



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

AUG 20 2018

1200 New Jersey Avenue, SE
Washington, DC 20590

Robert Miller
Manager – Transportation Safety
ESHQ Services North America
299 Jefferson Road
Parsippany, NJ 07054

Reference No. 18-0089

Dear Mr. Miller:

This letter is in response to your June 15, 2018, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to training requirements. You describe a scenario in which a laboratory employee fills a sample bottle with a hazardous material and then hands the bottle to the shipping department. The laboratory employee does not perform any other function related to transportation. The shipping department employees are fully trained and perform all remaining pre-transportation functions. You ask whether the laboratory employee must be trained in accordance with the hazardous material employee training requirements in Part 172 Subpart H.

The answer is yes. As defined in § 171.8, a hazmat employee is a person who, in the course of his or her employment, directly affects hazardous materials transportation safety. An employee who fills a packaging with a hazardous material is performing a function that directly affects transportation safety and, thus, is subject to the training requirements in Part 172 Subpart H of the HMR. Note that training provided in accordance with standards or regulations of other Federal agencies, such as the Occupational Safety and Health Administration or the Environmental Protection Agency, may be used to satisfy the training requirements in § 172.704, provided such training addresses the training components specified in § 172.704(a).

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

Patrick
Packaging Specs
18-0089

January, Ikeya CTR (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Friday, June 15, 2018 4:48 PM
To: Hazmat Interps
Subject: FW: Request for Interpretation on Lab Employee Training
Attachments: Lab Employee Training Requirements Under 49CFR.pdf

Hi Ikeya,

Attached is a letter of interpretation. I spoke with Mr. Miller about his request. Please let me know if you have any questions.

Thank you,
Jodi

From: Miller, Robert [mailto:robert.miller@evonik.com]
Sent: Friday, June 15, 2018 11:33 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Request for Interpretation on Lab Employee Training

Attached please find a letter requesting clarification and interpretation on lab employee training pertaining to 49 CFR.

Thanks,

Rob

Robert Miller
Manager - Transportation Safety

ESHQ Services North America
Phone +1 973 929 8059
Fax +1 973 929 8040
Cell +1 973 202 3038
robert.miller@evonik.com

Evonik Corporation
299 Jefferson Road
Parsippany, NJ 07054, USA
<http://www.evonik.com>

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Standards and Rulemaking Division
Pipeline and Hazardous Materials Safety Administration
Attn: PHH-10
U.S. Department of Transportation
East Building
1200 New Jersey Avenue, SE.
Washington, DC 20590-0001

June 15, 2018

Evonik Corporation
299 Jefferson Road
Parsippany, NJ 07054
www.evonik.com
Phone +1 973-929-8059
Fax +1 973-929-8040
Cell +1 973-202-3038
Robert.miller@evonik.com

RE: Request for Clarification on Lab Employee Training

Dear Madam / Sir:

We would like to obtain some guidance or an interpretation, which addresses whether 49 CFR training is required for lab employees who only fill sample bottles of hazmat and then hand it to the shipping department. The lab employees do not perform any other function such as classification, package selection, package assembly, marking, or labeling.

The shipping department is fully trained and they place the bottles in spec packages. The trained shipping employees do all the certifications and ensure the rest of the shipping functions are completed including package selection and closure requirements. The bottles are only the inner packaging and the labs do not perform any other packaging or pre-transportation functions listed in 49 CFR 171.1(b). The trained shippers certify the final package is in compliance, which includes the inner packaging.

Please advise if these lab employees require 49 CFR training. Thank you for your time and guidance.

Sincerely yours,

Robert Miller
Manager - Transportation Safety
Product Regulatory Services
USA