



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

MAR 31 2009

Mr. David C. Gluntz
Packaging Applications for Dangerous Goods, LLC
3583 Blackbottom Court
Columbus, OH 43221-4501

Ref. No. 09-0036

Dear Mr. Gluntz:

This responds to your February 17, 2009 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask a hypothetical question in which you are the president of a manufacturing company that sells UN marked Intermediate Bulk Containers (IBCs) and UN marked drums, thus making you a hazmat employer. During the course of a sales presentation, you or salespersons that you employ provide company brochures, specification sheets and/or drawings of your products. You and your employees may also share your thoughts regarding what materials are authorized by the DOT to be transported in your packagings. Further, you and your employees may share third party compatibility information. Specifically, you ask if the above described activities of you and your salespersons mean that you and your salespersons are hazmat employees as defined in the HMR.

The answer is no. The term "Hazmat employee" is defined in § 171.8 of the HMR. The term includes persons who design, manufacture, fabricate, inspect, mark, maintain, recondition, repair, or test a package, container, or packaging component that is represented, marked, certified or sold as qualified for use in transporting hazardous material in commerce. The term does not include functions performed by company salespersons to convey product information (i.e., distribute brochures, specifications, drawings and other information related to UN certified packages) to potential or existing customers.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

Charles Betts
Chief, Standards Development
Office of Hazardous Materials Standards

Eichenlaub Page 1 of 1
\$171.8
\$172.700
Definition/Training
09-0036

Drakeford, Carolyn <PHMSA>

From: INFOCNTR <PHMSA>
Sent: Tuesday, February 17, 2009 1:20 PM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: Are Salespersons HazMat employees?

From: David Gluntz [mailto:davidgluntz@padgllc.com]
Sent: Tuesday, February 17, 2009 12:40 PM
To: INFOCNTR <PHMSA>
Subject: Are Salespersons HazMat employees?

Dear Mr. Mazzullo,

Last week I had a conversation with a member of your "Infocenter" staff. We discussed the below situation as it regards the definition of a HazMat employee and HazMat training without coming to a conclusion. She suggested that I write requesting a formal interpretation.

Suppose I was the president of a manufacturing company that sold UN marked IBCs and UN marked drums. That would make my company a HazMat employer. During the course of a sales presentation, myself or salespersons I employ will provide company brochures, specification sheets and/or drawings of our products, to include those of our UN marked IBCs and UN marked drums. We may also share our thoughts regarding what materials are authorized by the DOT to be transported in our packagings. And, we may share third party compatibility information.

What is needed to know is: Do the described activities of myself and the salespersons mean that we are HazMat employees as defined by the DOT and therefore must receive HazMat training?

I thank you in advance.

David C. Gluntz
Packaging Applications for Dangerous Goods, LLC
3583 Blackbottom Court
Columbus, OH USA 43221-4501
Office (614) 529-0712
Cell (614) 425-7118
davidgluntz@padgllc.com
www.padgllc.com