



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

JAN 23 2018

1200 New Jersey Avenue, SE  
Washington, DC 20590

Ms. Rebecca L. Stokes  
Dangerous Goods Compliance & Transportation Safety Specialist, Lead  
Lockheed Martin Aeronautics Company  
1 Lockheed Blvd M/Z: 6899  
Fort Worth, TX 76101

Reference No. 17-0100

Dear Ms. Stokes:

This letter is in response to your September 11, 2017, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to training requirements. Specifically, you ask if a person located outside the United States who offers a shipment from a foreign location for transportation to the United States in accordance with an international standard recognized by the HMR is subject to the training requirements in Subpart H of Part 172. In addition, you reference a letter of interpretation previously issued under Reference No. 14-0104.

The answer is yes. Section 171.22(g) prescribes additional requirements for the use of international standards for shipments offered for transportation or transported in the United States, to include shipments originating in a foreign location and transported to the United States. Per § 171.22(g)(2), the training requirements in Subpart H of Part 172, including function-specific training, must be satisfied. As stated in Reference No. 14-0104, training conducted to comply with the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air or the International Maritime Dangerous Goods Code may be used to satisfy the training requirements set forth in § 172.704, to the extent that such training addresses the training components specified in § 172.704(a). See 49 CFR § 172.704(a)(2)(ii). It is not necessary to duplicate training in the areas prescribed in § 172.704(a) that correspond with the training requirements in an authorized international standard. However, the employer or self-employed person must provide additional training to employees performing covered functions for any training components required by the HMR that were not previously addressed.

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

Sincerely,

Duane A. Pfund  
International Program Coordinator  
Standards and Rulemaking Division

Wiener  
§172.704  
ICAO  
17-0100

**Dodd, Alice (PHMSA)**

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**From:** Kelley, Shane (PHMSA)  
**Sent:** Thursday, September 14, 2017 2:35 PM  
**To:** Dodd, Alice (PHMSA)  
**Cc:** Wiener, Aaron (PHMSA)  
**Subject:** FW: HM/DG Training For Nevatim Air Base Personnel Performing Hazmat Packaging/Shipping Tasks On Behalf Of LM Aero

Please log the below for processing as an interp

Aaron is familiar with the issue and should get the assignment – I'd like to work with him on the response.

**From:** Stokes, Rebecca L [mailto:rebecca.l.stokes@lmco.com]  
**Sent:** Thursday, September 14, 2017 2:30 PM  
**To:** Kelley, Shane (PHMSA) <shane.kelley@dot.gov>  
**Subject:** RE: HM/DG Training For Nevatim Air Base Personnel Performing Hazmat Packaging/Shipping Tasks On Behalf Of LM Aero

Shane –

Yes I concur with the way you have worded the question. Thank you again!

**Best Regards,  
Becky**

*Dangerous Goods Compliance & Transportation Safety Specialist, Lead*  
817-777-8303

**From:** Kelley, Shane (PHMSA) [mailto:shane.kelley@dot.gov]  
**Sent:** Thursday, September 14, 2017 11:45 AM  
**To:** Stokes, Rebecca L (US) <rebecca.l.stokes@lmco.com>  
**Subject:** EXTERNAL: RE: HM/DG Training For Nevatim Air Base Personnel Performing Hazmat Packaging/Shipping Tasks On Behalf Of LM Aero

Certainly. So that we have a clear question that we can use as a basis for an interpretation, would the following accurately characterize your question?

Question: Is a person located outside the United States who offers a shipment from a foreign location for transportation to the United States in accordance with an international standard recognized by the U.S. HMR (for example the ICAO Technical Instructions) subject to Part 172 training requirements?

**From:** Stokes, Rebecca L [mailto:rebecca.l.stokes@lmco.com]  
**Sent:** Thursday, September 14, 2017 9:21 AM  
**To:** Kelley, Shane (PHMSA) <shane.kelley@dot.gov>  
**Subject:** RE: HM/DG Training For Nevatim Air Base Personnel Performing Hazmat Packaging/Shipping Tasks On Behalf Of LM Aero

Shane –

Thank you so much for getting back to me and letting me know.

**Best Regards,**

**Becky**

*Dangerous Goods Compliance & Transportation Safety Specialist, Lead*

817-777-8303

**From:** Kelley, Shane (PHMSA) [<mailto:shane.kelley@dot.gov>]

**Sent:** Monday, September 11, 2017 3:06 PM

**To:** Stokes, Rebecca L (US) <[rebecca.l.stokes@lmco.com](mailto:rebecca.l.stokes@lmco.com)>

**Subject:** EXTERNAL: RE: HM/DG Training For Nevatim Air Base Personnel Performing Hazmat Packaging/Shipping Tasks On Behalf Of LM Aero

Hi Rebecca,

Thank you so much, I have received this and am working a response in coordination with our regulations specialists. I'll be back in touch soonest.

Best

Shane

**From:** Stokes, Rebecca L [<mailto:rebecca.l.stokes@lmco.com>]

**Sent:** Monday, September 11, 2017 3:18 PM

**To:** Kelley, Shane (PHMSA) <[shane.kelley@dot.gov](mailto:shane.kelley@dot.gov)>

**Subject:** FW: HM/DG Training For Nevatim Air Base Personnel Performing Hazmat Packaging/Shipping Tasks On Behalf Of LM Aero

Good Afternoon Shane –

I'm Rebecca L. Stokes with Lockheed Martin Aeronautics in Fort Worth, Texas and I met you last Thursday night at the Labelmaster Fest, we discussed the LOI regarding training required overseas and also discussed on how Lockheed Martin can help make potential changes for the movement of our lithium ion batteries if Lockheed were able to bring in our corporate contacts that go to the Hill.

In our discussion, I wanted more clarification on how PHMSA communicates out globally to countries shipping to the United States that they need to comply with 49CFR training? In addition, below is some correspondence regarding my disagreement with my co-worker I feel that we can comply with additional training requirements that CFR calls out but a full 3-day 49CFR course that we take here within the United States is unnecessary. Please let me know what you think.

I appreciate your time.

**Best Regards,**  
**Rebecca L. Stokes**

*Dangerous Goods Compliance & Transportation Safety Specialist, Lead*  
817-777-8303

**From:** Fiddes, Michael S (US)

**Sent:** Wednesday, August 02, 2017 2:34 PM

**To:** Stokes, Rebecca L (US) <[rebecca.l.stokes@lmco.com](mailto:rebecca.l.stokes@lmco.com)>; Spicer, Rachael F (US) <[rachael.f.spicer@lmco.com](mailto:rachael.f.spicer@lmco.com)>; Nemitz, Michael P (US) <[michael.p.nemitz@lmco.com](mailto:michael.p.nemitz@lmco.com)>

**Subject:** HM/DG Training For Nevatim Air Base Personnel Performing Hazmat Packaging/Shipping Tasks On Behalf Of LM Aero

**Becky/Rachael,** I am following up on the topic of HM/DG training requirements for personnel at Nevatim Air Base performing HM/DG packaging/shipping tasks *on behalf of LM Aero*, because it appeared to me during this morning's meeting that ESH and y'all may not be on exactly the same page regarding minimum hazmat transportation-related training *requirements*. Specifically, you both appeared to take exception to my statement regarding 49CFR HMR training being applicable/required for Nevatim base personnel shipping HM/DG *on behalf of LM Aero* IN ADDITION TO IATA DGR training requirements. From this morning's discussion, it appeared to me that there was not a plan in place to include 49CFR HMR training along with IATA DGR training for DSV or other personnel going forward. Therefore, the following short list is provided of reasons why Israel Nevatim Air Base personnel shipping Hazardous Materials/Dangerous Goods into the U.S. on behalf of LM Aeronautics Company must complete applicable USDOT 49CFR Hazardous Materials Regulations (HMR) training IN ADDITION TO other modal (e.g., IATA DGR, IMDG Code) HM/DG training.

- See attached DOT Letter Of Interpretation 14-0104 regarding "HMR training requirements applicable to persons who perform a covered function for hazardous materials transported in commerce **to**, from and within the U.S." ... "Training conducted to comply with the ICAO Technical Instructions or the IMDG Code may be used to satisfy the training requirements set forth in 172.704 (see 172.704(a)(2)(ii) and also 171.22(g)(2)) **to the extent** that such training addresses the training components specified in 172.704(a). **Where this training does not satisfy the HMR, the employer or self-employed person must provide additional training to employees performing covered functions to comply with the HMR.**
- 'Additional training' that would be applicable to Israel base personnel shipping HM/DG to the U.S. and that would typically be beyond the extent that IATA DGR training would satisfy all applicable 49CFR HMR training is addressed in several 49CFR cites and other documents (e.g., Approvals, Special Permits, etc.) which include (not limited to):
  - 49CFR 172.704 requirements that are not otherwise covered in a generic (e.g., Lion Technology) IATA DGR air transportation course
  - 49CFR 171.22
    - ER Info requirements per Part 172 Subpart G
    - Training requirements per Part 172 Subpart H which include function-specific requirements in use of applicable USDOT Competent Authority Approvals, USDOT Special Permits, etc.
    - Security requirements per Part 172 Subpart I which include LM Aero Hazardous Materials Transportation Security Plan training as applicable based on DG shipped
    - Incident Reporting requirements per 171.15 & 171.16 (includes undeclared HM)
    - LM Aero HM Registration Certificate per Part 107 Subpart G
  - 49CFR 173.24 USDOT General Packaging requirements

- 49CFR 173.28 USDOT requirements for Reuse of packagings (particularly since current SOW implies reuse of some hazmat packagings)
- Use of IATA DGR for shipment of HM/DG for which USG Variations are applicable, should include additional training (e.g., 49CFR HMR) in the topics of those USG Variations.

In my experience, the single most important factor affecting DOT-related compliance, is how complete and robust personnel HM/DG training is. I hope that we can agree based on the above points regarding training requirements per 49CFR HMR that would be applicable to base personnel shipping HM/DG on behalf of LM Aero but not normally included in a generic (e.g., Lion Technology) air shipper course, and also from the perspective of wanting all personnel shipping HM/DG on behalf of LM Aero (particularly by air) and thus putting LM Aero at compliance and liability risk for any potential incorrect shipments, to be WELL trained and not just meet an incomplete/minimum training standard.

**Mike**, the above information regarding 49CFR HMR training requirements being applicable to folks shipping HM/DG into U.S. on behalf of LM Aero, does not only apply to Israel.

Thanks for including me in this morning's Skype meeting/conference call. Please include me in future such meetings/calls.

Thanks, Mike Fiddes  
*DOT/IATA Compliance, Transportation Safety, Explosives Safety*  
*Environment, Safety & Health*  
*Lockheed Martin Aeronautics Company*  
817-777-6490  
817-584-8680 (cellular)

