



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

MAR 15 2017

Mr. Edgar Whittle
Director, Codes & Standards
Bureau Veritas
330 Lynnway, Suite 403
Lynn, MA 01901

Reference No. 16-0139

Dear Mr. Whittle:

This letter is in response to your August 23, 2016, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to training. Specifically, you ask two questions related to whether certain entities involved in the certification of non-specification cargo tanks, commonly known as nurse tanks and considered an instrument of husbandry, require training as a hazmat employee as prescribed in § 172.704.

- Q1. You ask if a nurse tank manufacturer must receive hazmat training as required by the HMR if the nurse tank is manufactured to a condition not yet certified or represented as suitable for the transportation of hazardous materials.
- A1. If the intent of the manufacturer is to produce nurse tanks to be represented as packagings authorized for the transportation of hazardous materials, the manufacturer is required to be trained as a hazmat employee. However, if the manufacturer has no intent for the tanks to be represented as packagings authorized for the transportation of hazardous materials, the manufacturer is not required to be trained.
- Q2. You ask if authorized inspectors as defined in § 171.8, who are not employees of the nurse tank manufacturer, must receive hazmat training as required by the HMR if they are only inspecting the nurse tank for compliance with the American Society of Mechanical Engineering (ASME) Code.

A2. See Answer A1. If the nurse tank is to be manufactured in compliance with the ASME Code and the manufacturer intends the tank to be represented as a package authorized for the transportation of hazardous materials, then the authorized inspector must be trained as a hazmat employee.

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

Sincerely,

A handwritten signature in cursive script, reading "T. Glenn Foster". The signature is written in dark ink and is positioned above the printed name and title.

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



Stevens
§ 178.8
Hazmat Training
16-0139

August 23, 2016

Standards and Rulemaking Division
Pipeline and Hazardous Material Safety Administration
East Building, 2nd Floor
Washington, D.C. 20590-0001

Attention: PHH-10
Request for Interpretation
Reference: 178.8 Hazmat Employers
Subject: Hazmat Training

Gentleman:

Please provide clarification as to the requirements for Hazmat Training as related to cargo tanks such as Implement Husbandry aka Nurse Tanks.

Are manufacturers of nurse tanks required to have hazmat training if the nurse tanks are not a complete package and do not meet all necessary requirements for the tanks to enter the stream of commerce?

Also, are Authorized Inspectors, who are not employees of the manufacturer, but are certified by the National Board of Boiler and Pressure Vessel Inspectors to inspect the tanks only for compliance to the American Society of Mechanical Engineering code, required to be hazmat trained?

I would appreciate a response at your earliest convenience.

Best Regards

Edgar Whittle

Director, Codes & Standards
(781) 584-1104