



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

AUG 15 2019

Mr. Donald V. Paglioni
Deputy Safety Director
HQ U.S. Army Europe Safety (AECS-S)
Unit 29352 Box 108
APO AE 09014

Reference No. 19-0069

Dear Mr. Schwarz:

This letter is in response to your May 29, 2019, emailed memorandum, and July 31, 2019, email and phone call with a member of my staff requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to training. Specifically, you ask whether the HMR permits a German-licensed United States (U.S.) Army Schoolhouse to teach a European Hazardous Material Driver Course to U.S. Army personnel on military installations in the continental U.S. (CONUS), and to issue European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR) driver's licenses upon successful completion of this course.

This Office does not review or certify training programs. However, as the Competent Authority for the U.S. within the U.S. Department of Transportation for purposes of the HMR, we hereby inform you that our Office does not have any objections against ADR Dangerous Goods Driver Training (Hazardous Material Driver Training Course HAZ 11), as authorized and certified by the German Federal Ministry of Defense, being provided to members of the U.S. Army in the territory of the U.S. The provisions of the HMR apply to the transportation of a hazardous material in commerce and each person who offers and/or transports a hazardous material in commerce in the jurisdiction of the U.S. (*see* § 171.1(c) and the definition of "commerce" in § 171.8). The ADR applies to dangerous goods transported internationally in road vehicles among European countries that agree by contract to comply with its provisions; thus, the ADR is not subject to the HMR.

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

Sincerely,

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

cc: Mr. Michael B. Schwarz
Director, Safety Office
Headquarters, United States Army Europe
Command Dangerous Goods Advisor
Lucius D. Clay Kaserne
65205 Wiesbaden
GERMANY

Dodd, Alice (PHMSA)

From: Kelley, Shane (PHMSA)
Sent: Tuesday, June 04, 2019 10:54 AM
To: Hazmat Interps
Cc: Webb, Steven (PHMSA)
Subject: Fwd: DOT Approval Request
Attachments: DOT MEMO.pdf

Please assign as an interp and please ask the drafter to work with Steven Webb.

Thank you

From: Burger, Donald (PHMSA) <donald.burger@dot.gov>
Sent: Tuesday, June 4, 2019 10:32 AM
To: Kelley, Shane (PHMSA); Pfund, Duane (PHMSA); Klinger, Patricia (PHMSA)
Cc: Paquet, Ryan (PHMSA)
Subject: FW: DOT Approval Request

This came to us in PHH-31, but it is not in our area of purview. Any ideas on how we (PHMSA) should handle this? It is definitely not something that we in Permits and Approvals would handle.

Don B

-----Original Message-----

From: Eckenrode, Andrew (PHMSA)
Sent: Thursday, May 30, 2019 10:10 AM
To: Burger, Donald (PHMSA) <donald.burger@dot.gov>
Subject: FW: DOT Approval Request

Thoughts on how to handle the attached memo from the DOD? I don't think they need "approval" from PHMSA for the described activity; however, I didn't want to rattle off an email saying so much without getting your input.

Thanks!

Andrew

-----Original Message-----

From: Paglioni, Donald Vincent (Don) CIV USARMY USAREUR (USA) [mailto:donald.v.paglioni.civ@mail.mil]
Sent: Thursday, May 30, 2019 9:54 AM
To: Eckenrode, Andrew (PHMSA) <andrew.eckenrode@dot.gov>
Subject: DOT Approval Request

Andrew,


Per our conversation, attached is the memorandum that was discussed.


Appreciate any assistance in this matter.


Vr,

Don


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Headquarters
United States Army Europe
Wiesbaden, Germany

Army in Europe
Regulation 55-4*

Headquarters
United States Army Installation Management Command,
Europe Region
Sembach, Germany

11 October 2016

Transportation and Travel

Safe Movement of Hazardous Goods by Surface Modes

*This regulation supersedes AE Regulation 55-4, 13 April 2015.

For the Commander:

MARKUS T. LAUBENTHAL
Brigadier General, GS
Chief of Staff

Official:



DWAYNE J. VIERGUTZ
Chief, Army in Europe
Document Management

Summary. This regulation—

- Assigns responsibilities and prescribes policy and procedures for transporting DOD hazardous material (HAZMAT) and hazardous waste (HW) in the European theater.
- Defines specifications of vehicles and transport units authorized to move HAZMAT and HW over public roads.
- Defines preparation and documentation requirements for transporting HAZMAT and HW by road or rail when the HAZMAT and HW will also be transported by sea or air.
- Is based on the 2015 *Accord Européen Relatif au Transport International des Marchandises Dangereuses par Route (ADR)* (European Agreement Concerning the International Carriage of Dangerous Goods by Road) and the 2015 *Règlement Concernant le Transport International des Marchandises Dangereuses (RID)* (European Regulation Concerning the International Carriage of Dangerous Goods by Rail).

NOTE: Host countries may specify more stringent procedures that will take precedence over the procedures in this regulation. Commands with operational responsibility in affected areas will report these procedures to the Mobility Operations Division, Office of the Deputy Chief of Staff, G4, HQ USAREUR, to include in this regulation.

- Adds the stipulation that while on a military installation, items in compatibility group G, other than fireworks and those requiring special handling, may be loaded and transported with other explosive articles of compatibility groups C, D, and E, provided that explosive substances (such as those not contained in articles) are not carried in the same transport vehicle (para 34l(5)).
- Changes Security Risk Codes to CIICs (para 45c).
- Provides the host-nation emergency telephone number to use throughout Europe (para B- 1k(1)).
- Changes “material safety datasheet (MSD)” to “safety datasheet (SDS)” throughout the regulation.

Applicability. This regulation applies to Army activities and organizations located or operating in Europe. It does not apply to operations in the restricted areas of aerial ports or flight lines.

Records Management. Records created as a result of processes prescribed by this regulation must be identified, maintained, and disposed of according to AR 25-400-2. Record titles and descriptions are on the Army Records Information Management System website at <https://www.arims.army.mil/>.

Supplementation. Organizations will not supplement this regulation without approval by the Mobility Operations Division, Office of the Deputy Chief of Staff, G4, HQ USAREUR.

Forms. This regulation prescribes AE Form 55-4A. AE and higher level forms are available through the Army in Europe Library & Publishing System (AEPUBS) at <http://www.eur.army.mil/aepubs/>.

Suggested Improvements. The proponent of this regulation is the Mobility Operations Division, Office of the Deputy Chief of Staff, G4, HQ USAREUR (mil 537-4523). Users may suggest improvements to this regulation by sending DA Form 2028 to the USAREUR G4 (AELG-M), Unit 29351, Box 102, APO AE 09014-2935.

Distribution. This publication is available only electronically and is posted in AEPUBS at <http://www.eur.army.mil/aepubs/>.

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Glossary

SECTION I GENERAL

1. PURPOSE

This regulation assigns responsibilities and prescribes policy and procedures for transporting DOD hazardous material (HAZMAT) and hazardous waste (HW) by surface (road, rail, and inland waterways) throughout the USAREUR area of responsibility (AOR).

2. REFERENCES

Appendix A lists references.

3. EXPLANATION OF ABBREVIATIONS AND TERMS

The glossary defines abbreviations and terms.

4. RESPONSIBILITIES

The safe movement of HAZMAT and HW by surface modes is the responsibility of all personnel involved in the movement. Unless otherwise specified by this regulation or host-nation (HN) law, unit commanders are responsible for the safe movement of the HAZMAT and HW movement program. All individuals participating in the transport process, by management or function, will be trained to a degree commensurate with their responsibilities. Section II provides more information on training.

NOTE: For the purpose of this regulation the terms unit and shipping activity are used interchangeably. The glossary defines both terms.

a. Safety Division, Office of the Chief of Staff, HQ USAREUR. The Safety Division, Office of the Chief of Staff, HQ USAREUR, will—

(1) Serve as the proponent for AE Regulation 55-50 which prescribes policy for the Dangerous Goods Program.

(2) Appoint the USAREUR Command Dangerous Goods Advisor (CDGA) on AE Form 55-50E. AE Regulation 55-50 lists the responsibilities of the USAREUR CDGA.

(3) Maintain a website to provide information about the transportation of HAZMAT and HW at <https://intranet.eur.army.mil/hq/safety/SitePages/Home.aspx?RootFolder=%2Fhq%2Fsafety%2FShare%20Documents%2FUS%20Army%20Europe%20Dangerous%20Goods%20Movement%20Information&FolderCTID=0x012000862D322FFABFFE4398BD98B38A72A5F6&View={E316C041-203E-46DA-8701-2A66F36507DD}>.

(4) Serve as the USAREUR competent authority (CA) for the issue of competent authority approval (CAA) (para 22x) and certificate of equivalency (COE) documentation, and ensure CAA and COE reports are generated when requested.

(5) Appoint maintenance activity personnel from the Theater Logistics Sustainment Command – Europe (TLSC-E) to certify *ADR* Certificates of Approval for vehicles and bulk-fuel trailers (sec V).

(6) Coordinate initial, refresher, and remedial training programs for maintenance activity inspectors in Germany and Italy under the *ADR* Certificate of Approval Program.

(7) Provide stamps to *ADR* Certificate of Approval Program inspectors for stamping the original *ADR* Certificate of Approval after an inspection has been successfully completed.

(8) Maintain continuous liaison with proponents of the *ADR*, the *Règlement Concernant le Transport International des Marchandises Dangereuses (RID)* (European Regulation Concerning the International Carriage of Dangerous Goods by Rail), the *Accord Européen Relatif au Transport International des Marchandises Dangereuses par Voie de Navigation (ADN)* (European Agreement Concerning the International Carriage of Dangerous Goods by Inland Waterway), and the International Maritime Dangerous Goods Code (IMDG-C) for changes and updates to policy that affect USAREUR and ensure that the latest changes are posted on the CDGA website ((3) above) and distributed throughout the command.

(9) Maintain liaison with USEUCOM, other Services, and subordinate commands on all HAZMAT and HW issues.

(6) All personnel signing certification statements on DD Form 2890 or other transportation documents will be appointed in writing by the activity, unit commander, or designated representative on AE Form 55-50G for surface movement and AE Form 55-50F for air movement. The appointment will include the scope of authority and expiration date, which cannot exceed the expiration date of the training certification validity (2 years). A copy of the appointment order will be provided to the appointed individual and the USAREUR CDGA.

l. Movement control team (MCT) or branch movement control team (BMCT) personnel who provide movement control services for the movement of HAZMAT or HW on the European public transportation network will receive a one-time, 2-day familiarization training class to help them ensure that HAZMAT shipping documents are complete and correct.

(1) A trained and appointed unit DGA (for example, a DGA assigned to the 21st SC, the 16th Sustainment Brigade, or the 39th Transportation Battalion (Movement Control) (MCB)) or the USAREUR CDGA, when requested, will provide the familiarization training.

(2) The unit DGA will provide MCT and BMCT personnel a "DG Update Briefing" on all modes of transportation every time a regulation concerning transportation of dangerous goods or HAZMAT is updated.

m. Personnel who certify bulk fuel for movement on European public roads will be trained and certified through successful completion of HAZ 12 and HAZ 15.

n. Personnel who inspect and certify containers according to the requirements of the International Convention for Safe Containers (also Container Safety Convention) (CSC) must be trained and certified. The course Ammo-43 Intermodal Dry Cargo Container/CSC Reinspection provides the appropriate training and may be taken online through the Defense Ammunition Center website at <http://ammo.okstate.edu/>. Personnel must successfully complete this course every 4 years to remain certified.

o. All HAZMAT and HW training, including testing, will be documented in personnel training records in ATRRS. Records will be maintained for as long as a person is employed with DOD and for 90 days after separation from DOD. Records will be transferred if the individual changes organizations.

8. HAZARDOUS MATERIAL DRIVER TRAINING COURSE (HAZ 11)

a. Purpose. This 40-hour course may be taken at the CATC in Vilseck, through CATC MTTs on request, or from the USAREUR CDGA on request. This course is mandatory for all personnel who operate vehicles loaded with HAZMAT or HW. Its main objectives are to make drivers aware of dangers when transporting HAZMAT or HW and to provide information on how to minimize the likelihood of an incident. Personnel will also learn which measures to take for their own safety and that of the public and environment to limit the effects of an incident. Special emphasis is given to European road laws.

b. Procedures.

(1) After completing the course and passing the examination, each graduate will be issued an *ADR* Certificate of Drivers Training, which is required by law to transport HAZMAT and HW in Europe. The certificate is valid for 5 years.

(2) The *ADR* Certificate of Drivers Training may be renewed only after the driver attends and successfully completes another HAZ 11 training course or after successfully completing a 12-hour refresher training class conducted by the USAREUR CDGA or the 6966th TTT (for German-speaking drivers).

(3) Units may request a CATC MTT to teach HAZ 11 at their location if a sufficient number of personnel can attend the training locally or when attendance at Vilseck is not possible due to operational or funding issues. Coordination will be made through the CATC course managers (mil 476-2849/2680/2880).

(4) CONUS Reserve and National Guard units with duty in USAREUR (for example, exercises, deployments) may request HAZ 11 training at their CONUS location before coming to Europe. Units may request a CATC MTT to teach HAZ 11 at their CONUS location if a sufficient number of personnel can attend. Coordination will be made through CATC course managers. If CONUS MTT training is not possible, coordination will be made with CATC for attendance at the Vilseck HAZ 11 course or training through an OCONUS MTT.

NOTE: CONUS Reserve and National Guard personnel who drive military vehicles on European public roads must also have a U.S. Forces Certificate of License (AE Form 190-1F).

c. Course Prerequisites.

(1) Students must have a current operator's permit, (DA Form 5984-E (OF 346) or DA Form 348-E (DA Form 348)) for the vehicle they intend to drive.

(2) Students must have a current U.S. Forces Certificate of License.

(3) Commanders have the responsibility to select personnel for training based on mission operational requirements. Selected personnel should have 1 year retainability after course completion, but this is not mandatory.

d. Training HN Drivers.

(1) HN personnel who drive U.S. military vehicles (for example, 6966th TTT personnel) carrying HAZMAT or HW will attend a basic training course taught by certified instructors. Training courses must be approved by the USAREUR CDGA.

(2) After completion of the course and passing the examination, each graduate will be issued an *ADR* Certificate of Drivers Training from the CATC. The certificate is valid for 5 years.

(3) The *ADR* Certificate of Drivers Training can be renewed only after the driver attends and successfully completes a 12-hour refresher training course. Refresher training courses must be approved by the USAREUR CDGA.

NOTE: The 6966th TTT conducts an approved *ADR* basic and refresher course for all USAREUR German-speaking employees.