



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

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

MAY 21 2003

Mr. Danny R. Hubbard II
Environmental Remediation Systems, Inc.
P.O. Box 81905
Lafayette, Louisiana 70598

Ref. No.: 03-0048

Dear Mr. Hubbard:

This responds to your letter requesting interpretation of this Office's "position on measures for adequate training." You inquired whether adequate training can be accomplished in eight hours or two days, and by purchase of a CD and literature be a self taught individual, who would then teach his/her employees?

The Research and Special Programs Administration (RSPA), the agency in the Department responsible for promulgating the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180), intentionally made the requirements for training in Subpart H of Part 172 as broad and objective as is practicable to accommodate training programs and materials used in both the public and private sectors. This approach provided the necessary latitude to both sectors for the development of effective training programs and/or materials. It is RSPA's position that responsible hazmat employers, either individually or through industry associations, are better able to determine the training needs of their employees.

The responsibility for ensuring that the level of training is adequate and appropriate for each hazmat employee is that of the employer; therefore, no attempt has been made to specify the level and duration of training or testing. While responsibility for providing training remains with the employer, the required training can be provided by company training programs, self-guided CD training programs, outside training firms or consultants, Federal or State agencies, colleges and universities, or any other type of organization offering training that meets the objective training requirements. This Office does not review or certify training programs for pre-approval purposes.

I hope this satisfies your inquiry

Sincerely,

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



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**Environmental
Remediation
Systems, Inc.**

Engrum
§ 172.704

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4 January, 2003

**U.S. Department of Transportation
Research and Special Programs Administration
Office of the Chief Counsel
Attn: Office of Hazardous Materials Safety
and Research and Technology Law
400 7th St., S.W.
Washington, DC 20590**

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U.S. DOT/RSPA
OFFICE OF CHIEF COUNSEL
2003 FEB - 10 2 11

Sir or Madam:

"More than one-third of the Department's enforcement actions pertaining to violations of the hazardous materials transportation regulations involve the failure of hazmat employers to provide training or maintain test records. In most cases violations are attributed to failure to provide function specific training (DOT AR-7/98)". I believe that statement to be as true today as when it was first written and published by your office. However, I also believe that the content of the HMR does not support the endeavor to insure hazmat employees are properly trained. If so there wouldn't be such a broad array of programs advertised by consulting and training organizations to train an employee in as little as 8 hours.

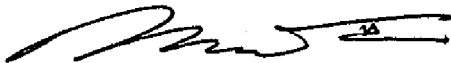
In 1998, while serving in the US Army, I attended formal training dubbed "The Technical Transportation of Hazardous Materials". It was a five week course consisting of two weeks of on the job training, and three weeks of classroom instruction. In this course my classmates and I combed through the 49 CFR, ERG, IATA, ICAO, IMDG, AFJAN, and numerous industry carrier regulations, with two of those classroom weeks dedicated to the 49 CFR and ERG. After attendance of that course and after certifying over 5000 thousand hazardous materials shipments I can honestly say that those five weeks of training were absolutely necessary to insure preparation to properly handle, classify, package, mark, label, and certify shipments. I have since viewed those 8 hour training CD's and web based training programs and attended two day courses, and can state as a hazmat professional that they are inadequate. But however inadequate they are, they're in a large sense supported by the HMR. To that end, ERS Inc. is requesting interpretation by means of formal written reply from your office in determining the Department of Transportations' Office of Hazardous Materials Safety position on measures for adequate training.

Specifically;

1. Is it the position of your office that adequate training can be accomplished in eight hours or even two days?
2. Is it the position of your office that adequate training can be accomplished by the purchase of a CD and literature and be self taught?
3. Is it the position of your office that adequate training can be accomplished by said self taught individual then teaching his/her employee's?

Direct response to these questions would be most appreciated. I look forward to response at your earliest convenience.

Respectfully;



Danny R. Hubbard II
Chief Consultant
ERS, Inc.

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