



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

March 23, 2023

Nic Englehart  
University of Rhode Island  
Environmental Health & Safety  
177 Plains Road  
Kingston, RI 02881

Reference No. 22-0025

Dear Mr. Englehart:

This letter is in response to your March 11, 2022, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to pre-transportation functions. Specifically, you relate a circumstance in which fieldwork in remote locations necessitates a trained hazmat employee to prepare hazardous material for shipment, however, you sometimes have difficulty locating someone qualified to provide such service. You provide a scenario where you—as a trained hazmat employee—would provide direct supervision via video-call to an untrained employee (i.e., a colleague) while the untrained employee performs pre-transportation functions (e.g., selecting hazardous material packagings, markings, labels, and preparing shipping papers) and ask whether the HMR allows for such virtual supervision of untrained employees when performing pre-transportation functions.

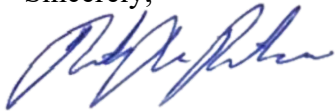
The answer is no, insofar as it is the understanding of this Office that your colleague will not be hazmat trained within 90 days. Persons performing functions subject to the HMR must be trained as specified in § 172.704. The HMR affords new employees and those who change job functions the opportunity to perform hazmat functions under direct supervision; however, the employee must be fully trained within 90 days. Specifically, in accordance with § 172.704(c)(1), a new employee or a hazmat employee who changes job functions may perform the new functions prior to completing the required training, provided: (1) the employee is under direct supervision of a properly trained hazmat employee; and (2) the training is completed within 90 days after employment or a change in job function. These requirements apply to all hazmat employees, regardless of the frequency of performance of the functions. Accordingly, in a scenario as described in your message, it is the opinion of this Office that the untrained person may perform the function under direct supervision via video call provided the following are satisfied: the supervising hazmat employee is able to instruct the employee how to properly perform the hazmat function, the supervising hazmat employee is able to observe the employee's performance of the function, the supervising hazmat employee is able to take immediate

corrective action regarding any function not performed in conformance with the HMR<sup>1</sup>, and the untrained employee completes hazmat training within 90 days of performing the job function.

If you are unable to demonstrate compliance with the training requirements, you may apply for a special permit by submitting an application to the Associate Administrator for Hazardous Materials Safety in conformance with the requirements prescribed in 49 CFR Part 107, Subpart B. You may obtain information on the special permit application process from our website at <https://www.phmsa.dot.gov/approvals-and-permits/hazmat/hazardous-materials-approvals-and-permits-overview>, or by calling PHMSA's Approvals and Permits Division at (202) 366-4511.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Der Kinderen".

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

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<sup>1</sup> See final rule HM-222B (61 FR 27166, 27169; May 30, 1996).

Cardez

**From:** [INFOCNTR \(PHMSA\)](#)  
**To:** [Dodd, Alice \(PHMSA\)](#)  
**Cc:** [Hazmat Interps](#)  
**Subject:** FW: Request for Interpretation  
**Date:** Wednesday, April 13, 2022 9:33:12 AM

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22-0025

Hello Alice,

Please see the below request for interpretation.

Let me know if you have any questions.

Regards,

-Breanna

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**From:** Nicholas Englehart <nenglehart@uri.edu>  
**Sent:** Friday, March 11, 2022 10:57 AM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Cc:** Shipping/Receiving URI/GSO <shipping@etal.uri.edu>  
**Subject:** Request for Interpretation

**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.

Hello

I work at a university where I ship dangerous goods for professors. Oftentimes we are shipping materials out for fieldwork, sometimes in remote locations. As the sole person trained and certified to ship dangerous goods at my institution, I've faced a dilemma. Professors are not always able to locate someone trained and certified to ship dangerous goods for the return shipment of their fieldwork.

Therefore, I'm requesting an interpretation of whether I can video-call a colleague to provide direct oversight and supervision while they prepare and package dangerous goods for transport. Such that, I can provide real time feedback to ensure corrective measures are being taken (i.e., not signing a dangerous goods declaration until the package is in full compliance based on appearance and discussion with the colleague). All appropriate shipping materials (e.g., UN-rated packaging, packing materials, markings, labels) would be available for the colleague on the video-call.

Thank you

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Nic Englehart, CSP  
Chemical Hygiene Officer &  
[Dangerous Goods Shipping](#) Specialist

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