



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

OCT 26 2006

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

Mr. Michael I. Gorman  
Senior Consultant  
NE 7041B  
National Headquarters  
2025 E Street, NW  
Washington, DC 20006

Ref. No.: 06-0229

Dear Mr. Gorman:

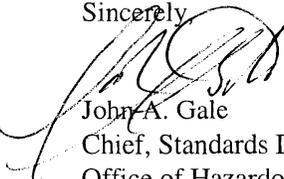
This is in response to your October 10, 2006 letter requesting clarification of the training requirements provided in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if there were any changes to the training requirements for regulated medical waste shipments prepared in accordance with § 173.197 or § 173.6 of the HMR as a result of the recent rulemaking on infectious substances.

On June 2, 2006 we published a final rule under Docket HM-226A entitled "Hazardous Materials: Infectious Substances; Harmonization with the United Nations Recommendations," which became effective on October 1, 2006. The rulemaking revised the transportation requirements for infectious substances, including regulated medical waste, to adopt new classification criteria, new exceptions, and packaging and hazard communication requirements consistent with revised international standards and to clarify existing requirements to promote compliance.

Docket HM-226A did not alter the training requirements applicable to the transportation of regulated medical waste. Materials transported under § 173.197 continue to be subject to the training requirements in Part 172, Subpart H of the HMR. When regulated medical waste is transported as a Materials of Trade Exception in accordance with § 173.6, the operator of the motor vehicle must be informed of the presence of the hazardous material and be informed on the requirements in § 173.6, but is not subject the training requirements in Part 172, Subpart H of the HMR.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely

  
John A. Gale  
Chief, Standards Development  
Office of Hazardous Materials Standards



060229

173.197(e)  
173.6

## INFOCNTR &lt;PHMSA&gt;

**From:** Gorman@usa.redcross.org  
**Sent:** Monday, October 09, 2006 4:59 PM  
**To:** INFOCNTR <PHMSA>  
**Cc:** BLloyd@usa.redcross.org; EavesS@usa.redcross.org; DCozart@usa.redcross.org;  
 HavasS@usa.redcross.org; ChandlerJe@usa.redcross.org  
**Subject:** Regulated Medical Waste, N.O.S.: Offeror and Transporter Training Requirements

SupKO  
 § 173.197 (e)  
 § 173.6  
 Training  
 06-0229

Mr. Edward T. Mazzullo  
 Director, Office of Hazardous Materials Standards  
 U.S. DOT/PHMSA (PHH-10)  
 400 7th Street S.W.  
 Washington, D.C. 20590-0001

Dear Mr. Mazzullo,

This email concerns the new DOT training requirements for offerors and transporters of Regulated medical waste, n.o.s. as stated in the June 2, 2006 Federal Register which went into effect on October 1, 2006. First let me say that the only type of Regulated Medical Waste generated by American Red Cross facilities is Category B.

In two separate phone calls to the Hazardous Materials Information Center, DOT staff indicated that initial and recurrent General Awareness, Security Awareness, Safety Training and Function Specific Training were no longer required for shipment of Regulated medical waste (Category B infectious substances). They based their guidance on the following verbiage from the new regulations:

**49 CFR § 173.199 Category B infectious substances.**

*(e) Training. Each person who offers or transports a Category B infectious substance under the provisions of this section must know about the requirements of this section.*

While I do not disagree with their interpretation, I would like written confirmation from Federal DOT that the above training is no longer required.

I have one additional question. Does the new training requirement apply to Category B infectious substances transported under 49 CFR Part 173.6 as a Material of Trade?

The personal contact information you require on your website for information requests is provided below.

Thanks  
 Mike Gorman

**+** American Red Cross  
 Corporate Safety Office  
 Enterprise Risk

10/10/2006