



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



# **Hazardous Materials Regulations & DEA Take Back Program**

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U.S. Department of Transportation  
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# Agenda

1. Hazardous Materials Regulations
2. DOT's Regulatory Approach
3. DEA Program Conflicts
4. Special Permit for Take Back Program



# PHMSA's Statutory Authority

Federal Hazardous Materials Transportation Safety Law

49 U.S.C. §§ 5101-5128

- Designate material as hazardous
- Issue regulations governing the safe transportation of hazardous materials in commerce
- Open outer packaging and issue emergency orders for imminent hazards



# Title 49, Code of Federal Regulations

- Procedural Regulations  
§ 49 C.F.R. Parts 105-107
- Hazardous Materials Regulations (HMR)  
§ 49 C.F.R. Parts 171-180
- Regulations specific to modes  
§ 49 C.F.R. Part 174 (*rail*); Part 175 (*air*);  
Part 176 (*vessel*); Part 177 (*highway*)

## Definition of Hazardous Materials

A hazardous material is defined as a substance or material, that when transported in commerce, is capable of posing an unreasonable risk to:

- health
- safety
- property



[§171.8](#)

## Four Billion Tons Transported Each Year



## Hazardous Materials – A Part of Daily Life



## Hazardous Material Incidents Do Occur

In the simplest terms, this means any material that, because of its chemical properties, may cause injury, loss of life, or damage to property or the environment if involved in an accident during transportation. A minor transportation accident can quickly escalate into a major catastrophe when hazardous materials are involved.



## The Hazardous Materials Regulations

Title 49, Code of Federal Regulations governs the transportation of hazardous materials. The Hazardous Materials Regulations or HMR are found in Parts 171 through 180 of Title 49, CFR. The contents of Parts 171 through 180 include:

- Part 171 – General information, regulations, and definitions
- Part 172 – Hazardous materials table, special provisions, hazardous materials communications, emergency response information, and training requirements
- Part 173 – Shippers – General requirements for shipments and packagings
- Part 174 – Carriage by rail
- Part 175 – Carriage by aircraft
- Part 176 – Carriage by vessel
- Part 177 – Carriage by public highway
- Part 178 – Specifications for packaging
- Part 179 – Specifications for tank cars
- Part 180 – Continuing qualification and maintenance of packagings



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## Hazardous Materials Standards

The Hazardous Materials Regulations set forth standards for:

- Classification
- Packaging
- Hazard communication
- Emergency response information
- Hazmat employee training
- Hazmat transportation
- Incident reporting
- Security





# DEA Take Back Program Conflicts



Can anyone guess what they  
are?



# DEA Take Back Program Conflicts

- Classification (what is in the bin)?
- Shipping Papers?
- Packaging?



# Information

- Hazardous Materials Safety Program Website

<http://www.phmsa.dot.gov/hazmat>

- Hazardous Materials Information Center

1-800-467-4922

[infocntr@dot.gov](mailto:infocntr@dot.gov)

- Office of Chief Counsel

1-202-466-4400

<http://www.phmsa.dot.gov/about/org/chief-counsel>

[phmsachiefcounsel@dot.gov](mailto:phmsachiefcounsel@dot.gov)



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# Special Permits



# Special Permits

- What is a special permit?
  - § Document issued by the Associate Administrator or Department official
  - § Permits a person to perform a function not permitted by the regulations
- Thousands of special permits have been issued



# Special Permits Cont.

- Examples of permitted activities:
  - § Transportation of forbidden materials aboard aircraft
  - § Manufacture of alternative packaging
- Two types of special permits:
  - § Offer
  - § Manufacture, mark, sell, and use (MMS)



# Special Permits Cont.

- Offer special permits:
  - § Allow party status (PT)
  - § Each entity packaging and offering needs PT
- MMS special permits:
  - § Do not allow party status
  - § May be used by any entity complying with its terms



# DOT-SP 16592

- Authorizes transportation of certain DEA controlled substances for disposal
- Waives classification of these controlled substances
- PHMSA classifies the materials as:
  - § UN3248, Medicine, liquid, flammable, toxic, n.o.s., 3, PG II; and
  - § UN3249, Medicine, solid, toxic, n.o.s., 6.1, PG II



# DOT-SP 16592 Cont.

- Certain packaging must be used
- Inner packaging (liner bags):
  - § Meet 21 CFR 1317.60; and
  - § Meet 49 CFR 173.197(e)(1)(i) and (ii) or packaged in bags film bags meeting these requirements
- Outer packaging:
  - UN 1A2 removable head steel drum; or
  - UN 1H2 removable head plastic drums; and
  - Packing Group II for liquids; and
  - May not exceed 55 gallons



# DOT-SP 16592 Cont.

- Limited to DEA controlled substances authorized to be disposed of under 21 CFR Part 1317, Subpart B
- Limited to collection by:
  - § Registrants authorized by the DEA under 21 CFR 1317.40; or
  - § Federal, State, tribal, or local law enforcement under 21 CFR 1317.35



# DOT-SP 16592 Cont.

- Issued to carriers
- The grantee must perform all pre-transportation functions
  - § Packaging of material;
  - § Marking;
  - § Shipping papers, etc.
- Limited to motor vehicle
- Only has one grantee as of May 5, 2016
- Does not apply to the mail-back program



# First Page of DOT-SP 16592



January 28, 2016



U.S. Department  
of Transportation

Pipeline and Hazardous  
Materials Safety Administration

East Building, PH-30  
1200 New Jersey Avenue S.E.  
Washington, D.C. 20590

DOT-SP 16592  
(FIRST REVISION)

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
  - a. This special permit authorizes the transportation in commerce of certain Drug Enforcement Administration (DEA) controlled substances transported for the purpose of disposal. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
  - b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the transportation in commerce.
  - c. Unless otherwise stated herein, this special permit consists of the special permit authorization letter issued to the grantee together with this document.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Subparts A, B, D, and E of Part 173, except as specified herein.
5. BASIS: This special permit is based on the application of Stericycle Specialty Waste Solutions, Inc. dated October 9, 2015 submitted in accordance with § 107.105 and the public proceeding thereon and additional information dated January 15, 2016.



# How Does a Company Apply to Become Party to this Special Permit?

- Application procedures are in 49 CFR 107.107
- PHMSA has developed a checklist to facilitate the application process
- Carriers need to apply for this special permit; facilities such as pharmacies do not need to apply



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