



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

MAY 27 2003

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

Mr. Pretlo V. Knight  
Senior Consultant  
Environmental Resource Center  
101 Center Pointe Drive  
Cary, North Carolina 27513

Reference No. 02-0244

Dear Mr. Knight:

This is in response to your letter asking if "Regulated medical waste, 6.2, UN 3291, PG II (New Jersey treated)" may be used to describe unused sharps and auto-claved medical waste that is non-infectious under the Hazardous Materials Regulations (HMR: 49 CFR Parts 171-180). We apologize for the delay in responding and any inconvenience this may have caused.

The answer is no. Medical waste that does not contain a pathogen, or in which the pathogen has been inactivated or neutralized so that it cannot cause disease, does not meet the definition of an infectious substance in § 173.134(a)(1) and is not regulated as a Division 6.2 (infectious) material under the HMR. As prescribed in § 172.202(e), except for the listed exceptions, the description of a material that is not a hazardous material under the HMR may not include a hazard class or an identification number specified in the § 172.101 Hazardous Materials Table. Please note that although State and local governments may regulate hazardous materials in certain instances, under federal hazardous materials transportation law, the HMR may preempt state and local laws and regulations concerning hazardous materials transportation that are not substantively the same as the HMR. See 49 U.S.C. 5125.

I hope this satisfies your request.

Sincerely,

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



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# ENVIRONMENTAL RESOURCE CENTER

101 Center Pointe Drive, Cary, North Carolina 27513 (919) 469-1585

*Edmonson*

*§173.197*

*Regulated Medical Waste*

*02-0244*

September 6, 2002

Mr. Edward Mazzullo  
Director for the Office of Hazardous Materials Standards  
US DOT/RSPA (DHM10)  
400 7<sup>th</sup> Street SW  
Washington, DC 20590-0001

Dear Mr. Mazzullo,

I have some questions regarding shipping regulated medical waste (RMW).

New Jersey Department of Environmental Protection in NJAC 7:26-3A regulates medical waste that is both infectious and non-infectious. Medical waste becomes non-regulated only if it is rendered unrecognizable through activities such as grinding or mincing. RMW in New Jersey includes infectious cultures and stocks, pathological waste, human blood and blood products, sharps that were used in human or animal care, animal waste, unused sharps that were intended to be used, and medical waste that has been treated to render it non-infectious.

NJDEP also requires that generators in their state use a Medical Waste Tracking Form as the shipping paper for these wastes. On the form, generators are required to use one of two descriptions:

- Regulated Medical Waste, 6.2, UN3291, PGII (New Jersey untreated)
- Regulated Medical Waste, 6.2, UN3291, PGII (New Jersey treated)

Untreated materials include medical waste that is infectious and would be described using the first description.

Unused sharps, as well as medical wastes rendered non-infectious, and thus non-hazardous, through activities such as autoclaving would use the second description and would be considered regulated according to NJDEP. Is this description correct according to DOT regulations?

Sincerely,

Pretlo V. Knight  
Senior Consultant

