



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

MAR 19 1999

Ms. Barb Germano  
Safety & Risk Administrator  
Myers Industries, Inc.  
1293 South Main Street  
Akron, OH 44301

Ref. No. 98-0326

Dear Ms. Germano:

This is in response to your letter dated October 20, 1998 regarding the training requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request clarification on whether your employees would require DOT training.

According to the HMR, a hazmat employee is a person employed by a hazmat employer and during the course of his/her 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. Section 172.704 requires a hazmat employee to receive general awareness, function specific, and safety training.

Based on the information provided in your letter, your employees perform functions subject to the HMR, such as securing closures on packagings that contain hazardous materials, as evidenced by the signed customer certification which states in part that "all closures are in place and have been secured as required by 49 CFR 173.29(a) and 173.24(b)(1)". Any employee who performs a function covered by the HMR, e.g., secures these closures, is a hazmat employee.

172.702

Section 172.704(b) states that training conducted by employers to comply with the hazard communication programs required by the Occupational Safety and Health Administration (OSHA) of the Department of Labor (29 CFR 1910.120), to the extent that training addresses the general awareness, function specific, and safety training, may be used to satisfy DOT training, in order to avoid unnecessary duplication of training.

I hope this satisfies your request.

Sincerely,

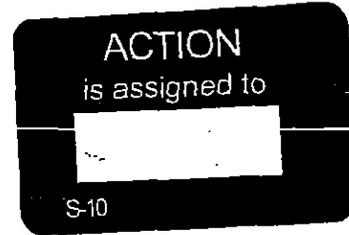
*for Thomas G. Allan*

John A. Gale  
Transportation Regulations Specialist  
Office of Hazardous Materials Standards

**M**  
**MYERS INDUSTRIES, INC.**

B/H  
E 172-702

98-0326



October 20, 1998

United States Department of Transportation  
400 Seventh St. S.W.  
Washington, DC 20590

Please advise if training requirements would apply (for our employees) in the following case:

We purchase chemicals from Southchem for use at our facility. When the drums are empty, the chemical company picks up the empty drums.

The chemical company provides the paperwork, etc. Our facility simply allows the empty drums to be picked up.

All of our employees have had the OSHA required Haz Com training. Is DOT Haz Mat training also required?

I have enclosed a copy of the paperwork used by Southchem.

I appreciate your answer.

Sincerely,

Barb Germano  
Safety & Risk Administrator