



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

JUL 13 2006

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

Mr. Jim Powell
President
Transportation Development Group
2390 Crenshaw Blvd., Suite 513
Torrance, CA 90501

Ref. No. 05-0283

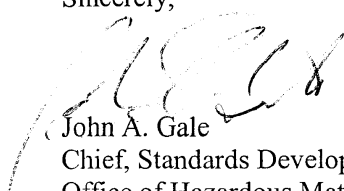
Dear Mr. Powell:

This responds to your November 5, 2005 letter requesting clarification on training requirements for shipping small quantities of hazardous materials under §§ 171.11 and 173.4 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request clarification on the applicability and frequency of training required under the HMR when shipping hazardous materials under § 171.11 using the excepted quantity provision in the International Civil Aviation Organization Technical Instructions (ICAO TI) for the Safe Transport of Dangerous Goods by Air.

Employees who prepare hazardous materials for transportation in accordance with the small quantity provisions of § 173.4 of the HMR are excepted from the training requirements in §§ 172.700-172.704. With respect to the training required by the ICAO TI, § 171.11 authorizes the use of the ICAO TI when the hazardous material is packaged, marked, labeled, and described and certified on a shipping paper and otherwise in condition for shipment as required by the ICAO TI. It is the shipment, not the shipper that has to meet all the conditions of the ICAO TI. As such, persons preparing and shipping hazardous materials under the provisions of §171.11 using the ICAO TI excepted quantity provisions are subject only to the applicable training requirements of the HMR. In the case of an excepted quantity shipment fully conforming to the provisions of §173.4 (including the marking required by §173.4(a)(10)), training would not be required. However, other competent authorities implementing the ICAO TI may require training for excepted quantity shipments.

I hope this answers your inquiry.

Sincerely,


John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



050283

171.11
172.704
173.4(a)(10)



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Boothe
\$172.704
\$171.11, \$173.4
Training
25-0283

Saturday, November 05, 2005

Mr. Edward T. Mazzullo
RSPA Office of Hazardous Materials Standards
400 7th Street S.W. DHM10
Washington, DC 20590-0001

Dear Mr. Mazzullo:

I am requesting a clarification as to what training requirements would apply – if any, to the shipment of an Excepted Quantity of Dangerous Goods under the ICAO excepted quantity provisions.

It seems clear that if someone is shipped a small quantity of certain dangerous goods under the DOT Small Quantity provisions of 49 CFR 173.4, that the DOT hazmat employer/employee training requirements of 49 CFR Part 172, Subpart H do not apply. The language of 173.4 states that no other requirements of "this subchapter" applies as long as one adheres to the requirements of this section.

But what about ICAO? Under the ICAO excepted quantity provisions, this does NOT exempt them from training, so what exactly does this mean for a shipper who elects under 171.11 to follow the ICAO provisions instead of 49 CFR.

Does this mean they have to train their employees according to the ICAO requirement? A previous DOT interpretation (ref 97-1018 dated May 6, 1997) addresses the length of the recurrent training period (i.e. 3 years according to DOT and not 2 years according to ICAO), but I don't know that this answers the question at hand.

For a shipper preparing and offering a shipment according to the ICAO excepted quantities exception, are they subject to any DOT training requirements? And if they are, they recurrent training period would be 3 years, and not the 2 years referenced in ICAO.

Thank you.

Sincerely,

Jim Powell
President
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