



U.S. Department  
of Transportation

Research and  
Special Programs  
Administration

400 Seventh Street, S.W.  
Washington, D.C. 20590

OCT 1 1998

Mr. Jerry Davis  
Safety Kleen  
Suite 300  
1301 Gervais Street  
Columbia, SC 29201

Ref. No. 98-0250

Dear Mr. <sup>Sally</sup> Davis:

This is in response to your letter of August 17, 1998, requesting clarification on the requirements for fluorescent light bulbs under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In your letter you ask whether, and under what conditions, discarded fluorescent light bulbs (containing mercury), which are considered universal wastes by the U.S. EPA, would be regulated by the U.S. Department of Transportation.

The proper shipping name "Mercury contained in manufactured articles" may be used to describe fluorescent light bulbs containing mercury. As indicated by the letter "A" in Column 1 of the Hazardous Materials Table (HMT), "Mercury contained in manufactured articles" is subject to the HMR when transported by aircraft. "Mercury contained in manufactured articles" is regulated in other modes, such as by motor vehicle, only when it meets an EPA-related definition in the HMR for "hazardous waste" or "hazardous substance."

Hazardous wastes, as defined by the HMR, are materials that are subject to the Hazardous Waste Manifest Requirements of the U.S. EPA specified in 40 CFR Part 262 (§ 171.8). Wastes that are considered universal wastes under 40 CFR Part 273 are not subject to the Hazardous Waste Manifest requirements in 40 CFR Part 262, and thus would not be considered hazardous wastes under the HMR.

To determine if a material meets the definition of a hazardous substance in the HMR, shippers must determine the amount of each constituent listed in Appendix A to § 172.101 that is present in the material. If any constituent equals or exceeds its listed RQ per package, then the material meets the definition of a hazardous substance. Therefore, if the amount of mercury in the material equals or exceeds one (1) pound per package, the material is a hazardous substance.



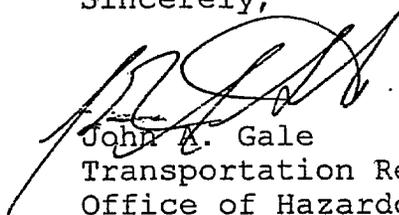
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171.8  
172.101 APP. A  
173.164

If the mercury in the fluorescent light bulbs in your scenario meets the definition of a hazardous substance, the bulbs are subject to the HMR in all modes of transportation. Section 173.164 contains the specific packaging requirements and exceptions for mercury and mercury contained in manufactured articles.

I hope this satisfies your request.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Gale", is written over the typed name. The signature is stylized and somewhat cursive.

John A. Gale  
Transportation Regulations Specialist  
Office of Hazardous Materials Standards