



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

APR 28 2006

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

Mr. Todd Bailey
Supervisor, Baystate Reference
Laboratories
361 Whitney Avenue
Holyoke, MA 01040

Reference No. 06-0092

Dear Mr. Bailey:

This is in response to your October 20, 2005 letter and recent telephone conversations with members of this agency's staff asking if diagnostic specimens may be transported in a passenger-carrying motor vehicle under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You stated the vehicle will be transporting patients and patient samples simultaneously to local hospitals for treatment and analysis, respectively.

The answer is yes. Under § 173.6 of the HMR, diagnostic specimens and other Division 6.2 (infectious substance) materials, other than Risk Group 4, that conform to the packaging requirements for a Material of Trade (MOT) and are transported by a private carrier in direct support of a principal business other than transportation of goods by motor vehicle are not subject to any other requirements of the HMR. Further, diagnostic specimens that conform to the provisions in § 173.199 are not subject to any other regulations under the HMR. Diagnostic specimens transported as MOTs or under the provisions of § 173.199 may be transported on a passenger-carrying shuttle van such as you described in your letter.

I hope this information is helpful.

Sincerely,

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



060092

173.199

Baystate Reference Laboratories

A Service of Baystate Medical Center, Inc.

October 20, 2005

Hazmat Information Center

Re: Concern with diagnostic specimen transport.

Edmonson
\$173.199
Diagnostic Specimen
06-0092!

Dear Sir/Madam,

I have been in contact with 4 very helpful employees of yours whom all work in the "Rules and Regulations" department of the DOT. They have guided me through quite a few chapters regarding my concern of transporting diagnostic specimens with humans.

At this point, I do understand the following:

- a) The definition a diagnostic specimen, b) the proper packaging requirements for these specimens, c) the fact that if a vehicle is deemed "dedicated" that humans cannot be transported at the same time in the same vehicle as diagnostic specimens.

I oversee a 30 vehicle fleet that is strictly dedicated to the transport of diagnostic specimens for our hospitals and private medical practitioners. We also run a patient courtesy shuttle van that our health system provides for convenience to our customers. This van is also stenciled accordingly stating "Courtesy Shuttle Service". My question to you is since this van is not part of our "dedicated" courier fleet, can I transport specimens with humans on this vehicle at the same time. I would add that this vehicle would be set up with a completely separate compartment to contain these specimens, possibly even attached to the outside of the vehicle and climate controlled, and would be entirely secured from leakage or the possibility of contact with humans.

In my conversation with your folks at the DOT office, they also stated that my situation would possibly fall under the "Materials of Trade" exception with our courtesy van. My interpretation is that we meet the requirements of that subchapter of a Division 6.2 material, other than a Risk Group 4 material (which we don't transport at all), that is a diagnostic specimen.

Please advise if my interpretations are correct.

I was referred to Ref # 03-0070 in the Docket Management System of your website by your folks.

Your guidance on this matter would be greatly appreciated by our Health System.

Thank You,

Todd Bailey
Supervisor, Baystate Reference Laboratories

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