



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

JUL 17 2015

Mr. Marco Boasso
Safety and Occupational Health Specialist
Surface Deployment and Distribution Command
1 Soldier Way
Scott AFB, IL 62225

Reference No. 14-0238

Dear Mr. Boasso:

This is in response to your December 10, 2014 e-mail and attached letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) relating to the transportation of human remains that may have been exposed to and infected with a Division 6.2, Infectious Substance, Category A from an overseas location to the United States for interment or cremation. The remains would be transported by air or vessel to a port of entry in the United States with subsequent domestic transportation to its final resting place. The remains would not be decontaminated, embalmed or cremated prior to transportation. You correctly note that § 173.134(b)(14) provides that corpses, remains and anatomical parts intended for interment, cremation or medical research at a college, hospital or laboratory are not subject to the requirements of the HMR as Division 6.2 materials. You also correctly note that the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods (ICAO TI) and the International Maritime Dangerous Goods (IMDG) Code do not provide a similar exception for the transportation of human remains.

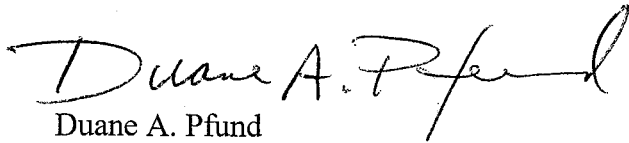
You ask if the Department of Defense is obligated to classify the remains in accordance with HMR § 173.196(d) and request a special permit or competent authority approval from PHMSA for alternate packaging for transportation of the remains from overseas to the domestic location for interment or cremation.

In accordance with § 173.134(b)(14), the described human remains are not subject to the HMR as Division 6.2 materials. Provided the remains do not meet the definition of any other hazard class or division, the transportation of the remains is not regulated under the HMR. However, if the remains are prepared for transportation in accordance with the ICAO TI or the IMDG Code and packaged under a competent authority approval of another jurisdiction (ICAO TI 4;2.8 or IMDG Code 4.1.3.7) the remains, so prepared, may be transported in the United States as authorized by HMR § 171.22(d).

For more information on regulatory requirements for the safe transport of human remains infected with Division 6.2 infectious substances refer to the CDC website here:
<http://www.cdc.gov/quarantine/human-remains.html>

I trust this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink that reads "Duane A. Pfund". The signature is written in a cursive style with a large, looping initial "D".

Duane A. Pfund
International Standards Coordinator
Standards and Rulemaking Division

Goodall, Shante CTR (PHMSA)

Dabuch
173.134(b)(14)
Class Le, Definition
and Exception
14-0238

From: Ciccarone, Michael CTR (PHMSA)
Sent: Wednesday, December 10, 2014 2:38 PM
To: Hazmat Interps
Subject: FW: Interpretation Request
Attachments: Interpretation Request 173.134(b)(14) vs. 173.196(d).pdf
Signed By: m.ciccarone.ctr@dot.gov

Shante/Alice,

Please submit this for a formal letter of interpretation.

Thanks,

Mike

-----Original Message-----

From: Boasso, Marco CIV USARMY SDDC (US) [<mailto:marco.boasso.civ@mail.mil>]
Sent: Wednesday, December 10, 2014 8:13 AM
To: INFOCNTR (PHMSA)
Cc: Cantu, Elias V CIV USARMY SDDC (US); Maham, Daniel A CIV USARMY SDDC (US)
Subject: Interpretation Request

To whom it may concern,
Attached is an interpretation request submitted by the Department of Defense.
Thank you for your assistance, please contact this office if you have any questions.

V/r

Marco Boasso
Safety & Occupational Health Specialist
Surface Deployment and Distribution Command
Scott AFB IL
PHONE: (618) 220-5040, DSN 770-5040
marco.boasso.civ@mail.mil



DEPARTMENT OF THE ARMY
MILITARY SURFACE DEPLOYMENT AND DISTRIBUTION COMMAND
1 SOLDIER WAY
SCOTT AFB, IL 62225-5006

Director, Command Safety Office

December 10, 2014

Standards and Rule Making Division
Pipeline Hazardous Materials Safety Administration
Attn: PHH-10
U.S. Department of Transportation
1200 New Jersey Avenue, SE
East Building, 2nd Floor
Washington, DC 20590-0001

To whom it may concern,

In accordance with the provisions of Title 49, CFR, Part 105, Section 105.20, the Department of Defense (DOD) hereby requests an Interpretation of the Hazardous Materials Regulations as outlined below. DOD petitions for a clarification of 49 CFR 173.134 Class 6, Division 6.2-Definitions and exceptions, in particular 173.134(b)(14).

File Number: Interpretation 173.134(b)(14)
Re: Request Interpretation of 49 CFR 173.134(b)(14)
Proponent: Department of Defense (DOD)

The DOD is requesting clarification on the exception outlined in paragraph 173.134(b) (14) which exempts corpses, remains, and anatomical parts intended for interment, cremation, or medical research at a college, hospital, or laboratory from the HMR which may be infected with a Class 6 Division 6.2 Infectious Substance.

The DOD is exploring a scenario where it may have to transport human remains that may have been exposed and infected with a Class 6 Division 6.2 Infectious Substance, Category A from an overseas location to the United States for interment or cremation. The transportation from the overseas location to the United States would be accomplished using air or sea transportation to a port of entry in the United States and subsequently transported to its final resting place. The entire transportation process would be coordinated by the Military Service Mortuary Affairs to the final resting location in coordination with and by following the Centers of Disease Control (CDC) guidance including State and Local directives. Per CDC requirements listed under 42 CFR 71.55, the current plan does not include decontamination, embalming or cremation of the human remains infected or suspected to be infected with this particular infectious substance prior to transport.

Specifically, since the ICAO-TI and IMDG do not include a similar exemption found in 49 CFR 173.134(b) (14) for human remains being transported for interment, is the DOD obligated to classify the remains in accordance with 49 CFR 173.196(d) and subsequently request a special permit or competent authority approval from PHMSA for alternate packaging for the transportation from the overseas location to the location where interment or cremation will be carried out?

The DOD respectfully asks for clarification in this matter.

My point of contacts for this matter are Mr. Marco Boasso, (618) 220-5040, e-mail marco.boasso.civ@mail.mil and Mr. Elias Cantu, (618) 220-5041, e-mail elias.v.cantu.civ@mail.mil.

Sincerely,

Daniel A. Maham
Director of Safety