



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

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

MAR 26 2009

Mr. Arthur Mahoney  
MS, CHMM, REA  
Hazard Solutions LLC  
326 Sonora Drive  
San Mateo, CA 94402

Ref. No.: 09-0051

Dear Mr. Mahoney:

This responds to your February 11, 2009, letter requesting clarification of the training requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if an employee who assembles a package of hazardous materials which he then offers to the shipping department for final closure is subject to training requirements.

According to your letter, employees submit a shipping request to your company's shipping department describing the hazardous materials they want to ship. The trained shipping department employees provide the packaging materials and instructions (typically provided by the packaging manufacturer) on how to package the hazardous materials. The employees place the hazardous materials in the package as instructed, sealing the primary containers, but leaving the outer packaging unsealed for inspection by the shipping department. You ask if the employees who place the hazardous materials in the package are subject to the training requirements in the HMR.

The answer is yes. Employees who package hazardous materials for transportation are hazardous materials employees, as defined in § 171.8 of the HMR. In accordance with § 172.702, no hazardous materials employee may perform a function subject to HMR requirements unless instructed in the requirements that apply to that function. Specific training requirements are in § 172.704.

I hope this answers your inquiry.

Sincerely,

Charles E. Betts  
Chief, Standards Development  
Office of Hazardous Materials Standards



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PHMSA Office of Hazardous Materials Standards  
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East Building  
1200 New Jersey Avenue, SE.  
Washington, DC 20590-0001

February 11, 2009

RE: Training Requirement

Dear PHMSA Interpreter:

I would like written clarification on training requirements for scientists who package hazardous materials for shipment, typically by air.

**Scenario:** an R&D company has employees/scientists who occasionally ship small quantities of hazardous materials. The hazardous materials are typically transported by air and typically fall into the following classes/divisions:

- Class 3
  - Proper shipping name: flammable liquids, n.o.s. PG II or PG III
  - Primary containers from 1 ml to 250 ml
- Division 6.1
  - Proper shipping name: toxic liquids, organic or toxic solids, organic in PG II or PG III
  - Primary containers from 1 gram to 250 grams
- Division 6.1
  - Proper shipping name: toxic liquids, organic or toxic solids, organic in PG I
  - Primary containers typically less than 1 gram, but may exceed 1 gram
- Division 6.2, Category A
  - Proper shipping name: infectious substances, affecting humans
  - Primary containers typically less than 30 grams/ml
- Division 6.2, Category B
  - Proper shipping name: biological substance, Category B

- Primary containers typically less than 30 grams/ml, but may be more
- Class 9
  - Proper shipping name: Dry ice or overpack containing other regulated hazardous materials
  - May contain non-hazardous primary containers packed in the dry ice
  - May also be an overpack containing regulated hazardous materials

The quantities occasionally, but not always, qualify the package under the small quantity exception (per 49 CFR 173.4). The employee submits a shipping request form to the company's Shipping Department on which they describe the material they want to ship. The Shipping Department is staffed by DOT-trained employees who then provide the packaging materials and instructions on how to package the hazardous materials. The instructions are typically those provided by the packaging manufacturer. The employee packages the hazardous materials in typically a combination package, in which they place the primary container(s) of their hazardous materials in the outer package. Depending on the type of hazardous material and the packaging provided, they may need to place the primary inside of a secondary container with absorbent, cushioning, liner, etc. They have been instructed to seal the primary container with parafilm. They do not tape the package closed.

Once they have completed their packaging steps, the package is brought to the Shipping Department in which the DOT-trained employee inspects the package, tapes it closed, marks and labels it, and completes the shipping documentation.

The level of inspection done by the Shipping Department prior to taping the package closed varies depending on the degree of hazard of the materials and accessibility of the inner containers. Some of the inner containers may be accessible and other times they may not be accessible.

**Question:** I would like clarification on whether the employee/scientist at a company who assembles the package of a hazardous material which he/she then offers to the Shipping Department for final closure is subject to the DOT training requirements.