



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

1200 New Jersey Avenue, SE
Washington, DC 20590

JAN 8 2010

Mr. John Pearson
Materials Science Division
Argonne National Laboratory
9700 South Cass Avenue
Argonne, IL 60439

Ref. No.: 09-0266

Dear Mr. Pearson:

This responds to your letter dated November 9, 2009 requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the small quantity exception. Specifically, you ask if the person who classes, ensures compliance, and offers a hazardous material into transportation using the small quantity exception is subject to formal training requirements under the HMR.

The answer is no. Materials that meet the requirements of 49 CFR § 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. Thus, persons who ship hazardous materials under the small quantity exception will find it necessary to acquire the basic knowledge necessary to understand the provisions in § 173.4 and the provisions applicable to classifying the hazardous material they intend to ship under the small quantity exception.

I hope this answers your inquiry.

Sincerely,

Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards



Eichenlaub
§173.4
Small Quantity
Exceptions
09-0266

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Principal Engineer

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Date 11/9/2009

To:
Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590

Re: Request for letter of interpretation.

Dear Sir,

I would like to determine what are the requirements for training persons involved in the planning and packaging of shipments under the 49 CFR 173.4 Small Quantity Exception.

I have read your letters of interpretation 070054, 990001 and 020237. You state, "a person who offers small quantity shipments is responsible for properly classifying the material, determining that the material may be shipped as a small quantity and otherwise ensuring compliance with the provisions of 137.4."

Are there any DOT training requirements for:

- 1) The person who offers materials for SQE shipment?
- 2) The person who is responsible for properly classifying materials for SQE shipment?
- 3) The person who determines that the materials may be shipped under the SQE?
- 4) The person who ensures compliance with the provisions of 173.4?

If any of the answers are "yes", please provide some details of the training requirements.

If any of the answers to 2, 3 or 4 are "yes", does the person (classifying, determining or ensuring compliance) need to do so for each shipment or can it be done once for shipments of similar packaging, materials and hazards?

I need a written reply.

Your help in clarifying this issue is greatly appreciated.

Thank you,
John Pearson