



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

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

MAR 17 2011

Mr. John M. Domutz
Manager, Detroit Office
Attn: Mr. Tim Wagner/John Domutz
Transportation Management Group, Inc.
15400 Pearl Road, Suite #200
Strongsville, OH 44136

Reference No. 11-0013

Dear Mr. Domutz:

This is in response to your January 18, 2011 e-mail to Mr. Shane Kelley, International Standards Branch, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration. You ask what time period the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) authorize for recurrent hazardous materials training under the International Maritime Dangerous Goods Code (IMDG Code).

A person who uses the IMDG Code, as authorized under 49 CFR Part 171, Subpart C, for the transport of hazardous materials, must be re-trained at least once every three years in accordance with § 172.704(c). 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 IMDG Code. In addition, § 1.3.1.1 of the IMDG Code states shore-based employees that are involved in transporting hazardous materials intended for transportation by vessel must receive hazardous materials training that is "commensurate with their responsibilities," including security training prescribed in IMDG Code Chapter 1.4, if applicable. Section 1.3.1.1 also states that hazardous materials training must be "periodically supplemented with refresher training" that takes into account any changes to the regulations or in the practice of carrying them out.

The HMR do not prohibit recurrent training from occurring sooner than three years. Under the training requirements in the HMR, any person who performs a function subject to the HMR may not perform that function unless trained in accordance with the requirements that apply to that function. A hazmat employer must ensure that each hazmat employee is thoroughly instructed in the requirements that apply to functions performed by that employee. See § 172.702(b). Section 172.704(c)(1) requires that a new hazmat employee or a hazmat employee who changes job functions must complete their hazmat training within 90 days after employment or job function change. However, they may perform the job functions prior to the completion of training under the direct supervision of a trained and knowledgeable hazmat employee. When this agency adopts a new regulation or changes an existing regulation that relates to a function performed by a hazmat employee, the hazmat employee must be instructed in the new or revised function-

specific requirements as soon as possible without regard to the three-year training cycle. It is not necessary to completely retrain the employee in this instance. Only instruction that is necessary to assure knowledge of the new or revised regulatory requirement is required.

This training requirement would also apply in the case of an amendment to the ICAO Technical Instructions or the IMDG Code when training relating to these standards has been provided as an alternative to function-specific training in accordance with § 172.704(a)(2)(ii) and security training programs required by other Federal or international agencies in accordance with § 172.704(b). While it is not necessary to completely retrain the hazmat employee sooner than the required three-year cycle, the employee must receive the instruction necessary to ensure this person is knowledgeable about the new or revised regulatory requirement.

I hope this satisfies your request.

Sincerely,

A handwritten signature in black ink that reads "T. Glenn Foster". The signature is written in a cursive style with a large, sweeping initial "T".

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Edmonson
§172.704
Training
11-0013

11/24/11
Drakeford, Carolyn (PHMSA)

From: Kelley, Shane (PHMSA)
Sent: Wednesday, January 19, 2011 10:27 AM
To: Drakeford, Carolyn (PHMSA)
Cc: Betts, Charles (PHMSA); Foster, Glenn (PHMSA); Supko, Ben (PHMSA)
Subject: Interp Request

Good morning Carolyn,

Would you kindly log this in as a request for interpretation?

Thank you,

Shane

From: John Domutz [<mailto:jdomutz@tmgihazmat.com>]
Sent: Tuesday, January 18, 2011 11:30 PM
To: Kelley, Shane (PHMSA)
Subject: RE: Note #3 from John Domutz re: IMDG Training

Dear Sir / Madam,

We know 171.22(g)(2) includes training requirements of Part 172 Subpart H for function-specific training in the use of international regulations, and that the time requirement for DOT recurrent training is every three years per 172.704(c)(2). Further to this, LOI #09-0240 recommended, at minimum, a three-year period for ICAO recurrent training to conform with the DOT three-year requirement. Because language including IMDG recurrent training was not specifically included within this LOI, we are requesting additional clarity on DOT's position regarding the time period for recurrent IMDG training. Currently, persons in the regulated community are presenting varied opinions on what it should be (i.e. – two years, three years, periodically as the regulations change, or none because it is not specifically stated), it would be very much appreciated if we could refer to the one interpretation that matters most, that of the DOT.

Thank you very much for your help and concern in this matter.

Specializing in DOT, ICAO-IATA and IMDG Hazmat Training/Consulting

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