



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

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

JUL 21 2009

Mr. Robert Van Duzer
Van Duzer Consulting Services
1339 Broad Run Road
Landenberg, Pennsylvania 19350

Reference No. 08-0181

Dear Mr. Van Duzer:

This responds to your June 30, 2008 letter requesting clarification of the training requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as applicable to temporary hazmat employees. You describe a situation in which temporary employees may be used intermittently, over an extended period of time.

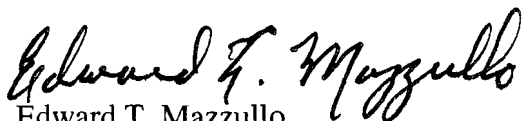
Generally, a “hazmat employee” is any person who is employed on a full-time, part-time, or temporary basis and who, in the course of such employment, directly affects the safety of a hazardous material transported in commerce. A hazmat employee who performs any function that is subject to the HMR requirements must be trained prior to performing that function (§ 172.702(b)). All personnel are considered hazmat employees at the time they are first employed to perform a regulated hazmat function, even if they are not performing a hazmat function for greater than 90 consecutive days, and must be properly trained within 90 days of the first time they perform this function. This provision also applies to contract personnel or personnel employed directly by a company for periods of less than 90 days, on an intermittent basis, or over an extended period of time.

In accordance with § 172.704(c)(1), the HMR will permit a new employee to perform regulated functions and activities prior to the completion of training provided the employee performs the functions under the direct supervision of a properly trained and knowledgeable hazmat employee and the new employee’s training is completed within 90 consecutive days from the first time they perform a regulated function. “Direct supervision” consists of the

supervising employee instructing the new employee how to properly perform the hazmat function, observing the employee's performance of the function, and being able to take corrective action with regard to any function not performed in conformance with the HMR.

I trust this answers your inquiry. Please accept my apology for our delay in responding and any inconvenience this may have caused.

Sincerely,

A handwritten signature in black ink that reads "Edward T. Mazzullo". The signature is written in a cursive style with a large, prominent initial "E".

Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards

**VAN DUZER
CONSULTING
SERVICES**

Edmonson
§ 172. 704 (c)
Training
08-0181

June 30, 2008

Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration
Attn: PHH-10
U.S. Department of Transportation (East Building)
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

Gentlemen:

We are writing for an interpretation of the hazmat employee training requirements as they relate to temporary hazmat employees. Specifically, the regulation in question is set forth in § 172.204 (c) (1) (i) & (ii) which states that for initial training the employee must perform hazmat functions under the direct supervision of a properly trained and knowledgeable hazmat employee and that the training is to be completed within 90 days after employment or a change in job function.

Clarification is requested as to the timeframe of 90 days. Does this period (90 days) pertain to consecutive or cumulative days? The employees, in question, usually perform their duties, intermittently, over an extended period of time. As an example, they might work 3 days this month and not again until 2 months have elapsed when, once again, they are employed for a few days.

Must they receive hazmat training during their initial employment, in this scenario, during the 3 days of the first month of employment or are they permitted to work under the direct supervision of a trained hazmat employee for 90 non-consecutive days?

It is to be noted that when not employed handling hazardous materials these employees are, no doubt, employed by another company handling non-hazardous materials or possibly other types of hazardous materials.

If you have any questions I can be reached by phone at (610) 274-0720 or by fax at (610) 274-0745. My email address is shipitsafe@verizon.net.

Thanking you for your attention, I am

Sincerely,


Robert Van Duzer

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Robert Van Duzer
1339 Broad Run Road
Landenberg, PA 19350