



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

JUN 14 2012

Mr. Andrew Heine
21 Sherwood Drive
Medford, NJ 08055

Ref. No. 12-0109

Dear Mr. Heine:

This responds to your letter requesting clarification of Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to household-generated solid waste. Specifically, you ask whether soiled diapers packaged and offered for transportation by your customers to a commercial carrier who then delivers them to your facility are subject to the HMR.

The answer is no. As specified in § 173.134(b)(13)(i) of the HMR, household waste that does not meet the definition of any other hazard class is not subject to the requirements of the HMR as a Division 6.2 material but may be subject to other state, local, or tribal requirements.

I trust this satisfies your inquiry. Please contact us if we can be of any further assistance.

Sincerely,

A handwritten signature in cursive script that reads "T. Glenn Foster".

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

Drakeford, Carolyn (PHMSA)

Stevens
§171.1
§173.134

From: INFOCNTR (PHMSA)
Sent: Monday, May 07, 2012 11:38 AM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Formal Interpretation Letter Request

Applicability
12-0109

Hi Carolyn,

We received the following request for a letter of interpretation.

Thanks,
Victoria

From: Andrew Heine [<mailto:apheine1@yahoo.com>]
Sent: Monday, May 07, 2012 11:37 AM
To: INFOCNTR (PHMSA)
Subject: Formal Interpretation Letter Request

To Whom It May Concern,

I am writing this email to request a formal letter of interpretation. Furthermore, I am requesting to receive confirmation of my classification of post-consumer dirty diapers and their applicability to the DOT's shipping requirements outlined in 49 CFR 173.134 for Class 6, Division 6.2.

I am looking to offer a recycling program for used (post-consumer) dirty diapers. The model for this recycling program is as follows: consumers will collect their own dirty diapers at their homes. Then, they will place their diapers in thick poly-bags and put the full poly bag into a shipping box. This shipping box will ship ground directly to my recycling facility.

I interpret the applicability of 49 CFR 173.134 to be as follows:

Post-consumer dirty diapers, originating from households are not classified as a Category A or Category B Division 6.2 infectious substance because they are not known or reasonably expected to contain a pathogen. Furthermore, they meet the requirements of 173.134 (b)(13)(i) Household waste and are not subject to the requirements as Division 6.2 materials. Since, diapers are not required to ship as a Division 6.2 material; they are not subject to regulation under the HMR.

I most sincerely appreciate your attention to this matter and look forward to your response.

Sincerely,

Andrew Heine

21 Sherwood Drive

Medford NJ, 08055

(609) 980-4415

Apheine1@yahoo.com