



U.S. Department  
of Transportation

1200 New Jersey Avenue SE  
Washington, DC 20590

**Pipeline and Hazardous  
Materials Safety  
Administration**

MAR 26 2015

Mr. Chuck Talburt  
Washington State Department of Health  
Public Health Laboratories  
1610 NE 150<sup>th</sup> Street  
Shoreline, WA 98155

Reference No. 14-0208

Dear Mr. Talburt:

This is in response to your October 29, 2014 e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to a courier, including a private vehicle or a taxi, transporting blood specimens to and from your facilities for testing for the presence of the Ebola virus. You expressed concern that the courier services currently used transport Category B infectious substances (Division 6.2), or excepted specimens, may be subject to additional regulation under the HMR if they are potentially Category A infectious substances. You ask if a courier transporting these specimens must be dedicated to the purpose of transporting the specimens and not transporting passengers or administrative material.

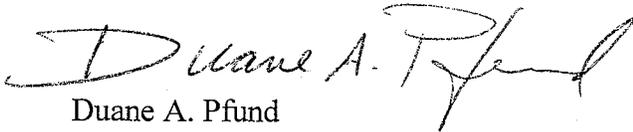
In accordance with HMR § 173.134(a)(1)(i), blood specimens known or reasonably expected to contain the Ebola virus, or other infectious substance in a form capable of causing permanent disability or life-threatening or fatal disease in otherwise healthy humans or animals, would be classified as a Category A infectious substance. The offeror may rely on the judgment of a responsible medical expert to determine whether the specimens being shipped are reasonably expected to contain a Category A material.

Specimens classified as Category A infectious substances are subject to all applicable provisions of the HMR for these materials (such as shipping papers, marking, labeling, emergency response information, and training) and must be packaged in accordance with the requirements of § 173.196. Category A infectious substances transported in full compliance with the HMR are not restricted to transport by private or contract carrier in a dedicated motor vehicle. However, in accordance with § 177.870(b) such hazardous materials may not be transported on a motor vehicle carrying passengers for hire unless no other practical means of transportation is available. Please note relief from the HMR that

you mentioned concerning Division 6.2 materials transported by private or contract carrier in a motor vehicle used exclusively to transport such materials is prescribed in § 173.134(b)(10) and applies to Category B infectious substances only.

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

Sincerely,

A handwritten signature in cursive script that reads "Duane A. Pfund". The signature is written in dark ink and is positioned above the typed name.

Duane A. Pfund  
International Standards Coordinator  
Standards and Rulemaking Division

Babich  
\$173.196  
Category A Infectious  
Substances

**Dodd, Alice (PHMSA)**

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14-0208

**From:** Ciccarone, Michael CTR (PHMSA)  
**Sent:** Thursday, October 30, 2014 9:36 AM  
**To:** Hazmat Interps  
**Subject:** FW: Letter of Interpretation

Shante/Alice,

Please submit this for a formal letter of interpretation. Mr. Talburt spoke with Adam Lucas and Shelby Geller in the HMIC.

Thanks,

Mike

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**From:** Talburt, Chuck D (DOH) [<mailto:Chuck.Talburt@DOH.WA.GOV>]  
**Sent:** Wednesday, October 29, 2014 6:12 PM  
**To:** Ciccarone, Michael CTR (PHMSA)  
**Subject:** RE: Letter of Interpretation

Dear Mike,

Any correspondence should be sent to:

Washington State Department of Health  
Public Health Laboratories  
1610 NE 150<sup>th</sup> Street  
Shoreline, WA 98155  
Attn: Chuck Talburt

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**From:** [m.ciccarone.ctr@dot.gov](mailto:m.ciccarone.ctr@dot.gov) [<mailto:m.ciccarone.ctr@dot.gov>]  
**Sent:** Wednesday, October 29, 2014 1:53 PM  
**To:** Talburt, Chuck D (DOH)  
**Subject:** RE: Letter of Interpretation

Dear Chuck,

We have received your request for a written letter of interpretation regarding the hazardous materials regulations (49 CFR Parts 171-180).

Please include your company's physical address to expedite the submission process.

Sincerely,

Mike, Hazardous Materials Specialist

An e-mail response from this office is considered informal guidance. Formal guidance may be requested in accordance with 49 CFR 105.20. <http://phmsa.dot.gov/hazmat/regs/interps>

**From:** Talburt, Chuck D (DOH) [mailto:Chuck.Talburt@DOH.WA.GOV]  
**Sent:** Wednesday, October 29, 2014 2:40 PM  
**To:** INFOCNTR (PHMSA)  
**Subject:** Letter of Interpretation

Dear Sir,

I am writing this to clarify the use of couriers for transporting Category A, infectious substances and to define what dedicated courier is in the context of transporting these types of specimens.

Here is the scenario:

As a state laboratory we are being asked by many of our laboratories about shipping blood specimens to us for testing for Ebola virus in the event there is a potential case. We are very aware that specimens in the form being tested for the presence of Ebola are considered Category A, infectious substances (Ref: Transporting Infectious Substances Safely). The suspected specimens can either be transported by FedEx or private courier. The issue we are dealing with is what the defining criteria are for a dedicated private courier. Many of our labs offer courier services for their satellite facilities but they typically deliver Category B or exempt type specimens. Now that they are being asked to deliver a potential Category A, infectious substance, their couriers may be in violation of USDOT transportation regulations. My understanding, from previous conversations with your office is that a courier transporting Category A, infectious substances must be a dedicated for the purpose of transporting specimens and not transporting passengers or administrative material. This would also apply to privately owned vehicles and taxis.

Your assistance in this matter is greatly appreciated.

Thanks very much,

*Chuck Talburt* - (206) 418-5404

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