



U.S. Department
of Transportation

Research and
Special Programs
Administration

Memorandum

Date AUG 19 1998

Reply to Attn of:

Subject: **ACTION:** Clarification of Training Requirements

for *Thomas G. Allan*
Edward T. Mazzullo, Director,
From Office of Hazardous Materials Standards

Ref. No: 98-0221

To William Wilkening, Acting Manager,
Dangerous Goods and Cargo Security Program

This is in response to your memo of August 4, 1998, regarding the definition of a "hazmat employee" in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if persons are subject to the training requirements of the HMR if they are not assigned to perform any hazardous materials function, but have incidental contact with hazardous materials in the course of conducting a security-related function (such as moving a box, reviewing documentation to identify the shipper, or searching through a piece of passenger baggage).

The term "hazmat employee," as defined in 49 CFR 171.8, includes all persons who in the course of employment perform functions that directly affect hazardous materials transportation safety. Conversely, this term does not apply to every employed person who works at or around an area where, for example, hazardous materials are loaded, unloaded, handled or stored. The employee's functional relationship to hazardous materials transportation safety, rather than incidental contact with hazardous materials in the work place, is the primary factor in determining whether an individual is a "hazmat employee."

The training requirements specified in 49 CFR 172.700 through 172.704 apply to an employee, such as a person who is assigned to perform airline security functions (e.g., profiling passengers or cargo for bombs or contraband), if that employee performs a function subject to the HMR. An employee's designation as a "hazmat employee" is the result of the "hazmat employer's" assignment (implicit or inferred) of job functions to particular individuals, including supervisors. In addition to the general awareness/familiarization training required for all "hazmat employees," the "hazmat employer" must provide training for each

"hazmat employee" appropriate to the specific functions that a person is required to perform. It is the opinion of this Office that persons who perform airline security functions that only have "incidental contact" with hazardous materials, as described above, but do not perform functions subject to the HMR are not "hazmat employees" as defined in the HMR and are not subject to the training requirements of the HMR.

I hope this satisfies your request.

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