



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

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

AUG 19 2003

Ms. Marcella G. Nichols, CHMM
True Value Manufacturing Company
Regulatory Compliance Mgr.
201 Jendus Road
Cary, IL 60013

Ref. No. 03-0097

Dear Ms. Nichols:

This is in response to your April 4, 2003 letter and subsequent telephone conversation with a member of my staff, regarding the definition of a "hazmat employee" in the hazardous materials regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered below:

Q1. Are purchasing agents who order containers from the manufacturer and forward the specifications for those containers to the company laboratory considered hazmat employees?

A1. 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 individual 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 the safety of transporting hazardous materials; or operates a vehicle used to transport hazardous materials.

If a purchasing agent does not perform any of the functions of a hazmat employee and only performs duties such as ordering containers and obtaining specifications from the manufacturers of the containers, such an employee is not a hazmat employee.



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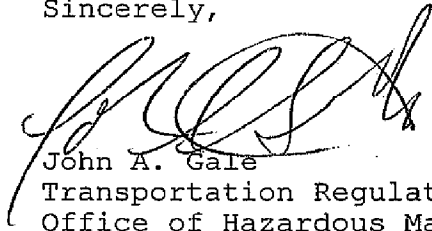
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Q2. Is an Inventory Control Analyst who is responsible for building the inventory of hazardous materials to be shipped considered a hazmat employee?

A2. If the inventory control analyst does not perform any of the functions of a hazmat employee and does not make inventory decisions which could directly affect hazardous materials transportation safety (e.g., determining whether multiple hazardous materials are compatible), such an employee is not a hazmat employee.

I hope this information is helpful.

Sincerely,



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



BAH
\$172.704

Training
03-0097

April 4, 2003

Mr. Edward Mazzulo
Director, Office of Hazardous Material Standards
Department of Transportation
400 Seventh Street S.W.
Washington, DC 20590

Via Fax: 202/366-3012

Dear Mr. Mazzulo:

I would like a letter of clarification on who might be considered a hazmat employee for two different positions.

1. Purchasing Agent that is responsible for the certification and purchase of UN Certified packaging, for regulated materials.
2. Inventory Control Analyst who does not physically load trucks, but is responsible for "building" the inventory that may be shipped, which could include hazardous materials.

Thank you in advance for your response.

Sincerely,

Marcella G. Nichols, CHMM
Regulatory Compliance Mgr.