



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

1200 New Jersey Avenue, SE  
Washington, DC 20590

JAN 20 2015

Mr. Brian T. Wadlinger  
Product Manager  
Tufpak, Inc.  
698 Brown's Ridge Road  
Ossipee, NH 03864

Reference No. 14-0213

Dear Mr. Wadlinger:

This is in response to your November 3, 2014 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of hazardous waste. Specifically, you ask if a person who offers a hazardous waste for transportation must meet the requirements of the HMR regardless of what state they are in.

Unless specifically excepted or authorized by the HMR, the transportation of a hazardous material in commerce must be in compliance with the applicable requirements of the HMR regardless of the state. Section 171.2 states that each person who offers a hazardous material for transportation in commerce must comply with all applicable requirements of the HMR. The definition of "commerce" in § 171.8 includes transportation within the jurisdiction of the United States within a single state (intrastate) and transportation between a place in a state and a place outside of the state (interstate).

I trust 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 'S. C. Kelley', with a long horizontal stroke extending to the right.

Shane C. Kelley  
Acting International Standards Coordinator  
Standards and Rulemaking Division

**Goodall, Shante CTR (PHMSA)**

*Babich*  
*171.1*  
*Annual Requirement*  
*14-0213*

**From:** Ciccarone, Michael CTR (PHMSA)  
**Sent:** Monday, November 03, 2014 2:28 PM  
**To:** Hazmat Interps  
**Subject:** FW: Interpretation Letter for DOT Hazardous Waste

Shante/Alice,

Please submit this for a formal letter of interpretation. I spoke with Mr. Wadlinger earlier.

Thanks,

Mike

**From:** Brian T Wadlinger [<mailto:btwadlinger@tufpak.com>]  
**Sent:** Monday, November 03, 2014 11:22 AM  
**To:** PHMSA HM InfoCenter  
**Subject:** Interpretation Letter for DOT Hazardous Waste

Hello,

My name is Brian Wadlinger & I am the Product Manager for a company called Tufpak Inc. We are a manufacturer of Autoclavable Biohazard Bags for hazardous waste, and as I was updating our regulatory files I came across something interesting and I was hoping you could send me a formal interpretation letter about the following:

In 49 CFR it says that transportation of hazardous waste (both interstate AND intrastate) requires the DOT regulation to be followed. Is it safe to assume then, that since the "cradle to grave" law is in place, that anyone who offers hazardous waste for transport, MUST meet the DOT standards regardless of what state they are in? We make one of the only bags that truly meets the marking and labeling requirements AS WELL AS the strength requirements (tear test in BOTH the lateral and perpendicular planes). If I could get a letter from you confirming that these regulations must be met regardless of what state you are in, you would be my hero!!

I look forward to hearing back from you! Thanks in advance!

**Brian T. Wadlinger**  
Product Manager



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