



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

1200 New Jersey Avenue, SE  
Washington, DC 20590

October 8, 2021

Mr. Timothy W. Wiseman  
Partner  
Scopelitis, Garvin, Light, Hanson & Feary, P.C.  
10 West Market Street  
Suite 1400  
Indianapolis, IN 46204

Reference No. 21-0094

Dear Mr. Wiseman:

This letter is in response to your September 20, 2021, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to handling of sharps containers. Specifically, you provide the following information about a lidded tray carrier intended for use in handling of sharps containers that otherwise meet the requirements of the HMR and ask whether it may be used for transportation of sharps containers:

- Your client packages sharps into sharps containers that meet § 173.134(c);
- Up to two 8-gallon, six 2-gallon, or six 3-gallon sharps containers are placed into a lidded tray carrier;
- While in the lidded tray carrier, each individual sharps container remains fully closed and lidded;
- The lidded tray carrier is used to “prevent the individual sharps containers from falling over and/or spilling in transit;” and
- The lidded tray carrier does not obscure any markings on the individual sharps containers.

The answer is yes, subject to conditional requirements. As defined in § 171.8, an overpack “means an enclosure that is used by a single consignor to provide protection or convenience in handling of a package or to consolidate two or more packages.”

Therefore, when the lidded tray carrier meets the definition of an overpack and the overpack requirements of § 173.25—including package mark and label visibility (see § 173.25(a)(2))—the lidded tray carrier may be used for transportation of the sharps containers.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Der Kinderen". The signature is fluid and cursive, with a large initial "D" and "K".

Dirk Der Kinderen  
Chief, Standards Development Branch  
Standards and Rulemaking Division

Geller

21-0094

**From:** [Kelley, Shane \(PHMSA\)](#)  
**To:** [INFOCNTR \(PHMSA\)](#)  
**Cc:** [Dodd, Alice \(PHMSA\)](#)  
**Subject:** FW: Request for Interpretation  
**Date:** Monday, September 20, 2021 4:14:27 PM  
**Attachments:** [Request - Interpretation 9-20-21.pdf](#)

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Please log as a request for interpretation. Thank you!

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**From:** Chimento, Kim <kchimento@scopelitis.com>  
**Sent:** Monday, September 20, 2021 3:14 PM  
**To:** Kelley, Shane (PHMSA) <shane.kelley@dot.gov>  
**Cc:** alina.fortson@stericycle.com  
**Subject:** Request for Interpretation

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

**\*This e-mail is sent on behalf of Timothy W. Wiseman - [twiseman@scopelitis.com](mailto:twiseman@scopelitis.com):**

Mr. Kelly:

I have enclosed a Request for Interpretation on behalf of my client, Stericycle, Inc. Please contact me with any questions you may have.

**Timothy W. Wiseman, Partner**  
**[Scopelitis, Garvin, Light, Hanson & Feary, P.C.](#)**  
10 West Market Street, Suite 1400, Indianapolis, IN 46204  
[twiseman@scopelitis.com](mailto:twiseman@scopelitis.com) | T: 317.637.1777 | D: 317.492.9221

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