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

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

JUN 27 2002

Reference No.: 02-0131

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

Dear Mr. Reamy:

This is in response to your letter requesting clarification of the training requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You ask if an aircraft mechanic under the following scenario is considered a hazmat employee and if so, what type of training he must receive. You state:

> An aircraft mechanic removes a part containing a hazardous material from an aircraft, drains the hazardous material from the part, cleans the exterior, plugs open ports to bring the part into compliance as an inner packaging for hazardous materials. The mechanic delivers the part to a stock clerk for transportation to a repair facility and informs the stock clerk that the part contains a residue of hazardous material.

As we stated in our August 8, 2001 letter, 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. In the scenario you describe are two separate bases for considering the mechanic a hazmat employee: 1) the mechanic prepares the part as an inner packaging for transportation by draining the part, cleaning the exterior and plugging open ports to prevent escape of the residue; and 2) the mechanic is obligated by company procedures to inform the stock clerk that the part contains a hazardous material or residue thereof. Both of these functions directly affect hazardous materials transportation safety and, therefore, make the mechanic a hazmat employee as defined in § 171.8. As a hazmat employee, the mechanic must be trained in 1) general awareness/familiarization; 2) function-specific training; and 3) safety training. In addition, a hazmat employee must receive recurrent training in all three areas at least once every three years.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Hattie L. Mitchell

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

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171.8

Corbin
§171.8
§172.704
Definition/Training
02-0131

April 24, 2002

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

Dear Ed;

Thanks for your August 8, 2001 response to my letter of May 16, 2001 wherein I asked two questions relating to an aircraft mechanic removing certain parts from an aircraft that contains hazardous material and the required 49 CFR hazardous materials training for that mechanic.
My request should have been more specific. This correspondence will do just that. I would like to know if the original response still stands or if you would have responded differently and if different, what that response would be.

The aircraft mechanic in question removes a fuel control valve or other aircraft part that contains a hazardous material from an aircraft. The aircraft mechanic then drains the hazardous material from the part, cleans the exterior of the part and plugs open ports to bring the part into compliance as the inner packaging of hazardous material for transportation to an aircraft repair facility. The mechanic takes the aircraft part that contains a residue of hazardous material to a stock clerk for transportation to the repair facility. The mechanic must advise the stock clerk that the part contains a residue of hazardous material. The stock clerk performs no mechanical function to the aircraft part.

The stock clerk will place the part in a shipping container for on- base movement to a packaging, marking, labeling and documentation facility for transportation off base.

Basically the same scenario would apply to any other aircraft part that contains a hazardous material, when the part is removed from an aircraft by a mechanic. For example; in the case of a sealed passenger service unit (PSU) containing an oxygen generator, the mechanic will remove the unit from the aircraft, ensure that the safety's are in place or remove the oxygen generator from the sealed unit, take the unit to the stock clerk for transportation (as an inner packaging) to a repair facility and must advise the stock clerk when the PSU contains a hazardous material.

Questions:

1- Is the aircraft mechanic considered to be a Hazmat Employee as defined in 49CFR 171.8?
2- If the answer to question 1 is yes, what training must the aircraft mechanic receive?

Ed, I hope this provides you the additional information you need to respond.

Thanks so much for your time in considering these questions and the additional information. An early response would be appreciated.

Sincerely;

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