a subsidiary hazard class if the shipper determines another hazard class presents a greater danger?

3) Per 173.134 (a)(1)(ii): If this waste is determined to be a Regulated Medical Waste, 6.2, UN3291 can the waste also be classed a division 3 and division 6.1 as subsidiaries (173.2a)?

4) Per 173.12 (b): When the above listed waste is sealed in a sharps container and placed within a DOT PGII packaging with other compatible materials, can this package be

transported on the same motor vehicle with wastes other than Medical Wastes, specifically hazardous wastes being transported to a non medical waste disposal facility (173.134 (c))?
Please let me know if you have any questions.
Thank you.