



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

FEB 5 2010

1200 New Jersey Avenue, SE
Washington, DC 20590

Mr. Daniel N. King
Environmental Health Specialist
Lincoln-Lancaster County Health Department
City of Lincoln Nebraska
3140 N Street
Lincoln, NE 68510-1514

Reference No. 09-0289

Dear Mr. King:

This is in response to your November 23, 2009 letter concerning requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of household hazardous wastes. Specifically, you ask if independent contractors employed by a municipal government agency to transport hazardous materials as waste from private residences to an approved household hazardous waste collection site or facility are subject to the HMR.

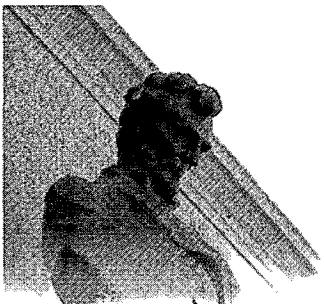
The answer is no. In accordance with § 173.12(f), household waste is not subject to the HMR when it is transported in conformance with applicable state, local, or tribal government requirements. "Household waste" includes solid waste (including garbage, trash, and sanitary waste from septic tanks) derived from single and multi-family residences. See § 171.8. Thus, household hazardous wastes transported from private residences to an approved collection site by a municipal government agency using its own employees or contract personnel are not subject to the HMR, and the employees or contract personnel collecting and transporting the household waste are not subject to HMR training requirements.

Please note, this exception does not apply to the transportation of a consolidated household hazardous waste shipment from a collection center by a commercial carrier. However, the transportation of consolidated household waste material by a government employee, solely for noncommercial government purposes, is not "commercial" transportation for purposes of the HMR and, therefore, is not subject to regulation under the HMR (see § 171.1(d)(5)).

I hope this satisfies your request.

Sincerely,

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



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Edmonson
§ 171.1 (d)
§ 173.12(F)
Applicability
09-0289

November 23, 2009

U.S. Department of Transportation – Pipeline
& Hazardous Materials Safety Administration
Attn: Edward Mazzullo, Director, Standards Div
Hazardous Materials Standards-East Bldg.
1200 New Jersey Avenue, SE.,
Washington, D.C. 20590

**RE: Letter of Interpretation Request – Transportation of Household
Hazardous Waste by a Municipal Independent Contractor in relation to
Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180)**

Dear Mr. Mazzullo:

I am requesting clarification regarding the hazardous materials transportation regulatory requirements, if any, for household hazardous waste (HHW) transported by independent contractors of a municipal government agency. As a part of the Lincoln-Lancaster County Health Department's *Safe Homes for Seniors* pilot project, these workers have received approximately four hours of HHW awareness level training and are only expected to transport ordinary HHW from a private elderly residence to an approved HHW collection site and/or facility. The contractors receive a small stipend for their time and efforts which are funded through state grant dollars and local funds. (*See attachment 1 – Safe Homes for Seniors Project Description*)

It is understood from a referenced 2008 DOT interpretation letter (*See attachment 2*) that:

Transportation of consolidated household waste material in a motor vehicle by a government employee, solely for non-commercial government purposes, is not "commercial" transportation for purposes of the HMR and, therefore, is not subject to the requirements of the HMR.

And, as noted in 49 CFR Part 171.1 (d) as "Functions not subject to the requirements of the HMR:

(5) Transportation of a hazardous material in a motor vehicle, aircraft, or vessel operated by a Federal, state, or local government employee solely for noncommercial Federal, state, or local government purposes

(6) Transportation of hazardous materials by an individual for noncommercial purposes in a private motor vehicle, including a leased or rented motor vehicle.

Project Description

11/12/09

Safe Homes for Seniors - Reducing Environmental Hazards in Vulnerable Populations

Introduction: Health impaired persons, age 60 and older, are at greatly increased health risks from exposure to hazardous household products and waste. Toxic materials reside under sinks, in basements, medicine cabinets, refrigerators, and garages. Toxic products can and do worsen chronic or life threatening pre-existing health conditions.

An alarming picture emerges when one considers these facts. Person who are older and health impaired are:

- More apt to have a large, lifelong accumulation of hazardous products.
- More apt to have more dangerous EPA-banned products.
- More home-bound and spend most, if not all, of their time indoors.
- Much less able to process and eliminate toxic elements from their bodies.
- Less physically able to reduce exposure by participating in community collection efforts.

Purpose: The sole purpose of *Safe Homes for Seniors* (SHS) is to reduce environmental health hazards and risk in the homes of the most medically fragile, most home-bound, older persons.

Auspices: SHS operates under the auspices of and is a collaborative project of the Lincoln-Lancaster County Health Department (LLCHD) and the Aging Partners' agency. The project combines the expertise and resources of LLCHD's Environmental Health Division with that of Aging Partners' Home Handyman Service and Life Office.

Approach and Services: SHS employs a twofold approach to reduce environmental risks:

The project directly reduces risk by assessing homes, sorting and identifying hazardous products, safely removing toxic products, and appropriately disposes them.

Upon completion of approximately four hours of classroom and applied household hazardous waste awareness level training, Home Handymen are expected to perform in-home assessments and material sorting with the plan to remove any unwanted/unneeded material and waste as determined by the homeowner or occupant. LLCHD staff will work cooperatively with Home Handymen throughout the entire process. Any household hazardous materials and/or waste will be removed using both private and government owned vehicles.

Secondly, SHS uses public health education to increase awareness and prevent hazards from accumulating. SHS teaches older persons environmentally-sound purchasing, use, recycling, storage, and disposal practices.

Target Population: The project's home remediation services are primarily focused on Lancaster County residents who are age 60 and older, chronically health impaired, and largely confined to their home. Educational services are more widely available to older persons, families, caregivers, and the staff of agencies that provide aging services.