



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

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

AUG - 9 2000

Ref. No. 00-0093

Mr. Laurent S. Vesier
Rohm and Haas Company
100 Independence Mall West
Philadelphia, PA 19106-2399

Dear Mr. Vesier:

This is in response to your letter requesting clarification of the requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) concerning persons who maintain, retest and inspect intermediate bulk containers (IBCs). Your questions are paraphrased and answered below.

Q1. Must a person who performs periodic tests and inspections on IBCs in accordance with § 180.352 obtain prior approval from the Associate Administrator for Hazardous Materials Safety as a third party inspector?

A1. No. The periodic retests and inspections done on an IBC may be performed by any qualified person.

Q2. Must a person who performs maintenance on an IBC be employed by the IBC owner?

A2. No. The person may be employed by the owner or a third party.

Q3. Must a person who performs the requalification functions prescribed in § 180.352 be trained under the 49 CFR? If so, what specific training is required?

A3. The HMR requires that a hazmat employer must ensure that all hazmat employees are trained in accordance with Subpart H of Part 172. As defined in § 171.8, a hazmat employee is a person who performs functions that directly affects hazardous materials transportation safety. These functions include the testing, reconditioning, repairing, marking or representation



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of packagings as being qualified for use in hazardous materials transportation. A person performing the functions required in § 180.352 meets the definition of a hazmat employee and, therefore, is required to be trained and tested.

With regard to specific training for a hazmat employee, § 172.704 provides the minimum training requirements, however, it is the responsibility of the hazmat employer to determine the specific training needs applicable to the functions of a hazmat employee.

I hope this information is helpful. Please contact us if you need additional assistance.

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell". The signature is written in dark ink and is positioned above a horizontal line.

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

REPLY TO:
ENGINEERING DIVISION
BOX 584
BRISTOL, PA 19007
(215) 785-7000 FAX (215) 785-7458



March 24, 2000

Mr. Edward Mazzullo
Director of Office of Hazardous Materials Standards
US-DOT RSPA (DHM-10)
400 7th Street SW
WASHINGTON, DC 20590-0001

McIntyre
8 180382
cc 172-704
00-0093

Dear Mr. Mazzullo:

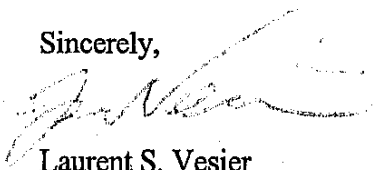
As an engineer with Rohm and Haas Company, I am requesting a document from DOT on IBC's maintenance. A location in our company maintains and recertifies the IBC's it owns in accordance with 49 CFR 180.352 by sending these IBC's to a DOT approved third party company.

Our intent is to maintain and recertify these IBCS per CFR 180.352 at the IBC owner location. Conversation with DOT personnel and review of the DOT regulations indicates that the IBC owner does not need a specific DOT approval in order to carry out the maintenance and recertification process. For the purposes of our internal documentation, I am simply requesting a reply letter from your DOT services ~~stating that we can carry out in-house that process at the IBC owner location under CFR 180.352 requirements and in keeping with the 2.5 year record rule past the recertification process.~~

As another request, could you also indicate if the ~~worker doing maintenance and testing~~ on an IBC per 180.352 require ~~HAZMAT~~ training and if so, what specific training is required of the maintenance and test worker? Does the maintenance worker need to be employed directly by the owner or can the maintenance worker be employed by a third party to do the work at the IBC owner location?

Thank you for your help in this matter.

Sincerely,


Laurent S. Vesier
Materials Engineer

LSV:cg
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