



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

MAY - 5 2000

Mr. Thomas R. Goding
Chem One Corporation
8017 Pinemont, #100
Houston, TX 77040-6519

Ref. No. 99-0286

Dear Mr. Goding:

This is in response to your letter concerning a shipper's responsibility under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether, prior to offering a hazardous material shipment to a motor carrier, the shipper is required to verify that the motor vehicle driver has a valid commercial drivers license with a hazardous materials endorsement.

The answer is no. The HMR contains no requirement that a shipper must obtain proof that the vehicle operator possesses a commercial drivers license (CDL) with a hazardous materials endorsement in conformance with the requirements in 49 CFR Parts 383 and 391. Those requirements come under the jurisdiction of the Federal Motor Carrier Safety Administration (FMCSA). Questions concerning the CDL requirements may be directed to John McCormick, Enforcement Program Specialist, FMCSA, Southern Resource Center, 61 Forsyth Street, SW., Suite 17T26, Atlanta, Georgia, at (404) 562-3600.

I hope this information satisfies your inquiry.

Sincerely,

Hattie L. Mitchell, Chief
Regulatory Review and Reinvention
Office of Hazardous Materials Standards



990286

173,22



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Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/RSPA (DHM-10)
400 7th Street S.W.
Washington, D.C. 20590-0001

Date: 10/20/1999

Dear Mr. Mazzullo,

As a shipper of hazardous materials we have made public safety one of our top priorities. As part of our internal procedures, we request that drivers allow us to photocopy their CDL. This ensures only drivers with a valid CDL and HAZMAT endorsement transport hazardous materials out of our facility.

We do not employ drivers. Instead we utilize a number of different carriers. Over the course of the past couple of months we have seen a number of drivers refuse to let us photocopy, and in some instances even show us their CDL. We in turn have refused to load their vehicle.

With this reaction from drivers becoming more common, I attempted to locate in 49 CFR *any* reference to a "shippers" responsibility in verifying that an individual has a valid CDL with the correct HAZMAT endorsement. I was unable to locate a single reference.

With that in mind I called the HMR hotline and the local DOT office. I was informed that per 49 CFR we, as a shipper of hazardous materials, are not required to verify if a driver has the correct licenses and endorsements. Responsibility for verification of a driver's status and rating falls on the carrier.

My question is this:

As a shipper of hazardous materials who

- 1) Participates in the loading of the vehicles
- 2) Does not own any of the containers, and
- 3) Does not employ any of the drivers.

Are we required to verify the licenses and endorsement of drivers departing our facility with haz-mat loads?

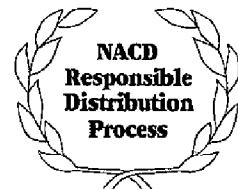
Any clarification you can provide on this issue would be greatly appreciated.

Sincerely,

A handwritten signature in black ink that reads 'Thomas R. Goding'. The signature is written over a horizontal line.

Thomas R. Goding
EH&S / QA Manager
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cc: amw
clw
cjr
file



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File Number: NC2369