



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

AUG 06 2015

Mr. Adam S. Guziejewski
Assistant Executive Director for
Policy and Membership
New Jersey State Funeral Directors
Association, Inc.
P.O. Box L
Manasquan, NJ 08736-0642

Reference No. 15-0018

Dear Mr. Guziejewski:

This is in response to your January 21, 2015 letter, January 16 and 23, 2015 e-mails, January 16, 2015 telephone conversation, and March 4, 2015 meeting with Pipeline and Hazardous Materials Safety Administration (PHMSA) staff members requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to embalming process wastewater generated by a dozen New Jersey funeral homes. Specifically, you ask if the HMR's requirements for infectious substances apply to embalming process wastewater when transported in commerce.

You brought a document to the March 4th meeting entitled "Synopsis Regarding the Limited Transportation of Funeral Home Embalming Wastewater to the Treatment Works for Final Disposal as Ordinary Wastewater (Note as Infectious Waste)." You also attached three documents in your January 16th e-mail. These include: 1) a June 9, 1995 report commissioned and published by the New Jersey State Funeral Directors Association (NJSFDA) entitled "Funeral Home Wastestream Audit Report;" 2) five attachments to the report entitled (A) "Attachment A—National Funeral Directors Association (NFDA) Master List: Material Safety Data Sheet Chemicals," (B) "Individual Funeral Home Sampling Data," (C) "Background on Embalming," (D) "Sampling Field Notes," and (E) "NFDA Waste Minimization Recommendations;" and 3) a January 5, 2015 Work Plan entitled "New Jersey State Funeral Directors Association Assessment of Pathogens in Embalming Process Wastewater (diverted to and stored in above ground septic tanks prior to transportation and discharge to a treatment works." Summarized, these documents say the following:

- The residual presence of formaldehyde, a known and effective germicide, suggests that any infectious materials are likely to be rendered inactive in the embalming process.

- Alcohol and formaldehyde are also considered to have disinfection properties. These chemicals are also believed to disinfect pathogens in the embalming wastewater and most likely render the waste as noninfectious.
- Given that the wastewater under discussion will be further treated by a sewage treatment plant after transport from the funeral home, and given that the US DOT criteria – to the extent applicable – speaks to a standard of Category B infectious wastes as “unlikely to cause disease in humans and animals,” we believe there is a logical alignment between the USEPA Class-B sludge criteria and the US DOT Category B standards.

In conformance with § 173.22 of the HMR, it is the shipper's responsibility to properly classify a hazardous material. This Office generally does not perform this function. However, based on the information you provided, it is the opinion of this Office that the material you described does not meet the definition of an infectious substance, also known as a Division 6.2 material, under § 173.134. Therefore, it is not subject to the HMR's requirements for infectious substances.

I hope this satisfies your request.

Sincerely,



T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Edmonson
173.134
Definition and Acceptance
15th - 0018

Goodall, Shante CTR (PHMSA)

From: Edmonson, Eileen (PHMSA)
Sent: Friday, January 23, 2015 10:40 AM
To: Dodd, Alice (PHMSA); Goodall, Shante CTR (PHMSA)
Subject: FW: Request for Verification
Attachments: USDOT_Letter_Re_Embalming_Wastewater_Jan_21_2015.pdf

Ladies – Can one of you please log this letter to me for response?

Thank you,

Eileen Edmonson
USDOT/PHMSA
(202) 366-4481 (w)
(202) 366-7041 (f)
eileen.edmonson@dot.gov (e-mail)
<http://www.phmsa.dot.gov/hazmat> (website)
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From: Guziejewski, Adam [<mailto:aguziejewski@njsfda.org>]
Sent: Friday, January 23, 2015 10:39 AM
To: Edmonson, Eileen (PHMSA)
Cc: Tackett, Christina (PHMSA); mike_merola@wswdc.com; Kelder, George R
Subject: Request for Verification

Good Morning Eileen,

Thank you for your time last Friday to discuss the transportation of embalming process wastewater generated by about a dozen New Jersey funeral homes.

As we discussed – the NJSFDA needed to submit a written request to the US DOT in order to receive a written verification regarding our understanding that the rules of the Pipeline and Hazardous Material Safety Administration of the U.S. Department of Transportation at 49 C.F.R. § 173.134 Class 6, Division 6.2 relating to infectious waste do not apply to the transportation of embalming process wastewater.

I have attached that request for verification with this email. A paper copy has also been placed in the mail.

A response from the US DOT at its earliest possible convenience would be greatly appreciated.

Thank you for your attention to this matter.

Sincerely,
Adam

Adam S. Guziejewski
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New Jersey State
Funeral Directors
Association, Inc.

P.O. Box L
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January 21, 2015

Ms. Eileen Edmonson
Pipeline and Hazardous Materials Safety Administration
United States Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: Request for Verification

Dear Ms. Edmonson:

Thank you for your time on Friday, January 16, 2015 to discuss the transportation of embalming process wastewater generated by New Jersey funeral homes that are not connected directly to a public sewer system.

As a result of our conversation, the New Jersey State Funeral Directors Association (NJSFDA) requests written verification from the United States Department of Transportation (US DOT) that the rules of the Pipeline and Hazardous Material Safety Administration of the U.S. Department of Transportation at 49 C.F.R. § 173.134 Class 6, Division 6.2 relating to infectious waste do not apply to the transportation of embalming process wastewater.

By way of background, embalming process wastewater primarily contains water, blood, human waste and *de minimus* (but nevertheless present) components of methanol, phenol, formaldehyde and Clorox or other generally accepted USEPA approved disinfectants used for cleaning. According to research, the contents of embalming process wastewater pose no more threat to the environment or public health than its domestic equivalent.

A 1993 report commissioned and published by the National Funeral Directors Association (NFDA) entitled Funeral Home Wastestream Audit Report ("Wastestream Audit" – a copy of which was provided to you and the US DOT under separate cover) found that the total discharge from a funeral home, which for the purposes of the report included embalming wastewater and other domestic sanitary wastewater, had average pollutant concentrations of BOD₅ at 225 mg/l (range 25 – 438 mg/l), COD at 601 mg/l (range 106 – 880 mg/l), phenols at 3.8 mg/l (range 0.01 – 19.0 mg/l), methanol at 54.7 (range ND – 173 mg/l) and formaldehyde at 88.2 mg/l (range 5.2 – 410 mg/l). Given that funeral home BOD₅ and COD concentrations were found to be in the same range as typical household discharge, embalming process wastewater does not meet the definition of Class A or Class B infectious waste as established by 49 C.F.R. § 173.134 Class 6, Division 6.2.

The NJSFDA's Wastestream Audit also concluded that, due to its benign nature, the discharge of embalming wastewater into a sewer system for eventual treatment by a sewage treatment plant (STP) constitutes best practice for disposal and that embalming process wastewater has no measurable impact on the operation of STPs.

While most of New Jersey's funeral homes discharge their embalming effluent from their preparation rooms directly into the local sanitary sewer system for treatment by an STP, there are a small number of New Jersey funeral homes (approximately 12 to 15) that are not served by a direct connection to a local sanitary sewer.

These firms dispose of their embalming process wastewater through a two-step tank and haul process, a solution engineered and agreed to through a collaborative effort of the New Jersey Department of Environmental Protection (NJ-DEP) and the NJSFDA in 2004/2005. Funeral homes that tank and haul their effluent isolate the embalming process wastewater in their facilities to an above ground tank, where it is stored until it is pumped and transported by ordinary septic haulers to a local STP for final disposal.

The rationale for the tank and haul solution is based on the fact that the discharged embalming process wastewater is widely considered ordinary septic waste and, as best practice indicates, ought to be disposed of in the same manner as its domestic equivalent - at a sewage treatment plant. As part of accepting the tank and haul compliance strategy, the NJ-DEP stipulated, explicitly, that embalming process wastewater should be identified and treated as domestic equivalent (ID#73) and not regulated medical waste.

The only apparent difference between discharging directly to sewer and using the tank and haul method is how the embalming process wastewater arrives at its final destination which, due to its classification as domestic equivalent, presents no concerns regarding its transportation to an STP.

The NJSFDA believes that the current practice is not contemplated or covered by the regulations regarding the transportation of "infectious waste" (49 C.F.R. § 173.134 Class 6, Division 6.2) and as such, requests that the US DOT provide written verification of the NJSFDA's understanding.

Please let me know if you have any questions.

Sincerely,



Adam S. Guziejewski
ASSISTANT EXECUTIVE DIRECTOR FOR POLICY AND MEMBERSHIP

cc: Christina L. Tackett, Office of Chief Counsel, USDOT
Michael Merola, Winning Strategies Washington