



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

**AUG 12 1998**

Mr. Elliot Greenberg  
Senior Safety Specialist  
New York University  
64 West 3rd Street, Suite 210  
New York, NY 10012-1423

Ref. No. 98-0220

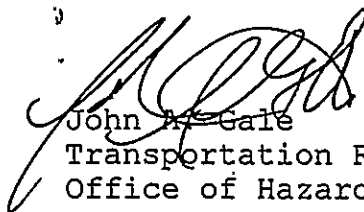
Dear Mr. Greenberg:

This is in response to your letter dated July 28, 1998, requesting clarification of the applicability of the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180) to shipments of manufactured products containing asbestos.

Asbestos contained in manufactured articles, (e.g., vinyl floor tiles or roofing papers), or immersed or fixed in a natural or artificial binder material (e.g., cement or asphalt) is not subject to the HMR (§ 173.216(b)). You stated in your letter that all of the asbestos containing materials that you offer for transportation are in manufactured products. Therefore, these products are not subject to the HMR.

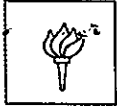
I hope this satisfies your request.

Sincerely,



John M. Gale  
Transportation Regulations Specialist  
Office of Hazardous Materials Standards

172.101(a)  
173.216(b)



**New York University**  
*A private university in the public service*

Environmental Services

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BAH  
§ 172.101 (A) Asbestos

98-0220

July 28, 1998

Mr. Edward T. Mazzullo, Director  
Office of Hazardous Materials Standards  
U.S. Department of Transportation  
Research and Special Programs Administration  
400 7<sup>th</sup> Street SW  
Washington, DC 20590

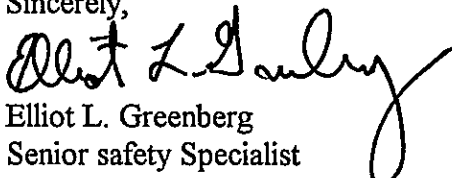
Re: HMR 49 CFR Parts 171-180

Dear Mr. Mazzullo:

This is in regard to a telephone conversation I had with Ms. Jodi George, of your office, on July 27, 1998, requesting written clarification of the Hazardous Materials Regulations 49 CFR Parts 171-180. The University periodically offers asbestos containing waste materials, as a result of abatement, to a transporter for removal to an approved landfill site located in another state. The materials being offered for transportation can consist of a mixture of asbestos containing floor covering, roofing materials and/or pipe insulation, depending on the nature of the abatement project. The waste materials vary in percentage of asbestos content. The question we have is: since all of the asbestos containing materials are in manufactured products (floor tile, pipe insulation, roofing papers) would their transportation be excepted from the requirements of the HMR 49 CFR Parts 171-180 based on 49 CFR subchapter C, Part 173.216(b).

Your written response to this question will be greatly appreciated.

Sincerely,

  
Elliot L. Greenberg  
Senior safety Specialist