



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

1200 New Jersey Ave, SE
Washington, D.C. 20590

JUL 02 2010

Mr. Fred A. Romero
Instructor
Dangerous Goods of America
P.O. Box 520487
Miami, FL 33152-0487

Reference No. 09-0240

Dear Mr. Romero:

This is in response to your letter and June 28, 2010 telephone conversation with a member of my staff asking if, when transporting hazardous materials by aircraft, the recurrent three-year hazardous material training requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) take precedence over the recurrent two-year hazardous material training requirements under the International Civil Aviation Organization's (ICAO's) Technical Instructions for the Transport of Dangerous Goods by Air (Technical Instructions). I apologize for the delay in responding and any inconvenience this may have caused.

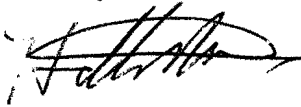
The Pipeline and Hazardous Materials Safety Administration's HMR training requirements apply to persons who perform a covered function for hazardous materials transported in commerce to, from and within the United States. This training must include general awareness, function-specific, safety, and security awareness training as specified in § 172.704(a) of the HMR. Training conducted to comply with the ICAO Technical Instructions, may be used to satisfy the training requirements set forth in § 172.704 to the extent that such training addresses the training components specified in § 172.704(a). Where this training does not satisfy the HMR, the employer or self-employed person performing these tasks must provide additional training that satisfies these requirements.

The ICAO Technical Instructions provide that the recurrent hazardous materials training requirements prescribed in Part 1, Chapter 4, Section 4.2.3, "must take place within 24 months of previous training to ensure knowledge is current." Under § 171.22(g)(2) of the HMR, a person who performs a covered function for hazardous materials shipments offered for transportation or transported in the United States must comply with the training requirements in 49 CFR Part 172, Subpart H, as applicable, including function specific training in the use of the international transport standards and regulations authorized in § 171.22(a), such as the ICAO Technical Instructions. Therefore, a person who uses the ICAO Technical Instructions for the transport of hazardous materials, either domestically or internationally, must be re-trained at least once every three years in accordance with § 172.704(c). The HMR do not prohibit recurrent training from occurring sooner than three years. When hazardous material training is performed for a covered

function in conformance with the ICAO Technical Instructions every two years, and this training also satisfies the requirements in § 172.704(a), the person receiving the training is in conformance with the HMR training requirements. Please note, the HMR also require, under § 171.24(a) and (b)(1), that shipments of hazardous materials offered for or transported by aircraft within the United States must comply with all applicable requirements in 49 CFR Parts 171 and 175.

I hope this satisfies your request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hattie L. Mitchell', with a stylized flourish at the end.

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

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Edmonson
§172.704(c)(2)
Training
09-0240

October 22, 2009

Office of Hazardous Materials Standards
Pipeline and Hazardous Material Safety
Administration, Attn: PHH-10, US DOT
East Building, 1200 New Jersey Ave. SE
Washington, DC 20590-0001

Dear Rulemakers;

According to subpart H-Training §172.704 (c) (2) Recurrent training is required at least once every three years. However, Special Agents of the FAA as well as the ICAO Technical Instructions dictates that when offering or transporting hazardous material by air the recurrent training requirements must be at least every two years.

Please clarify this ruling and if available where do I find it.

Thank you kindly for your prompt reply to this matter.

Sincerely,

Fred A. Romero - Instructor