



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

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

OCT 9 2009

Ms. Kristela Ramos
The Jackson Laboratory-West
4910 Raley Boulevard
Sacramento, CA 95838

Ref. No. 09-0189

Dear Ms. Ramos:

This responds to your August 18, 2009 request for clarification of requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of live animals implanted with non-infectious tumor fragments or blood cells (stem cells). You indicate that the animals are used for research and ask whether they are subject to the HMR.

The answer is no. In accordance with § 173.134(b)(1), a material that does not contain an infectious substance or that is unlikely to cause disease in humans or animals is not subject to the requirements of the HMR applicable to the transportation of Division 6.2 materials.

I hope this answers your inquiry. If you need further assistance, do not hesitate to contact this Office.

Sincerely,

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

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Wednesday, August 19, 2009 8:31 AM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Hazmat Information Center Feedback: Other Questions?

Boothe
§ 173.134
Exceptions
09-0189

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

From: PHMSA-Feedback [mailto:PHMSA-Feedback]
Sent: Tuesday, August 18, 2009 4:24 PM
To: PHMSA HM InfoCenter; PHMSA Webmaster
Subject: Hazmat Information Center Feedback: Other Questions?

REQUEST FOR WRITTEN LETTER OF INTERPRETATION.

49 CFR 173.134

Does shipping animals that has tumor fragments or core blood cells (stem cells) implanted/injected in them fall under 49 CFR 173.134 exception 11?

Please provide a written letter of interpretation.

Thank you.

Sincerely,
Kristela Ramos

Name: Kristela Ramos
Email: kristela.ramos@jax.org
Phone: 916-469-2580

Sent: Friday, September 11, 2009 7:38 AM
To: Kristela Ramos
Cc: deborah.boothe@dot.gov
Subject: FW: Request for Mailing Address for Letter of Clarification, Ref. No. 09-0189
Importance: High

Good morning Ms. Ramos,

I hope you're having a great day!

I'm continuing to work on your letter of clarification. However, I need some additional information in order to complete the letter. In your fax you ask: Does shipping animals that has tumor fragments or core blood cells (stem cells) implanted/injected in them fall under 49 CFR 173.134(b)(11) exceptions?

Are these animals alive or dead? ALIVE

Do these tumor fragments or core blood cells (stem cells) contain an infectious agent? NO Do you suspect it's a Category A? NO

Are these animals going to be used for research, diagnosis, etc. or routine testing? RESEARCH

FYI: If these are live animals with an infectious agent, §173.196(c) requires an approval form the Associate Administrator for Hazardous Materials Safety (CA).

Thank you Ms. Ramos for the additional information.

Deborah Boothe
Transportation Regulations Specialist
DOT/PHMSA
Office of Hazardous Materials Standards/PHH-10

From: Boothe, Deborah (PHMSA)
Sent: Thursday, August 27, 2009 1:00 PM
To: 'Kristela Ramos'
Subject: RE: Request for Mailing Address for Letter of Clarification, Ref. No. 09-0189

Thanks so much Ms. Ramos!

From: Kristela Ramos [mailto:Kristela.Ramos@jax.org]
Sent: Thursday, August 27, 2009 12:18 PM
To: Boothe, Deborah (PHMSA)
Subject: RE: Request for Mailing Address for Letter of Clarification, Ref. No. 09-0189

Ms. Boothe,

Please see below for my mailing address:

Kristela Ramos
The Jackson Laboratory – West
4910 Raley Boulevard
Sacramento, CA 95838

Please let me know if there is anything else you need.

Thank you.

10/9/2009