



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

JUN 11 2015

1200 New Jersey Avenue SE
Washington, DC 20590

Ms. Eva Glimsche
savethesituation
Mühlenstr. 30a
24631 Langwedel Germany

Reference No. 14-0216

Dear Ms. Glimsche:

This is in response to your November 6, 2014 email requesting clarification of training requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO TI). Your questions are paraphrased and answered as follows:

Q1. In order to satisfy the function specific training requirements of the HMR is it sufficient for training based on the ICAO TI to include the topics in subpart C of part 171 plus the reference to the U.S. State Variations published in the ICAO TI? Or would all differences between 49 CFR and the ICAO TI regarding air transport need to be addressed?

A1. Training conducted to comply with the ICAO TI may be used to satisfy the function specific training requirements set forth in § 172.704 to the extent that such training addresses functions authorized by subpart C of part 171. Differences between the HMR and the ICAO TI that are not specifically addressed in subpart C of 171 or in U.S. State Variations in the ICAO TI are not required to be covered to comply with the requirements of § 172.704.

Q2. Is a person who receives training based on the ICAO TI, to include the topics in subpart C plus the reference to the State Variations published in the ICAO TI, required to know about combustible liquids?

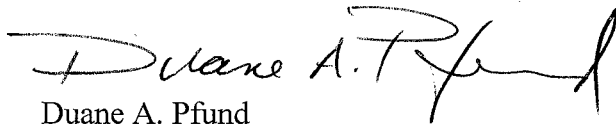
A2. No. See A1 above. As combustible liquids are not mentioned by name or by reference in either subpart C of part 171 or in the U.S. State Variations of the ICAO TI, no training on this topic would be required.

Q3. Is a training certification completed in accordance with the ICAO TI requirements sufficient to provide proof of the function-specific training required by § 172.704(a)(2)? Or would a certification completed in accordance with the ICAO TI requirements need to have additional text entered giving reference to § 172.704?

A3. A record of training must be maintained for each hazmat employee under § 172.704(d). Certification of training is one element of this training record. Section 172.704(d)(3) requires a description, copy, or the location of the training materials used to meet the requirements in §172.704(a) to be a part of the hazmat employee's record. This requirement is similar to the requirement found in the ICAO TI. Regardless of the method chosen to comply with the requirement in § 172.704(d)(3), examination of information in the training record should indicate the training sufficiently addressed the areas required (e.g. function specific, subpart C of part 171, U.S. State Variations).

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

Sincerely,

A handwritten signature in black ink, appearing to read "Duane A. Pfund". The signature is fluid and cursive, with a large initial "D" and "P".

Duane A. Pfund
International Standards Coordinator
Standards and Rulemaking Division

Webb
§172.704
Training
14-0216

Dodd, Alice (PHMSA)

From: Ciccarone, Michael CTR (PHMSA)
Sent: Thursday, November 06, 2014 3:03 PM
To: Hazmat Interps
Subject: FW: Training Requirements §172.704

Shante/Alice,

Please submit Ms. Glimsche's original email for a formal letter of interpretation.

Thanks,

Mike

From: Eva Glimsche [<mailto:eva@savethesituation.de>]
Sent: Thursday, November 06, 2014 6:39 AM
To: Rivera, Jordan CTR (PHMSA)
Subject: Re: Training Requirements §172.704

Dear Jordan,

thanks for your email and the letter of interpretation.

But the letter of interpretation does not answer the question whether an ICAO TI training that covers the State variations of the USA is sufficient. Or whether specifics like combustible liquids need to be covered also.

And whether the ICAO TI DGR Training Certificate needs to include a statement to the effect that specifics according to 49CFR were covered.

Please look into this again and for our trainer team it is important to get an answer to these questions in writing because we need to inform our customers about the outcome.

Thanks and best regards

Eva

savethesituation
Eva Glimsche - Mühlenstr. 30a - 24631 Langwedel
Mobil 0171 - 4958177
eva@savethesituation.de
www.savethesituation.de

Am 04.11.2014 um 23:24 schrieb jordan.rivera.ctr@dot.gov:

Dear Eva,

We have received your inquiry to the Pipeline and Hazardous Materials Safety Administration's (PHMSA's) Hazardous Materials Information Center (HMIC).

The HMIC provides information on the Hazardous Materials Regulations (HMR), 49 CFR Parts 171-180. The HMR establish regulatory requirements pertaining to the safe and secure transportation of hazardous materials by rail, aircraft, motor vehicle, or vessel. If you require information on the HMR, you may contact the HMIC, which is staffed with regulatory specialists who can quickly answer your questions by phone, Monday through Friday, 9 AM - 5 PM EST at 1-800-467-4922 or (202) 366-4488.

Based on your inquiry, you may be interested in the following URL:

<http://www.phmsa.dot.gov/staticfiles/PHMSA/Interpretations/2009/090240.pdf>

Sincerely,

Jordan, Hazardous Materials Specialist

An e-mail response from this office is considered informal guidance. Formal guidance may be requested in accordance with 49 CFR 105.20. <http://phmsa.dot.gov/hazmat/regs/interp>

From: Eva Glimsche [<mailto:eva@savethesituation.de>]
Sent: Tuesday, November 04, 2014 2:31 PM
To: INFOCNTR (PHMSA)
Subject: Training Requirements §172.704

Dear Sir or Madam,

I require a written interpretation regarding Training Requirements stated in §172.704.

* In §172.704 (a)(2)(ii) it reads that training relating to the requirements of the ICAO Technical Instructions may be provided to the extent such training addresses functions authorized in subpart C of part 171 of this subchapter.

Now my question whether it is sufficient for a training based on the ICAO TIs to include the topics in subpart C plus the reference to the State Variations published in the ICAO TIs or whether all differences between 49 CFR and ICAO TI regarding air transport need to be addressed. Very specifically I would like to know whether a person who gets ICAO TI training also needs to know about combustible liquids.

And do you regard a certificate according to ICAO TI as sufficient to provide proof of this function-specific training? Or would the certificate according to ICAO TI need to have an additional text entered giving reference to §172.704?

Looking forward to hearing from you!

Best regards

Eva

savethesituation
Eva Glimsche - Mühlenstr. 30a - 24631 Langwedel - Germany
Mobile + 49 - 171 - 4958177
eva@savethesituation.de
www.savethesituation.de