



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

FEB 13 2009

Mr. Bob Booker  
Senior Manager, Legal Services and Corporate Compliance  
DENSO Manufacturing Tennessee, Inc.  
1720 Robert C. Jackson Drive  
Maryville, TN 37801-3748

Ref. No. 09-0021

Dear Mr. Booker:

This responds to your January 19, 2009 letter requesting clarification of the use of the materials of trade exceptions under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). According to your letter, your company transports regulated medical waste (UN3291) between facilities at an industrial park in company-owned and -operated vehicles for the purpose of consolidation of the material at one facility for subsequent pickup and disposal by a separate company. You ask whether you may transport your regulated medical waste as a material of trade.

The answer is yes. It is the opinion of this Office that regulated medical waste transported by your company's employees in company vehicles in direct support of your business may be transported as a material of trade. In accordance with § 171.8, the definition of a material of trade includes a hazardous material, other than a hazardous waste, that is carried on a motor vehicle by a private motor carrier in direct support of a principal business that is other than transportation by motor vehicle. Therefore, provided the regulated medical waste is packaged in conformance with § 173.6 paragraphs (a)(4) and (a)(4)(ii), and otherwise conforms to the conditions of § 173.6, the regulated medical waste may be transported by your company as a material of trade.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

Charles E. Betts,  
Chief, Standards Development  
Office of Hazardous Materials Standards

# DENSO

DENSO MANUFACTURING TENNESSEE, INC.  
1720 Robert C. Jackson Drive  
Maryville, Tennessee 37801-3748

January 19, 2009

Mr. Charles E. Betts  
Chief, Standards Development  
Office of Hazardous Materials Standards  
1200 New Jersey Ave. S.E.  
Washington, D.C. 20590

Der Kinderen  
§ 173.6  
MOT Exceptions  
09-002/

Dear Mr. Betts,

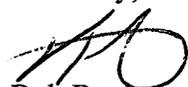
Our company, DENSO Manufacturing Tennessee Inc., manufactures auto parts and occupies several facilities on either side of the street in a small industrial park. The maximum distance from any given facility to another is less than 1 mile. Each facility generates, or has the potential to generate materials classified as UN 3291, Regulated Medical Wastes. The materials are generated at our first aid stations and restrooms. Sharps are stored in closed, puncture resistant containers and all other materials are collected and stored in rigid containers with poly liners and do not contain liquids.

Our goal is to consolidate the material at one DENSO facility. It would then be picked up by an approved treatment company. In this scenario, we would utilize our company personnel and vehicles to transport the materials to the consolidation site.

Would the materials for trade exception found in 49 CFR 173.6 apply to the transport for consolidation of the materials, provided the packaging and weight requirements of 49 CFR 173.6(a-e) are met?

Any information or guidance you could offer is appreciated.

Sincerely,



Bob Booker  
Senior Manager, Legal Services and Corporate Compliance  
DENSO Manufacturing Tennessee, Inc.