



Fwd: Request for Interpretation – Fire Department Transport of Post-Incident Household Hazardous Waste

INFOCNTR (PHMSA) <infocntr.infocntr@dot.gov>

Wed, Sep 2, 2026 at 12:03 PM

To: "Baker, Yul (PHMSA)" <yul.baker@dot.gov>, Hazmat Interps <hazmatinterps@dot.gov>

Good afternoon,

Please see the below interpretation request.

The mailing address is:

P.O. Box 20216
Bradenton, FL 34204

Let us know if you need anything.

Regards,

Janaye

On Tue, Sep 1, 2026 at 1:04 PM Ed Tumolo <etumolo@smfr.com> wrote:

Good afternoon,

My name is Ed Tumolo, and I am a Hazardous Materials Captain with a fire department in Florida. I am looking for clarification regarding the transportation of hazardous materials and household hazardous waste by fire department personnel following an emergency incident. I am requesting an interpretation of how 49 CFR §171.1(d)(5) and 49 CFR §173.12(g) apply to the following situation.

Our department responds to residential structure fires, hazardous materials incidents, battery fires, and similar emergencies. After the immediate emergency has been mitigated, we may be left with hazardous materials at the residence that have been damaged by the incident or that may present a continued fire, health, or environmental hazard.

Examples could include:

- Damaged or fire-involved lithium-ion batteries
- Power tool batteries
- E-bike or scooter batteries
- Household pesticides
- Pool chemicals
- Paints or solvents
- Fuels
- Other household hazardous materials

My concern is what happens to these materials after we leave. In many cases, the homeowner may not know how to properly dispose of them and may ultimately place them into their household garbage. This is especially concerning with damaged lithium-ion batteries because of the potential for fires in garbage trucks, transfer stations, recycling facilities, and landfills.

The specific situation I am asking about would be:

A fire department employee, acting in an official capacity, takes custody of household hazardous material from a residence following an emergency incident. The homeowner agrees to the removal. The material is packaged appropriately and transported in a fire-department-owned vehicle by a fire department employee directly to an authorized household hazardous waste collection, recycling, or disposal facility. No fee is charged, and the transportation is performed solely as part of the department's governmental/public-safety function.

My questions are:

1. Would this transportation fall outside the Federal Hazardous Materials Regulations pursuant to 49 CFR §171.1(d)(5), since the material is being transported by a local government employee in a government vehicle solely for a noncommercial governmental purpose?
2. If the material qualifies as household waste, would 49 CFR §173.12(g) also apply to the transportation?
3. Does the answer change if the material being transported is a damaged or fire-involved lithium-ion battery that originated from a residence?
4. If §171.1(d)(5) applies, would the fire department still be subject to federal HMR requirements involving shipping papers, placarding, hazmat registration, quantity limits, specification packaging, or hazardous materials transportation training for this particular movement?
5. Is there any distinction under the HMR between transporting the homeowner's original household hazardous material and transporting the same material after it has been damaged during a structure fire or other emergency?
6. Does a fire department taking custody of the material from the homeowner for the sole purpose of removing a continuing public-safety hazard affect the applicability of either §171.1(d)(5) or §173.12(g)?

I have reviewed several existing PHMSA interpretations, including interpretations addressing local government transportation, fire departments, and municipal collection of household hazardous waste. However, I would like clarification specifically regarding the post-emergency residential situation described above. My goal is to clearly understand what federal law allows so that we can appropriately address hazardous materials that remain after an incident rather than leaving potentially dangerous materials with a homeowner who may place them into the normal solid-waste system.

If possible, I would appreciate a written interpretation or direction to the appropriate PHMSA office that can provide one.

Thank you for your assistance.



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