



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

MAR 19 1999

Ms. Barb Germano
Safety & Risk Administrator
Myers Industries, Inc.
1293 South Main Street
Akron, OH 44301

Ref. No. 98-0326

Dear Ms. Germano:

This is in response to your letter dated October 20, 1998 regarding the training requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request clarification on whether your employees would require DOT training.

According to the HMR, a hazmat employee is a person employed by a hazmat employer and during the course of his/her employment directly affects hazardous materials transportation safety (see § 171.8). In other words, a person who performs duties that are regulated under the HMR is considered to be a hazmat employee. Section 172.704 requires a hazmat employee to receive general awareness, function specific, and safety training.

Based on the information provided in your letter, your employees perform functions subject to the HMR, such as securing closures on packagings that contain hazardous materials, as evidenced by the signed customer certification which states in part that "all closures are in place and have been secured as required by 49 CFR 173.29(a) and 173.24(b)(1)". Any employee who performs a function covered by the HMR, e.g., secures these closures, is a hazmat employee.

Section 172.704(b) states that training conducted by employers to comply with the hazard communication programs required by the Occupational Safety and Health Administration (OSHA) of the Department of Labor (29 CFR 1910.120), to the extent that training addresses the general awareness, function specific, and safety training, may be used to satisfy DOT training, in order to avoid unnecessary duplication of training.

I hope this satisfies your request.

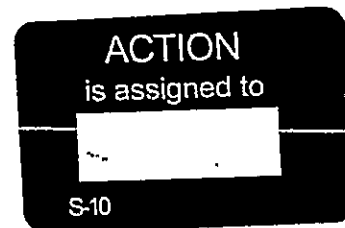
Sincerely,

for Thomas H. Allan

John A. Gale
Transportation Regulations Specialist
Office of Hazardous Materials Standards



B/H
§ 172.702
98-0326



October 20, 1998

United States Department of Transportation
400 Seventh St. S.W.
Washington, DC 20590

Please advise if training requirements would apply (for our employees) in the following case:

We purchase chemicals from Southchem for use at our facility. When the drums are empty, the chemical company picks up the empty drums.

The chemical company provides the paperwork, etc. Our facility simply allows the empty drums to be picked up.

All of our employees have had the OSHA required Haz Com training. Is DOT Haz Mat training also required?

I have enclosed a copy of the paperwork used by Southchem.

I appreciate your answer.

Sincerely,

A handwritten signature in cursive script that reads 'Barb Germano'.

Barb Germano
Safety & Risk Administrator

**SOUTHCHEM Inc.**

CONTAINER RECEIVING REPORT

80619

SOUTHCHEM LOCATION Dalhousie NCCUSTOMER Northern SolutionsADDRESS Rebanc NCDATE 10-12-98

TIME IN _____ TIME OUT _____

RECEIVED BY (DRIVER) [Signature]

CHECKED INTO WAREHOUSE BY: _____ DATE: _____

CONTAINER	CONDITION	QTY
Poly 55 Gallon Delbarrel 9181	GOOD DAMAGED	
Poly 15 Gallon Delbarrel 9151	GOOD DAMAGED	
Poly Drum 5 Gallon 9330	GOOD DAMAGED	
Steel Drum 55 Gallon 9480	GOOD DAMAGED	3
Enter Product Name And Number of Container(s) For Each Product Here: Toluene TO Arthur		
Stainless Drum 55 Gallon 9272	GOOD DAMAGED	
Stainless Drum 15 Gallon 9431	GOOD DAMAGED	

CONTAINER	CONDITION	QTY
Poly Portable Tanks 9515	GOOD DAMAGED	
Stainless Steel Portable Tanks 9515	GOOD DAMAGED	
Yellow Cage Steel Poly Portable Tanks 9515	GOOD DAMAGED	
Super Bag (Ton) 9520	GOOD DAMAGED	
150# Chlorine Cylinder 9215	GOOD DAMAGED	
150# Sulfur Dioxide Cylinder 9502	GOOD DAMAGED	
150# Ammonia Cylinder 9201	GOOD DAMAGED	

List Cylinder Numbers Below (By Product):

CONTAINER	CONDITION	QTY
Pallets 9375		
2" Bungs 1351		
3/4" Bungs 1350		

CUSTOMER CERTIFICATION: The above containers are empty as defined by Federal Regulations 40CFR, Section 261.7. All Closures are in place and have been secured as required by 49CFR 173.29(a) and 173.24 (b)(1). Customer also certifies that these containers have not been used for any other purpose other than to store the original contents of the container and accepts full liability for any deviation from this certification. Customer retains ownership of container(s) until accepted by a reconditioner or re-filled by Southchem.

BY Dennis Harlan 10-12-98 DENNIS HARLAN TITLE _____
(CUSTOMER'S SIGNATURE) (PRINT NAME)