



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

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

SEP 21 2000

Ref. No. 00-0199

Ms. Irene Gleason  
Hazardous Waste Management Section  
Florida Department of Environmental Protection  
Two Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Dear Ms. Gleason:

This is in response to your letter dated July 17, 2000, requesting clarification on shipping scrap dental amalgam under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether scrap amalgam is regulated under the HMR.

According to your letter and attached "Scrap Dental Amalgam Management Procedures," dental amalgam, usually a mix of 50% mercury with the remainder being silver and small amounts of tin, copper, and other metals, is used for filling cavities in teeth. The scrap amalgam is decontaminated with 1:100 bleach before being sent for reclamation to various facilities.

Under § 173.22, it is the shipper's responsibility to properly classify and describe a hazardous material. This office does not normally perform that function. However, based on the information provided in your letter, it is the opinion of this Office that since the waste amalgam is decontaminated before shipping for reclamation, it does not meet the defining criteria for a Division 6.2 infectious substance or regulated medical waste. However, if the quantity of mercury in one package meets or exceeds the reportable quantity specified in the HMR, it would be regulated as a Class 9 environmentally hazardous substance when shipped to the reclamation facility.

I hope this answers your inquiry.

Sincerely,

Delmer F. Billings  
Chief, Standards Development  
Office of Hazardous Materials Standards



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173.22



Jeb Bush  
Governor

# Department of Environmental Protection

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Boothe  
\$173.22  
00-0199  
David B. Struhs  
Secretary

July 17, 2000

Edward T. Mazzullo  
Director Hazardous Material Standards  
US DOT/RFPA (DHM-10)  
400 7<sup>th</sup> Street SW  
Washington, DC 20590-001

**Re: Scrap Dental Amalgam Transportation**

Dear Mr. Mazzullo:

The Florida Department of Environmental Protection (FDEP) is working on a guidance document for managing scrap dental amalgam. Our intent is to provide dentists direction on properly managing this material in accordance with any applicable environmental, health, occupational safety, and transportation regulations. FDEP is interested in which, if any, Department of Transportation regulations apply.

Dental amalgam, typically a mix of 50% mercury with the remainder being mostly silver and small amounts of tin, copper and other metals, is used for filling cavities in teeth. The Florida Dental Association requested that FDEP provide a procedure to properly manage excess, out-of-date, operatory, and removed dental amalgam. After examining Florida and federal hazardous waste regulations, we contacted Florida Department of Health and the U. S. Occupational Safety and Health Administration regarding their applicable regulations. The enclosed flowchart and explanation detail how the various regulations have been included in our recommended "Scrap Dental Amalgam Management Procedures."

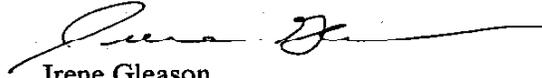
In speaking with Capt. Ken Carr of the Florida DOT and Ms. Casey Cole from the U. S. Department of Transportation Hazardous Materials Information Center, we concluded there may be a DOT exemption because dentists would be shipping less than the mercury Reportable Quantity (one pound) in a container. Also we were not certain that scrap amalgam would fall under any of DOT's nine hazardous classes or divisions. And finally, Ms. Cole advised me that she was not aware of any DOT interpretations specific to scrap dental amalgam.

Please provide an official DOT regulatory interpretation for shipping scrap amalgam managed in compliance with the enclosed recommended FDEP "Scrap Dental Amalgam Management Procedures" and destined for reclamation. If you have any questions or wish to discuss this further, feel free to contact me at 850-487-4666 or [Irene.Gleason@dep.state.fl.us](mailto:Irene.Gleason@dep.state.fl.us). I look forward to hearing from you at your earliest convenience. Thank you.

*"Protect, Conserve and Manage Florida's Environment and Natural Resources"*

I. Gleason to U. S. DOT  
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Sincerely,

A handwritten signature in black ink, appearing to read "Irene Gleason", with a long horizontal flourish extending to the right.

Irene Gleason  
Environmental Specialist II  
Hazardous Waste Management Section

Enclosures