



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

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

MAR 27 2006

Mr. Robert Hunter  
Arkansas Department of Environmental Quality  
8001 National Drive  
P.O. Box 8913  
Little Rock, AR 72219-8913

Ref. No. 05-0196

Dear Mr. Hunter:

This responds to your request for clarification of the Hazardous Materials Regulations (49 CFR; HMR Parts 171-180) and its applicability to the transportation of equipment that contains mercury. You state that the Environmental Protection Agency (EPA) added mercury-containing equipment to its list of universal wastes, as regulated under the Resource Conservation and Recovery Act (RCRA). You ask how this effects a commercial motor carrier transporting electronic waste and whether the equipment may be placed on pallets and surrounded with stretch wrap.

A material is subject to the HMR if it meets the definition under the HMR of a hazardous waste, a hazardous substance, a marine pollutant, or any hazard class. A hazardous waste, as defined in § 171.8 for the purposes of transportation, is a material that is subject to the Uniform Hazardous Waste Manifest (UHW) requirements of the Environmental Protection Agency (EPA), as specified in 40 CFR Part 262. Therefore, if a material is subject to the UHW requirements, the material will, at a minimum, meet the definition of a hazardous waste under the HMR.

As indicated by the letter "A" in Column (1) of the § 172.101 Hazardous Materials Table, "Mercury contained in manufactured articles" is subject to the HMR when transported by aircraft. When being transported by other modes of transportation, it is regulated as a hazardous substance (see definition in § 171.8) if the amount of mercury contained in one package is one pound or more. The packaging requirements and exceptions for mercury contained in manufactured articles are specified in § 173.164. Provided the packaging requirements are met in § 173.164, and in § 173.27 for transportation by aircraft, the



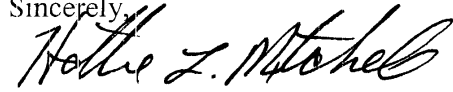
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173.164

packages may be overpacked on pallets with stretch wrap. The required HMR markings and labels must either be visible through the stretch wrap or be visibly displayed on the stretch wrap.

I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,

A handwritten signature in black ink that reads "Hattie L. Mitchell". The signature is written in a cursive style with a large, prominent initial "H".

Hattie L. Mitchell  
Chief, Regulatory Review and Reinvention  
Office of Hazardous Materials Standards

MC Intyre  
§ 173.164  
mercury  
05-0196

**Edmonson, Eileen <PHMSA>**

**From:** Hunter, Robert [HUNTER@adeq.state.ar.us]  
**Sent:** Monday, August 08, 2005 12:07 PM  
**To:** Edmonson, Eileen <PHMSA>  
**Subject:** RE: EPA Article: ELECTRONICS REUSE AND RECYCLING

Eileen, Thank you for the information. I received a call from someone in your office last week after you sent me the information and he directed me to a letter dated 10/18/2000-171.1 to the City of Houston, Texas. The Reference No. 00-0041 appeared on the letter. The city had some questions concerning transporting materials under HMR.

I understand the language and the rules as they apply. A municipality operating their own trucks does not fall under HMR. But if that municipality uses a commercial trucking firm the firm does fall under HMR and the packaging would be required.

On Friday, August 5th a new rule came down from EPA. Hazardous Waste Management System; Modification of the Hazardous Waste Program; Mercury Containing Equipment

SUMMARY: Today's final rule adds mercury-containing equipment to the federal list of universal wastes regulated under the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations. Handlers of universal wastes are subject to less stringent standards for storing, transporting, and collecting these wastes. EPA has concluded that regulating spent mercury-containing equipment as a universal waste will lead to better management of this equipment and will facilitate compliance with hazardous waste requirements.

DATES: This final rule is effective on August 5, 2005.

What effect will this have on transporting Electronic waste? Can Electronic waste be placed on pallets, stretch wrapped and labeled properly for shipping if a community contracts with a commercial hauler? I am working on this project for our Governor. We are trying to make it as painless as possible for the collection and transporting of this enormous amount of waste that not only is Arkansas dealing with but all states.

Thank you and I looking forward to your response.

Robert Hunter  
Recycling/Marketing Branch Manager  
Arkansas Department of Environmental Quality  
8001 National Drive  
P.O. Box 8913  
Little Rock, AR 72219-8913  
501-682-0814  
Fax 501-682-0568

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

08/08/2005

**From:** eileen.edmonson@dot.gov [mailto:eileen.edmonson@dot.gov]  
**Sent:** Monday, August 01, 2005 2:33 PM  
**To:** Hunter, Robert  
**Subject:** EPA Article: ELECTRONICS REUSE AND RECYCLING

Here's the link we discussed:

<http://www.epa.gov/wastewise/pubs/wwupda14.txt>

Sincerely,

Eileen Edmonson  
Transportation Regulations Specialist  
Office of Hazardous Materials Standards