



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

SEP 19 2014

Ms. Alisha Horst
575 Westfield Drive
New Holland, PA 17557

Reference No. 14-0113

Dear Ms. Horst:

This is in response to your March 28, 2014 letter to Mr. Magdy El-Sibaie, Associate Administrator, Office of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration (PHMSA), requesting clarification on the regulations for transporting hazardous waste under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180; see § 171.1, and § 171.8). Dr. El-Sibaie's Office forwarded your letter to PHMSA's Standards and Rulemaking Division for a response. In your letter, you ask why there are differences in the regulation of hazardous wastes between some states, instead of a nationwide standard of regulation for these materials.

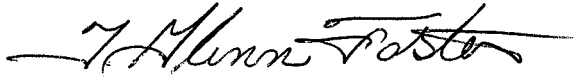
The United States Environmental Protection Agency (EPA) is the federal agency responsible for developing and issuing the United States' regulations on the treatment, storage, and disposal of hazardous wastes. The EPA gives states the opportunity to have either the EPA or the state hazardous waste regulatory agency assume primary responsibility for implementing and enforcing a state's hazardous waste program. To learn which states have chosen to permit the federal EPA to manage their hazardous waste programs, you may contact EPA's Office of Solid Waste and Emergency Response at telephone number (202) 566-0200, or view its website: <http://www.epa.gov/wastes/laws-regs/regs-haz.htm>, or write to US EPA, Office of Resource Conservation and Recovery (5305P), 1200 Pennsylvania Avenue, NW, Washington, DC 20460.

While the EPA regulates the treatment, storage, and disposal of hazardous waste, PHMSA regulates the pre-transportation and transportation functions, movement, and loading, unloading, and storage incidental to the movement of hazardous materials that are transported in commerce within, to, or from the United States and its territories under the HMR (see § 171.1). The HMR define a "hazardous waste" as a hazardous material if it is subject to the EPA's Uniform Hazardous Waste Manifest requirements, specified in 40 CFR Part 262 (see "hazardous waste" defined in § 171.8). The HMR require hazardous wastes to be properly classed, packaged, and described on a shipping paper and package marking when

transported in commerce. The HMR also require those persons preparing and transporting these materials for transportation to be hazmat and security trained in conformance with 49 CFR Part 172, Subparts H (Training) and I (Safety and Security Plans).

I hope this satisfies your request.

Sincerely,

A handwritten signature in cursive script, appearing to read "T. Glenn Foster".

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

28 March 2014

DOT/RSPA/OHMS
UNIT

14 APR 30 PM 3:30

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
East Building, 2nd Floor
1200 New Jersey Ave., SE
Washington, DC 20590

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§ 172.101
§ 173.12
Hazardous Waste
14-0113

Dear Dr. Magdy El-Sibaie, Associate Administrator for Hazardous Materials Safety:

I have a concern in regards to the DOT regulations that apply to hazardous waste transportation within each state. Why is there not legislation for a country-wide shipping standard? It is a little baffling that some states require more strict regulations for some hazardous waste while other states are more lenient.

I believe that the U.S. DOT should set the standard for the transportation of hazardous waste because there are multiple times that hazardous waste travels through different states, and our environment is too important to allow lenient transportation laws in one state to affect our nations ecosystems.

If there is any other personnel I should contact to further my concerns, please contact to me.

Thank you,

Alisha Horst

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