U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

October 15, 2026

Timothy W. Wiseman
Partner
Scopelitis, Gavin, Light, Hanson & Feary, P.C.
10 West Market Street Suite 1400
Indianapolis, IN 46204-2909

Reference No. 25-0165

Dear Mr. Wiseman:

This is in response to your December 29, 2025 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of sharps containers in wheeled racks. You state that compliance with the "full rows" language in § 173.134(c)(2)(x) may require carriers to place empty containers in open spaces to prevent shifting. Your client wishes to install a moveable bracket to define and secure the partial rows. Specifically, you ask if a wheeled rack equipped with a "moveable bracket" to secure sharps containers satisfies the requirements of § 173.134(c)(2)(x), even if the rack does not contain a full row of containers spanning the entire length of the cart.

Yes. The intent of the "full rows" language in § 173.134(c)(2)(x) is to ensure sharps containers are stowed securely, preventing shifting or tipping during transportation. Based on the information and photograph provided, the moveable bracket may satisfy § 173.134(c)(2)(x), provided it firmly secures the partial row, effectively creating a "full row." The bracket must provide equal or greater strength to a full row of containers. In addition, as stated in § 173.134(c)(2)(x), no shelf may exceed the manufacturer's recommended load capacity, and the wheeled rack must be securely held in place on the motor vehicle.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

Alexander Wolcott
Acting Chief, Regulatory Review & Reinvention
Standards and Rulemaking Division

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December 29, 2025

Pollack, A.
25-0165

Sent Via Email/shane.kelley@dot.gov and
U.S. First Class Mail
Shane C. Kelley, Director
Standards & Rulemaking
Office of Hazardous Materials Safety
Pipeline & Hazardous Material Safety Adm.
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Request for Guidance Related to 49 C.F.R. § 173.134(c)(2)(x)

Dear Mr. Kelley:

I write to request formal guidance from the U.S. Department of Transportation, Pipeline & Hazardous Material Safety Administration ("DOT") with respect to the applicability of 49 C.F.R. § 173.134(c)(2)(x) to a transport cart to be used for transporting sharps containers. This regulation states as follow:

> *(x) Sharps in sharps containers provided the containers are securely closed to prevent leaks or punctures; do not exceed 18 gallons capacity; registered under the Medical Device Regulations of FDA; made of puncture resistant plastic that meets ASTM Standard F2132-01, Standard Specification for Puncture Resistance of Materials used in Containers for Discarded Medical Needles and other Sharps; and are securely fitted into wheeled racks that hold them in an upright position.* ***The wheel racks must contain full rows of sharps containers secured in place by a moveable bar****; it must be securely held in place on a motor vehicle by straps or load bars during transportation. No shelf*

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in any wheeled rack may exceed the manufacturer's recommended load capacity.

The Firm's client is looking to add a moveable bracket to its wheeled carts to keep each sharps container secure and upright during transit. Doing so would alleviate the need for placing empty sharps containers in the open spaces and would save considerable time and expense to the company. However, the bolded language above requires carriers to transport the wheeled carts with "full rows of sharps containers." I have attached as Item 1 a photograph of the wheeled cart at issue. My initial inclination is that the moveable brackets considered for use by my client would define each applicable "row" in the wheeled cart. In other words, the bracket would be the "moveable bar" referenced in the applicable regulation. Regardless, using a secured moveable bracket for each "row" would serve the same purpose as placing sharps containers so the full length of the wheeled cart is used.

I had previously discussed this matter informally with Andrew Eckenrode, a transportation specialist with the DOT, who tentatively agreed with my opinion that the use of the movable bracket to secure each row of sharps containers would satisfy the intent of § 173.134(c)(2)(x). However, he also suggested that I seek more formal guidance through the agency.

I appreciate your review of this matter and am available to answer to any additional questions or concerns you may have in reviewing this request for guidance.

Very truly yours,

/s/ Timothy W. Wiseman

Timothy W. Wiseman

TWW/kkc
Enclosure
cc: PHMSA Guidance@dot.gov

Item 1