



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

MAR 1 2007

400 Seventh Street, S.W.
Washington, D.C. 20590

Ms. Pamela Morden MT (ASCP), MPH
Laboratory Bioterrorism Readiness Coordinator
NM Scientific Lab
700 Comino de Salud NE
Albuquerque, NM 87196-4700

Ref. No. 07-0023

Dear Ms. Morden:

This is in response to your January 25, 2007 e-mail regarding the materials of trade exceptions (MOTS) under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You state that you receive potential pathogens (formerly belonging to risk group 2 and 3) that have been isolated from patients for further identification and testing. You ask whether a private courier service can use MOTS to transport non-Category A cultures that are intentionally propagated, but are not contained in human or animal samples.

The answer is no. Under § 173.6 of the HMR, the MOTS exception may be used to transport a Division 6.2 material, other than a Category A infectious substance, contained in human or animal samples (including, but not limited to, secretions, excretions, blood and its components, tissue and tissue fluids, and body parts) being transported for research, diagnosis, investigational activities, or disease treatment or prevention, or is a biological product or regulated medical waste.

Although your material is other than a Category A infectious substance, it is not contained in human or animal samples and, therefore, does not meet the requirements for the MOTS exception for Division 6.2 material found under § 173.6.

I hope this information is helpful.

Sincerely,

John A. Gale,
Chief, Standards Development
Office of Hazardous Materials Standards



070023

173.6

Foster
3173.6
MOT
01-0023

Jarman, Erin <PHMSA>

From: Morden, Pam, DOH [Pam.morden@state.nm.us]
Sent: Thursday, January 25, 2007 1:31 PM
To: INFOCNTR <PHMSA>
Cc: Oty, Gary, DOH; Nihart, John, DOH; Bell, Melissa, DOH
Subject: Request for Written Response to Question About 49 CFR Part 173.6

Hello, DOT Hotline Staff:

I submitted a similar question to the one below via your website on July 13, 2006 and received a very quick and satisfactory reply by phone from Rob, but now that we're passing the information on to others we've been asked to supply the DOT's response in writing. Could you help us out? Thank-you kindly!

Category: Shippers-General Requirements for Shipments and Packaging (Sections 173.1 - 173.476)

Comments/Question: I've read the new (June 2, 2006) 49 CFR Part 173.6 (Materials of Trade Exceptions) but am still unclear about this: can a private courier service transport **non**-Category A "cultures" (i.e., Category B infectious substances, intentionally propagated, but **not** contained in human or animal samples)? This issue is extremely important to us as a Public Health Laboratory, as our submitters must often send potential pathogens (formerly belonging to risk groups 2 & 3) isolated from patients to us for further identification and testing.

Pamela Morden MT(ASCP), MPH
Laboratory Bioterrorism Readiness Coordinator
NM Scientific Lab
700 Camino de Salud NE
Albuquerque, New Mexico 87196-4700
office: (505) 841-2511
cell: (505) 250-6244
fax: (505) 841-2543
e-mail: pam.morden@state.nm.us

Confidentiality Notice: This e-mail, including all attachments is for the sole use of the intended recipient (s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message. -- This email has been scanned by the Sybari - Antigen Email System.

1/26/2007