



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

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

SEP 17 2009

Gary Alderson
Union Tank Car Company
PO Box 2003
Altoona, PA 16603

Ref. No. 09-0179

Dear Mr. Alderson:

This responds to your August 3, 2009 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to training. Specifically, you ask if the quality assurance training specified in § 179.7(e) for employees of tank car facilities is subject to the same initial and recurrent training, testing, and recordkeeping requirements as specified in the general training requirements in Subpart H of Part 172.

The answer is yes. Section 179.7 requires each tank car facility to have a quality assurance program and specifies the minimum elements that must be included in the program. Each tank car facility must ensure that each employee is trained in accordance with Subpart H of Part 172 in the quality assurance program and procedures. Therefore, each employee must receive initial and recurrent training, each employee must be tested, and each tank car facility must maintain training records in the manner specified in Subpart H of Part 172.

I hope this information is helpful. If you have further questions, please contact this office.

Sincerely,

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

Eichenlaub
§ 172.702 - 704
§ 179.7 (e)

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Monday, August 03, 2009 11:24 AM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: quality assurance training

Training
09-0179

Carolyn,
This gentleman would like a written letter of interpretation on the issue addressed below.
Thanks,
Rob

-----Original Message-----

From: Gary Alderson [mailto:Alderson@utlx.com]
Sent: Monday, August 03, 2009 10:25 AM
To: INFOCNTR (PHMSA)
Subject: quality assurance training

We (Union Tank Car Company) have a hazmat training program for our employees and we train and test them in accordance with 49 CFR Part 172 Subpart H. We also provide our hazmat employees with the quality assurance training specified in 179.7 (e), but I am requesting an interpretation on the regulation as it is currently written.

I don't interpret the regulation as requiring the quality assurance training specified in 179.7 (e) to have the same testing, initial training, recurrent training and record keeping as specified in 172 Subpart H for general awareness, function-specific, safety training, security and in-depth security training.

My question on the interpretation of 49 CFR 179.7 (e) is;

Does the quality assurance training specified in 49 CFR 179.7 (e) require the same testing specified in 49 CFR 172.702 (d) and the same initial, and recurrent training requirements specified in 49 CFR 172.704 (5) (c) (1), (i), (ii), and (2)? Also, does the record keeping requirement of 49 CFR 172.704 (5) (d) apply when conducting the quality assurance training?

I look forward to your interpretation.

Sincerely,
Gary Alderson

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