



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

February 20, 2020

Kelly Camp, CHMM, CPEA
Regional Manager
Woodard & Curran
33 Broad Street
One Weybosset Hill, Floor 7
Providence, RI 02903

Reference No. 19-0056

Dear Ms. Camp:

This letter is in response to your May 7, 2019, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to shipping papers that describe “UN3291, Regulated medical waste, n.o.s., 6.2, Packing Group (PG) II.” Specifically, you enclose a partially redacted sample shipping paper and ask for confirmation whether several entries on the shipping paper are acceptable under the HMR. We have paraphrased your questions and answered them in the order you provided.

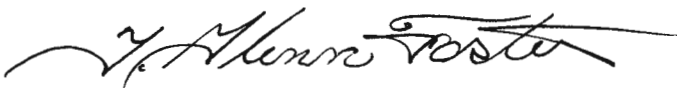
- Q1. The sample shipping paper includes Chemtrec’s phone number as the emergency contact but the carrier, not the shipper, is contracted with Chemtrec to provide this emergency response service. You ask whether the shipper’s use of Chemtrec as its emergency contact on its shipping paper is acceptable under the HMR.
- A1. The answer is yes, provided the matter is agreed to and/or arranged for between the two parties, and the shipper ensures the emergency response information (ERI) provider has received current information on the shipper’s material and agreed to provide this service for the shipper before the material or materials are offered for transportation. *See* §§ 172.600 and 172.604. If these conditions have not been met, the answer is no.
- Q2. The sample shipping paper includes the number and size of containers of regulated medical waste (RMW). You state that the “total” quantity of RMW may be calculated from this information, but does not appear on the shipping paper. You ask whether it is acceptable to leave the total quantity of RMW off the shipping paper.
- A2. The answer is no. Section 172.202(a)(5) prescribes that the total quantity of hazardous material covered by a description must be indicated by mass or volume, or by activity for Class 7 materials, and must include an indication of the applicable unit of measurement.

As prescribed in § 172.202(c)(1), the number and type of packages must also be indicated on a shipping paper either before or after, or both before and after, the description required and authorized by the HMR.

- Q3. Assuming the total quantity of the hazardous material on the sample shipping paper is placed near the number and type of containers, you ask whether the placement of the shipping description and total quantity on the sample shipping paper is acceptable.
- A3. The answer is yes. There are no boundaries—written or otherwise—regarding what is considered an acceptable “after” location for the quantity of material covered by a description so long as it is not considered excessive. To that end, the location depicted in the sample shipping paper you provided is acceptable, provided there is a clear indication as to which quantity is the total quantity.
- Q4. The shipper’s certification language on the sample shipping paper does not match that found in § 172.204(a)(1) or (2). You ask whether the wording in this shipper’s certification is acceptable under the HMR.
- A4. The answer is no. As prescribed in § 172.204(a), each person who offers a hazardous material for transportation shall certify that the material is offered for transportation in accordance with the HMR by printing (manually or mechanically) on the shipping paper containing the required shipping description the certification prescribed in § 172.204(a)(1), or the certification (declaration) prescribed in § 172.204(a)(2). The certification in paragraph (a)(1) is intended for domestic purposes, and the certification in paragraph (a)(2) is intended for use in either domestic or international transportation (HM-215A; 59 *FR* 67390). For transportation by rail only, the certification may be received verbally or with an electronic signature in conformance with § 172.204(a)(3)(i) and (ii).

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

Sincerely,



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

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19-0056

May 7, 2019



Mr. Shane Kelley
Director, Standards and Rulemaking Division
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590

Dear Mr. Kelley:

I received the enclosed shipping paper for shipments of regulated medical waste from a facility located in Louisiana. I have changed the specific names and addresses, but the remaining information is as received. In this situation, the carrier is preparing the shipping paper, as I find often happens for wastes shipments around the country. However, the shipper is certifying the shipping paper and is responsible for compliance with most of the regulations leading up to transportation. As such, I would like to determine whether the following are acceptable on the shipping paper provided.

1. 49 C.F.R. §172.201(d) states that "if utilizing an emergency response information telephone number service provider, identify the person (by name or contract number) who has a contractual agreement with the service provider, as prescribed in subpart G of this part." In addition, 49 C.F.R. §172.604(b)(2) states, "The number of an agency or organization capable of, and accepting responsibility for, providing the detailed information required by paragraph (a)(2) of this section. The person who is registered with the ERI provider must ensure that the agency or organization has received current information on the material before it is offered for transportation. The person who is registered with the ERI provider must be identified by name, or contract number or other unique identifier assigned by the ERI provider, on the shipping paper immediately before, after, above, or below the emergency response telephone number in a prominent, readily identifiable, and clearly visible manner that allows the information to be easily and quickly found, unless the name or identifier is entered elsewhere in a prominent manner as provided in paragraph (b)(1) of this section." The enclosed shipping paper includes CHEMTREC's phone number as the emergency response phone number, but the shipper does not have a contract with CHEMTREC to provide this service. The carrier has the contract. Is the presentation of the emergency phone number on the enclosed acceptable?
2. 49 C.F.R. §172.202(a)(5) states, "the total quantity of hazardous materials covered by the description must be indicated (by mass or volume, or by activity for Class 7 materials) and must include an indication of the applicable unit of measurement, for example, "200 kg" (440 pounds) or "50 L" (13 gallons)." The enclosed shipping paper includes the number of containers and the size of the containers. From this, the total quantity can be calculated, but it is not presented on the shipping paper. Is this acceptable?
3. 49 C.F.R. §172.202(c)(1) states, "The total quantity of the material covered by one description must appear before or after, or both before and after, the description required and authorized by this subpart." Assuming the total quantity is placed near the number and type of containers, is the current placement of the shipping description and the total quantity acceptable?
4. 49 C.F.R. §172.204(a) (1) and (2) state "each person who offers a hazardous material for transportation shall certify that the material is offered for transportation in accordance with this



subchapter by printing (manually or mechanically) on the shipping paper containing the required shipping description the certification contained in paragraph (a)(1) of this section or the certification (declaration) containing the language contained in paragraph (a)(2) of this section." The certifications are required to be either of the following:

- "This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation."
- "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations."

The certification on the shipping paper does not use this language. Is the language on the enclosed shipping paper acceptable?

Please contact me at 401.427.1322 or kcamp@woodardcurran.com if you need additional information. We look forward to your prompt reply so that we can ensure compliance with DOT regulations. Thank you.

Sincerely,

WOODARD & CURRAN

A handwritten signature in black ink, appearing to read "Kelly Camp".

Kelly Camp, CHMM, CPEA
Regional Manager

KVC/dam

Enclosures

Regulated Medical Waste

MANIFEST # 1465534

UN3291, Regulated Medical Waste,
n.o.s., 6.2, PGII

CODE AREA

GENERATOR	COMPANY NAME [REDACTED]		TELEPHONE NUMBER [REDACTED]
	ADDRESS [REDACTED]		
	I certify that the information provided is true and correct, and that the generated materials are properly classified, described, packaged, labeled/placarded; and are in proper condition for transportation according to the applicable regulations of the U.S. Department of Transportation. [REDACTED]		
	NAME OF COMPANY REPRESENTATIVE (Print)		SIGNATURE OF REPRESENTATIVE

PRIMARY TRANSPORTER	NAME(S) OF PERSONS COLLECTING, TRANSPORTING OR UNLOADING WASTE [REDACTED]		INITIALS [REDACTED]	REGISTRATION NUMBER [REDACTED]						
	COMPANY NAME [REDACTED]		TELEPHONE NUMBER [REDACTED]							
	ADDRESS [REDACTED]		DATE MEDICAL WASTE COLLECTED [REDACTED]							
	28g Box		# cont.	wt. #	# cont.	wt. #	# cont.	wt. #	# cont.	wt. #
	62									
	I certify that the information provided above is true and correct and that only <u>untreated</u> medical wastes are contained in this load. I am aware that falsification of this manifest may result in forfeiture of my transporter's registration and/or the privilege of utilizing State-authorized facilities. [REDACTED]									
NAME OF COMPANY REPRESENTATIVE (Print)		SIGNATURE OF REPRESENTATIVE		DATE						
TRANSFER STATION: NAME			REGISTRATION NUMBER							

TRANSFER STATION / TRANSPORTER 2	NAME(S) OF PERSONS COLLECTING, TRANSPORTING OR UNLOADING WASTE		INITIALS	REGISTRATION NUMBER						
	COMPANY NAME		TELEPHONE NUMBER							
	ADDRESS		DATE MEDICAL WASTE COLLECTED							
	# cont.	wt. #	# cont.	wt. #	# cont.	wt. #	# cont.	wt. #	# cont.	wt. #
	I certify that the information provided above is true and correct and that only <u>untreated</u> medical wastes are contained in this load. I am aware that falsification of this manifest may result in forfeiture of my transporter's registration and/or the privilege of utilizing State-authorized facilities.									
	NAME OF COMPANY REPRESENTATIVE (Print)		SIGNATURE OF REPRESENTATIVE		DATE					

TREATMENT FACILITY	COMPANY NAME [REDACTED]		TELEPHONE NUMBER [REDACTED]
	ADDRESS [REDACTED]		
	PERMIT NUMBER [REDACTED]	DATE WASTE WAS DEPOSITED/UNLOADED [REDACTED]	TOTAL WEIGHT DEPOSITED/UNLOADED
	DISCREPANCY INDICATION SPACE		
	I certify that I have been authorized to accept untreated medical wastes and that I have received the above indicated wastes in accordance with the requirements outlined in that authorization. [REDACTED]		
	NAME OF COMPANY REPRESENTATIVE (Print)		SIGNATURE OF REPRESENTATIVE

In case of emergency, call (800) 424-9300 (24-hr company or other emergency response group telephone)