



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

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

NOV 18 2004

Mr. Paul Brinton
Vice President, Transportation & Logistics
ARUP Laboratories
500 Chipeta Way
Salt Lake City, Utah 84108

Reference No. 04-0216

Dear Mr. Brinton:

This is in further response to your August 27, 2004 e-mail concerning how to properly describe and label an unknown fungus suspected of being an infectious substance under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). We responded to your e-mail in a letter dated September 20, 2004.

In your August 27 e-mail, you stated that you are shipping an unknown fungus suspected of being an infectious substance to a laboratory for testing. You asked if the term "fungus" may be used to meet the requirements for a technical name in accordance with §§ 171.8, 172.101(b)(4), and 172.203(k) of the HMR. In our September 20, 2004 response, we suggested that you use the term "mycotic species" as the technical name to complete the generic shipping description for the suspected infectious substance. In a September 23, 2004 e-mail responding to our letter, you note that the scientific community uses the terms "fungus" and "mycotic species" interchangeably and defines "mycotic" to mean "...infection with or disease caused by a fungus."

Based on the information you provided, we agree that either "fungus" or "mycotic species" may be used to comply with the technical name requirements in § 172.101(b)(4) for transportation of an unknown fungus described and classed as an "Infectious substance, affecting humans, 6.2, UN 2814."

We note concerning the shipping description of unknown samples of hazardous materials being transported for testing that, in accordance with § 172.101(c)(11), you may assign your sample a tentative proper shipping name, hazard class, identification number, and packing group, if applicable, and offer it for transportation for testing to determine its hazard class. You must assign a proper shipping name based on your knowledge of the material and the hazard precedence prescribed in § 173.2a. In addition, if the word "sample" is not already included in the proper shipping name, you must add it to the proper shipping name or place it in close proximity to the basic shipping description. Thus, for the fungus you are shipping, the shipping description would be "Sample infectious substance, affecting humans, 6.2, UN 2814." For samples transported in accordance with this section, the provisions requiring a technical name for the constituent(s) of the material do not apply (see § 172.101(c)(iv)(B)).



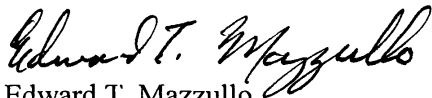
040216

171.8
172.203(k)

You also ask if the wording "Suspected Category A Infectious Substance" and the packaging and hazard communication prescribed in the 2005-2006 edition of the International Civil Aviation Organization (ICAO) Technical Instructions for the Transport of Dangerous Good by Air (Technical Instructions) may be used now to transport the fungus you described or if you must wait until January 1, 2005, to use these requirements. The ICAO does not authorize the use of these requirements until January 1, 2005. (See the foreword of the ICAO Technical Instructions in the section describing their operational use.) Under § 171.11, the HMR permit the use of the 2003-2004 edition of the ICAO Technical Instructions, as incorporated by reference in § 171.7, as an alternative to the requirements prescribed in the HMR for air shipments, with certain exceptions. In a notice of proposed rulemaking we issued in the Federal Register on June 22, 2004 (Docket No. RSPA-04-17036 (HM-215G), 69 FR 34724), we proposed to revise this incorporation by reference to permit the use of the 2005-2006 edition of the ICAO Technical Instructions. We expect to publish the rule in time to authorize use of the 2005-2006 edition ICAO Technical Instructions under the HMR by January 1, 2005.

I hope this information is helpful.

Sincerely,



Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards

9/14/04

Edmonson
§ 171.8
§ 172.203 (K)

Technical Names
04-0216

Drakeford, Carolyn

From: Edmonson, Eileen
Sent: Monday, September 13, 2004 1:16 PM
To: Drakeford, Carolyn
Subject: FW: Infectious Substance Technical Names

Carolyn – Please log this letter into the System. I've prepared a draft and am waiting for a call back from the letter writer. Thanks, Eileen

-----Original Message-----

From: Mazzullo, Ed
Sent: Tuesday, September 07, 2004 11:23 AM
To: Edmonson, Eileen
Cc: Gorsky, Susan; Mitchell, Hattie; Mazzullo, Ed
Subject: FW: Infectious Substance Technical Names

Please handle.

Ed

-----Original Message-----

From: Brinton, Paul [mailto:brintoph@aruplab.com]
Sent: Friday, August 27, 2004 1:39 PM
To: Mazzullo, Ed <RSPA>
Subject: Infectious Substance Technical Names

Dear Mr. Mazzullo

Recently, an FAA agent by the name of Jim Berk here in Salt Lake City called me regarding a shipment from one of our clients in Cleveland that was sending specimen of fungus to our laboratory for identification. They used the technical name (Fungus). Mr. Berk felt that this designation was not sufficiently technical for use as the technical name. The client feels that they do not know any more about the specimen than that it is fungus. We have this issue on occasion. In the past, I have trained classes of clients and others that if they do not know what the organism is, they should enter the Gram Stain results, such as (Gram negative bacillus) or (Gram positive rods). I called the Hazmat Hotline, and I was told by Kurt that the client in this case should use the term (Fungus Sample). I discussed this with Mr. Berk. He then forwarded two pieces of information to me. One was a letter signed by you dated May 8th, 2002, to Beth E. Henricson, Ref. # 02-0127. In that letter, you mention that the term "Virus Sample" is not sufficient as a technical name. That leads me to wonder about the (Fungus Sample) designation. In addition, Mr. Berk told me that ICAO would not accept the (Fungus Sample) designation, and since airlines follow IATA rules, a well informed airline cargo agent may refuse that shipment as well.

I would like a clarification as to what an Infectious Substance Technical Name should be in the situations I have described, where the source hospital or clinic does not know to what Genus and species an organism belongs when they are sending it for identification. Thank you for your response.

Paul H. Brinton, MT (ASCP)
Vice President, Transportation & Logistics
ARUP Laboratories

9/13/2004

500 Chipeta Way
Salt Lake City, UT 84108
(801)584-5136

brintoph@aruplab.com

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Edmonson, Eileen

2nd Response
Ref. No. 04-0216

From: Mazzullo, Ed
Sent: Thursday, November 04, 2004 9:12 AM
To: Edmonson, Eileen
Cc: Gorsky, Susan; Mitchell, Hattie
Subject: FW: Labels and Forms 11022004

§ 171.8, 172.101(c)(11),
172.101(b)(4) & 172.203(k)
Technical Names



PaulsLabels_Form.p
df (225 KB)

Eileen,

Please handle.

Thanks,

Ed

-----Original Message-----

From: Brinton, Paul [mailto:brintoph@aruplab.com]
Sent: Wednesday, November 03, 2004 6:14 PM
To: Ed Mazzullo (E-mail)
Subject: FW: Labels and Forms 11022004

Mr. Mazzullo, I wanted to send this file to you to make sure that, if we use the IATA mandated forms and labels in the attached PDF file, we will not be in violation of Federal Law. Much of the verbiage has changed for the coming year. This will also change the information we recently asked for regarding the use of the term "Fungus" as the technical name. We are in the process of creating our scientific User's Guide, with a publication date of March, 2005. This User's Guide includes instructions for our clients on how to ship specimens. We must have all information ready by the end of November, 2004. We did not receive the IATA regulations until late October, 2004. We are also updating our on-line Infectious Substance training course. I would like to request an immediate response, and a written response, so that, if questioned, I might be able to send the your response to satisfy the question. Thank you for your help.

Paul H. Brinton, MT (ASCP)
Vice President, Transportation & Logistics
ARUP Laboratories
500 Chipeta Way
Salt Lake City, UT 84108
(801)584-5136
brintoph@aruplab.com

-----Original Message-----

From: Millar, Timothy
Sent: Wednesday, November 03, 2004 15:48
To: Brinton, Paul
Subject: Labels and Forms 11022004

<<PaulsLabels_Form.pdf>> Paul, here is the file you requested.

Timothy Scot Millar - Problem Resolution Specialist ARUP Laboratories, Inc.
500 Chipeta Way
Salt Lake City, Utah 84123
1-800-242-2787 ext. 2336

<<PaulsLabels_Form.pdf>>

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Responsible person

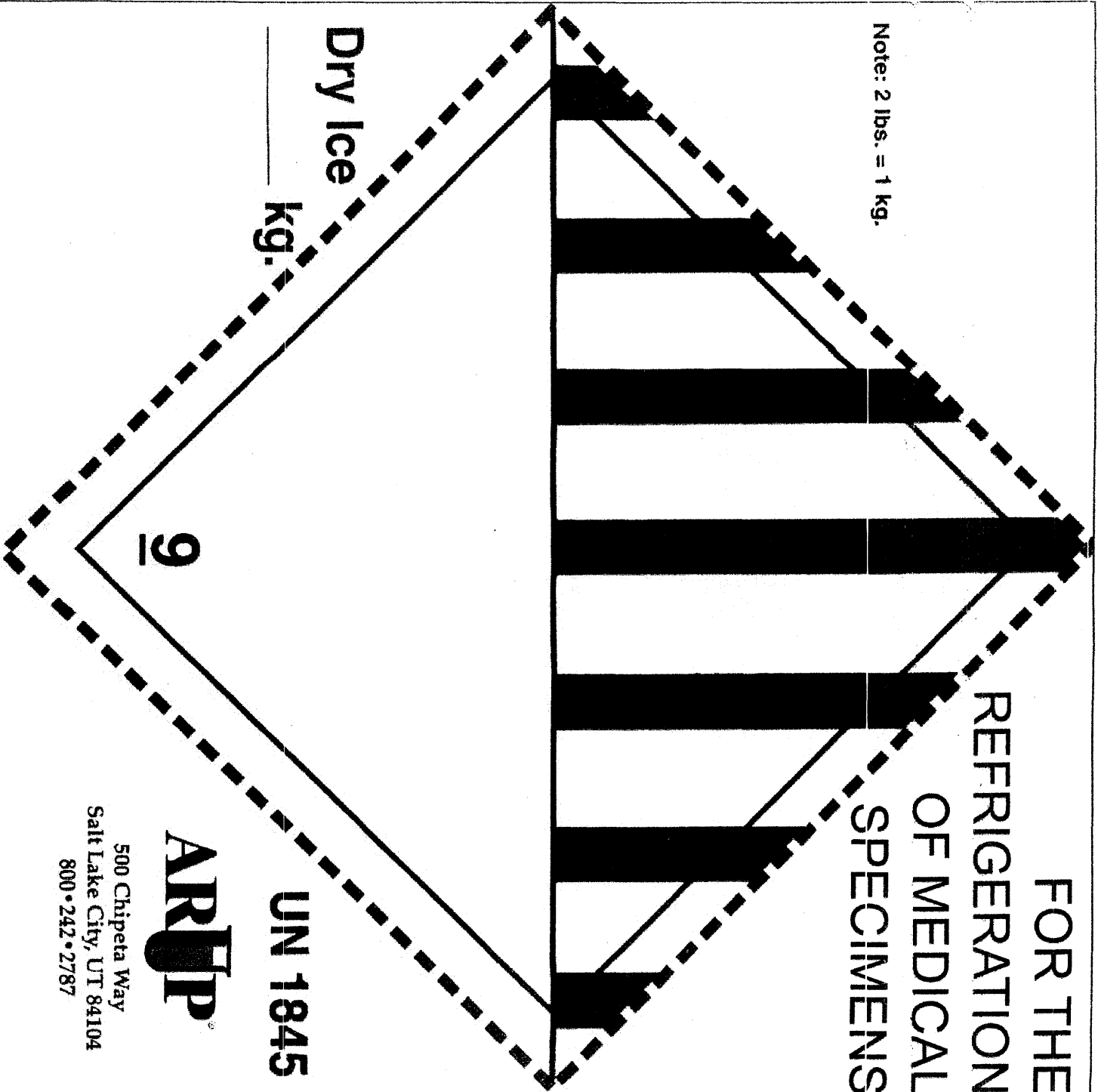
Paul Brinton
500 Chipeta Way
Salt Lake City, Utah 84108
801-584-5136

UN3373

**DIAGNOSTIC
SPECIMENS**

**FOR THE
REFRIGGERATION
OF MEDICAL
SPECIMENS**

Note: 2 lbs. = 1 kg.



UN 1845

ARFP

500 Chipeta Way
Salt Lake City, UT 84104
800 • 242 • 2787

SHIPPER'S DECLARATION FOR DANGEROUS GOODS

Shipper Consignee: Associated Regional and University Pathologists, Inc. 500 Chipeta Way Salt Lake City, Utah 84108 Paul Brinton (801) 583-2787 ext. 5136	Air Waybill No. Page 1 of 1 Pages Shipper's Reference Number: (optional)
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Two completed and signed copies of this Declaration must be handed to the operator.		WARNING Failure to comply in all respects with the applicable Dangerous Goods Regulations may be in breach of the applicable law, subject to legal penalties.
TRANSPORT DETAILS This shipment is within the limitations prescribed for: (delete non-applicable)		
Airport of Departure	Shipment type: (delete non-applicable) NON-RADIOACTIVE XXXXXXXXXX	

PASSENGER AND CARGO AIRCRAFT	XXXXXXXX XXXXXXXX XXXXXXXX
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Airport of Destination: Salt Lake City, Utah	Shipment type: (delete non-applicable) NON-RADIOACTIVE XXXXXXXXXX
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NATURE AND QUANTITY OF DANGEROUS GOODS <i>(see sub-Section 8.1 of IATA Dangerous Goods Regulations)</i>						
Dangerous Goods Identification						
UN or ID No.	Proper Shipping Name	Class or Division	Pack- ing Group	Quantity and type of packing	Packing Inst.	Authorization
UN 2814	Infectious substance, affecting humans (Suspected Category A Infectious Substance)	6.2		_____ mL	602	

Additional Handling Information

I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to the applicable International and National Government Regulations. I declare that all of the applicable air transport requirements have been met.	Name/Title of Signatory Place and Date Signature (see warning above)
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