



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

JUN 12 2006

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

Mr. Kevin J. Swinden
President
Global EnviroServices Corp.
Suite 423, #505,8840-210th Street
Langley, BC V1M 2Y8

Ref. No.: 06-0089

Dear Mr. Swinden:

This is in response to your April 6, 2006, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether the training requirements of Part 172, Subpart H apply to Canadian carriers transporting hazardous materials originating in the United States, within the United States or from the United States to Canada.

The answer is yes. Section 171.12a permits hazardous materials that are classed, marked, labeled, placarded, described on a shipping paper, and packaged in accordance with the Canadian Transportation of Dangerous Goods (TDG) regulations to be offered for transportation and transported to or through the United States by motor vehicle or rail car. However, this section does not apply to shipments originating in the United States. Therefore, Canadian carriers transporting hazardous materials originating in the United States, within the United States or from the United States to Canada must comply with the HMR, including the training requirements in Part 172, Subpart H, as applicable. Additionally, motor carriers must also ensure that operators of motor vehicles transporting hazardous materials comply with the minimum driver training requirements in § 177.816.

I hope this satisfies your request.

Sincerely,

Charles E. Betts
Senior Transportation Specialist
Office of Hazardous Materials Standards



060089

171.12a
177.816

Global EnviroServices Corp.
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April 6, 2006

BAH
§171.12 (a)
\$172.7
\$177.816
Training
06-0089

PHMSA/U.S. DOT,

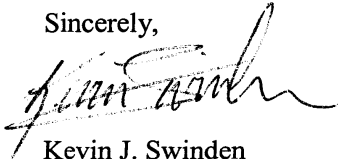
I am requesting an interpretation on the following subject.

If a Canadian carrier goes down into the U.S., whether they are carrying Dangerous Goods/Hazmat or not, and they pick up a hazmat from a U.S. shipper in the U.S. and either deliver it back to Canada or deliver it to a receiver within the U.S. do they require training under 49CFR?

No where can I find in the 49CFR where it clearly defines this. 171.12(a) is for carriers going into or through and returning with empty bulk containers, but it does not state that a Canadian carrier must be trained under 40CFR. They are conducting the same service as a U.S. carrier.

Could you clarify this!

Sincerely,



Kevin J. Swinden
President
1-877-744-4999