



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

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

OCT 30 2014

Terry Holland
Hazardous Materials Specialist
REI
1400 Country Ridge Rd
Bedford, PA 15522

Ref. No.: 14-0151

Dear Mr. Holland:

This is in response to your e-mail dated August 4, 2014 requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to training. Specifically, you ask whether an employee moving pallets of hazardous materials from a shipping lane to a shrink wrapping area in the same facility is performing a pre-transportation function as defined by § 171.8, and therefore requires training as a hazmat employee in accordance with § 172.704. The wrapped pallets are later loaded on a transport vehicle by a different employee.

Based on the scenario you describe, the answer is no. The term "pre-transportation function" as defined in 49 CFR 171.8 means "a function specified in the HMR that is required to assure the safe transportation of a hazardous material in commerce." Movement of hazardous materials packages within a contiguous facility boundary is typically not a function specified in the HMR. The term "hazmat employee," as defined in § 171.8, includes all persons who in the course of employment perform functions that directly affect hazardous materials transportation safety. This term does not apply to every employed person who works in or around an area where, for example, hazardous materials are loaded, unloaded, handled or stored. The employee's functional relationship to hazardous materials transportation safety, rather than incidental contact with hazardous materials in the work place, is the primary factor in determining whether an individual is a "hazmat employee." The training requirements specified in 49 CFR 172.700 through 172.704 apply to individuals who meet the definition of a hazmat employee.

I hope this satisfies your inquiry.

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Lehman
171.8
Definitions
14-0151

Goodall, Shante CTR (PHMSA)

From: Ciccarone, Michael CTR (PHMSA)
Sent: Monday, August 04, 2014 4:26 PM
To: Hazmat Interps
Subject: FW: Request interpretation

Shante and Alice,

Please submit this for a formal letter of interpretation.

Thanks,

Mike

From: Terry Holland [mailto:thollan@rei.com]
Sent: Monday, August 04, 2014 4:17 PM
To: Ciccarone, Michael CTR (PHMSA)
Subject: RE: Request interpretation

REI
1400 Country Ridge Rd
Bedford, Pa 15522
814-624-4480

From: m.ciccarone.ctr@dot.gov [mailto:m.ciccarone.ctr@dot.gov]
Sent: Monday, August 04, 2014 4:14 PM
To: Terry Holland
Subject: RE: Request interpretation

Dear Terry,

We have received your request for a written letter of interpretation regarding the hazardous materials regulations (49 CFR Parts 171-180).

Please include your company's physical address and phone number to expedite the submission process.

Sincerely,

Mike, Hazardous Materials Specialist

An e-mail response from this office is considered informal guidance. Formal guidance may be requested in accordance with 49 CFR 105.20. <http://phmsa.dot.gov/hazmat/regs/interps>

From: Terry Holland [mailto:thollan@rei.com]
Sent: Monday, August 04, 2014 3:30 PM
To: PHMSA HM InfoCenter
Subject: Request interpretation

I am looking for clarification of the meaning in 171.8 (2) (i), Hazmat Employee. In (2)(i) it states Loads, unloads or handles hazardous materials. I need clarification of the term (handles hazardous material). We use employees to remove pallets containing hazardous material packages from our shipping lanes and takes these pallets to the wrapping machine were they are wrapped and then loaded onto the transport vehicles. My question is, does the employee moving these pallets from the lane to the wrapping machine and having them wrapped require training as a hazmat employee? And is this considered a pre-transportation function?

Terry Holland
Hazardous Material Specialist
REI.