



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

1200 New Jersey Avenue, SE
Washington, DC 20590

August 3, 2023

Mr. Nathan Cannady
Director of Quality | Client Support Center
VLS Environmental Solutions LLC
19500 State Hwy 249, Suite 440
Houston, TX 77070

Reference No. 23-0016

Dear Mr. Cannady:

This letter is in response to your February 28, 2023, email and subsequent telephone conversation with a member of my staff requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to registration requirements. In your email, you state that your company is a rail car cleaning and repair company. You also state that one of your customers has requested that you complete an inspection and fill out a final checklist for loaded rail tank cars it is offering to the railroad. You explain that the list is for checking the presence of certain items or conditions but not verifying that these items are in compliance with the shipping requirements of the HMR. You further state that you are not performing the functions to comply with § 173.31(d). As an example, you describe a scenario in which you check that placards are present, but do not verify that the placards represent the hazardous materials being transported. You ask whether your company facility is required to register under in accordance with § 107.601 of the HMR under the conditions described in your email.

If your company is not offering for transportation or transporting in commerce any of the hazardous materials specified § 107.601(a), then you are not required to register. Please be aware that if your employees perform functions that directly affect the transportation of the hazardous material, then they are hazmat employees as defined in § 171.8 of the HMR and subject to other requirements under the HMR, including hazmat training under Part 172, Subpart H.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink that reads "T. Glenn Foster".

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: FW: Letter of Interpretation Request
Date: Wednesday, March 8, 2023 4:32:44 PM

Hi Alice,

Please see the below interpretation request.

Let us know if you need anything else.

Regards,

-Breanna

From: Nathan Cannady <nathan.cannady@vlse.com>
Sent: Tuesday, February 28, 2023 4:26 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Letter of Interpretation Request

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am requesting a letter of interpretation regarding 49 CFR 173.31. My company VLS Environmental Solutions, LLC is a railcar cleaning and repair company. One of the services we offer is in plant railcar repair services for railcar shippers/owners. At one of our facilities the customer has asked us to complete an inspection and fill out a final checklist for loaded tank cars they are offering to the railroad. We look at the items they request on a checklist they provided. The list is only checking for the presence of items or conditions and not to verify the compliance with shipping requirements. (i.e., Checking if placards are present, but not verifying correctness with lading.). Our position on this is that we are performing an audit, as we do not correct any issues directly. The cars are supposed to be ready to go when we start inspecting, and we send the form back to them with our findings. Then they take the car back and make any adjustments needed (i.e., Securing closers, etc.). Per the regulation by performing this task would we need to register our facility at this location as an offeror? And are we liable for the car not being fit for shipment?

Regards,

Nathan Cannady
Director of Quality | Client Support Center

Cell: (346) 578-2170

Office: (713) 936-0960

19500 State Hwy 249 Suite 440, Houston, TX 77070

nathan.cannady@vlse.com | www.vlse.com

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