



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

NOV 30 2017

Evan Mills
2491 Matchlock Court
West Lafayette, IN 47906

Reference No. 17-0085

Dear Mr. Mills:

This letter is in response to your August 19, 2017, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to training requirements. You provide a scenario in which a hazardous materials (hazmat) employee received function-specific training related to the marking of specification cargo tanks prior to changing job function, whereby the employee then received additional function-specific training to conduct periodic inspections of cargo tanks. After a period of six months, the hazmat employee returned to his or her previous job function of marking specification cargo tanks. Specifically, you ask if the hazmat employee must undergo function-specific training related to the marking of specification cargo tanks again (i.e., does the change in job functions invalidate the initial training). You note that this all occurs within the 3-year period before the recurrent training is required.

The answer is no. If the hazmat employee returns to his or her original job function of marking specification cargo tanks and the function specific training is still valid for the 3-year period for recurrent training in § 172.704(c)(2), then the hazmat employee is not required to repeat function-specific training until the end of the 3-year period for recurrent training or unless there are changes to the HMR or a special permit that are specifically applicable to the job function.

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

Sincerely,

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

Baker
\$172.704
frank
17-0085

Dodd, Alice (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Monday, August 21, 2017 2:54 PM
To: Hazmat Interps
Subject: FW: Interpretation Letter Request

Hi Alice,

Please submit this as a letter of interpretation. Mr. Mills spoke with Breanna. Please let me know if you have any questions.

Thanks,
Jodi

From: Evan Mills [mailto:evrmills@gmail.com]
Sent: Saturday, August 19, 2017 2:10 PM
To: PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>
Subject: Interpretation Letter Request

U.S. DOT

Attn: PHH-10

East Building

1200 New Jersey Avenue, SE.

Washington, DC 20590

To Whom it May Concern:

I am an individual seeking an official interpretation regarding the hazardous materials regulations (49 CFR parts 171-180). Specifically my question is regarding the training requirements under 172.704. I spoke with a representative at the Hazardous Materials Information Center on 08/01/17 regarding the scenario below. I have included some clarifying notes based on our conversation.

Scenario:

A hazmat employee is hired and trained according to the requirements set forth in 172.704 including general awareness, function-specific, safety and security training within 90 days of employment. The hazmat employee was function-specific trained to properly mark specification Cargo Tanks manufactured at this registered facility.

Nearly a year later the company decides to function-specific train this same hazmat employee on performing cargo tank periodic inspections because the employee had transferrable experience which qualified him to be a registered inspector and perform periodic inspections. After training the employee to perform this function they registered him and released him to perform periodic cargo tank inspections on his own. He continues to perform cargo tank inspections for 6 months without performing any of his previous functions of marking cargo tanks. After 6 months goes by, business conditions change and the same hazmat employee is asked to go back to only marking cargo tanks as he was trained to do before.

Is this hazmat employee required to be function-specific trained again to marking cargo tanks since technically his job function has changed again? The training requirements in 172.704(c)(ii) state that after a change in job junction the employee has 90 days to be function-specific trained to the new task. However, if the employee changes job functions back to a previous function he has been trained to that is still within the 3 year recurrent period is he required to be re-trained to that function?

Sincerely,

Evan Mills

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(765)-202-0003

Address:

2491 Matchlock Ct.

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