



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

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

MAY 7 2007

Ms. Gretchen S. Wheat  
Bureau of Waste and Materials Management  
Wisconsin Department of Natural Resources  
101 South Webster St.  
Madison, WI 53707-7921

Ref. No. 07-0062

Dear Ms. Wheat:

This is in response to your e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR, Parts 181-180) as they pertain to the transportation of asbestos. Your questions are paraphrased and responded to as follows:

Q1. Is friable asbestos packed in quantities of one pound or more subject to the HMR?

A1. Yes. Friable asbestos is subject to the HMR as a Class 9 material regardless of quantity. Friable asbestos is listed as a hazardous substance in Table 1 of Appendix A of the § 172.101 Hazardous Materials Table with a reportable quantity (RQ) of one pound per package. If the asbestos meets the RQ (one pound per package), then the material is also regulated as a hazardous substance.

Q2. Is non-friable asbestos subject to the HMR?

A2. No.

Q3. Do the registration requirements apply to a person who transports friable asbestos in a bulk package with a capacity greater than 468 cubic feet?

A3. Yes.

Q4. Do the registration requirements apply to a person who transports friable asbestos in a non-bulk package if the shipment has a gross weight of at least 5,000 pounds, or contains more than one class of hazardous materials for which placarding is required?

A4. Yes.

With regard to your question concerning whether the HMR apply only to regulated asbestos contaminated material (RACM) as defined under the National Emission



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172.102 Sp 156  
173.6

Standards Hazardous Air Pollutants (NESHAP), the HMR apply to all friable asbestos. If the asbestos can be crumbled or pulverized to a powder through hand pressure, or if the asbestos will become friable during transportation, it is regulated as a Class 9 material. (Also, see § 172.102, Special Provision 156 for exceptions.)

I hope this information is helpful. If you have additional questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Hattie L. Mitchell". The signature is fluid and cursive, with the first name "Hattie" being the most prominent part.

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

MEIntyre  
§172.102 SP 156  
§173.6.  
Special Provision / MOT  
07-0062

**Drakeford, Carolyn <PHMSA>**

**From:** Gale, John <PHMSA>  
**Sent:** Friday, March 23, 2007 7:07 AM  
**To:** Drakeford, Carolyn <PHMSA>  
**Subject:** FW: Asbestos Abatement Wastes & HMR

Carolyn:

Please log in as interpretation request. Note to specialist, Please copy Barbara Waller on the response.

John

**From:** Waller, Barbara <PHMSA>  
**Sent:** Thu 3/22/2007 4:00 PM  
**To:** Gale, John <PHMSA>  
**Cc:** Razny, Mark <PHMSA>  
**Subject:** FW: Asbestos Abatement Wastes & HMR

Hello John,

I am forwarding this to you knowing your office is much better qualified than I to respond to Ms. Wheat's questions. I understand from Kevin Boehne that there is an active case in WI regarding this asbestos issue. I would appreciate being copied on responses to Ms. Wheat. Thanks in advance for your assistance.

Do take care and maybe we will see you in Raleigh at the multimodal.

Barbara

**From:** Wheat, Gretchen S - DNR [mailto:Gretchen.Wheat@Wisconsin.gov]  
**Sent:** Wednesday, March 21, 2007 5:22 PM  
**To:** Waller, Barbara <PHMSA>  
**Subject:** FW: Asbestos Abatement Wastes & HMR

Barbara - This follows up on our phone conversation today. I understand you will likely need to forward my questions to another individual at U.S. DOT for response, and it may take some time before I receive a response.

**Here are my questions:**

1.) Please confirm (or deny) the following basic information about the applicability of the U.S. DOT Hazardous Materials Regulations (HMR) with respect to transport of asbestos abatement wastes:

- Friable asbestos packaged in quantities of 1 pound or more is subject to the HMR.
- Non-friable asbestos is not subject to the HMR.
- HMR registration applies to a person who transports friable asbestos in a bulk package

3/26/2007

with a capacity greater than 468 cubic feet.

- HMR registration applies to a person who transports friable asbestos in non-bulk packages only if the shipment meets one or more of the following criteria:
  - The shipment has a gross weight of at least 5,000 pounds; or
  - The shipment contains more than one class of hazardous materials for which placarding of the vehicle, rail car or freight container is required.

2.) Is HMR application is limited to regulated asbestos contaminated material (RACM), as defined under NESHAP? (This may be a more difficult question to answer, so perhaps it should be "split" from the questions above for a later response.)

**Background:** I see Special Provision 156 applies to both bulk and non-bulk packages of asbestos. The following interpretation letters are also relevant:

- Ref. No. 05-0291, 12/20/05
- Ref. No. 05-0260, 11/4/05

I work at WI DNR. My position includes policy and guidance development related to asbestos, including technical assistance to WI DNR staff and the regulated community. I have recently received questions about U.S. DOT regulations that apply to the transport of asbestos contaminated materials that have been removed from structures during renovation and demolition activities. The asbestos contaminated materials are transported as a solid waste for landfill disposal.

I want to update WI DNR's asbestos publications, to add references to pertinent US DOT HMR. (Currently, WI DNR publications do not mention US DOT HMR.) I work in the WI DNR's Waste & Materials Management Program, and will share the information I collected about US DOT requirements with other WI programs / agencies that regulate asbestos activities, including: WI DNR's Air Management Program; and WI's Dept. of Health and Family Services, Asbestos and Lead Program.

Gretchen Wheat, P.E., Waste Management Engineer  
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 Wisconsin Department of Natural Resources  
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