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Transportation/Hazardous Materials: Pipeline and Hazardous Materials Safety Administration Interpretive Letter Addressing Medical Waste

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The United States Pipeline and Hazardous Materials Safety Administration ("PHMSA") addressed in a January 2nd interpretive letter a question regarding the application of the Hazardous Materials Regulations ("HMR") to regulated medical waste.

PHMSA was responding to an August 16, 2019, letter requesting clarification of certain issues pursuant to questions posed by a representative of Woodard & Curran, Inc. ("W&C").

W&C provided a variety of scenarios regarding the shipments of regulated medical waste.

W&C first asked whether a package of regulated medical waste marked with a "BIOHAZARD" marking in black ink on the package with no orange or orange-red background complies with § 173.134(c)(1)(i).

PHMSA answers in the negative.

This is contingent on the "BIOHAZARD" not conforming to 29 CFR 1910.1030. It is further stated that in accordance with § 173.134(c)(1)(i) a package of regulated medical waste transported by private or contract carriers is excepted from the "INFECTIOUS SUBSTANCE" label if the outer packaging is marked with a "BIOHAZARD" marking in accordance with 29 CFR 1910.1030.

Second, W&C asked whether regulated medical waste placed in red bags that are further placed inside an outer package meets the exception of 29 CFR 1910.1030(g)(1)(i)E.

PHMSA suggests that W&C contact the Occupational Safety and Health Administration for clarification on whether the scenario meets the requirements of 29 CFR 1910.1030(g)(1)(i)E.

Third, W&C asked whether closure instructions are required for a package of regulated medical waste offered in accordance with the exceptions in § 173.134(c).

PHMSA answers in the negative. Section 178.2 is cited for the conclusion that closure instructions are required for DOT Specification of UN standard packaging. It is further noted that §§ 173.134(c)(1) and (2) provide exceptions for regulated medical waste (including packaging regulated medical waste in rigid non-bulk packaging conforming to the general packaging requirements of §§ 173.124 and 173.24a and the packaging requirements specified in 29 CFR 1910.1030). As a result, it is noted that:

. . . when meeting these requirements, as well as the additional requirements in §§ 173.134(c)(1) or (2), the regulated medical waste is not subject to DOT Specification or UN standard packaging requirements, and thus is not required to have closure instructions.

Fourth, W&C provided photos of packaging for regulated medical waste and asked whether the marking “UN 3291 N.O.S. 6.2, PG II” complies with § 173.301(a).

PHMSA replies in the negative.

Section 172.301(a) is cited as requiring that except as otherwise provided by the subchapter, non-bulk packaging must be marked with the proper shipping name and identification number (preceded by "UN", "NA", or "ID" of the hazardous materials being offered for transportation.)

Copies of the PHMSA and W&C letters (which include photos) can be downloaded [here](#).