



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

FEB 28 2006

Mr. Rob Riggott  
Martinair, Inc.  
P.O. Box 485  
Sandston, Virginia 23150

Ref No. 06-0017

Dear Mr. Riggott:

This is in response to your letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request clarification on whether employees, who sign for, receive, or open packages which contain hazardous materials, after the departure of the carrier from the consignee's facility, require training under the HMR.

A hazmat employee is a person employed by a hazmat employer and who in the course of employment directly affects hazardous materials transportation safety (see § 171.8). In other words, a person who performs duties that are regulated under the HMR is considered to be a hazmat employee. The term hazmat employee includes an individual employed by a hazmat employer who, during the course of employment loads, unloads, or handles hazardous materials. Section 172.704 requires a hazmat employee to receive general awareness, function specific, and safety training.

Generally, consignee unloading operations performed after the carrier's departure from the consignee's facility are not subject to regulation under the HMR. Thus, these actions would not be subject to the training requirements in § 172.704.

I hope this satisfies your request.

Sincerely,

Charles E. Betts  
Senior Transportation Specialist  
Office of Hazardous Materials Standards



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172.700



BAH  
\$172,700  
Training  
06-0017

January 20, 2006

U.S. Department of Transportation  
Pipeline- Hazmat Safety Administration  
Office of Hazardous Materials Safety  
400 7<sup>th</sup> Street S.W.  
Washington, D.C. 20590

ATTN: Susan Gorsky

Dear Ms. Gorsky:

Does 49 CFR require HAZMAT training for any individual who signs for, receives, or opens a package which contains material labeled and shipped as hazardous if that individual is the end-user?

We have been told that a HAZMAT package cannot be opened by anyone unless they have been HAZMAT trained. The only person here who is HAZMAT trained is the Shipping Manager who is the only one doing all our HAZMAT packing, labeling, shipping, and receiving. In his absence, can other employees without HAZMAT training receive and open packages?

The HAZMAT packages in question are materials routinely handled and used by the employees on the shop floor; (e.g., cans of aerosol paint, solvents, and sealants). These are consumable materials on which we have Material Safety Data Sheets and with which the employees are familiar. We have been told that they cannot receive or open these packages which contain the materials they routinely use on a day-to-day basis because they haven't been HAZMAT trained.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Riggott".

Rob Riggott  
Martinair, Inc.