



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

OCT 23 2002

Mr. Marty Purcell
Akzo Nobel Coatings Inc.
2031 Nelson Miller Parkway
Louisville, KY 40223

Ref. No. 02-0213

Dear Mr. Purcell:

This is in response to your August 12, 2002 letter, requesting an opinion concerning the hazardous materials training requirements under the Hazardous Material Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request clarification on whether individuals within your company who order containers and obtain documentation from the manufacturers of the containers are considered hazmat employees and require training as specified in the HMR.

As required in § 172.702(a), a hazmat employer shall ensure that each of its hazmat employees is trained in accordance with the requirements prescribed in this subpart. Hazmat employees are required to receive the hazardous materials training found in § 172.704 if they perform a function of a hazmat employee. A hazmat employee who performs any function subject to the requirements of this subchapter may not perform that function unless instructed in the requirements of this subchapter that apply to that function. A hazmat employee, as defined in § 171.8, means a person who is employed by a hazmat employer and who in the course of employment directly affects hazardous materials transportation safety. This term includes an owner-operator of a motor vehicle which transports hazardous materials in commerce. This term includes an individual, including a self-employed individual, employed by a hazmat employer, who during the course of employment: loads, unloads, or handles hazardous materials; manufactures, tests, reconditions, repairs, modifies, marks, or otherwise represents containers, drums, or packagings as qualified for use in the transportation of hazardous materials; prepares hazardous materials for transportation; is responsible for safety of transporting hazardous materials; or operates a vehicle used to transport hazardous materials.

It is the opinion of this Office that if a purchasing agent does not perform any of the functions of a hazmat employee and only performs duties such as ordering the containers and obtaining documentation



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from the manufacturers of the containers using information provided by a trained hazmat employee, the purchasing agent is not required to receive training as specified in the HMR.

I hope this information is helpful. If we can be of further assistance, do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Delmer F. Billings".

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



Industrial Finishes

August 12, 2002

Mr Edward T Mazullo
Director of the Office of H/M Standards
DHM - 10
400 Seventh Street Southwest
Washington, DC 20590-0001

RE: HazMat Training of Purchasing Agents

Dear Mr. Mazullo:

Akzo Nobel Coatings Inc is a manufacturer of chemical coatings. A substantial amount of our product line is classified as hazardous material and is shipped via bulk and non-bulk. The determination of which non-bulk containers to use for shipping is researched and decided by Akzo Nobel compliance personnel. The specifications for the various containers are communicated to the purchasing department and purchasing is responsible for acquiring the containers.

A question has arisen as to when a purchasing agent is classified as a "HazMat" employee and required to have HazMat training. It is our position that individuals who merely order containers and obtain documentation from the manufacturers of the containers (and not involved with the determination of which containers to use) should not be classified as a HazMat employee. By contrast, if an individual is involved with the determination of the container to be used, then the individual should be classified as a HazMat employee.

I would appreciate it if you would provide additional clarification/interpretation concerning the classification of a purchasing agent.

Thank you for you time and consideration.

Sincerely,

Marty Purcell
Akzo Nobel, Inc.

cc: Bob Jurczynszyn
Sam Winkler

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