



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

DEC 13 2005

Dr. Alan Sherman  
Tetra Tech EC, Inc.  
1000 The American Road  
Morris Plains, NJ 07950-2446

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

Ref. No.: 05-0296

Dear Dr. Sherman:

This is in response to your November 15, 2005 letter requesting clarification of the training requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if workers involved in the removal of both friable and non-friable asbestos containing material are subject to the training requirements contained in Part 172, Subpart H.

Under § 172.702(a), a hazmat employer must ensure that each of its hazmat employees is trained in accordance with Part 172, Subpart H. The term "hazmat employee," as defined in § 171.8, includes all persons who, in the course of employment, perform functions that directly affect hazardous materials transportation safety. This term does not apply to every employed person who works at or around an area, where, for example, hazardous materials are loaded, unloaded, handled or stored. The employee's functional relationship to hazardous materials transportation safety, rather than incidental contact with hazardous materials in the work place, is the primary factor in determining whether an individual is a "hazmat employee."

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. The training requirements specified in § 172.700 through 172.704 apply to an employee only if that employee performs a function subject to the HMR. For example, your workers who perform offeror functions, such as packaging friable asbestos containing material or generating shipping papers for this material, are subject to the training requirements in Part 172, Subpart H. If, on the other hand, an employee performs no function subject to the HMR (e.g., prepares a job site for asbestos abatement), the employee is not a "hazmat employee" and is not subject to the HMR training requirements.

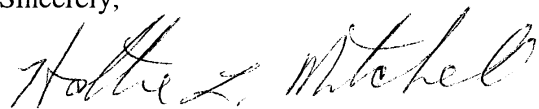
172.700



050296

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

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell". The signature is written in black ink and is positioned above the printed name.

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



TETRA TECH EC, INC.

Pollack  
\$172,700  
Training  
05-0296

November 15, 2005

Mr. Edward T. Mazzullo, Director  
Office of Hazardous Materials Standards  
U.S. Department of Transportation- PHMSA, DHM-10  
400 7<sup>th</sup> Avenue S.W.  
Washington, DC 20590  
FAX 202-366-3012

Re: HM 126-F Training for Asbestos Workers

Dear Mr. Mazzullo:

I have spoken to several staff members at the DOT HazMat Information Center and have also reviewed relevant "Letters of Interpretation" sent to me by the Center staff. However, I would appreciate a written response to my specific question regarding the need for HM-126F training for asbestos workers.

In New Jersey, asbestos workers who are involved in removing asbestos-containing material, (both friable and non-friable) including galbestos panels, are required to take a State-mandated course and to be licensed for this type of work. Are these workers required to have HM-126F training, as well?

Your written response to this question will be greatly appreciated.

Sincerely,

Dr. Alan Sherman  
Regulatory Specialist



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