



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

December 6, 2022

Mr. Tom Morales
CPNPP Training Support Manager
PO Box 1002
Glen Rose, TX 76043

Reference No. 22-0048

Dear Mr. Morales:

This letter is in response to your May 11, 2022, email and subsequent phone conversation with a member of my staff requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the definition of a hazmat employee. Specifically, you ask whether certain employees are considered hazmat employees and therefore subject to training in accordance with 49 CFR Part 172, Subpart H.

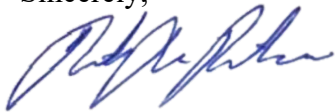
We have paraphrased and answered your questions as follows:

- Q1. You ask whether facility equipment operators, who operate on-site bulk storage tanks in preparation for loading with hazardous materials from a cargo tank truck—i.e., operate the valves on the tanks—meet the definition of a hazmat employee. You state that the facility equipment operators are responsible for controlling the flow valves of your bulk storage system after the carrier connects the delivery hose from the cargo tank truck.
- A1. The answer is yes. In the scenario you described, the facility equipment operators directly affect the transportation—which includes unloading from a bulk package—of the hazardous materials and are subject to the training requirements. Because the facility equipment operators are directly involved in managing the flow of hazardous materials for unloading while in the presence of carrier personnel, they are considered to be performing a function subject to the HMR.
- Q2. You ask whether the definition of a hazmat employee is applicable to chemistry technicians who, prior to accepting a delivery, sample the product (e.g., fuel) to ensure that the material meets certain specifications.
- A2. The answer is no, if the sampling that is performed does not directly affect the transportation (including unloading from a bulk package) of the hazardous material.

- Q3. You ask whether “shield mechanics”—who are responsible for removing a security shield during delivery of diesel fuel to allow it to be offloaded into underground storage tanks—are considered hazmat employees. You state that the shield mechanics are only responsible for removing security shields that allow unloading to occur, and do not perform any unloading of the hazardous materials itself.
- A3. The answer is no. As provided in A2, if the removal of the shields by the mechanic does not directly affect the transportation of the hazardous material, a shield mechanic would not meet the definition of a hazmat employee.
- Q4. You ask whether mechanics, who offload hazardous materials from the transport vehicle in the presence of the carrier once the vehicles have arrived onsite, meet the definition of a hazmat employee requiring hazmat training in accordance with 49 CFR Part 172, Subpart H.
- A4. The answer is yes. As provided in § 171.8, the term hazmat employee includes an individual who, during the course of employment, loads, unloads, handles hazardous materials, or operates a vehicle used to transport hazardous materials.

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

From: [INFOCNTR \(PHMSA\)](#)
To: [Hazmat Interps](#)
Subject: FW: Question on HAZMAT Training Requirements
Date: Wednesday, May 18, 2022 1:53:17 PM

See below request for interpretation.

Thanks,
Jonathon, HMIC

From: Morales, Tom <Tom.Morales@luminant.com>
Sent: Tuesday, May 17, 2022 4:54 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: FW: Question on HAZMAT Training Requirements

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.

As I discussed with Jonathon on the phone today, I am asking for a formal written response to the questions below.

My mailing address is:

Tom Morales
PO Box 1002
Glen Rose TX 76043

Tom Morales
CPNPP Training Support Manager
W 254-897-5305
C 817-487-8953

From: Morales, Tom
Sent: Wednesday, May 11, 2022 11:07 AM
To: infocntr@dot.gov
Subject: Question on HAZMAT Training Requirements

To whom it may concern,

I am trying to determine whether certain employees are required to complete HAZMAT training based upon their roles in our organization.

Equipment Operator:

- We have operators who align our onsite bulk storage tanks in order to receive hazardous

chemicals such as hydrogen. The truck driver has the responsibility to connect the hose to our bulk storage system and controls the offload of the truck contents. Is the equipment operator defined as a HAZMAT employee thus required to complete the DOT/HAZMAT training?

Chemistry Technician:

- Chemistry technicians are required to sample fuel tankers prior to offload to ensure the diesel quality meets our minimum specifications. The technicians have no role in the actual offload of the fuel tankers. The truck driver is responsible for offloading the fuel. Are the Chemistry Technicians considered to be HAZMAT employees thus required to complete the DOT/HAZMAT training?

Mechanical Maintenance Personnel:

- Mechanics are required to remove missile shields in order for Diesel Fuel to be offloaded into our underground storage tanks. Once the shield is removed the mechanics have no role in the offloading of the fuel , the truck driver is responsible for connecting hoses and offloading of the diesel fuel. Are these mechanics considered to be HAZMAT employees thus required to complete the DOT/HAZMAT training?
- Mechanics offload canisters of new nuclear fuel from the transport carrier once they have arrived onsite. The canisters contain new 5% enriched uranium fuel rods. Are these mechanics considered to be HAZMAT employees thus required to complete the DOT/HAZMAT training?

Respectfully,

Tom Morales

CPNPP Training Support Manager

W 254-897-5305

C 817-487-8953

Confidentiality Notice: This email message, including any attachments, contains or may contain confidential information intended only for the addressee. If you are not an intended recipient of this message, be advised that any reading, dissemination, forwarding, printing, copying or other use of this message or its attachments is strictly prohibited. If you have received this message in error, please notify the sender immediately by reply message and delete this email message and any attachments from your system.