
Request Letter of Interpretation for Classification of COVID-19 Samples

2 messages

Daniel Stoehr <info@danielstraining.com>

Wed, Aug 5, 2020 at 11:56 AM

To: "INFOCNTR (PHMSA)" <INFOCNTR.INFOCNTR@dot.gov>

I request a letter of interpretation for the following.

A person will offer for transportation by highway the specimens collected from persons during routine testing for the SARS-CoV-2 virus. Per CDC guidance referenced by USDOT/PHMSA, the patient specimens will be classified as a Category B infectious substance (Division 6.2) hazardous material. The patient samples will be offered for transportation and transported in a manner eligible for the exception from full regulation at 49 CFR 173.134(b)(10).

The USDOT/PHMSA Safety Advisory Notice for the Transportation of COVID-19 Diagnostic Samples issued June 19, 2020 seems to indicate that patient specimens should be classed and described as "UN3373, Biological substance, Category B, 6.2". It also provides guidance on the correct packaging and hazard communication for transportation of the patient specimens subject to full regulation pursuant to 49 CFR 173.199.

However, the Safety Advisory Notice also contains the following sentence, "To ensure their safe transportation, SARS-CoV-2 diagnostic samples must be packaged and offered for transportation in conformity with the applicable requirement in the HMR for Category B infectious substances." The use of the word "applicable" leaves open the possibility that an applicable requirement of the HMR - such as the exception at 49 CFR 173.134(b)(10) is acceptable. Also, the Safety Advisory Notice refers to exceptions to the HMR for Category B infectious substances; specifically, those of 49 CFR 173.134(b) and (c) and does not forbid their use.

My question: does the above-referenced Safety Advisory Notice (while in effect) preclude a person from offering for transportation in commerce a COVID-19 diagnostic sample (e.g., nasal swabs, vials of sputum, and other related items) as a Category B infectious substance (Division 6.2) subject to the exception from regulation at 49 CFR 173.134(b)(10)?

Daniel Stoehr
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INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>

Thu, Aug 13, 2020 at 9:23 AM

To: Daniel Stoehr <info@danielstraining.com>

Dear Daniel,

We have received your request for a written letter of interpretation regarding the hazardous materials regulations (49 CFR Parts 171-180). The hazardous materials regulations are available at the following URL:

<https://www.phmsa.dot.gov/phmsa-regulations>

Please allow a minimum of 8 weeks before contacting the Office of Hazardous Materials Standards (OHMS) for a status on written letters of interpretations. Delivery time of a written interpretation can vary markedly based on topic complexity and the depth of review necessary by OHMS Divisions and modal administrations (e.g., FAA) to ensure an appropriate response.

Sincerely,

Sarah, Hazardous Materials Specialist

An e-mail response from this office is considered informal guidance. Formal guidance may be requested in accordance with 49 CFR 105.20. <https://www.phmsa.dot.gov/standards-rulemaking/hazmat/hazardous-materials-information-center>

From: Daniel Stoehr [mailto:info@danielstraining.com]

Sent: Wednesday, August 5, 2020 12:56 PM

To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>

Subject: Request Letter of Interpretation for Classification of COVID-19 Samples

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