



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

January 6, 2021

Stuart Kushon
Neoteryx
421 Amapola Avenue
Torrance, CA 90501

Reference No. 20-0077

Dear Mr. Kushon:

This letter is in response to your September 16, 2020, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to infectious substances. Specifically, you ask for assistance classifying a dried blood sample under the following circumstances:

- A dried blood sample on absorbent material when the blood sample on the material comes from a community study on influenza infection where the subjects are not known or presumed to be infected.
- A dried blood sample on absorbent material when the blood sample on the material comes from a community study on COVID-19 infection where the subjects are not known or presumed to be infected.
- A dried blood sample on absorbent material when the blood sample on the material comes from a subject that is presumed to be infected with influenza.
- A dried blood sample on absorbent material when the blood sample on the material comes from a subject that is presumed to be infected with COVID-19.

In each circumstance, § 173.134(b)(9) states that dried blood spots placed on absorbent filter paper or other material are not subject to the requirements of the HMR.

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

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#); [Hazmat Interps](#)
Subject: FW: Request for interpretation
Date: Thursday, September 17, 2020 12:45:39 PM
Attachments: [image002.png](#)

Hello Alice,

Please see below for a letter of interpretation request. Please contact our office with any questions.

Thank you,

Sarah (HMIC)

From: Stuart Kushon [mailto:stuartk@neoteryx.com]
Sent: Wednesday, September 16, 2020 3:03 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Request for interpretation

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I have spoken with your team at 1 800-467-4922. I called from my cell phone at 505-231-0887. Here is my information.

Name: Stuart Kushon
Company: Neoteryx
Physical Address: 421 Amapola Avenue, Torrance, CA 90501.

My questions are regarding material classification of a dried blood sample on absorbent material (49 CFR 173.134).

1. What is the substance classification of a dried blood sample on absorbent material when the blood sample on the material comes from a community study on influenza infection where the subjects are not known or presumed to be infected?
2. What is the substance classification of a dried blood sample on absorbent material when the blood sample on the material comes from a community study on COVID-19 infection where the subjects are not known or presumed to be infected?
3. What is the substance classification of a dried blood sample on absorbent material when the blood sample on the material comes from subject that is presumed to be infected with influenza?

4. What is the substance classification of a dried blood sample on absorbent material when the blood sample on the material comes from subject that is presumed to be infected with COVID-19?

Many Thanks,

Stuart

Stuart A. Kushon, Ph. D.

Chief Scientific Officer

“What I can not create, I do not understand” – R. Feynman

Neoteryx

421 Amapola Avenue

Torrance, CA 90501

Tel: 310.405.6384

Email: StuartK@Neoteryx.com

Website: www.neoteryx.com



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