



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

August 28, 2026

Vincent A. Vitollo
President & Content Director
The Journal of Hazardous Materials Transportation
PRI International, Inc.
P.O. Box 3144
West Chester, PA 19381-3144

Reference No. 25-0039

Dear Mr. Vitollo:

This letter is in response to your April 8, 2025 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the training requirements of 49 CFR Part 172, Subpart H and qualification and maintenance of tank cars in 49 CFR Part 180, Subpart F.

We have paraphrased and answered your questions as follows:

- Q1. Do the HMR impose any restrictions on a person contracting services—such as hazmat training or tank car qualification and maintenance programs—from another company?
- A1. The HMR do not prohibit a hazmat employee of a company from performing functions for another company. However, that employee must be trained, and the required training records (see § 172.704(d)) must be provided to an authorized Pipeline and Hazardous Materials Safety Administration (PHMSA) or Federal Railroad Administration (FRA) official upon request. The hazmat employer—as defined in § 171.8—must identify hazmat employees performing covered functions and verify those employees have been trained to perform those functions in accordance with requirements in the HMR. The hazmat employer or tank car owner remains responsible for compliance with the HMR requirements for the hazmat functions performed by contractors.
- Q2. May a hazmat employer use a certificate of training and testing obtained by a third-party training company to meet the recordkeeping retention requirements under § 172.704(d) or does the hazmat employer need to create its own records?
- A2. A hazmat employer may use a certificate of training and testing obtained by a third-party to the extent that the certificate contains the information specified in § 172.704(d).

- Q3. May an employer maintain a record of training titled “Training Certificate” that encompasses all recordkeeping requirements in § 172.704(d) instead of titling this document “Record of Current Training?”
- A3. Yes. In accordance with § 172.704(d), each hazmat employer must create and retain a record of current training of each hazmat employee, inclusive of the preceding three years. The HMR do not specify the title or label used to identify the records.
- Q4. Does the training record need to repeat verbatim the title of the HMR regulatory section, or may an employer designate the training course in a generic sense (e.g., “General Awareness” instead of “General Awareness and Familiarization Training” or “Tank Car Maintenance Requirements”)?
- A4. The training records must contain the information specified in § 172.704(d). The HMR do not specify the use of an exact title.
- Q5. Is everyone in a company, from the Chief Executive Officer (CEO) to floor staff defined as a “hazmat employee,” even if only some employees perform hazmat functions?
- A5. No. Hazmat employees include only those employees who meet the definition of “hazmat employee” in 49 CFR § 171.8.
- Q6. Do the HMR require every hazmat employer to develop, maintain, and provide a job description for each hazmat employee?
- A6. No. The HMR do not require a hazmat employer to provide a job description for each hazmat employee. Section 172.704(a)(2) requires each hazmat employee receive function-specific training applicable to the specific functions they perform. While an employer must understand an employee's job functions to ensure compliance with training requirements, § 172.704(d)—recordkeeping—does not require a “job description” document as part of the training records.
- Q7. Does § 180.513 require each tank car owner to create its own qualification and maintenance program or may it obtain authorization to use another company’s program?
- A7. The HMR do not prohibit tank car owners from contracting with a third-party to act as an agent of the owner for purposes of complying with the requirements for the qualification and maintenance of tank cars in Part 180, Subpart F. A tank car owner may also choose to lease or purchase a qualification and maintenance program from a third-party with technical knowledge or expertise for the owner to use for compliance purposes. In either scenario, the owner remains responsible for satisfying the applicable requirements in the HMR. See § 180.501. PHMSA and FRA can take appropriate action for noncompliance should a qualification and maintenance program fail to meet the minimum standards of the HMR as specified in Part 180, Subpart F.

Q8. Does PHMSA interpret § 180.509(i) and (k) to prohibit a tank car owner from obtaining authorization to use someone else's qualification and maintenance program, which often includes the third-party collecting maintenance data?

A8. No. See A7.

Please note that on March 13, 2024, PHMSA published Federal Register Notice No. 2023-16 titled "Hazardous Materials: Frequently Asked Questions—Training Requirements" as part of an initiative to convert historical letters of interpretation (LOI) applicable to the HMR that have been issued to specific stakeholders into broadly applicable frequently asked questions (FAQ).¹

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 "Alexander Wolcott". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Alexander Wolcott
Acting Chief, Regulatory Review & Reinvention
Standards and Rulemaking Division

¹ <https://www.federalregister.gov/documents/2024/03/13/2024-05268/hazardous-materials-frequently-asked-questions-training-requirements>

Jones, Jessie Jane (PHMSA)

From: Kelley, Shane (PHMSA)
Sent: Tuesday, April 8, 2025 5:43 PM
To: Hazmat Interps
Cc: Patrick, Eamonn (PHMSA); DerKinderen, Dirk (PHMSA); Nickels, Matthew (PHMSA)
Subject: Fw: Request for Interpretations of the HMR
Attachments: Request_for_Interpretations from PHMSA.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Please log for response and thank you

From: Vincent Vitollo <vvitollo@hazmatship.com>
Sent: Tuesday, April 8, 2025 4:22:58 PM
To: Kelley, Shane (PHMSA) <shane.kelley@dot.gov>
Subject: Request for Interpretations of the HMR

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.

Dear Shane,

I hope all is well with you.

Attached is a request for interpretations of the Hazardous Materials Regulations. There are eight questions, all of which are related to rail transportation of dangerous goods although there is broad applicability of some of these areas to the HMR.

Thank you in advance for your consideration of these questions. Please advise if you have any comments or questions related to this request.

Regards,

Vincent Vitollo
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April 8, 2025

Mr. Shane Kelley
Director, Standards & Rulemaking
Pipeline & Hazardous Materials Safety Administration
U.S. Department of Transportation
1200 New Jersey Ave. SE
Washington, DC 20590

Re: Request for Interpretations of the HMR

Dear Mr. Kelley:

Following are eight questions which *The Journal* requests be addressed as letters of interpretation of the Hazardous Materials Regulations. Thank you in advance for addressing these areas which we think will be of great benefit to the compliance efforts of those engaged in dangerous goods transport.

Sincerely,



Vincent A. Vitollo
President & Content Director
The Journal of Hazardous Materials Transportation™

The Questions:

1. Although the HMRs generally define the responsibilities of persons performing HazMat functions (e.g., offerors, carriers, and those who maintain and repair packaging), do the HMRs impose any prohibitions on a person contracting services, such as hazmat training or tank car qualification and maintenance programs from another company? In other words, do the HMRs require that only a HazMat employer can provide training and create a tank car qualification and maintenance program?

2. The HMRs in 49 CFR § 172.702(c) allow companies to use public and private HazMat training resources. If a company employs a public or private resource, can it use that resource's certificate of training and testing to meet the recordkeeping retention requirements set by the HMRs in 49 CFR § 172.704 (d) or does the HazMat employer need to create its own record?
3. The HMRs require each HazMat employer to create a "Record of Training." Can an employer issue a record of training titled "Training Certificate" that encompasses all recordkeeping requirements in 49 CFR § 172.704 (d) instead of titling this document "Record of Current Training"?
4. The HMRs require HazMat employers to train their HazMat employees and maintain a training record. Does the training record need to repeat verbatim the title of the HMR regulatory section, or can an employer designate the training course in a more generic sense (e.g., "General Awareness" instead of "General Awareness and Familiarization Training" or "Tank Car Maintenance Requirements")?
5. The HMRs require HazMat employers to identify which employees meet the definition of a HazMat employee. HazMat employees perform functions explicitly specified in the HMRs, such as the pre-transportation functions listed in 49 CFR § 171.1 (b). Are Chief Executive Officers, Vice Presidents, and other high-ranking personnel properly classified as HazMat employees, even though they do not perform HazMat functions but have indirect responsibility over those that do? Does PHMSA interpret the regulations to require that everyone in a company, from the CEO to floor staff, is regarded as a HazMat employee, even if only some employees perform HazMat functions?
6. Do the HMR require HazMat employers to provide job descriptions for their HazMat employees, thereby allowing federal inspectors to assess whether each employee has received adequate function-specific training? Is this PHMSA's interpretation of the regulations to require every HazMat employer to develop, maintain, and provide a job description for each HazMat employee?
7. The HMRs require tank car owners to develop a qualification and maintenance program for each tank car or a fleet of tank cars. The regulations also allow tank car owners to use another party's qualification and maintenance program when authorized. See 49 CFR § 180.513. Does Section 180.513 require each tank car owner to create its "own" program rather than obtain authorization to use another's?

8. The HMRs require tank car owners to collect inspection and test data (i.e., maintenance data) on interior coatings, linings, and service equipment; analyze this data; and establish an appropriate inspection and test interval for these systems based on the failure rate to help prevent premature failure (i.e., a service reliability analysis). Do the HMRs prohibit a tank car owner from contracting with a third party to collect and analyze maintenance data to establish an inspection and test interval? In other words, can a tank car owner (including an offeror) hire a third party to perform a service reliability analysis? Does PHMSA interpret 49 CFR §180.509 (i) and (k) to prohibit a tank car owner from obtaining authorization to use someone else's qualification and maintenance program, which often includes the third-party collecting maintenance data?

End