



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

JUL 29 2003

Mr. John E. Martiney
Manager, Hazmat Compliance
Chautauqua Airlines
2500 S. High School Rd, Suite 160
Indianapolis, IN 46241

Ref No. 03-0105

Dear Mr. Martiney:

This is in response to your April 18, 2003 letter, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to hazardous materials training. Specifically, you state your company is a regional air carrier operating under code-sharing agreements with major carriers and utilizes contractors to load passengers and baggage into your aircraft in the United States and Canada. You state your company does not transport dangerous goods, but does transport the excepted materials found in § 175.10 of the HMR. You state your company trains the instructors of the contract company in the recognition and exceptions of hazardous materials. You question if it is the responsibility of your company to train, monitor and maintain training records for each employee of the contract company in compliance with the HMR

The answer is no. It is the opinion of this Office that if your company does not transport hazardous materials in commerce, transports only the excepted materials found in § 175.10, or otherwise does not meet the definition of a hazmat employer, your company is not subject to the training requirements of the HMR. A "will not" carry airline is not subject to HMR training. However, employee training on hazardous materials recognition and exceptions is a requirement of the Federal Aviation Administration even when the provisions of § 175.10 are utilized.

I hope this information is helpful. If we can be of further assistance, do not hesitate to contact us.

Sincerely,


Susan Gorsky

Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards



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CHAUTAUQUA AIRLINES
A REPUBLIC AIRWAYS COMPANY

April 18, 2003

Mr. Edward Mazzullo
Director of Hazardous Materials Standards
RSPA / U.S. DOT
400 7th Street SW
Washington, DC 20590
(DHM-10)

Re: Letter of Interpretation on 49 CFR 175.20 requirements.

Dear Mr. Mazzullo:

I. Background -

Chautauqua Airlines is a regional air carrier operating under code-sharing agreements with major carriers. As such, we operate into various cities where Chautauqua aircraft are ground handled by third party contractors. These contractors load passengers and baggage into our aircraft.

Before starting up service in a new city, our Customer Service Training Department trains the contractor's trainer in Hazmat recognition and exceptions. For this training we use the materials contained in our FAA-approved Customer Service Manual and General Operations Manual.

Chautauqua is a Non-Carrier of Dangerous Goods, but we do carry the materials excepted under 49 CFR 175.10 . Recognition of these exceptions is part of the approved training program.

II. 49 CFR 175.20

We interpret 175.20 as referring to Chautauqua Airlines employees (hazmat employee-hazmat employer relationship), and not to third party contract company employees. It is our understanding that after we train their trainers, it is the third party contractor's responsibility to then comply with the same 175.20 provisions.

Foster
§175.20
§172.704 (d)
Training / Air
03-0105

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CHAUTAUQUA AIRLINES
A REPUBLIC AIRWAYS COMPANY
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It is our interpretation that 175.20 does not mandate Chautauqua Airlines to train, monitor, and maintain individual hazmat training records for each employee of each third party contractor across the US and Canada.

We petition for a written Letter of Interpretation from RSPA on this matter. Since a possible violation of the HMR may be involved, we ask that this matter be treated expeditiously.

Thank you for your time,

Sincerely,



John E. Martiney
Manager, Hazmat Compliance
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Indianapolis, IN 46241

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JEM/ars

cc: Mr. Chad Jasper - Director of Safety, Chautauqua Airlines