



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

**MAY 30 2012**

Mr. Michael Gardner  
Manager of Safety Compliance  
Con-Way Freight  
2211 Old Earhart Road  
Ann Arbor, MI 48105

Ref. No. 11-0293

Dear Mr. Gardner:

This responds to your November 14, 2011 request for further clarification of your March 2, 2011 letter of clarification under Ref. No. 11-0063 on the recurrent training requirements under § 172.704(c)(2) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if it would be acceptable for an employer to provide partial recurrent individual training annually over the course of a 3-year period instead of providing complete recurrent training to all hazmat employees every 3 years.

We have reviewed your follow up letter with additional clarifying information. Based on the training records you provided with your letter, it is the opinion of this office that the partial training over the 3-year recurrent training cycle is not prohibited by the HMR provided the training includes all required components specified in § 172.704(a). Recurrent training must be completed within the 3-year recurrent training period and each partial training element must be repeated at least every 3 years. You should also note, although not prohibited, completing partial training sessions creates different recurrent training dates for each session which could be burdensome for recordkeeping.

I hope this answers your inquiry. If you need additional assistance, please contact this office at (202) 366-8553.

Sincerely,

Ben Supko  
Senior Regulations Officer  
Standards and Rulemaking Division



Never Settle for Less.

Boothe  
§ 172.704  
Training  
11-0293

November 14, 2011

Mr. Ben Supko, Chief Standards Development  
Standards and Rulemaking Division, U.S. DOT  
PHMSA Office of Hazardous Materials Standards  
Attn: PHH-10, East Building  
1200 New Jersey Avenue, SE.  
Washington, DC 20590-0001

Ref. No. 11-0063

Dear Mr. Supko:

I am writing to provide further explanation and documentation regarding the interpretation you provided for the training requirements set forth in §172.704, specifically the requirements under §172.704(c)(2) *Recurrent training*.  
Ref. No. 11-0063

First, our intent of the requested interpretation is to confirm that the industry can provide recurrent training that is divided into distinct modules and offered at varying times under and still qualify for recurrent training as required by §172.704(c)(2), provided that all modules (the complete training program) are provided at least once every three years. This will enhance safety by providing employees with more frequent interaction with our safety directors and facilitating greater retention of training topics due to the ability to focus on fewer topics during each training session and provide greater detail on each topic. We do not intend this request to impact obligations under 172.704(c)(1)(ii) where an employee has changed job function.

Specifically I ask, may a hazmat employee be trained in general awareness/familiarization, function-specific, safety, and security awareness training as required under §172.704(a)(1)-(4) and in-depth security training as applicable and as required under §172.704(a)(5) in the form of individual training sessions for each required training during separate sessions and dates as long as every training as required by §172.704(a)(1)-(4) and §172.704(a)(5) is given individually at least once every three years, as well as all trainings within 90 days of their effective date? Each training session certificate would include the date of the training session. I have attached samples of recurrent training certificates to help clarify my request.

Respectfully,

Michael Gardner  
Manager of Safety Compliance

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