



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

APR 19 2000

Mr. Robert A. Maberry, III
Chemical Transportation Administrator
Yellow Freight System, Inc.
Post Office Box 7270
Overland Park, Kansas 66207

Ref. No. 00-0082

Dear Mr. Maberry:

This is in response to your letter dated March 21, 2000, requesting a clarification of the definition of "foodstuff" as used in § 177.841(e) of the Hazardous Materials Regulations (49 CFR; Parts 171-180). Specifically, you ask whether medicines and solutions that are injected into the bloodstream by hypodermic needles or are intravenously injected into the body of humans and animals should be included in the definition of foodstuff under § 177.841(e).

You state that the medicines and solutions referenced above should be included in a revised definition of foodstuff by RSPA because "contamination of this type of product by a poison would have the same end result as a product consumed or ingested would have." RSPA defines foodstuff to mean food, feed, grain, oral medicines, or any edible material intended for consumption by humans or animals.

If you believe that the definition of foodstuff in § 177.841(e) of the HMR should be amended to include medicines and solutions that are injected into the bloodstream of humans and animals, you may file a petition for a rule change to the Associate Administrator for Hazardous Materials Safety in accordance with § 106.31 of the HMR.

I hope this answers your inquiry.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



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177.841



YELLOW FREIGHT SYSTEM, INC. P.O. BOX 7270 / 66207 - 10990 ROE AVENUE / 66211 OVERLAND PARK, KANSAS (913) 345-3000

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March 21, 2000

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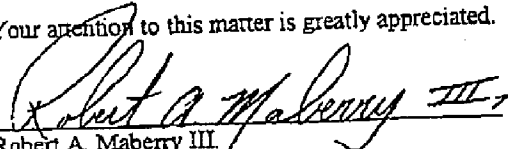
Mr. Edward Mazzullo

I am seeking an interpretation and clarification of the definition of "foodstuff" as used in CFR 49 177.841(e) (1). As a common carrier we often transport medicines and solutions that are injected in to the bloodstream by hypodermic needles or are intravenously injected into the body of humans and animals. These do not meet the current D.O.T. definition of a foodstuff in that it is not "consumed nor ingested."

I find it only logical that the above be included in a revised definition of a "foodstuff" by the D.O.T. Clearly contamination of this type of product by a poison would have the same end result as a product "consumed or ingested" would have.

The purpose of my request is to be able to give a clear written D.O.T definition and understanding of the compatibility issue of "foodstuff and poison" to our employees.

Your attention to this matter is greatly appreciated.


Robert A. Maberry III
Chemical Transportation Administrator
Yellow Freight System, Inc.

