

FS No. 37-082-1220

MATERIAL OF TRADE EXCEPTION – REGULATED MEDICAL WASTE

BACKGROUND

There are instances when government organizations transporting regulated medical waste (RMW) meet the U.S. Department of Transportation (DOT) Material of Trade (MOT) exception. A MOT is defined by the DOT as "...a hazardous material... that is carried on a motor vehicle...by a private motor carrier...in direct support of a principal business that is other than transportation by a motor vehicle." The specific requirements for using the MOT exception are stated in the Title 49 Code of Federal Regulations (CFR) Section 173.6.

APPLICABILITY

RMW is classified by the DOT as a hazardous material and when it is transported in commerce. Normally, the hazardous material regulations (HMR) requires RMW be packaged, marked, labeled, and described on shipping papers following specific provisions in the 49 CFR Parts 172 and 173. However, if the RMW is transported by a "private motor carrier" for a noncommercial purpose, then the MOT exception applies and would reduce the regulatory requirements that must be met.

Example. *A correct and proper use of the MOT exception would be to have RMW transported in a government vehicle by a government driver from one government location (such as an off-post health clinic) to another government location (such as a government medical treatment facility). This purpose is for consolidation or accumulation along with the RMW that is generated at that facility for diagnosis or investigation, even if transported on or across public highways.*

SPECIFICS

The specific requirements from 49 CFR 173.6 are stated in the paragraphs below. The RMW must be contained in combination packaging. The combination packaging has an outer packaging that is strong, securely closed, secured against movement, and is able to hold "red bags" or sharps containers without breaking, leaking, or losing the contents while being transported. The outer packaging may be plastic reusable "tubs" or fiberboard boxes normally used to transport RMW provided they meet the following weight or volume limits:

- For liquids, the inner packaging must be leak proof and the outer packaging must contain sufficient absorbent material to absorb the entire contents of the inner packaging.
- For sharps, the inner packaging (sharps container) must be constructed of a rigid material resistant to punctures and securely closed to prevent leaks or punctures. The outer packaging must be securely closed to prevent leaks or punctures.

- The combination packaging must consist of one or more inner packaging (e.g., “red bags” or sharps containers) each of which may not contain more than 4 kg (8.8 lb) or 4 L (1 gal), and the outer packaging containing no more than 16 kg (35.2 lb) or 16 L (4.2 gal).
- The outer packaging must be marked with the words “Regulated Medical Waste.”
- The maximum total weight of all MOT on a motor vehicle may not exceed 200 kg (440 lb).
- The operator of the motor vehicle must be informed of the presence of the hazardous material that is being transported and must know the regulatory specifics (i.e., the ones extracted from the HMR and stated in the paragraphs above).

SUPPORTING INFORMATION

The following definitions and clarifications come from various letters written by the DOT. The DOT has coordinated with transportation experts (for hazardous materials) at the Department of the Army level. These clarifications pertain directly to a private motor carrier and the transport of hazardous materials over public highways for government missions.

- The transport of hazardous materials in military, government-owned, or government-leased vehicles, operated by military or government personnel solely for noncommercial purposes is not subject to the HMR.
- A private motor carrier transports the business’s own products and does not provide such transportation service to other businesses.
- The application of the MOT exception, as stated in this paper, does not conflict with the Defense Transportation Regulation, DTR 4500.9-R.

IMPORTANT DISTINCTIONS

In each of the following examples, the transport is considered “commercial” and the MOT exception is *not* applicable. **ALL rules in the HMR apply to these shipments.**

- Government vehicle with government driver transports RMW directly from the clinic to a treatment or disposal company that disposes of the RMW under contract with the government.
- The government entity offers to transport hazardous material to commercial carriers.
- The government vehicle is operated by a driver who is a contractor (i.e., not a government employee).