



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

JAN 24 2013

Mr. Stephen C. O'Connor
Director Office of Packaging and Transportation
Department of Energy
16212 State Highway 249
Houston, TX 77086

Reference No.: 12-0240

Dear Mr. O'Connor:

This is in response to your October 18, 2012 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to training requirements for packaging component suppliers. You present two specific package component supply situations and ask if the training provisions for hazmat employees found in Subpart H of Subchapter C of the HMR are applicable. Your questions are paraphrased and answered below:

Q1. If Company A supplies drum lid locking rings to Company B who manufactures, sells, marks, and certifies DOT 1A2 steel drums for use in commerce per § 178.504(a)(2); is Company A considered a hazmat employer and required to have a DOT training program in place for hazmat employees per Subpart H of Subchapter C of the HMR, or is it exempt from these requirements?

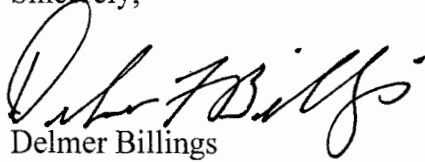
A1. The answer is no. The definition of a hazmat employee includes, among various other possible functions, an individual who designs, manufactures, fabricates, inspects, marks, maintains, reconditions, repairs, or tests a package, container or packaging component that is represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce. While reference is made to manufacturers of packaging components in the definition of hazmat employee; the intent of their inclusion is not to cover producers of parts that may be sold by the manufacturer who are not aware that the purchasers' intent is to utilize the component in a hazardous materials packaging.

Q2. If Company C is a hardware supplier to a wide range of industry customers and also provides nuts and bolts to Company B (from question 1 above) for the lid locking ring, is Company C considered a hazmat employer and required to have a DOT training program in place for hazmat employees per Subpart H of Subchapter C of the HMR, or is it exempt from these requirements?

A2. See answer A1 above.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Delmer Billings".

Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division



Department of Energy
Washington, DC 20585

Webb
§171.1
§178.504(a)(2)
Applicability
12-0240

October 18, 2012

Mr. Charles Betts, Director
Standards and Rulemaking Division
Pipeline and Hazardous Materials Safety Administration
Attn: PHH-10, U.S. DOT
East Building
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

Subject: Clarification of the Hazmat Training Requirements for Packaging Component Supplier

Dear Mr. Betts:

The purpose of this letter is to request clarification on the applicability of the requirements in 49 CFR 171.1, *Applicability of Hazardous Materials Regulations (HMR) to persons and functions*, where it states:

The law also authorizes the Secretary to apply these regulations to persons who manufacture or maintain a packaging or a component of a packaging that is represented, marked, certified, or sold as qualified for use in the transportation of a hazardous material in commerce.

The clarification requested is specific to packaging component suppliers and whether those suppliers are considered hazmat employer and therefore required to implement a DOT training program for designated hazmat employees. Please provide responses to Questions 1 and 2 below.

Question 1: If Company A supplies drum lid locking rings to Company B who manufactures, sells, marks and certifies DOT 1A2 steel drums for use in commerce per 49 CFR 178.504(a)(2), is Company A considered a hazmat employer required to have a DOT training program in place for hazmat employees per 49 CFR 172 Subpart H, or is it exempt from these requirements?

Question 2: Similarly, if Company C is a hardware supplier to a wide range of industry customers and also provides nuts and bolts to Company B (from Question 1 above) for the lid locking ring, is Company C considered a hazmat employer required to have a DOT training program in place for hazmat employees per 49 CFR 172 Subpart H, or is it exempt from these requirements?

Please clarify the intent of 49 CFR 171.1 as it applies to the questions above.

Thank you in advance for your prompt consideration of this request. If you require additional information, please contact me at (301) 903-7284, or Mr. Ashok Kapoor of my staff at (202) 586-8307.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen O'Connor", with a long horizontal flourish extending to the right.

Stephen C. O'Connor
Director
Office of Packaging and Transportation