



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

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

AUG - 8 2001

Mr. Paul I. Reamy
504 Misty Lane
N. Fort Myers, FL 33903

Reference No.: 01-0131

Dear Mr. Reamy:

This is in response to your May 16, 2001 letter regarding the definition of a "hazmat employee" in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether a mechanic who removes a mechanical part containing a hazardous material from an aircraft and gives it to a stock clerk, who in turn prepares the part for transportation as "COMAT," is considered a "hazmat employee" and, therefore, subject to the training requirements. You also ask about the applicability of the training requirements under 14 CFR 121.433a.

As you are aware, the term "hazmat employee," as defined in 49 CFR 171.8, includes all persons who in the course of employment perform functions that directly affect hazardous materials transportation safety. Conversely, this term does not apply to every employed person who works at or around an area, where, for example, hazardous materials are loaded, unloaded, handled or stored. The employee's functional relationship to hazardous materials transportation safety, rather than incidental contact with hazardous materials in the work place, is the primary factor in determining whether an individual is a "hazmat employee."

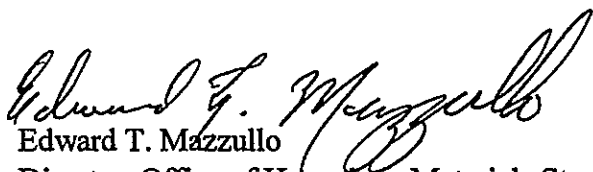
An employee's designation as a "hazmat employee" is the result of the "hazmat employer's" assignment (explicit or implicit) of job functions to individual employees. The training requirements specified in 49 CFR 172.700 through 172.704 apply to an employee, such as an aircraft mechanic, only if that employee performs a function subject to the HMR (e.g., classifying the hazardous material). This would be the case when company procedures obligate the mechanic to inform the stock clerk that the mechanical part contains a hazardous material. If, on the other hand, the mechanic performs no function subject to the HMR, the mechanic is not a "hazmat employee" and is not subject to the HMR training requirements. In addition to the general awareness/familiarization training required for all "hazmat employees," the "hazmat employer" must provide training for each "hazmat employee" appropriate to the specific function that the person is required to perform.

For a response to your question concerning the applicability of the training requirements under 14 CFR 121.433a, please contact the Federal Aviation Administration. Direct your correspondence to:

Mr. William Wilkening
Dangerous Goods and Cargo Security Division, ACO-800
Federal Aviation Administration
800 Independence Avenue, S. W.
Washington, DC 20591

I hope this satisfies your request.

Sincerely,

A handwritten signature in cursive script, reading "Edward T. Mazzullo". The signature is written in black ink and is positioned above the printed name and title.

Edward T. Mazzullo
Director, Office of Hazardous Materials Standards

Corbin
§172.704
TRAINING
May 16, 2001
01-0131

Mr. Edward T. Mazzullo, Director
Office of Hazardous Materials Standard, DHM 10
Research and Special Programs Administration
400 7th St. SW.
Washington, DC 20590

Dear Ed,

I have a training question that relates to a mechanic who in the course of performing daily duties, removes certain mechanical parts from an aircraft and installs a replacement part. The mechanical part removed has a residue of a hazardous material contained inside the part. The mechanic gives the removed part to a stock clerk, to prepare for transportation as COMAT material. --The mechanic performs no other task related to the removed part containing the hazardous material.

Question:

In accordance with 49 CFR 171.8 and the definition of a Hazmat Employee:

1. Does the mechanic meet the definition of a Hazmat employee and therefore subject to part 172, subpart H Training (172.700 – 172.704)?

In accordance with 14 CFR 121.433a:

2. Must the mechanic be trained each 12 months?

An early written response to these two questions would be greatly appreciated.

Sincerely,



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