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

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

OCT 14 2011

Mr. John Menzigian
Triumvirate Environmental, Inc.
61 Innerbelt Road
Somerville, MA 02143

Reference No. 10-0141

Dear Mr. Menzigian:

This is in response to your e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding the regulated medical waste (RMW) exception in § 173.134(c)(2) that allows transportation of a stock or culture of a Category B infectious substance as RMW with laboratory products. You ask if the conditions described in a previous interpretation, i.e., RMW must be a laboratory product and accepted at a single facility, are required to use the § 173.134(c)(2) exception.

The answer is no. This exception does not require RMW and laboratory products to be accepted, or disposed of, at a single facility. Your question is based on an interpretation we issued on March 19, 2007 (Reference No. 07-0057) in which we state a private or contract carrier can use the exception for RMW containing a waste stock or culture of a Category B infectious substance when carrying "other types of hazardous materials." You state the incoming letter for that inquiry listed laboratory products that are not classified as RMW for disposal purposes by the Environmental Protection Agency (EPA). You also state that these products usually require disposal at separate hazardous waste facilities permitted to receive these materials, and generally cannot be accepted for disposal at a RMW facility.

We issued two interpretations in 2007 concerning this exception, Reference No. 07-0057, which you referred to in your request, and Reference No. 07-0094 (7/10/07). We developed these interpretations based on the information submitted by the letter writers. Upon reviewing your request, we have determined the information you have provided is not consistent with the information we considered when issuing these previous interpretations. Therefore, to answer your question, and also provide additional clarification for these previous interpretations, we present the following transportation scenarios and our guidance regarding the applicability of the RMW exception in § 173.134(c)(2) to these scenarios.

SCENARIO 1:

A private or contract carrier transports Category B infectious substances as RMW in a motor vehicle used exclusively to transport these materials along with other types of medical wastes which may not be regulated under the HMR, or are not hazardous but are typically generated by laboratories, hospitals, and similar facilities. These wastes include:

1) plant and animal waste regulated by the Animal and Plant Health Inspection Service, U.S. Department of Agriculture;
2) waste pharmaceutical materials;
3) laboratory and recyclable wastes, such as fixer/developer, amalgam, lead foil, and disinfectant materials;
4) infectious substances, including Category A infectious substances, that have been treated to eliminate or neutralize pathogens;
5) forensic materials being transported for final destruction;
6) rejected or recalled health care products; and
7) documents intended for destruction in accordance with Health Insurance Portability and Accountability Act (HIPAA) requirements.

The carrier believes these types of wastes are included under the exception prescribed in § 173.134(c)(2) because:

1) these wastes are difficult to identify and segregate from waste cultures and stocks;
2) waste generators may ask their carriers to transport other types of medical waste in addition to waste cultures and stocks;
3) typically waste cultures and stocks are treated to neutralize any infectious pathogens prior to transportation, although untreated waste cultures and stocks may also be transported; and
4) all of these waste materials are transported to facilities designated for the disposal of medical waste.

SCENARIO 1 RESPONSE:

The § 173.134(c)(2) exception requires that a waste stock or culture of a Category B infectious substance be transported by a private or contract carrier in a vehicle used exclusively to transport RMW. Under the HMR, "culture" means an infectious substance containing a pathogen that is intentionally propagated (see § 173.134(a)(3)). The term does not include human or animal material collected directly from humans or animals and transported for research, diagnosis, investigational activities, or disease treatment or prevention, such as excreta, secreta, blood and its components, tissue and tissue swabs, body parts, and specimens in transport media (e.g., transwabs, culture media, and blood culture bottles) (see § 173.134(a)(3) and (a)(4)).

Also, § 173.134(c)(2) requires that a waste stock or culture of a Category B infectious substance be packaged in a rigid non-bulk packaging in conformance with the packaging requirements in §§ 173.24, 173.24a and 29 CFR 1910.1030. An exclusive-use vehicle is

one used for the transportation of a single commodity or class of commodities. Transportation in an exclusive-use vehicle in conformance with the exception prevents inadvertent contamination of other types of materials, including non-medical waste materials. Thus, non-medical waste materials must not be transported on the same vehicle as RMW that contains a Division 6.2 waste stock or culture. Additionally, if the material meets the definition of another hazard class or if it is a hazardous substance, hazardous waste, or marine pollutant, it must be offered for transportation and transported in accordance with the applicable requirements of the HMR.

Medical or clinical equipment and laboratory products may be transported on the same vehicle as a Category B waste stock or culture provided they are properly packaged and secured against exposure or contamination. While the term "laboratory products" is not defined in the HMR, the materials listed above are described as being generated from laboratories, hospitals, and similar facilities. Materials generated at these types of facilities have a greater opportunity to become cross-contaminated with Division 6.2 materials.

Further, all of the materials listed above are transported to facilities designated for the disposal of medical waste. Authorized medical waste disposal facilities are subject to federal, state, local, and tribal laws regarding the treatment and/or disposal of medical waste and are designed to contain potential biological hazards and prevent their release into the environment. Transporting these materials to authorized medical waste disposal facilities minimizes their ability to cross-contaminate other materials. Therefore, it is the opinion of this Office that the materials listed above, which are transported and disposed of in the manner that was described, may be considered laboratory products for the purposes of the § 173.134(c)(2) exception.

SCENARIO 2:

A private or contract carrier transports a Category B waste stock or culture as RMW in a motor vehicle used exclusively to transport these materials along with soiled linen and laundry, which may or may not be hazardous under the HMR, that is typically generated by laboratories, hospitals, and similar facilities. The Category B waste stock or culture is delivered to a facility that treats and/or manages Division 6.2 wastes. The soiled linen and laundry is not transported to a medical waste facility for disposal, but rather, is transported to a facility that cleans and manages medical laundry. The carrier believes the soiled linen and laundry are materials included under the § 173.134(c)(2) exception.

SCENARIO 2 RESPONSE:

It is the opinion of this Office that the soiled linen and laundry are not laboratory products as that term is used and understood for purposes of the HMR, and may not be transported on the same vehicle as a Category B waste stock or culture under the § 173.134(c)(2) exception. In our previous response to the Reference No. 07-0094 letter, we stated soiled linen and laundry are not medical waste as this term is defined in § 173.134(a)(5). Upon further review, we determined this statement is incorrect; soiled linen and laundry intended for disposal or reuse that is derived from the medical treatment of an animal or human

meets the HMR definition of RMW. Therefore, soiled linen or laundry containing a Category A infectious substance must be classed as an infectious substance and assigned to identification number UN 2814 or UN 2900, as appropriate. Soiled linen or laundry containing a Category B infectious substance must be classed as an infectious substance and assigned identification number UN 3291.

Notwithstanding, if the laundry or medical equipment (not including medical equipment intended for disposal) conforms to 29 CFR 1910.1030, it is excepted from regulation under the HMR (see § 173.134(b)(12)(i)). We granted this exception in a final rule issued under Docket No. HM-181G because:

1) laundry is typically segregated from waste materials at the point of generation and specially handled and reprocessed by employees dealing exclusively with laundry;
2) we believe that OSHA requirements applicable to laundry and medical equipment provide an adequate level of safety in transportation; and
3) we believe it is unreasonable and impractical to require RMW packaging and hazard communication for laundry and medical equipment that are intended for reuse (see 60 FR 48780; 9/20/1995).

As we stated in our Scenario 1 Response, non-medical waste materials must not be transported on the same vehicle as RMW that contains a Division 6.2 waste stock or culture.

SCENARIO 3:

Most licensed waste facilities are not authorized to receive and treat both RMW and other types of waste products. Therefore, the same wastes packaged and transported on the same vehicle in the manner described in Scenario 1 are delivered to different facilities--the RMW is delivered to facilities authorized to receive RMW, and the other wastes are delivered to facilities authorized to treat the overall physical properties of these wastes but not the biological hazards they may contain.

SCENARIO 3 RESPONSE:

Although we have previously interpreted the wastes listed in Scenario 1 as laboratory products, this exception does not require RMW and laboratory products to be disposed at a single facility. In addition, please note that delivering RMW materials to locations not designed to manage these risks may increase the opportunity for their release. You would need to contact the facilities to determine such regulatory jurisdiction. State regulations vary. In some states, facilities are state run and in other states, facilities may be regulated by EPA requirements. Conflicts between the HMR and other federal agency requirements are resolved through this agency's Office of Chief Counsel. Also, a requirement of a state, local, or tribal government that conflicts with requirements in the HMR is preempted, unless otherwise authorized by another Federal statute or a waiver of preemption issued by the Department of Transportation. This agency makes preemption determinations applicable to specific non-Federal requirements on a case-by-case basis. The regulatory

procedures for administrative determinations of preemption are set forth in 49 CFR Part 107, Subpart C.

We further recommend that care should be taken when transporting materials on the same vehicle with a waste stock or culture of a Category B infectious substance. Waste cultures and stocks of Division 6.2 materials may remain pathogenic for a longer period of time than most medical wastes because they are often disposed with the host media used to intentionally propogate them. The surfaces of packages containing non-contaminated items may become contaminated by direct or indirect contact (e.g., transfer or aerosolization) with pathogenic materials emitted from or on the surface of RMW packages, their transport containers, or transport vehicles. As a result, clean items within these packages may inadvertently become contaminated when they come in contact with the hands or tools used to open them. We recommend when such transportation occurs that shippers and carriers take steps to prevent the contamination of the outer surfaces of these packages.

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

Sincerely,

Charles E. Betts
Director
Standards and Rulemaking Division

cc: Ms. Selin Hoboy
Stericycle, Inc.
303 South Broadway, Suite 200 PMB#105
Denver, CO 80209

Mr. Neal Beenenga
District Manager
MTS Medical Waste
3152 North 34th Drive
Phoenix, AZ 85017

McIntyre
§173.134
§173.24
§173.24a
Exceptions for Medical Waste
10-0141

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Wednesday, July 07, 2010 11:19 AM
To: Drakeford, Carolyn (PHMSA)
Cc: DerKinderen, Dirk (PHMSA)
Subject: FW: Hazmat Information Center Feedback: Shippers-General Requirements for Shipments and Packagings (Sections 173.1 – 173.476)

Carolyn,
Another request for a written letter of interpretation. See below.
-Rob

-----Original Message-----
From: PHMSA-Feedback [mailto:PHMSA-Feedback]
Sent: Wednesday, July 07, 2010 11:16 AM
To: PHMSA HM InfoCenter; PHMSA Webmaster
Subject: Hazmat Information Center Feedback: Shippers-General Requirements for Shipments and Packagings (Sections 173.1 – 173.476)

Good Morning,
I am looking for an official interpretation on the following question. In a letter dated March 19,2007 (Ref No. 07-0057), PHMSA makes a determination that a private or contract carrier can use the exception for medical waste containing stocks/cultures of Category B infectious agents at 173.134(c)(2)while carrying other types of hazardous materials (as listed in the referenced letter) provided they meet two conditions: 1) They need to be a "laboratory product" as explained in the letter and 2) They can be transported to and accepted at one facility designated for the disposal of medical waste.
The "laboratory products" listed in the Stericycle letter are not classified as medical waste for disposal purposes by the EPA. These types of "products" usually require disposal at a separate, permitted hazardous waste facility and, generally, can not be accepted for disposal at a medical waste facility. Is the acceptance of both the medical waste (as defined by DOT) and the "laboratory products" at a single facility a requirement to use the exception at 173.134(c)(2) to transport stock and cultures with "laboratory products"?

Sincerely,
John Menzigian
Triumvirate Environmental, Inc.

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

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

MAR 19 2007

Ms. Selin Hoboy
Stericycle, Inc.
2333 Waukegan Road
Bannockburn, Illinois 60015

Ref. No. 07-0057

Dear Ms. Hoboy:

This responds to your March 9, 2007 letter requesting clarification of the requirements for transporting regulated medical waste under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask about the exception in § 173.134(c) applicable to the transportation of waste cultures and stocks and for clarification of the types of materials that may be transported on the same vehicle as waste cultures and stocks in accordance with the exception.

The exception in § 173.134(c)(2) permits a waste stock or culture of a Category B infectious substance to be offered for transportation and transported as a regulated medical waste when it is packaged in a rigid non-bulk packaging conforming to the general packaging requirements of §§ 173.24 and 173.24a and packaging requirements specified in 29 CFR 1910.1030 and transported by a private or contract carrier in a vehicle used exclusively to transport regulated medical waste. As your letter notes, in a final rule published [insert date] under docket number HM-226A, we amended the language in this section to insert the phrase "used exclusively to transport regulated medical waste" in place of the phrase "dedicated to the transportation of regulated medical waste".

The change in terminology in § 173.134(c)(2) was intended to be a non-substantive editorial change to standardize terminology used throughout the HMR. The terms "dedicated" and "used exclusively" are synonymous. "Exclusive use" is not defined in the HMR, for other than transport of radioactive materials. As used in the HMR, the terms "dedicated" and "used exclusively" mean the vehicle is used for the transportation of a single commodity or class of commodities.

According to your letter, it is difficult to identify and segregate waste cultures and stocks from other types of medical waste generated by laboratories, hospitals, and similar facilities. You note that typically waste cultures and stocks are treated to neutralize any infectious pathogens prior to transportation, although untreated waste cultures and stocks may also be transported. You indicate that waste generators may ask Stericyle to transport other types of medical waste in addition to waste cultures and stocks, including:

- Plant and animal waste regulated by the Animal and Plant Health Inspection Service, U.S. Department of Agriculture;

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173.134

- Waste pharmaceutical materials;
- Laboratory and recyclable wastes, such as fixer/developer, amalgam, lead foil, and disinfectant materials;
- Infectious substances, including Category A infectious substances, that have been treated to eliminate or neutralize pathogens;
- Forensic materials being transported for final destruction;
- Rejected or recalled health care products; and
- Documents intended for destruction in accordance with HIPAA requirements.

You indicate that all these waste materials are transported to facilities designated for the disposal of medical waste.

As described above, the exception in § 173.134(c)(2) permits Category B waste cultures and stocks to be transported as regulated medical waste in a rigid non-bulk packaging conforming to certain general packaging requirements when transported by a private or contract carrier in a vehicle used exclusively to transport regulated medical waste. An exclusive-use vehicle is one used for the transportation of a single commodity or class of commodities; transportation in an exclusive-use vehicle in accordance with the exception prevents inadvertent contamination of other types of materials, including non-medical waste materials. The operations you describe for the transportation of waste cultures and stocks appear to meet the intent of this exception. While the materials you transport on the same vehicle as waste cultures and stocks are not regulated medical waste, as that term is defined in the HMR, all the materials are considered medical waste and are transported to facilities designated by local authorities and designed for the disposal of medical waste.

Further, under § 173.134(c)(2), you may transport medical or clinical equipment and laboratory products on the same vehicle as the waste cultures and stocks covered by the exception, provided they are properly packaged and secured against exposure or contamination. The term "laboratory products" is not defined in the HMR. However, the materials you describe are generated from laboratories and health care facilities and, thus, may be considered laboratory products for the purposes of the exception.

Therefore, it is the opinion of this Office that the transportation operation you describe is consistent with the terms of the exception in § 173.134(c)(2). Therefore, you may transport the types of medical waste described in your letter on the same vehicle you use to transport waste cultures and stocks.

I hope this information is helpful. Please let me know if I can be of further assistance.

Sincerely,

Susan Gorsky
Regulations officer
Office of Hazardous Materials
Standards

Gorsky
§173.134
Exceptions for Medical Waste
07-0057

March 9, 2007

Mr. Edward Mazzullo, Director
Office of Hazardous Materials Standards
400 Seventh Street, S.W.
PHH-10
Washington, DC 20590

RE: FINAL RULE HM 226A - INTERPRETATION OF "EXCLUSIVE" MEDICAL WASTE CARRIER UNDER 49 CFR 173.134

Dear Mr. Mazzullo:

I am writing in reference to a recent language change under Final Rule HM 226A. In this final rule there is a section relating to the transportation of regulated medical waste. Specific section reference is 49 CFR 173.134 (c)(ii)(2) "[Category B waste culture or stock] transported as regulated medical waste when it is packaged in a rigid non-bulk packaging conforming to the general packaging requirements of 173.24 and 173.24a and packaging requirements under 29 CFR 1910.1030 and transported by a private or contract carrier in a vehicle used exclusively to transport regulated medical waste." Prior to this change the term "dedicated" was used instead of "exclusively". Based on the literal interpretation of these regulations it would mean that materials other than regulated medical waste could not be on the vehicle at the same time.

Although, we recognize that the mixed cultures and stock materials which may be present in the containers is minimal and often more specifically from lab type environments, the potential still exists. It is also typical that wastes generated in these environments are pretreated prior to being disposed of in the regulated medical waste. However, due to the way that generators package their waste to take advantage of this exception, it would be difficult to ensure exclusivity for these materials alone.

We are requesting clarification that this new term does not change the intent of the regulation. Prior to this, the interpretation was that as a private carrier, primarily dedicated to the transport of regulated medical waste, other materials could be present on the vehicle. However, there are other waste streams that are transported as a service to generators for the safe and efficient transport of their waste materials. All drivers and employees are fully trained on the proper handling, transport and emergency response to these other waste materials. This provides generators with an efficient and compliant option for transporting their wastes. Other such wastes which generator's may request to be transported that are not necessarily regulated medical waste by definition may include:

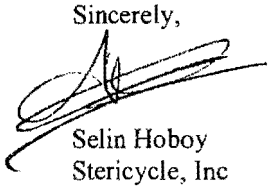
- US Department of Agriculture – Animal and Plant Health Inspection Service – Wastes defined under 7 CFR as regulated garbage, including plant and animal waste, and are required to have specific packaging, documentation and destruction requirements

- Waste pharmaceuticals – pharmaceutical materials which are meant for final destruction and no longer have value by manufacturer definition; packaged in accordance with regulations and separately documented as required
- Lab and Recyclable wastes – for example fixer/developer for recycling, amalgam for recycling, lead foil for recycling, disinfectant materials etc. – Packaged in accordance with regulations and separately documented as required
- Treated Category A infectious substances which generators chose to over classify
- Documents for destruction under HIPAA requirements
- Evidence materials – non weapon law enforcement materials sent for final destruction
- Off specification products from manufacturers due to rejection or recal., normally considered solid waste, which is transported for destruction

Current needs of the industry and generators are that other waste streams, which are also classified, marked and packaged appropriately, could be transported with regulated medical waste without compromising public health and safety. The ability to transport these materials together would also support greater compliance of proper segregation and characterization of materials by the generator leading to a more environmentally responsible disposal of these materials.

We would like to clarify that these additional waste materials can be transported with regulated medical waste so long as all materials are properly classified, marked and packaged appropriately. Additionally, we assume that it was not the intent of the change in words, to change the practices of the medical waste industry. We appreciate your consideration on this matter. Please feel free to contact me if you have any further questions at 847-943-6685/shoboy@stericycle.com.

Sincerely,



Selin Hoboy
Stericycle, Inc

CC: Deputy Robert A. Richard – Deputy Associate Administrator for Hazardous Materials Safety
Joseph Solomey – Assistant Chief Counsel for Hazardous Materials Safety Office of Chief Counsel.
Alice Jacobson, Medical Waste Institute

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

1200 New Jersey Ave., S.E.
Washington, DC 20590

JUL 10 2007

Mr. Edward Petrullo
General Manager and Director
MTS Medical Waste Management
333 North Seventh Avenue
Phoenix, AZ 85007

Reference No. 07-0094

Dear Mr. Petrullo:

This responds to your May 11, 2007 e-mail and May 31, 2007 telephone conversation with Ms. Eileen Edmonson of my staff concerning requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of regulated medical waste (RMW). Specifically, you ask for a clarification of our letter to Ms. Selin Hoboy, Stericycle, Inc. (Reference No. 07-0057; March 19, 2007) concerning the dedicated vehicle exceptions in § 173.134(c)(2) of the HMR.

The exception in § 173.134(c)(2) permits Category B waste cultures and stocks to be transported as regulated medical waste when packaged in a rigid non-bulk packaging conforming to certain general packaging requirements and transported by a private or contract carrier in a vehicle used exclusively to transport RMW. An exclusive-use vehicle is one used for the transportation of a single commodity or class of commodities. Transportation in an exclusive-use vehicle in accordance with the exception prevents inadvertent contamination of other types of materials, including non-medical waste materials.

In our March 19, 2007 letter to Stericycle, Inc., on this subject, we addressed a question concerning the transportation of other types of materials on the same vehicle as Category B waste cultures and stocks: (1) plant and animal waste regulated by the Animal and Plant Health Inspection Service, U.S. Department of Agriculture; (2) waste pharmaceutical materials; (3) laboratory and recyclable wastes, such as fixer/developer, amalgam, lead foil, and disinfectant materials; (4) infectious substances, including Category A infectious substances, that have been treated to eliminate or neutralize pathogens; (5) forensic materials being transported for final destruction; (6) rejected or recalled health care products; and (7) documents intended for destruction in accordance with HIPAA requirements. While not considered regulated medical waste, as that term is defined in the HMR, all of the listed materials are considered medical waste as that term is usually defined and, according to the information provided by Stericycle, are transported to facilities designated by local authorities and designed for the disposal of medical waste. Moreover, under § 173.134(c)(2), medical or clinical equipment and laboratory products may be transported on the same vehicle as the waste cultures and stocks covered by the exception, provided they are properly packaged and secured against exposure or contamination. The term "laboratory products" is not defined in the HMR. However, the materials described earlier in this paragraph are generated from

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173.134(c)
173.197

laboratories and health care facilities and, thus, may be considered laboratory products for the purposes of the exception. For these reasons, we determined that the types of medical waste described in our March 19 letter may be transported on the same vehicle as waste cultures and stocks in accordance with the exception in § 173.134(c)(2).

You ask whether soiled linen and laundry may also be transported on the same vehicle as waste cultures and stocks under the exception provided in § 173.134(c). The answer is no. Soiled linen and laundry are not medical waste and are not transported for disposal at a medical waste facility; further, soiled linen and laundry are not laboratory products as that term is used and understood for purposes of the HMR.

Your email refers to the transportation of soiled healthcare linen on the same vehicle as RMW. We note in this regard that the exception in § 173.134(c) applies only to the transportation of waste cultures and stocks. The HMR do not require shipments of most RMW to be transported on vehicles used exclusively for such transportation. For other than waste cultures and stocks, there are no restrictions on the types of materials that may be transported on the same vehicle as RMW. Thus, you may transport soiled healthcare linen, clean linen, hospital supplies, or other materials on the same vehicle as RMW, provided the shipment does not contain waste cultures and stocks. For purposes of the HMR, "culture" means an infectious substance containing a pathogen that is intentionally propagated. The term does not include human or animal material collected directly from humans or animals and transported for research, diagnosis, investigational activities, or disease treatment or prevention, such as excreta, secreta, blood and its components, tissue and tissue swabs, body parts, and specimens in transport media (e.g. , transwabs, culture media, and blood culture bottles). (See § 173.134(a)(3) and (a)(4).)

Care should be taken, however, when transporting materials on the same vehicle as RMW. The surfaces of packages containing non-contaminated items may become contaminated by direct or indirect contact (e.g., transfer or aerosolization) with pathogenic materials emitted from or on the surface of RMW packages, or their transport containers or transport vehicles. As a result, the clean items within the packages may inadvertently become contaminated when they come in contact with hands or tools used to open them. We recommend when such transportation occurs that shippers and carriers take steps to prevent the contamination of the outer surface of these packages.

I hope this satisfies your request.

Sincerely,

Susan Gorsky
Regulations Officer
Office of Hazardous Materials Standards

Edmonson
§ 173.197, § 173.134
Regulated Medical Waste
07-0094

Edmonson, Eileen <PHMSA>

From: healthcare@milumtextileservices.com
Sent: Friday, May 11, 2007 2:09 PM
To: Edmonson, Eileen <PHMSA>
Subject: Follow-Up On RMW Transport Interpretations

Hello Eileen,
It was very nice seeing you again in Atlanta. Been many years it seems from the time in San Diego.

Here below I am copying the e-mail I just sent to William Stevens, Senior Hazardous Materials Enforcement Specialist, for more clarification. I know you said you were waiting for a response on some issues from Susan in your office. I am not sure if her response will include the matter that we are discussing below. What do you suggest we do as a small company to address this situation? Do we ask for a Permit or Exclusion? It seems to me that in the U.S. there are relatively few "Destination/or Designated Facilities" than receive, store, and process everything on a truck carrying RMW. Case in point is that even if just RMW and no linen or HIPPA documents, the incinerables are going to go to another facility and maybe that facility is in a different state. Please read my letter below, and then tell me what we should do. Thank you very much.....

Hello Mr. Stevens,
I would like to correspond with you so that I may work through some of the issues discovered while you and I discussed RMW transport in length thursday after the Medical Waste conference in Atlanta. Initially, I would like you to summarize for me the "designated vehicle" issue we discussed with the CFR sites, so that I may look them up and re-familiarize myself with them.

You will remember that we discussed transporting RMW with healthcare linen. We have two plants within 15 miles of one another and so the unloading of the RMW first and then traveling to the laundry plant to unload the soiled healthcare linen is the most efficient for our small operation. I understand that there is an interpretation recently that Stericycle has in writing saying that some materials like fixer/developer, HIPPA docs, and healthcare linen may be transported together with RMW. You made the point that you would write a violation for such activity, I believe. We would of course like to have a consensus and through the last 10 years or so, we have had opinions from the State authorities and some at the D.O.T. that stated that these materials we deal with are very similiar in waste characteristics/soil, and with proper packaging and segregation that they are homogeneous for transport.

I appreciate your taking the time to assist us with this. Two questions before I close:
1) I wonder also if there has the been a change in the regs or interpretations due to the re-alignment with the W.H.O. Has there?
2) Can RMW be manifested on a "Bill of Lading" using the words "Non-hazardous Waste"?

I look forward to the CFR reference locations for our education and your opinion concerning these areas of concern.
Thanks

Edward Petrullo, General Manager & Director
MTS MEDICAL WASTE MANAGEMENT, a division of Milum Textile Services

5/14/2007

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888 or 602-253-5173; cell 602-620-3004