



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

MAY 8 2002

Ref. No. 02-0127

Beth E. Henricson, Ph.D.
Microbiologist Supervisor
Warrenton Regional Laboratory, Virginia Department
of Agriculture and Consumer Services
272 Academy Hill Road
Warrenton, Virginia 20186

Dear Dr. Henricson:

This responds to your May 1, 2002 e-mailed request for clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as they apply to shipments of infectious substances. Specifically, you ask whether a shipper may use a generic description as a technical name for an infectious substance in place of the specific name of the pathogen contained in the infectious substance.

As defined in § 171.8 of the HMR, "technical name" means a recognized chemical name or microbiological name currently used in scientific and technical handbooks, journals, and texts. A generic description is authorized for use as a technical name provided it readily identifies the general chemical group or microbiological group. For example, an infectious substance that contains the pathogen *bacillus anthracis* could be described on a shipping paper as "Infectious substance, affecting humans (*bacillus* species), 6.2, UN 2814" since "bacillus" is the genus or group name for the microorganism. In accordance with § 171.8, generic microbiological descriptions such as "bacteria," "fungus," or "viral samples" may be used only for samples of infectious substances that are being transported for laboratory proficiency testing. Note that the emergency response information that must accompany a shipment of an infectious substance, in accordance with Subpart G of Part 172 of the HMR, must be specific to the pathogen contained in the infectious substance. In the case of a shipment of *bacillus anthracis*, the emergency response information must include specific information about the health and safety risks, how to handle a spill, and preliminary first aid measures (see § 172.602(a)).

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Edward T. Mazzullo, Director
Office of Hazardous Materials Standards



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171.8

cc: Mr. Mike Hoysler
Dangerous Goods Administration and Safety
FED EX Express
3670 Hacks Cross Road
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Gorsky
§171.8
Definitions
02-0127

1 May 2002

Edward Mazzullo, Director
Office of Hazardous Materials Standards
DHM 10
400 7th Street SW
Washington, DC 20590
ATTN: Ms. Susan Gorsky

Dear Sir:

On 29 March of this year, the Association of Veterinary Laboratory Diagnosticians (AAVLD) Laboratory Safety Committee hosted a teleconference with officials from DOT, USDA, AAVLD committee members, and Fed Ex. AAVLD's members are primarily scientific directors and scientific supervisors of state and federal regulatory and university veterinary diagnostic laboratories. Because of concern over biosecurity of 6.2 labeled packages that contain infectious agents of potential use in incidents of bio- or agro-terrorism, government agencies receiving those packages from our regulatory laboratories wished to alter the labeling so the packages would not be targeted for theft of the organisms contained in them. DOT officials from the Research and Special Programs Division, Ms. Susan Hedgepeth, and Ms. Susan Gorsky of your office, determined that our request did not require an exception to existing regulations. Regulations were interpreted to allow a generic statement of pathogens contained, such as "Infectious Substance Affecting Humans and Animals-Bacterial Pathogen," rather than specifying that the package contained "Bacillus anthracis", for example.

I spoke with Mr. Mike Hoysler of Fed Ex again this week, and the Fed Ex legal department has requested that they receive a written interpretation of the existing regulations from DOT to that effect, allowing them to accept use of a generic statement in place of the technical name pathogen description. At the suggestion of Ms. Gorsky, I am writing this letter to ask if your office will provide a written interpretation of the regulations to that effect to the appropriate Fed Ex personnel. Copies of the interpretation of DOT regulations permitting generic labeling of 6.2 packages in these instances will be distributed to all AAVLD-associated laboratories. Thank you for your prompt attention to this matter.

Sincerely,

Beth E. Henricson, PhD
Co-Chair Laboratory Safety Committee
American Association of Veterinary Laboratory Diagnosticians.

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