



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUL 7 1999

Ms. Lesa L. Grant
Sharp Microelectronics Technology, Inc.
5700 NW Pacific Rim Blvd.
Camas, Washington 98607

Ref. No. 99-0001

Dear Ms. Grant:

This is in response to your December 22, 1998, letter concerning the training requirements for materials shipped under the small quantity exceptions in § 173.4 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171 - 180).

Materials which meet the requirements of § 173.4 are not subject to any other requirements of the HMR. Therefore, persons who ship hazardous materials under the provisions of § 173.4 are not subject to the formal training requirements of Subpart H in Part 172. A person who offers small quantity shipments under § 173.4 is still responsible for properly classifying and naming the material as well as correctly determining if the material may be shipped as a small quantity.

I hope this satisfies your request.

Sincerely,

Thomas G. Allan
Transportation Regulations Specialist
Office of Hazardous Materials Standards



990001

173.4

SHARP

SHARP MICROELECTRONICS TECHNOLOGY, INC.

5700 NW Pacific Rim Boulevard
Camas, Washington 98607

Telephone (360) 834-8700
Facsimile (360) 834-8611

BAT
173.4

Edward Mazzullo
Director O.H.M.S.
400 7th St.
Washington, D.C. 20590

December 22, 1998

Re: Request for Interpretation regarding CFR 49 Sec.173.4.

Dear Director Mazzullo,

At our facility, on occasion we have a need for one of our chemists to transport small quantities (approximately 1-3 mls.) of hazardous materials to another local laboratory for analysis. The materials in question meet the quantities and hazard classes allowed by the "small quantities exception" in section 173.4, therefore we plan to transport these materials according to the requirements as such.

Although the employee responsible for transporting the sample materials has a P.H.D. in chemistry, and is knowledgeable of DOT regulations, a question has arisen as to whether or not the chemist transporting the samples would be considered a "Hazmat Employee" as defined in section 171.8, and therefore subject to the DOT training requirements specified in section 172.704. Since the chemical samples fall within the "small quantities exception", it is our interpretation that these materials are "not subject to any other requirements of this *subchapter*" which would include "training", as described under section 172.704.

I have contacted the DOT hotline, regarding this matter, however I do not feel that a definitive conclusion on interpretation was reached. Therefore, in order to ensure compliance we are requesting a ruling as to whether or not this employee would be required to receive DOT training as defined in section 172.704.

Your response to this request would be greatly appreciated. If you have any questions or require further information please contact me at (360)817-8407.

Sincerely,



Lesla L. Grant
Environmental Manager

CAROL O'DONAL DIRECTOR, FACILITIES
FOR LEVA GRANT

enc. none

REF NO 99-0001