



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

APR 12 2005

Mr. James A. Buchholz
204 North Brayer Street
Holgate, Ohio 43527

Ref No.: 05-0039

Dear Mr. Buchholz:

This responds to your February 14, 2005 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if the regulations for Division 6.2 (infectious substance) material apply to the transportation of blood and/or other body fluids collected for disposal at a crime scene clean up operation. You state that these materials may or may not have come from persons or animals infected with various diseases.

A Division 6.2 (infectious substance) is defined in § 173.134 as a material known to contain or suspected of containing a pathogen. In accordance with § 173.22 it is the shipper's responsibility to properly class and describe a hazardous material. This office does not perform that function. A shipper must classify the waste generated from the crime scene as a Division 6.2 material if he knows or suspects it contains a pathogen in risk groups 2, 3 or 4. Waste generated from a crime clean-up operation does not meet the definition of a regulated medical waste in § 173.134. Further, waste generated from a crime scene clean-up operation that meets the definition of a Division 6.2 (infectious substance) is not eligible for the exception in § 173.134(b)(10).

A waste that is not known or suspected to contain a risk group 2, 3 or 4 pathogen, and that does not meet the definition of any other hazard class in § 173.2, is not subject to the HMR.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,



John A. Gale
Chief, Regulations Development
Office of Hazardous Materials Standards



050039

173.134 (b) (10)

Eichenlaub
§173.134(b)(10)
Exceptions
February 14, 2005 05-0039

Edward Mazzullo
Director, Office of Hazardous Materials Standards
US, DOT/RSPA DHM-10
400 7TH Street SW
Washington, DC 20590-001

Dear Mr. Mazzullo

As an Instructor of Hazardous Materials Regulations I have been asked a question concerning the need to comply with DOT regulations by a Crime Scene Cleanup Company in the state of Texas.

This company responds to crime scenes in private homes, motels, public areas, businesses etc. and clean up blood, body fluids and materials containing the same. These materials may or may not have come from persons infected with various diseases such as AIDS, TB, Hepatitis etc.

This company believes that this material should be treated as either Medical Waste or an Infectious substance and transported and disposed of as such.

The Texas Environmental Commission has told them that these materials are not regulated because they do not come from a medical facility and they can be transported by normal means and disposed of as garbage.

I called the DOT Information Hotline on January 25, 2005 and spoke to an individual named Carmen and explained this situation to him. He stated that this company was excepted from complying with the DOT regulations under these conditions in accordance the exceptions stated in §173.134(b)(10).

I asked if I could receive a formal interpretation in writing to this fact and he stated I would have to request this in writing.

In my opinion and the opinion of the Crime Scene Cleanup Company, in the interest of safety we feel these materials should be treated as Infectious Substances and transported as a 6.2.

It would be greatly appreciated if you would respond to this letter and give us your formal interpretation as to whether this company must comply with DOT Hazardous Materials Regulations when transporting these materials.

Respectfully Submitted



James H. Buchholz
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