



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

MAR 3 1999

Alan G. Woodard, PhD
Regulated Medical Waste Program Supervisor
Division of Solid and Hazardous Materials
New York State Department of Environmental Conservation
50 Wolf Road
Albany, New York 12233-7258

Reference No. 99-0009

Dear Dr. Woodard:

This is in response to your electronic messages of October 8, 1998, and January 5, 1999, asking if couriers of "Regulated medical waste, 6.2, UN 3291, PG II" are subject to the Department of Transportation's Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You stated one company, Health Care Waste Services, is proposing to use couriers to collect regulated medical waste (RMW) from doctor's offices.

The answer is yes. Under § 171.1(a), intrastate and interstate shippers and carriers, including couriers, of hazardous materials, which includes certain RMW, are subject to the HMR. Examples of waste materials that are excepted from regulation under the HMR are waste from households, and corpses or anatomical remains intended for cremation or interment. See § 173.134(b)(1).

As you were informed by Ms. Eileen Mack of my staff, prior to October 1, 1997, the intrastate transportation of infectious substances (Division 6.2), including RMW, was not regulated under the HMR. The scope of the HMR to include the intrastate transportation of these materials was expanded in final rules published under Docket HM-200 (January 8, 1997, 62 FR 1208; September 22, 1997, 62 FR 49560; February 18, 1998, 63 FR 8140). Compliance with the final rule requirements was mandatory beginning October 1, 1998.

I hope this satisfies your request. Should you have further questions, please contact this office.

Sincerely,

Hattie L. Mitchell, Chief
Regulatory Review and Reinvention
Office of Hazardous Materials Standards

Edmonson, Eileen

99-0009

From: Edmonson, Eileen
Sent: Tuesday, January 05, 1999 9:35 AM
To: Alan Woodard
Subject: RE: Courier Services

Mack
§ 171.1

Sure. But as with anything, it will have to go through channels and may take several weeks. I'll get on it this week.

Sincerely,

Eileen Edmonson Mack

From: Alan Woodard[SMTP:agwoodar@gw.dec.state.ny.us]
Sent: Wednesday, December 30, 1998 9:31 AM
To: Edmonson, Eileen <RSPA>
Subject: Courier Services

During October I sent you an e-mail message inquiring whether there were any restrictions under DOT regulations for using Courier services for the transport of RMW. You responded, in part, with "With the expansion of our regulatory applicability under Docket HM-200, starting on October 1, 1998, the effective date of the rulemaking, intrastate and interstate shipments of RMW must comply fully with the HMR. This means intrastate carriers, including couriers, are now subject to these regulations."

I hate to bother you with an additional request, but could you send me your above response in a letter. Thank you.

Edmonson, Eileen

From: Alan Woodard[SMTP:agwoodar@gw.dec.state.ny.us]
Sent: Thursday, December 10, 1998 10:10 AM
To: Edmonson, Eileen <RSPA>
Subject: RE: Hello -Forwarded -Reply

Your response to my message was excellent and very useful. I have shared this with others here and they have asked if you could formalize this response in a letter to me. Please let me know one way or another on this issue. Thanks.

Alan G. Woodard, Ph.D.
Regulated Medical Waste Program Supervisor
New York State Department of Environmental Conservation
Division of Solid & Hazardous Materials
50 Wolf Road
Albany, New York 12233-7258

Phone: (518)457-5695 Fax: (518) 485-7733
E-mail: agwoodar@gw.dec.state.ny.us

>>> "Edmonson, Eileen <RSPA>" <Eileen.Edmonson@rspa.dot.gov>
10/15/98 03:20pm >>>
Dear Alan -

I've been trying to reach you several days by phone, but was unsuccessful. Historically, intrastate couriers of RMW were not regulated under the Hazardous Materials Regulations (HMR; 49 CFR Parts

171-180). Our transportation act required us to regulate these materials

in interstate commerce only. With the expansion of our regulatory applicability under Docket HM-200, starting on October 1, 1998, the effective date of the rulemaking, intrastate and interstate shipments of RMW must comply fully with the HMR. This means intrastate carriers, including couriers, are now subject to these regulations.

I hope this satisfies your request.

Sincerely,

Eileen

From: Alan Woodard[SMTP:agwoodar@gw.dec.state.ny.us]
Sent: Thursday, October 08, 1998 8:13 AM
To: Edmonson, Eileen <RSPA>
Subject: Hello -Forwarded

<<File: ATTACH01.TXT>>

-----Forwarded-----
From: SMTP:agwoodar@gw.dec.state.ny.us
To: SMTP:gov@Eileen.Mack.rspa.dot,
MSHUB/MSHUB/R2michalc
Subject: Hello

Chris/Eileen: What restrictions apply under Federal Dot regulations for a courier service used for the transport of RMW? Courier services are not covered under our regulations. Health Care Waste Services is proposing

to use couriers for collection of doctor's offices RMW. I see this as a

significant problem if they are not required to comply with any shipping regulations or for use of shipping papers.

Edmonson, Eileen

From: Edmonson, Eileen
Sent: Thursday, October 15, 1998 1:38 PM
To: Alan Woodard
Cc: Mazzullo, Ed; Mitchell, Hattie; Billings, Delmer
Subject: RE: Hello -Forwarded

Dear Alan -

I've been trying to reach you several days by phone, but was unsuccessful. Historically, intrastate couriers of RMW were not regulated under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Our transportation act required us to regulate these materials in interstate commerce only. With the expansion of our regulatory applicability under Docket HM-200, starting on October 1, 1998, the effective date of the rulemaking, intrastate and interstate shipments of RMW must comply fully with the HMR. This means intrastate carriers, including couriers, are now subject to these regulations.

I hope this satisfies your request.

Sincerely,

Eileen

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Interpretation Letters

Requester Alan Woodard

Date Received: 1/12/99

Company New York State Department of

Tracking Number: 99-0009

Phone 518-457-5695

Revision Date: 1/12/99

Date Assigned 1/12/99

Date of Letter 1/5/99

Staff Mack

First Draft Due: 2/2/99

Section 171.1

First Draft Date:

Subject Applicability

Concurrence

Status

Status Date

Sign Date

Signor

HBP

Copy to Docket

Copy to DHM-60

Comment