



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

MAR 30 2012

Mr. Henry Wake Huffman
396 State Highway 1959
Grayson, Kentucky 41143

Ref. No.: 12-0002

Dear Mr. Huffman:

This responds to your letter dated December 21, 2011, regarding whether under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) a driver of a motor vehicle must have specialized training to transport medical oxygen. Your questions are paraphrased and answered as follows:

- Q1. Does a driver of a motor vehicle transporting medical oxygen cylinders need specialized training on the safe handling and transport of this material?
- A1. Additional specialized training may be required depending on the job function and handling requirements for specific hazardous materials. Responsibility for ensuring that the level of training is adequate and appropriate is the obligation of the hazmat employer.
- Q2. Would the driver also need a Commercial Driver's License (CDL) if hauling such products as old tires, paint, gas, oil, and other materials left behind from abandoned property.
- A2. In accordance with 49 CFR 383.5 of the Department's Federal Motor Carrier Safety Regulations (FMCSR), a driver of a commercial motor vehicle (CMV) that has a GVWR of 11,794 kilograms (26,001 pounds) or transports a hazardous material that requires placarding must obtain a CDL with a hazmat endorsement (See subpart G of part 383 of the FMCSR).
- Q3. Is specialized training needed even if the total amount of hazardous materials being transported is less than 1,001 pounds?
- A3. Yes, training is required. There are, however, exceptions in the HMR for training and other requirements. For example, if you meet the materials of trade exceptions in §173.6, you are excepted from the HMR, including training.
- Q4. What are the penalties for violation of the requirements of the HMR, such as training?

- A4. A hazmat employer must ensure that each of its hazmat employees is trained in accordance with the requirements prescribed under subpart H of Part 172 (see §172.702). A person who knowingly violates a requirement of the Federal Hazmat Transportation Law, 49 U.S.C. § 5123, applicable to the transportation of hazardous materials or causing them to be transported or shipped is liable for a civil penalty of not more than \$55,000 and not less than \$250 for each violation, except the maximum civil penalty is \$110,000 (see §107.329).

For a list of frequently cited violations see Appendix A to Subpart D of Part 107.

I hope this satisfies your inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Supko", with a long horizontal flourish extending to the right.

Ben Supko
Acting Chief, Standards Development
Standards and Rulemaking Division

Engrum
5172.100-112.104
Training
12-0002

December 21, 2011

U.S. Department of Transportation
Pipeline and Hazardous Materials
Safety Administration
1200 New Jersey Avenue S.E.
Washington, D.C. 205920590

Dear Mr. Ben Supko:

Ref: No: 11-0182

Thank you for your letter dated November 21, 2011. I would like to clarify a few more questions.

Someone at The Department of Transportation informed me by phone that in order to transport medical oxygen cylinders, the driver of that vehicle must have special training on the proper safe handling of this material. Is this true?

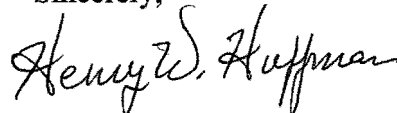
Do they need this special training even if the total amount is less than 1001 pounds? The lady on the phone explained to me that special training on handling of hazardous materials was needed even if it was five pounds.

What would be the fine or penalty if the driver did not have any special training for the handling of said such hazardous material?

Would a driver need any special training or CDL license with hazardous materials if they were hauling all types of hazardous materials such as old tires; paint; gas; oil; and other materials left behind from abandoned property?

I know it seems like I'm asking the same questions over, but I've never seen it where you clarified whether or not the driver needed the special training for hazardous materials if the load was less than 1001 pounds. Thank you for your trouble.

Sincerely,



Henry W. Huffman



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

**COPY FOR YOUR
INFORMATION**

1200 New Jersey Avenue SE
Washington, DC 20590

NOV 21 2011

Mr. Henry Wake Huffman
396 State Highway 1959
Grayson, Kentucky 41143

Ref. No.: 11-0182

Dear Mr. Huffman:

This responds to your July 25, 2011 letter, your subsequent August 6, 2011 letter, and your August 17, 2011 follow-up e-mail regarding training and Commercial Driver's License (CDL) to transport medical oxygen under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows:

- Q1. Is medical oxygen considered a hazardous material? If so, what is the classification and description of medical oxygen?
- A1. Yes. Medical oxygen is designated as a hazardous material in the §172.101 Hazardous Materials Table and classified and described as "Oxygen, compressed, 2.2 (non-flammable gas), UN1072."
- Q2. Do you need training to load and transport medical oxygen?
- A2. Yes. In accordance with the HMR, a person who performs any function (e.g., loading and unloading) that directly affects the transportation of hazardous materials is a hazardous material (hazmat) employee and must receive training applicable to those functions. (See §§172.700 – 172.704). In addition, drivers transporting hazardous materials that require shipping papers also must receive driver training as required in §177.816.
- Q3. Do you need a CDL with a hazmat endorsement to transport medical oxygen in a van with a Gross Vehicle Weight Rating (GVWR) of less than 26,000 pounds, or if the number of cylinders has an aggregate gross weight of more than 1,001 pounds?
- A3. The Department's Federal Motor Carrier Safety Administration's (FMCSA) Federal Motor Carrier Safety Regulations (FMCSR) specify requirements for CDLs and hazmat endorsements. In accordance with 49 CFR 383.5 of the FMCSR, a commercial motor vehicle (CMV) that has a GVWR of 11,794 kilograms (26,001 pounds) or transports a

hazardous material that requires placarding must obtain a CDL with a hazmat endorsement (See subpart G of part 383 of the FMCSR).

In accordance with §172.504(c) of the HMR, a transport vehicle or freight container which contains less than 454 kg (1,001 pounds) aggregate gross weight of hazardous materials in non-bulk packagings covered by table 2 is excepted from placarding. However, in this case, placards are required because you are shipping a number of cylinders having an aggregate gross weight of more than 1,001 pounds.

Q4. What kind of special training would be needed to transport medical oxygen, and where in Kentucky could this type of training be found?

A4. The training requirements for a hazmat employee, who also drives a commercial motor vehicle, are supplemental to the licensing requirements. Compliance with the current requirements for a CDL provides employees with general knowledge and skills and may satisfy the training requirements. However, additional specialized training may be required depending on the job function and handling requirements for specific hazardous materials. Responsibility for ensuring that the level of training is adequate and appropriate is the obligation of the hazmat employer.

The Department of Labor's Occupational Safety and Health Administration, the Environmental Protection Agency, the Federal Motor Carrier Safety Administration's Commercial Driver's License (CDL), or other mandated training requirements may be used to the extent that they satisfy the general awareness, function specific, and safety training and testing requirements. The hazmat employer is also responsible for the three year recurrent training requirement.

Q5. Does the HMR apply to the transportation of medical oxygen from one state to another, such as West Virginia to Kentucky?

A5. Yes. The HMR are found in Title 49, Code of Federal Regulations, Parts 100-185. As provided in § 171.1, the HMR apply to any department, agency, or instrumentality that transports or causes to be transported or shipped hazardous materials in interstate, intrastate, and foreign commerce, by all modes of transportation (i.e., highway, rail, air, and vessel). The HMR addresses classification, packaging, preparation of shipping papers, labeling, placarding, emergency response information, and training. The HMR can also be accessed through our Web site: <http://phmsa.dot.gov/hazmat>.

Sincerely,



Ben Supko

Acting Chief, Standards Development
Office of Hazardous Materials Standards

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July 25, 2011

Engrum
§ 171.1
3172.101
§ 173.168
Applicability
11-0182

Mr. Charles E. Betts
Director, Office of Hazardous Materials Standards
U.S. DOT/ PHMSA (PHH-10)
1200 New Jersey Avenue; SE East Building, 2nd. Floor
Washington, D.C. 20590

Dear Mr. Betts:

I have a few questions that I cannot find the answers to on the HAZARDOUS MATERIALS INFORMATION CENTER.

QUESTION (1) Transporting hazardous materials (Medical Oxygen) do I need special training to load and transport this product?

QUESTION (2) If I'm hauling this Medical Oxygen in a van with GVW less than 26,000 do I need Hazardous materials endorsement on My CDL license?

QUESTION (3) If the number of cylinders has a gross weight of more than 1001 pounds, do I need hazardous materials endorsement on my CDL driver license?

QUESTION (4) Being from Kentucky, where would I go if I need special training to transport this medical oxygen?

QUESTION (5) What kind of special training would I need to transport Medical Oxygen?

QUESTION (6) If I transport medical oxygen from one state to another, West Virginia to Kentucky, would that make any difference in

The laws that govern transporting of hazardous materials?

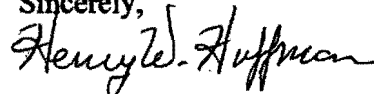
QUESTION (7) Would Medical Oxygen be considered "Hazardous Material?"

QUESTION (8) What federal laws would I be in violation of if I have no special training in the loading; handling; and transporting of Medical Oxygen? If any?

QUESTION (9) What is the classification of Medical Oxygen? Fire? Explosive? Etc.?

I'm sorry to be of so much trouble Mr. Bettis, but I've looked and looked at the website, and can't seem to find the laws, and they are confusing to me. It's the weight that I don't understand. Is it law that I need special training if I'm transporting less than a thousand pounds of medical oxygen?

Sincerely,



Henry Wake Huffman

You can e-mail me the answers to these questions at
henrywakehuffman_2007@yahoo.com
Or herywakehuffman@yahoo.com