



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

OCT 16 2009

Mr. Matthew Louie
UPS Freight
6571 Washington Blvd.
Elkridge, MD 21075

Ref. No. 09-0132

Dear Mr. Louie:

This is in response to your electronic transmission requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) pertaining to training requirements. Specifically, you ask whether customers accepting shipments of hazardous materials must be trained if they return the hazardous material shipments to the original offeror.

Under the HMR, all hazardous materials employees (hazmat employees) must be trained. A hazmat employee is a person employed on a full-time, part-time, or temporary basis who in the course of his employment directly affects hazardous materials transportation safety. The term includes a person who loads, unloads, or handles hazardous materials or prepares hazardous materials for transportation. See § 171.8. If your employees prepare the return shipments for transportation back to the original offeror, including signing the certification statement on a shipping paper to certify that a package of hazardous material is being offered for transportation in accordance with the HMR, then the employees must be trained.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Hattie L. Mitchell".

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

Drakeford, Carolyn <PHMSA>

From: Gorsky, Susan <PHMSA>
Sent: Tuesday, May 19, 2009 8:21 AM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: Training interp

McIntyre
§ 171.2
Applicability
09-0132

Carolyn,

Please enter this as an interp please. Thanks.

Susan

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

From: MDLouie@upsfreight.com [mailto:MDLouie@upsfreight.com]
Sent: Friday, May 15, 2009 2:09 PM
To: Genievich, Craig <PHMSA>
Subject: RE: haz mat

Craig,

I have a quick question and wanted to see if I could get some insight from you. For truck shipping, does the shipper have to be haz mat certified?

Here was the scenario i'm thinking of. A company sends out merchandise to a customer, the customer receives it, does not use it and decides to return the merchandise for credit.

In this case the receiver, would then become the shipper, but they may not be hazmat certified. Any input would be greatly appreciated.

Matthew Louie
Account Manager
UPS Freight
Phone: 410-796.8550
Cell: 443-928-8040
Fax: 410-379-5478
mdlouie@upsfreight.com
<http://www.upsfreight.com>