

From: [INFOCNTR \(PHMSA\)](#)
To: [Baker, Yul \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: FW: Interpretation Request
Date: Friday, June 6, 2025 12:17:16

Hi Yul,

Please see the below interpretation request.

Let me know if you need anything.

-Breanna

From: Manuel de la Fuente <manueldelafuente1967@gmail.com>
Sent: Friday, June 6, 2025 10:17 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Re: Interpretation Request

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Thank you Breanna for your response

My phone number is 469-203-9186

On Thu, Jun 5, 2025 at 10:06 AM INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov> wrote:

Dear Manuel,

We have received your request for a written letter of interpretation regarding the hazardous materials regulations (49 CFR Parts 171-180). The hazardous materials regulations are available at the following URL:

<https://www.phmsa.dot.gov/phmsa-regulations>

However, before we can submit your request for processing, please respond to this email with:

- Telephone Number

Sincerely,

Breanna, Hazardous Materials Specialist

An e-mail response from this office is considered informal guidance. Formal guidance may be requested in accordance with 49 CFR 105.20. <https://www.phmsa.dot.gov/standards-rulemaking/hazmat/hazardous-materials-information-center>

From: Manuel de la Fuente <manueldelafuente1967@gmail.com>

Sent: Wednesday, June 4, 2025 9:48 PM

To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>

Subject: Interpretation Request

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June 4th, 2025

Interpretation Request

I am writing to request an interpretation of a hazmat employee definition in relation to the scenarios described below.

I am writing as a private citizen not associated with any organization and would like to remain anonymous if DOT decides to make this request public.

Scenario 1: Employee A grabs a DOT-approved drum, fills it up with a hazardous waste, labels it, and transports it to a RCRA-authorized 90-day hazardous waste storage area located in building X.

Question: Is employee A a hazmat employee? Is DOT training required for employee A?

Answer: No. Even though employee A performed tasks that are described in the DOT rule as hazmat employee tasks (49 CFR 171.8 – Pre-transportation Function), namely: 3) filling a hazardous material packaging, including bulk packaging; 4) Securing a closure on a filled or partially filled hazardous materials package or container ..., 5) marking a package to indicate that it contains a hazardous material, and 6) labeling a package to indicate that it contains a hazardous material; employee A never performed this functions with the intent to give the package for transportation. Waste containers were transported to a RCRA storage within the building.

All these tasks were performed under RCRA. The drum is not a DOT container but a RCRA container, the label is not a DOT shipping label but a RCRA label, the transportation of the hazardous waste was done within the building X, not on a public road. DOT rules are not applicable. Since DOT rules are not applicable to this scenario, employee A is not a hazmat employee and training will fall under RCRA, not DOT.

I would even argue that the hazardous waste in this scenario cannot be classified as a DOT hazardous material. It is a hazardous waste regulated under RCRA. DOT hazardous material classification is not applicable to the waste containers till the containers are closed to specs, weighted, palletized by DOT classes, corresponding DOT labels are affixed, and a Hazardous Waste Manifest is prepared, all in preparation for consignment (49 CFR 171.8 – Pre-transportation Function)

Scenario 2: Employee A selects a DOT-approved drum, fills it up with a hazardous waste, labels it, and transports it to a RCRA-authorized 90-day hazardous waste storage area located in building X.

Question: Is employee A a hazmat employee?

Answer: The answer will vary depending on how the waste was shipped. If the waste was shipped on the same drum employee A initially selected; then, yes, employee A is a hazmat employee because he/she selected a hazardous material packaging that was ultimately given for transportation in commerce (49 CFR 171.8 – Pre-transportation Function (2)). If the waste is re-packaged into a different container before shipment by employee B, employee A is not a hazmat employee but employee B is since he/she performed pre-transportation tasks.

Thank you for helping me in clarifying this

Manuel de la Fuente
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