



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

MAR 9 2007

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

Ms. Jane Swerdlow
Chief Operating Officer
LMC Pathology Services
3059 S. Maryland Parkway, #100
Las Vegas, NV 89109-2201

Ref. No. 07-0025

Dear Ms. Swerdlow:

This responds to your letter concerning transportation of blood and body fluids under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether blood, body fluids, and similar specimens are subject to regulation as Category B, Division 6.2 materials.

In accordance with § 173.134(b)(11), a human or animal sample being transported for routine testing not related to the diagnosis of an infectious disease and for which there is a low probability that the sample is infectious is not subject to regulation under the HMR. There is no requirement that samples transported in accordance with this section must be transported in exclusive-use vehicles. Note, however, that formalin (10% formaldehyde solution) is a Class 9 material and is subject to regulation for transportation by air. For ground transportation, neither the samples nor the formalin (10% formaldehyde solution) are regulated under the HMR.

I hope this information is helpful. Please contact this office if you have additional questions.

Sincerely,

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



070025

173.134(b)(11)



McIntyre
§173.134(b)(11)

Definitions/Exceptions
07-0025

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Safety
400 7th St. S.W.
Washington DC, 20590

Re: Request of Interpretation

I am the Chief Operating Officer of a small anatomic pathology based laboratory. Our laboratory couriers pick up and deliver medical specimens including tissue samples in 10% formalin, blood collected in vacutainer-type tubes, body fluids as well as specimens for culture all for diagnostic testing. These specimens are from hospitals, surgery centers, physician offices and clinics. All specimens are triple packaged and currently transported in personal vehicles not used exclusively for this purpose.

We are requesting an interpretation regarding the regulations for exceptions of Division 6.2, Category B materials under 49 CFR Section 173.134 Class 6, Division 6.2-Definitions and exceptions. In reviewing the exceptions under Section 173.174 (b), do these type of specimens meet the criteria for exception for Division of 6.2 materials under (11)? If we meet this exception, is it also necessary to transport these specimens in vehicles used exclusively for transport of such materials as defined in (10) of the same section?

As an organization we want to make sure that we are in compliance with all of these regulations. If you have any questions, my direct telephone number is 702-938-9904 or my e-mail address is Swerdlow@lmclabs.com. Thank you for your assistance.

Sincerely,

Jane Swerdlow
Chief Operating Officer