

**Environmental Assessment and
Finding of No Significant Impact
for Special Permit Applications from Stericycle, Inc.,
for Requested Relief of Certain Packaging Requirements for
the Transport of Certain Ebola Contaminated Medical
Waste for Destruction**

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

December 12, 2014

The National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 *et seq.* (NEPA), requires a Federal agency to consider the environmental impacts of proposed actions in the decision-making process. For those actions where the agency does not anticipate significant environmental impacts, the Council on Environmental Quality (CEQ) regulations implementing NEPA requires a Federal agency to develop an environmental assessment (EA) that includes (1) the need for the proposed action, (2) alternatives to the proposed action as required by 42 U.S.C. § 4332(2)(E), (3) the environmental impacts of the proposed action and alternatives, and (4) a list of the agencies and persons consulted (40 CFR § 1508.9(b)).

CEQ has issued guidance on implementing NEPA in situations involving immediate threats to human health or safety. See Memorandum for Heads of Federal Departments and Agencies on Emergencies and the National Environmental Policy Act, May 12, 2010.¹ In these situations, the guidance states, “[w]hen agencies are considering proposals with less than significant impacts or are uncertain about the significance of impacts, the agency can prepare a concise, focused Environmental Assessment.” As discussed in further detail below, the Ebola virus disease presents an immediate threat to human health and safety. The Federal Government and its partners are taking swift action to identify, contain, and eliminate potentially infectious waste and other Ebola-related hazardous materials in order to stop the spread of this disease. Time is of the essence in dealing with this threat, and the Pipeline and Hazardous Materials Safety Administration (PHMSA) believes that the proposed actions described below will have minimal environmental impacts. Therefore, pursuant to CEQ’s guidance, PHMSA has prepared this concise and focused EA.

PHMSA is responsible for regulating and ensuring the safe and secure movement of hazardous materials (hazmat) by all modes of transportation. To minimize threats to life, property, or the environment due to hazmat related incidents, PHMSA’s Office of Hazardous Materials Safety develops regulations and standards for the classifying, handling, and packaging of shipments of hazmat within the United States. When a shipper of a hazmat is unable to comply with the Hazardous Materials Regulations, 49 CFR parts 171-180 (HMR), it may request a special permit from PHMSA. Typically, PHMSA only issues a special permit when the special permit achieves a level of safety at least equal to that required by the regulation. However, PHMSA may also issue a special permit when doing so is consistent with the public interest and an acceptable level of safety is assured (49 U.S.C. § 5117; 49 CFR §107.105(d)). In this case, PHMSA determined that issuing special permits is in the public interest and an adequate level of safety was maintained.

I. Need for Proposal

The 2014 Ebola outbreak is the largest in history and the first Ebola epidemic the world has ever known—affecting multiple countries in West Africa. On September 30, 2014, the United States

¹ Available at https://ceq.doe.gov/ceq_regulations/Emergencies_and_NEPA_Memorandum_12May2010.pdf.

Centers for Disease Control and Prevention (CDC) confirmed the first travel-associated case of Ebola diagnosed in the United States. Since that time two healthcare workers have also been diagnosed with the disease after treating the infected patient.

PHMSA regulates materials known or reasonably expected to contain a pathogen, such as the Ebola virus, in a form capable of causing permanent disability or life threatening or fatal disease, as “Category A infectious substances.” Because of the hazards posed by Category A infectious substances, these materials have more stringent packaging requirements than other hazardous materials, including regulated medical waste.² The transport of medical equipment, sharps, certain linens, and used health care products, such as soiled absorbent pads or dressings, kidney-shaped emesis pans, portable toilets, used Personal Protection Equipment (gowns, masks, gloves, goggles, face shields, respirators, booties, etc.), or byproducts of cleaning contaminated or suspected of being contaminated with a Category A infectious substance must comply with the packaging requirements for infectious substances in 49 CFR § 173.196. PHMSA regulates the design, manufacture, and certification of packagings used to contain and transport hazardous materials safely. Hazardous materials are classified according to the nature and severity of the hazard they present. Higher risk hazardous materials must be transported in packagings that satisfy a higher design standard and are tested to prove they can withstand the stresses of transportation. Packagings made to hold Category A infectious substances are tested to a higher standard than others—they are designed to withstand without leakage from the primary packaging a drop from a height of 30 feet, exposure to heavy rain, freezing temperatures, the impact of a three-foot drop of a 15-pound cylindrical steel rod onto the package or a three-foot drop of the package onto a cylindrical 15-pound steel rod.³

On October 1 and 7, 2014, PHMSA received requests for emergency processing of special permit applications⁴ from Stericycle to allow transportation of Category A infectious substance waste from healthcare and residential facilities to incineration facilities, in order to “prevent significant health risk to the general public” through transmission of the deadly Ebola virus. Stericycle requested authorization to use alternative packaging to transport Ebola-related hazardous materials. The alternative packagings were similar to those normally used to transport regulated medical waste, but included additional inner packaging, the use of a disinfectant on the

² Department of Transportation Guidance for Transporting Ebola Contaminated Items, a Category A Infectious Substance, available online at:

<http://phmsa.dot.gov/portal/site/PHMSA/menuitem.6f23687cf7b00b0f22e4c6962d9c8789/?vgnextoid=4d1800e36b978410VgnVCM100000d2c97898RCRD&vgnnextchannel=d248724dd7d6c010VgnVCM10000080e8a8c0RCRD&vgnnext>.

³ See 49 CFR § 178.609 regarding test requirements for packagings for infectious substances.

⁴ PHMSA’s emergency waiver authority can be found in 49 U.S.C. 5117(e), and the regulatory requirements related to emergency processing of special permits can be found at 49 CFR § 107.117. Emergency processing is available when it is necessary either (1) to prevent significant injury to persons or property that could not be prevented if the application were processed on a routine basis, or (2) for immediate national security purposes or to prevent significant economic loss that could not be prevented if the application were processed on a routine basis.

inner and/or outer packagings, and sealed outer packagings. In addition, these packagings were tested and certified to withstand drops, stacking, and vibration.⁵ However, the alternative proposed packagings have not undergone the testing prescribed by § 178.609, and do not conform to the packaging criteria for Category A infectious substances prescribed in § 173.196.

PHMSA issued these special permits to expedite the destruction of Ebola-related hazardous materials by allowing immediate transportation to destruction facilities where the waste would be incinerated. Category A infectious substances are normally transported in small quantities, and so the packagings that have been tested and certified to hold them are too small to deal with the personal protective equipment (PPE), certain bedding, and clothing that may contain infectious substances related to the treatment of an Ebola patient. Stericycle's proposed alternative packagings allow transportation of these larger items for destruction by incineration. In addition, the time it would take to design, test, and manufacture packagings that would comply with the Category A infectious substance standards would be substantial, and could create unreasonable risks by delaying destruction of the Ebola-related hazardous materials.

II. Alternatives as required by NEPA section 102(2)(E)

PHMSA issued special permits for transporting Category A infectious substances in these alternative packagings, subject to additional safety measures and operational controls. The other alternative that PHMSA considered was the No Action Alternative (Alternative 1).

Alternative 1: No action. Do not issue special permits.

If PHMSA had declined to issue special permits, then offering⁶ and transporting the Category A infectious substances in commerce in the manner proposed by Stericycle would have been illegal. If Stericycle had chosen to offer and/or transport the hazmat in violation of the HMR, both the offeror and the transporter would be subject to civil penalties and possibly to criminal prosecution. Further, as a result of past rulemaking actions⁷ by the Environmental Protection Agency (EPA), very few medical waste facilities had their own incinerators. Most were closed because they could not meet emission standards the EPA determined were necessary to maintain public health. The EPA determined the pollution from pathological and biological medical waste in addition to chemicals that were released during the incineration of plastics and other medical waste materials from medical waste incinerators did not meet the standards of the Clean Air Act⁸

⁵ See 49 CFR §§ 178.603, 178.606, and 178.608 for the testing standards.

⁶ "Offering" in this context means (i) performing any pre-transportation function required by PHMSA's regulations for transportation of the hazardous material in commerce, or (ii) tendering or making the hazardous material available to a carrier for transportation in commerce. See 49 CFR § 171.8.

⁷ 62 FR 48348, September 15, 1997.

⁸ See 42 U.S.C. §§ 7411 and 7429 (Clean Air Act §§ 111(a) and 129, as amended).

and, therefore, needed to be permitted and have air pollution controls. PHMSA also learned during discussions with several hospital employees responsible for managing infectious wastes, and State officials responsible for overseeing the management of medical waste in their States, that many health care facilities voluntarily closed their autoclave facilities several years ago, preferring to send all these materials off site through the use of contracted carriers. These employees also reported patients treated with the Ebola virus typically generated approximately 40 bags of medical waste a day. For those facilities with no way of destroying the Ebola-virus contaminated waste on site, the absence of HMR approved prescribed packagings of adequate size and availability resulted in hospital employees reporting that Category A wastes were accumulating at their facilities in large amounts.

This was not PHMSA's preferred alternative because PHMSA believes that expediting the destruction of the Ebola-related hazardous materials is in the public interest. PHMSA also believes it is important to require compliance with the terms of special permits because the safety measures and operational controls prescribed therein are intended to assure adequate safety by limiting the number of people who come into contact with the hazmat, ensuring that those who do come into contact have appropriate personal protective equipment (PPE), adding inner packaging to better contain the hazmat, requiring proper closure, and using additional hazard markings to clearly communicate the risks associated with the packages.

Alternative 2: Issue special permits.

PHMSA granted Stericycle special permits to allow transportation of Ebola-related hazardous materials from a hospital and an apartment in outer packaging tested to withstand drops, stacking, and vibration, and certified for the transportation of regulated medical waste, subject to additional packaging and operational controls, and the safety measures described below. PHMSA is requiring the following safety measures and operational controls:

GENERAL SAFETY MEASURES

- Inner packagings must be placed into the outer packagings in such a manner as to minimize the risk of damage to the packagings.
- A current copy of the special permit must be maintained at each medical or treatment facility where the package is offered for transportation.
- A current copy of the special permit must be carried aboard each motor vehicle used to transport packages covered by the special permit. Stericycle shall use hazardous materials routes where designated and practicable.
- Each "hazmat employee", as defined in 49 CFR § 171.8, who performs a function subject to the special permit must receive training on the requirements and conditions of the special permit in addition to the training required by 49 CFR §§ 172.700 through 172.704.

PACKAGING SAFETY MEASURES FOR HOSPITAL WASTE

The prescribed packagings are as follows, a combination packaging consisting of these components:

(1) Outer Packaging – is either of the following:

i. A triple walled UN1GW corrugated drum with a 6 mil polyethylene liner.

(a) The drum has a maximum capacity of 55 gallons and is approximately 22.25 inches X 22.25 inches X 39.25 inches. The drum is tested and certified to the PGII Level for a maximum net mass of 500 lbs; or

(b) The drum has a maximum capacity of 35 gallons and is approximately 22.25 inches X 22.25 inches X 26.50 inches. The drum is tested and certified to the PGII Level for a maximum net mass of 325 lbs; or

ii. A 96 gallon cart tested and certified as a UN4H2 solid plastic box at the PG II level. If the cart is used as the outer packaging a third inner film bag meeting the requirements below is required. A total of not more than 30 carts of waste may be transported under the terms of the special permit. Once the UN1GW drums are available, the carts may no longer be used for transportation under the special permit. In no case may the 96 gallon carts be filled for transportation after October 4, 2014.

(2) Inner Packagings – The waste materials must be placed in a minimum of three inner film bags as described below:

(i) The plastic film bags used under the special permit must have a minimum film thickness of 1.5 mils (0.0015 inch) and must be marked and certified by its manufacturer as having passed the tests prescribed for tear resistance in ASTM D 1922, “Standard Test Method for Propagation Tear Resistance of Plastic Film and Thin Sheeting by Pendulum Method” and for impact resistance in ASTM D 1709, “Standard Test Methods for Impact Resistance of Plastic Film by the Free-Falling Dart Method”. The film bag must meet an impact resistance of 165 grams and a tearing resistance of 480 grams in both the parallel and perpendicular planes with respect to the length of the bag.

(ii) Each of the two inner most film bags must be individually closed and sealed securely by balloon tying the bag to prevent the release of any material from the bag when inverted.

(iii) The inner packagings must be compatible with the disinfectant used to treat the waste material.

(3) When the 96 gallon cart is used as an outer packaging, a third film bag must be used. The third bag must be securely closed with a zip tie to seal the bag. If the corrugated drums are used, the drum liner will serve as the third bag and will be sealed in accordance with the manufacture's closure instructions.

(4) The 96 gallon cart must be securely closed by securely taping the lid closed with duct tape and by securing the lid with additional mechanical means such as ratcheting webstraps or bungee cords.

(5) A quantity of absorbent material sufficient to absorb all free liquid (if any) in case of an inner packaging breach must be placed in the bottom of the 96 gallon cart or within the liner of the corrugated drum whichever is applicable.

(6) The exterior of the 96 gallon carts must be disinfected prior to loading in the transport vehicle.

PACKAGING SAFETY MEASURES FOR RESIDENTIAL WASTE

The second special permit deals with transportation of waste from a residence, and requires the same drums specified in the original special permit. The special permit is substantially similar to the original, but provides additional measures to deal with the types of waste involved, i.e., an entertainment center, television, metal chairs, and a box spring:

(1) A maximum of eight UN1H2 drums meeting the requirements outlined above containing the waste from the entertainment center not packaged in the specified inner film bags may be transported when packaged in the 95 gallon UN1H2 drums.

(2) A maximum of seven packages containing items such as a television, metal chairs and box spring that cannot be placed in inner film bags and in the 55 gallon UN1H2 drum may be transported when disinfected and packaged as follows:

(i) Decontaminate the item with bleach in accordance with CDC guidance. Then wipe with a minimum of 3% hydrogen peroxide solution.

(ii) Enclose the item in a commercial king sized mattress bag and securely seal all seams with tape to ensure no material can escape. Disinfect the outer surface of each bag with an EPA-registered disinfectant that is recommended by the CDC for use as a disinfectant for the Ebola virus prior to inserting into the next bag. Repeat this process for three bags.

(iii) Place the bags onto a 6 mil polyethylene sheet and completely enclose the item. Securely seal all seams with tape so material cannot escape and disinfect the outer surface of the sheet with an EPA-registered disinfectant that is

recommended by the CDC for use as a disinfectant for the Ebola virus. Repeat this process with a second sheet.

(iv) If practicable, place the wrapped item into the 95 gallon UN1H2 drum in accordance with the applicable provisions on this special permit.

OPERATIONAL CONTROLS:

- (1) Only vehicles operated by Stericycle may be used to transport materials under the terms of the special permit. Transportation may only be from Texas Health Presbyterian Hospital, Dallas, TX or another location within Texas as directed by State or local authorities, after notifying PHMSA, and then transported to the nearest appropriate disposal facility available at the time the material is offered for transportation without additional loading of the vehicle.
- (2) Prior to placement of the waste material in the primary inner packaging, the waste material must be treated with a disinfectant that is recommended by the CDC for use as a disinfectant for the Ebola virus.
- (3) After the primary inner packaging is sealed, the exterior surface of that inner packaging must be treated with a disinfectant that is recommended by the CDC for use as a disinfectant for the Ebola virus.
- (4) Prior to loading into the outer packaging, the primary inner packaging must be placed into a secondary inner film bag meeting the requirements specified in paragraphs(1)-(3) of the Packaging Safety Measures for Hospital Waste section above. After the second inner film bag is sealed, the exterior surface must be treated with the disinfectant that is recommended by the CDC for use as a disinfectant for the Ebola virus.
- (5) The sealed primary and secondary inner bag packagings must then be placed into the third plastic film bag or drum liner.
- (6) The outer packagings must be closed except when inner packagings of the material authorized by the special permit are being loaded into the outer packaging.
- (7) Before loading the package into a transport vehicle, the package must be closed and sealed to prevent the release of any material during transportation.
- (8) Loading and unloading the vehicle must be performed using manual means. Fork trucks or other mechanicals means may not be used for loading or unloading the vehicle.
- (9) While in transportation, the doors on the motor vehicle being used to transport the material authorized by the special permit must be closed and locked except when an outer packaging is being loaded or unloaded into the vehicle.

- (10) Prior to transportation, Stericycle must perform an external visual inspection of the transport vehicle to determine that it is closed and free of leakage.
- (11) Stericycle may only transport the vehicle loaded with the material to a final destination that is authorized by applicable laws for treatment or disposal of such materials, without unnecessary delay from the time Stericycle's motor vehicle leaves the grantee's premises.
- (12) Stericycle must have a written spill response plan that includes provisions for the decontamination of spilled materials and for personal protective equipment to be carried on the vehicle and used to protect its employees from contact with infectious materials in any form.
- (13) Stericycle must respond to any release or suspected release from a package that occurs during transportation. The response must include complete removal of any spilled material and decontamination of the release site, vehicle surfaces and external surfaces of the package involved.
- (14) Each motor vehicle used under the terms of the permit must be decontaminated in accordance with applicable federal, state and local laws.
- (15) Initial shipments of the 96 gallon carts prepared prior to October 4, 2014 may have inner film bags that have not been prepared and sealed in accordance with all of requirements of the permit; however, opening the inner packagings and repackaging is not required because of the increase in risk repackaging would pose. In no case may the 96 gallon carts be filled for transportation after October 4, 2014.
- (16) Each commercial motor vehicle and driver involved in the operation must be made available for a CVSA Level I hazardous materials inspection prior to transport.⁹ Should any violations of the CVSA North American Standard Out-of- Service Criteria (2014 edition) be discovered during the inspection, the violation(s) must be corrected prior to transporting hazardous materials under the special permit.

As noted above, 49 CFR § 173.196(a) requires all packaging used for infectious materials affecting humans to be certified to the test standards of 49 CFR § 178.609. These standards include a 30-foot drop test, a test for rain exposure, temperature variation, and a rod drop test. Packagings must pass these tests without leakage from the primary receptacle. The operational controls listed above limit the loading procedures used for these packages to manual means,

⁹ CVSA, North American Standard Inspection Levels, Level 1 (last visited on Oct. 16, 2014) available at: http://www.cvsa.org/programs/nas_levels.php#a1.

which should lower or eliminate the risk of impact to the sides of the packages from fork lifts and other packages, which the 30-foot and rod drop tests are meant to replicate.

The alternative packaging authorized by DOT-SP 16266 and 16278 are unlikely to survive the impact tests intact, but PHMSA believes that the multiple layers of bags, with their inherent flexibility, as described in the above packaging safety measures, would be able to maintain their integrity to prevent leakage. The use of absorbent material between the secondary packagings and outer packagings will further ensure that no free liquid will escape the package in the unlikely case of a rupture. The HMR requires positive means of closure for inner packagings, such as zip ties or wire ties. Rather than risk ripping or tearing the bags with these rigid, potentially sharp, components, the special permit requires the inner packagings to be closed by knotting. PHMSA believes that this means of closure is unlikely to come loose in transportation.

Finally, the inner packagings permitted under DOT-SP 16266 and 16278 would be unlikely to pass the 95 kPa pressure differential test. However, because only shipment by motor carrier is authorized, the alternative packagings are not likely to be exposed to significant variations in pressure. Also, no gaseous materials are being shipped, and there will be little to no free liquid in the inner packagings. As noted above, the CDC states that the Ebola pathogen is not transmitted via airborne means, so only the loss of liquid material is a concern.¹⁰ The boxes will additionally be taped around all seams and banded/strapped closed for additional assurance that they do not open during transportation. Given these various levels of material, it is extremely unlikely that these packages will release any material to the environment.

III. Environmental Impacts of the Proposed Action and Alternatives

PHMSA anticipates that any environmental impacts related to an accidental release of the Category A infectious substances would impact human health and safety. PHMSA does not anticipate any potential environmental effects to water resources, plant or animal species,¹¹ or other resource categories. According to the CDC, Ebola is not spread through the air or by water. Instead, Ebola is spread through direct contact (through broken skin or mucous membranes in, for example, the eyes, nose, or mouth) with blood or body fluids of an infected

¹⁰ CDC, Ebola Hemorrhagic Fever, Transmission (last accessed Oct. 22, 2014), available at: http://www.cdc.gov/vhf/ebola/transmission/index.html?s_cid=cs_3923

¹¹ While animals such as dogs can carry Ebola, they do not become sickened with the virus. It is not known whether they can transmit the disease to humans. In any event, the likelihood that an animal could become exposed to the virus during an incident related to the proposed special permits is even more remote than a human being exposed. See <http://www.cnn.com/2014/10/14/health/ebola-pets/>.

and symptomatic person, or objects (like needles and syringes) that have been contaminated with the virus.¹²

PHMSA estimates that the most likely risk posed by this transportation is the potential exposure of a person handling a package that has ruptured during loading or unloading of the materials, or following a traffic incident during transportation. In the event of such a rupture, it is unlikely that the Category A infectious substances would spread far from the ruptured package, as the disease is not spread through the air.

Some of these materials will be incinerated, and so there will be a certain amount of greenhouse gas and other emissions related to the selection of the preferred alternative. PHMSA does not have an estimate related to these emissions.

The materials will be transported on public highways by motor vehicles. The materials must be taken to the “nearest appropriate disposal facility available at the time the material is offered.” PHMSA does not have routing information related to this transportation, and so cannot determine whether this transportation will impact minority or low income populations.

PHMSA is incorporating by reference the product specifications and test reports for the alternative packagings authorized by the special permits.¹³ The product specifications and test reports show that the alternative packagings have been designed, tested, and certified as complying with PHMSA’s requirements for transporting regulated medical waste and other hazardous materials.

Alternative 1: No action.

If PHMSA had denied Stericycle’s special permit applications, the likely impact would have been that the Ebola-related hazardous materials would remain at the facilities where they were generated. Depending on the storage and security arrangements in place at these facilities, the prolonged storage of the vast amount of Ebola-related hazardous materials could increase the likelihood of human exposure, infection, and spread of the virus through human error or through the efforts of bad actors.

Alternative 2: Issue special permits.

Allowing transportation of Ebola-related hazardous materials for destruction, pursuant to special permits, will help mitigate risks associated with long-term storage of the materials, and will

¹² CDC, Ebola (Ebola Virus Disease): Transmission (last accessed Oct. 2, 2014) available at: <http://www.cdc.gov/vhf/ebola/transmission/index.html>.

¹³ The product specifications and test records appended to the special permit applications are available online at: <http://phmsa.dot.gov/hazmat/transporting-infectious-substances>

impose requirements to ensure the use of personal protective equipment and proper handling of the material.

The CDC recognizes the risks to healthcare workers and to family members caring for loved ones in close quarters, and advocates the use of personal protective equipment and disposal of infected materials to avoid virus transmission:¹⁴

Healthcare providers caring for Ebola patients and the family and friends in close contact with Ebola patients are at the highest risk of getting sick because they may come in contact with infected blood or body fluids of sick patients.

During outbreaks of Ebola, the disease can spread quickly within healthcare settings (such as a clinic or hospital). Exposure to Ebola can occur in healthcare settings where hospital staff are not wearing appropriate protective equipment, including masks, gowns, and gloves and eye protection.

Dedicated medical equipment (preferable disposable, when possible) should be used by healthcare personnel providing patient care. Proper cleaning and disposal of instruments, such as needles and syringes, is also important. If instruments are not disposable, they must be sterilized before being used again. Without adequate sterilization of the instruments, virus transmission can continue and amplify an outbreak.

As noted above, the most likely danger posed by this material is potential human exposure incident to a package rupture during loading or unloading, or a traffic incident involving a vehicle carrying the material. Based on the safety measures and operational controls incorporated in the special permits, PHMSA believes that any leaks associated with ruptures during loading, unloading, or a traffic incident would be limited to the immediate vicinity of the rupture, if not mitigated entirely by the absorbent material and several layers of packaging contemplated by the special permits. Stericycle will be required to prepare written response plans and to respond to any suspected release of the material

IV. Agencies and Persons Consulted

PHMSA has been in discussion with various Federal agencies throughout the course of the planning of this action, including:

¹⁴ CDC, Ebola (Ebola Virus Disease): Transmission (last accessed Oct. 2, 2014) available at: <http://www.cdc.gov/vhf/ebola/transmission/index.html>.

Department of Health and Human Services, Centers for Disease Control and Prevention

Department of Transportation, Office of the Secretary

Department of Transportation, Federal Motor Carrier Safety Administration

In order to notify and inform the affected public, PHMSA has published the special permits related to Ebola on its website. PHMSA intends to publish this environmental assessment, finding of no significant impact, and related materials, online at:

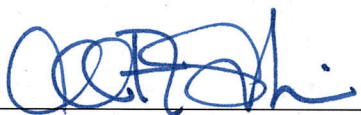
<http://phmsa.dot.gov/hazmat/transporting-infectious-substances>

VI. Conclusion

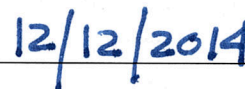
PHMSA does not believe that there are significant environmental impacts associated with the granting of the special permits to Stericycle because the likelihood of release is minimal and the safety measures and operational controls will minimize the impacts of any release, and require immediate response and clean-up by the special permit holder.

Finding of No Significant Impact

PHMSA has considered the analysis of the alternatives and their potential environmental impacts as described in the attached EA, the special permit applications submitted by Stericycle, Inc., and the information provided by the agencies consulted, and selects Alternative 2, "issue special permits." Based on the information contained in these documents, PHMSA has determined that issuance of special permits granting relief from certain provisions of the HMR will not have a significant impact on the human environment, because the risk of a release is extremely low and the special permits will require certain operational controls to further reduce the likelihood of a release as well as provide safeguards in the unlikely event of a release. Therefore, PHMSA has determined that the preparation of an environmental impact statement is not required pursuant to 40 CFR § 1508.13. Further, PHMSA has determined that the public interest will be best served by the implementation of the proposed action.



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Date