



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

AUG 15 2017

Deb McBane
Kinross EMS
5220 W M-80
Kincheloe, MI 49788

Reference No. 16-0207

Dear Ms. McBane:

This letter is in response to your December 27, 2016, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to exceptions for transportation of Category A infectious substances. You provide a scenario where a hospital transports patients infected with Category A infectious substances in an ambulance to the local airport for air ambulance services. Then, the hospital transports the ambulance and Category A infectious waste to a site for decontamination. You ask whether the exception in § 177.823(a)(3) for emergency movement of a "transport vehicle containing hazardous materials" when "necessary to protect life or property" may be used for this situation. You cite a frequently asked question (FAQ) in the Pipeline and Hazardous Materials Safety Administration's (PHMSA) "DOT Guidance for Preparing Packages of Ebola Contaminated Waste for Transportation and Disposal," as support for use of this exception.

The answer is yes. Section 177.823(a) permits a carrier to move a transport vehicle (e.g., an ambulance) that contains a hazardous material (e.g., a patient contaminated with a Category A infectious substance) in an emergency when necessary to protect life or property. This provision also permits moving a transport vehicle that contains a Category A infectious substance to a location where this material can be removed and disposed of safely. Hazardous materials transported under this provision are excepted from the HMR.

PHMSA published a final rule on June 2, 2016 [Docket No. PHMSA-2013-0225 (HM-218H); 81 FR 35483] pertaining to the transportation of infectious waste generated during air ambulance services. The final rule revised § 175.1(d) (formerly § 175.9(b)(4)) to clarify that staging operations related to dedicated air ambulance, firefighting, or search and rescue operations are intended to be excepted from the HMR when in compliance with the Federal Aviation Regulations (FAR).

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

Goodall, Shante CTR (PHMSA)

Lehman
177.823 (a)(3)
Movement of motor vehicles
16-0207

From: INFOCNTR (PHMSA)
Sent: Tuesday, December 27, 2016 3:54 PM
To: Hazmat Interps
Subject: FW: Request for Interpretation

Hi Shante/Alice,

Please submit this as a letter of interpretation. Please let me know if you have any questions. Ms. McBane spoke with me in the HMIC.

Thanks,
Eamonn

From: Deb McBane [mailto:dsmbane@gmail.com]
Sent: Tuesday, December 27, 2016 3:24 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Request for Interpretation

Standards and Rulemaking Division:

Kinross Emergency Medical Services is based in the Upper Peninsula of Michigan. We may transfer patients potentially infected with a Category A pathogen from Upper Peninsula hospitals to local airports. The patient will be picked up at the hospital by Kinross EMS, and transferred to an airport where the Air Ambulance crew will continue transport of the patient to an appropriate treatment center.

Decontamination at the airport is almost impossible, so we want to transport any waste produced by the patient back to the hospital we picked the patient up from and dispose of waste and decontaminate the ambulance back at the hospital.

My question: Must the place of waste removal and decontamination be the same location that the patient is off loaded (in this case an airport) or can it wait until immediate return to the hospital we picked the patient up from?

Please provide Kinross EMS with an "Interpretation" of 177.823(a)(3) specifically the following information:

Is waste generated during the care of a patient during emergency medical services regulated by the HMR?

- Suspected Ebola waste generated while performing emergency medical services on a patient known to be infected or suspected of being infected with Ebola is excepted from the HMR under §177.823(a)(3). This exception applies to all segments of emergency transport: from the pick-up of a patient in an ambulance to the hospital; after delivery of the patient and until the ambulance arrives at a decontamination site; and during the transfer of a patient from one medical facility to another. Once an ambulance or emergency motor vehicle is at a location where decontamination of the vehicle is performed, any suspected Ebola waste offloaded from the vehicle must be packaged and transported in accordance with the HMR, or transported under a special permit granted by PHMSA.
- Hazardous materials, including suspected Ebola waste, carried by air and used during dedicated air ambulance, firefighting, or search and rescue operations are also excepted from the HMR under § 195.9(b)(4).

Thank you in advance.

Respectfully,

Deb McBane, EMS Manager

25-6062 (work)
322-4422 (cell)

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