



U.S. Department  
of Transportation

Research and  
Special Programs  
Administration

400 Seventh Street S.W.  
Washington, D.C. 20590

JUN 17 1998

Mr. Jeff Anderson  
Logistics Services Manager  
The Andersons, Inc.  
P.O. Box 119  
Maumee, OH 43537

Ref. No. 98-0117

Dear Mr. Anderson:

This responds to your recent letter concerning training requirements for drivers transporting hazardous materials. Specifically, you asked if a driver with a commercial drivers license (CDL) and either a tank vehicle or hazardous materials endorsement has satisfied the training requirements set forth in the Hazardous Materials Regulations (HMR; 49 CFR Parts 172-180).

Subpart H of Part 172 specifies that a person who performs any function that directly affects the transportation of hazardous materials is a hazardous material (hazmat) employee and must receive training applicable to those functions. The training requirements for a hazmat employee who also drives a commercial motor vehicle are supplemental to the licensing requirements. General awareness/familiarization training is required for all hazmat employees, and enables drivers to recognize and identify hazardous materials consistent with hazard communication standards. Compliance with the current requirements for a CDL provides employees with general knowledge and skills and may satisfy these training requirements. However, additional specialized training may be necessary depending on the job function and handling requirements for specific hazardous materials.

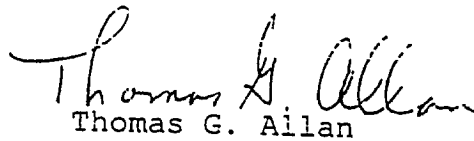
Drivers transporting hazardous materials that require shipping papers also must receive driver training as required by § 177.816(a) and (b). Section 177.816(c) does not waive these requirements for drivers who have met the current requirements for a CDL with a tank vehicle or hazardous materials endorsement. Rather, § 177.816(c) acknowledges that compliance with requirements for a CDL with a tank vehicle or hazardous materials endorsement provides a driver with the general knowledge and skills necessary to safely operate a commercial motor vehicle with hazardous materials cargo and may satisfy some of the training requirements in § 177.816.

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Responsibility for ensuring that the level of training is adequate and appropriate is the obligation of the hazmat employer. In the case of a driver who has a CDL with a tank vehicle or hazardous materials endorsement, the employer must ascertain whether the driver needs additional training to comply with the training requirements of Part 172, Subpart H, and Part 177 of the HMR.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Thomas G. Ailan".

Thomas G. Ailan  
Senior Transportation Regulations Specialist  
Office of Hazardous Materials Standards



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Subpart H of Part 172 specifies that a person who performs any function that directly affects the transportation of hazardous materials is a hazardous material (hazmat) employee and must receive training applicable to those functions. The training requirements for a hazmat employee who also drives a commercial motor vehicle are supplemental to the licensing requirements. General awareness/familiarization training is required for all hazmat employees, and enables drivers to recognize and identify hazardous materials consistent with hazard communication standards. Compliance with the current requirements for a CDL provides employees with general knowledge and skills and may satisfy these training requirements. However, additional specialized training may be necessary depending on the job function and handling requirements for specific hazardous materials.

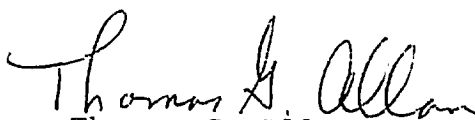
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177.816

Responsibility for ensuring that the level of training is adequate and appropriate is the obligation of the hazmat employer. In the case of a driver who has a CDL with a tank vehicle or hazardous materials endorsement, the employer must ascertain whether the driver needs additional training to comply with the training requirements of Part 172, Subpart H, and Part 177 of the HMR.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Thomas G. Allan".

Thomas G. Allan  
Senior Transportation Regulations Specialist  
Office of Hazardous Materials Standards



The Andersons, Inc., P. O. Box 119 Maumee, OH 43537 (419)893-5050

May 21, 1998

Research and Special Programs Administration  
U.S. Department of Transportation  
400 Seventh St. SW  
Washington, DC 20590

Dear Sir or Madame:

Please advise me as to the answer to the following question so that our truck fleet can know what it needs to do to operate legally.

49CFR177.816(c) apparently says that if a driver has both a CDL and either a tank vehicle or hazardous materials endorsement, then he is not required to be trained in the applicable requirements of 49CFR parts 390 through 397 and the procedures necessary for the safe operation of that motor vehicle. This training that is waived includes 177.816(a)(1) through (6) and 177.816(b). Is this correct? If so, I apologize for asking a question with such an obvious answer; but I learned once before from the D.O.T. that a driver would be required to be trained in hazardous materials according to subpart H of part 172, even though it appeared to me that this training was also being waived by the statement in 177.816(c). The D.O.T. explained to me earlier that it was not the intention for the hazmat training to be waived; and therefore even if one might interpret 177.816(c) to allow such waiving, the D.O.T. insists that hazmat drivers must be trained according to subpart H of part 172. Therefore I just don't want to take a chance of misinterpreting these training rules.

Sincerely,

Jeff Anderson  
Logistics Services Manager