



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

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

OCT 5 2001

Mr. Steven Smith
843 Lindenwood Drive
Pittsburgh, PA 15234-2536

Ref. No. 00-0255

Dear Mr. Smith:

This is in response to your letter and telephone call with the staff of the Office of Hazardous Materials Standards asking what a shipper's responsibilities are under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) when it has offered a damaged package of hazardous material for transportation. You stated a shipper loaded a leaking package of adhesive described as "1, 1, 1-Trichloroethane solution, 6.1, UN 2831, PG III" on your truck, but did not provide you with a material safety data sheet on the material or salvage packaging to contain the damaged package. You also stated you carried an emergency response guidebook (ERG) in the cab of your truck. I apologize for the delay in responding and any inconvenience this may have caused.

A shipper is required to ensure that a hazardous material is properly classed, described, packaged, marked, labeled, and in condition for shipment as required under the HMR (see § 173.22). Under § 171.2(a) and (b), no person may accept a hazardous material for transportation or transport a hazardous material in commerce unless it meets these conditions. Further, under § 177.801, no person may accept or transport by motor vehicle a hazardous material unless it conforms to all applicable requirements. A leaking hazardous materials package may not be transported unless it is placed in a salvage drum (see § 173.3(c)).

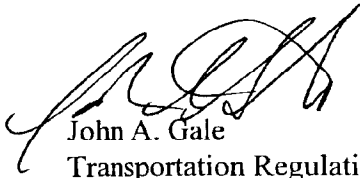
You are correct that a shipper must provide emergency response information to accompany a hazardous materials package if a shipping paper is required. The shipper can present the information on the shipping paper; an accompanying document, such as a material safety data sheet (MSDS); or in a separate document, such as the ERG you carried on your truck. The information must be consistent with the provisions in 49 CFR Part 172, Subpart G.

172,704

Sections 172.700-172.704 of the HMR require all hazmat employees who perform functions subject to requirements in the HMR be trained. This training must cover measures to protect the employee from the hazards associated with the hazardous materials to which they may be exposed in the workplace and specific measures the employer has implemented to protect employees from exposure (see § 172.704(a)(3)(ii)).

I hope this satisfies your request.

Sincerely,

A handwritten signature in black ink, appearing to read 'John A. Gale', written in a cursive style.

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

Edward Mazzolla
OHMS ("OHM-10")
US DOT.
400 7th Street SW
Washington DC 20550

Edmonson
E172-704 (B)(ii)
Training
00-0255

Sept 13 2000

Dear Mazzolla:

Enclosed in this letter is a copy of a presuit Bill and a copy of a inbound manifest, that show I was exposed to truck exhaust. This shipment came into the Pittsburgh terminal damaged and was loaded on my truck damaged I was not aware that this damaged shipment was on the truck until I had to pick up this shipment and secure it for safe transportation, at the time I was exposed the company did not have a MSDS with this right to know class B poison, and when I went for medical treatment the company never gave me a copy of the MSDS and said they never loaded this damaged shipment

Mr Mazzolla what I need is all the information you have on DOT regulations pertaining to handling of Hazardous material shipments. The company put this shipment

on the trailer damaged it should
have been on a recovery container.

I need all the information you
have regarding what the company
should provide when a person is
exposed to Hazardous material.
and the fact that this shipment
was loaded damaged. All information
would be appreciated. OSHA documented
shipment was loaded damaged.

Your truly
Steven Smith
412.343.7454

Please call if you don't understand
what I am asking for, Hazard DOT
Governor's Law Rules & Regulations



Mr. Steven Smith
843 Lindenwood Dr.
Pittsburgh, PA 15234-2536