



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Ave., S.E.
Washington, DC 20590

JUL 10 2007

Mr. Edward Petruzzo
General Manager and Director
MTS Medical Waste Management
333 North Seventh Avenue
Phoenix, AZ 85007

Reference No. 07-0094

Dear Mr. Petruzzo:

This responds to your May 11, 2007 e-mail and May 31, 2007 telephone conversation with Ms. Eileen Edmonson of my staff concerning requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of regulated medical waste (RMW). Specifically, you ask for a clarification of our letter to Ms. Selin Hoboy, Stericycle, Inc. (Reference No. 07-0057; March 19, 2007) concerning the dedicated vehicle exceptions in § 173.134(c)(2) of the HMR.

The exception in § 173.134(c)(2) permits Category B waste cultures and stocks to be transported as regulated medical waste when packaged in a rigid non-bulk packaging conforming to certain general packaging requirements and transported by a private or contract carrier in a vehicle used exclusively to transport RMW. An exclusive-use vehicle is one used for the transportation of a single commodity or class of commodities. Transportation in an exclusive-use vehicle in accordance with the exception prevents inadvertent contamination of other types of materials, including non-medical waste materials.

In our March 19, 2007 letter to Stericycle, Inc., on this subject, we addressed a question concerning the transportation of other types of materials on the same vehicle as Category B waste cultures and stocks: (1) plant and animal waste regulated by the Animal and Plant Health Inspection Service, U.S. Department of Agriculture; (2) waste pharmaceutical materials; (3) laboratory and recyclable wastes, such as fixer/developer, amalgam, lead foil, and disinfectant materials; (4) infectious substances, including Category A infectious substances, that have been treated to eliminate or neutralize pathogens; (5) forensic materials being transported for final destruction; (6) rejected or recalled health care products; and (7) documents intended for destruction in accordance with HIPAA requirements. While not considered regulated medical waste, as that term is defined in the HMR, all of the listed materials are considered medical waste as that term is usually defined and, according to the information provided by Stericycle, are transported to facilities designated by local authorities and designed for the disposal of medical waste. Moreover, under § 173.134(c)(2), medical or clinical equipment and laboratory products may be transported on the same vehicle as the waste cultures and stocks covered by the exception, provided they are properly packaged and secured against exposure or contamination. The term "laboratory products" is not defined in the HMR. However, the materials described earlier in this paragraph are generated from



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173.134(c)
173.197

laboratories and health care facilities and, thus, may be considered laboratory products for the purposes of the exception. For these reasons, we determined that the types of medical waste described in our March 19 letter may be transported on the same vehicle as waste cultures and stocks in accordance with the exception in § 173.134(c)(2).

You ask whether soiled linen and laundry may also be transported on the same vehicle as waste cultures and stocks under the exception provided in § 173.134(c). The answer is no. Soiled linen and laundry are not medical waste and are not transported for disposal at a medical waste facility; further, soiled linen and laundry are not laboratory products as that term is used and understood for purposes of the HMR.

Your email refers to the transportation of soiled healthcare linen on the same vehicle as RMW. We note in this regard that the exception in § 173.134(c) applies only to the transportation of waste cultures and stocks. The HMR do not require shipments of most RMW to be transported on vehicles used exclusively for such transportation. For other than waste cultures and stocks, there are no restrictions on the types of materials that may be transported on the same vehicle as RMW. Thus, you may transport soiled healthcare linen, clean linen, hospital supplies, or other materials on the same vehicle as RMW, provided the shipment does not contain waste cultures and stocks. For purposes of the HMR, "culture" means an infectious substance containing a pathogen that is intentionally propagated. The term does not include human or animal material collected directly from humans or animals and transported for research, diagnosis, investigational activities, or disease treatment or prevention, such as excreta, secretions, blood and its components, tissue and tissue swabs, body parts, and specimens in transport media (e.g., transwabs, culture media, and blood culture bottles). (See § 173.134(a)(3) and (a)(4).)

Care should be taken, however, when transporting materials on the same vehicle as RMW. The surfaces of packages containing non-contaminated items may become contaminated by direct or indirect contact (e.g., transfer or aerosolization) with pathogenic materials emitted from or on the surface of RMW packages, or their transport containers or transport vehicles. As a result, the clean items within the packages may inadvertently become contaminated when they come in contact with hands or tools used to open them. We recommend when such transportation occurs that shippers and carriers take steps to prevent the contamination of the outer surface of these packages.

I hope this satisfies your request.

Sincerely,



Susan Gorsky
Regulations Officer
Office of Hazardous Materials Standards

Edmonson
 § 173.197, § 173.134
 Regulated Medical Waste
 07-0094

Edmonson, Eileen <PHMSA>

From: healthcare@milumtextileservices.com
Sent: Friday, May 11, 2007 2:09 PM
To: Edmonson, Eileen <PHMSA>
Subject: Follow-Up On RMW Transport Interpretations

Hello Eileen,

It was very nice seeing you again in Atlanta. Been many years it seems from the time in San Diego.

Here below I am copying the e-mail I just sent to William Stevens, Senior Hazardous Materials Enforcement Specialist, for more clarification. I know you said you were waiting for a response on some issues from Susan in your office. I am not sure if her response will include the matter that we are discussing below. What do you suggest we do as a small company to address this situation? Do we ask for a Permit or Exclusion? It seems to me that in the U.S. there are relatively few "Destination/or Designated Facilities" than receive, store, and process everything on a truck carrying RMW. Case in point is that even if just RMW and no linen or HIPPA documents, the incinerables are going to go to another facility and maybe that facility is in a different state. Please read my letter below, and then tell me what we should do. Thank you very much.....

Hello Mr. Stevens,

I would like to correspond with you so that I may work through some of the issues discovered while you and I discussed RMW transport in length thursday after the Medical Waste conference in Atlanta. Initially, I would like you to summarize for me the "designated vehicle" issue we discussed with the CFR sites, so that I may look them up and re-familiarize myself with them.

You will remember that we discussed transporting RMW with healthcare linen. We have two plants within 15 miles of one another and so the unloading of the RMW first and then traveling to the laundry plant to unload the soiled healthcare linen is the most efficient for our small operation. I understand that there is an interpretation recently that Stericycle has in writing saying that some materials like fixer/developer, HIPPA docs, and healthcare linen may be transported together with RMW. You made the point that you would write a violation for such activity, I believe. We would of course like to have a consensus and through the last 10 years or so, we have had opinions from the State authorities and some at the D.O.T. that stated that these materials we deal with are very similiar in waste characteristics/soil, and with proper packaging and segregation that they are homogeneous for transport.

I appreciate your taking the time to assist us with this. Two questions before I close:

- 1) I wonder also if there has been a change in the regs or interpretations due to the re-alignment with the W.H.O. Has there?*
- 2) Can RMW be manifested on a "Bill of Lading" using the words "Non-hazardous Waste"?*

I look forward to the CFR reference locations for our education and your opinion concerning these areas of concern.

Thanks

Edward Petrullo, General Manager & Director
 MTS MEDICAL WASTE MANAGEMENT, a division of Milum Textile Services

5/14/2007

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