



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

1200 New Jersey Ave., S.E.
Washington, DC 20590

FEB 1 3 2012

Julie Brown
Eastman Chemical Co.
P.O. Box 431
Kingsport, TN 37662

Reference No.: 11-0271

Dear Ms. Brown:

This is in response to your October 27, 2011 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as they pertain to the applicability of training requirements for tank car inspectors performing a list of provided job functions. Specifically you ask if a tank car inspector who performs a visual on the ground inspection consisting of the following tasks is required to have hazardous materials training in accordance with § 172.702 and § 172.704; verifying placards marked with UN identification numbers match a list provided by the shipper, verifying tank car stenciling is legible, verifying there is no evidence of material leaking from the bottom of the car, verifying there are no unsafe mechanical issues pertaining to operation, and reporting any issues to the shipper for proper disposition.

The answer to your question is yes. Hazmat employers are required by § 172.702(a) to “ensure that each of its hazmat employees is trained in accordance with the requirements” prescribed in Part 172, Subpart H of the HMR. As defined in § 171.8, a hazmat employee is a person who, in the course of his or her employment, “directly affects hazardous materials transportation safety.” An employee who inspects shipments and verifies compliance with hazard communication requirements is performing a function that directly affects transportation safety and, thus, is subject to the training requirements in § 172.704 of the HMR.

I hope this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division

EASTMAN

October 27, 2011

Eastman Chemical Company
P. O. Box 431
Kingsport, Tennessee 37662

U.S. DOT
PHMSA Office of Hazardous Materials Standards
Attn: PHH-10
East Building
1200 New Jersey Avenue, SE.
Washington, DC 20590-0001

Webb
§ 171.8
§ 172.700
Definitions
11-0271

Dear Sir/Madam:

Do the following job functions meet the definition of a "hazmat employee" and require training under 49 CFR 172.700?

A tank car inspector who does performs a visual on the ground inspection that includes:

- Verifying UN numbered placards match a list provided by shipper
- Verifying tank car stenciling is legible
- Verifying there is no evidence of material leaking from the bottom of the car
- Verifying there are no unsafe mechanical issues pertaining to operation from ground level only
- Reporting any issues to shipper for proper disposition

Best Regards,



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