



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

JUN 6 2000

Mr. Michael A. Roby
Manager, Technical Service Center
Rubbermaid Commercial Products, LLC
3124 Valley Avenue
Winchester, VA 22601

Reference No. 00-0091

Dear Mr. Roby:

This is in response to your March 29, 2000 letter, and telephone conversations with a member of my staff, concerning the criteria prescribed in 49 CFR 173.197 for regulated medical waste (RMW) packagings. You stated that your packaging, designed for solids only, consists of a polyethylene bag closed with a twist tie and placed inside a non-specification, plastic pail with a removable snap-lock lid. You asked whether a package intended for a solid material is considered to have successfully passed the performance tests if the inner liner (bag) is punctured but the outer packaging remains intact.

The answer is no. The RMW packaging in § 173.197 is a UN specification packaging at the Packing Group II level. If the inner package of a combination package could be opened in any way, e.g., torn, punctured, ruptured, etc., during routine testing or normal transportation conditions, the package does not meet the general packaging requirements.

However, the packaging you described is a non-specification packaging. Section 173.134(b)(3) permits RMW to be transported in a non-specification packaging that meets the general packaging requirements in §§ 173.24 and 173.24a and the packaging requirements specified in 29 CFR 1910.1030. Under § 173.24(b), a package used for the shipment of hazardous materials shall be made, filled, and closed, so that under normal transportation conditions no hazardous material release can be identified and the effectiveness of the package will not be substantially reduced. For your information, please note that § 173.134(b)(3) further requires a non-specification RMW packaging to be marked with the BIOHAZARD mark and transported by private or contract motor carrier.

I hope this satisfies your request.

Sincerely,

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



000091

173.197

Hand
\$173.197
00-0091

FAX MESSAGE

FAX NO: 202/366-3012

TO: U.S. DOT : Research and Special Programs Admin
0422/DHM-10

FROM: RCP LLC

ATTN: TOM ALLAN, REGULATIONS OFFICER

SUBJECT: 49 CFR 173.197 (Enclosed - pg.2)

MESSAGE: DEAR MR. ALLAN:
Please reference page 2, for an interpretation
of 173.197 (49 CFR).

Thank you in advance for your review
and response.

Mike Roby



Rubbermaid Commercial Products LLC
A Division of ~~Newell~~Rubbermaid

Michael A. Roby
Manager - Technical Service Center

3124 Valley Avenue, Winchester, VA 22601
540 542-8383, Fax: 540 542-8434
E-mail: mrobby@rubbermaidcommercial.com
an ISO Certified Company



Rubbermaid Commercial Products Inc.

Regular Fax No: ^{540 8434}
~~703/542-8588~~

Phone: 540/542-8363

Email: ~~mruby@rubbermaidcommercial.com~~

mrobby@rubbermaidcommercial.com

Date: 03/29/00

1 of 2

[Code of Federal Regulations]
 [Title 49, Volume 2, Parts 100 to 185]
 [Revised as of October 1, 1999]
 From the U.S. Government Printing Office via GPO Access
 [CITE: 49CFR173.197]

[Page 480]

TITLE 49--TRANSPORTATION

CHAPTER I--RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION, DEPARTMENT OF
 TRANSPORTATION

PART 173--SHIPPERS--GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS--Table of Cont

Subpart E--Non-bulk Packaging for Hazardous Materials Other Than Class 1
 and Class 7

Sec. 173.197 Regulated medical waste.

Regulated medical waste must be packaged in packagings conforming to the requirements of part 178 of this subchapter at the Packing Group II performance level. The packagings must be:

- (a) Rigid;
 - (b) Leak resistant;
 - (c) Impervious to moisture;
 - (d) Of sufficient strength to prevent tearing or bursting under normal conditions of use and handling;
 - (e) Sealed to prevent leakage during transport;
 - (f) Puncture resistant for sharps and sharps with residual fluids;
- and
- (g) Break-resistant and tightly lidded or stoppered for fluids in quantities greater than 20 cubic centimeters.

[Amdt. 173-224, 56 FR 66271, Dec. 20, 1991, as amended at 64 FR 51919, Sept. 27, 1999]

03/29/00

→ Question: Per 173.197, if we have an outer container with an inner liner and during the various tests, i.e. Drop, vibration, the inner liner (bag) is punctured, but when the container is put on it's side and nothing leaks out to the exterior of the outer container - "Does this condition meet the intent of this regulation?" (Hauling "solids" not liquids).