



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

AUG 21 2000

Mr. Michael Pfeiffer
Pricing Coordinator
United Van Lines, Inc.
One United Drive
Fenton, MO 63026

Ref. No. 00-0162

Dear Mr. Pfeiffer:

This is in response to your letter dated May 30, 2000 regarding training requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered below:

Question 1: Are there any exceptions to the training requirements in the HMR if the shipment is not placardable?

The answer is no. Training is required for any hazmat employee who performs a function affecting the transportation of hazardous materials in commerce.

Question 2: Are there any minimum quantities of regulated hazmat for which drivers transporting these materials would not be considered hazmat employees, and subject to the training requirements of the HMR?

There is no general exception from training requirements for drivers transporting hazardous materials. However, the HMR does contain provisions (e.g., § 173.4) that except certain materials from every other requirement of the HMR.

Question 3: If our drivers are transporting only commodities regulated as dangerous goods under the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), but not regulated under the HMR (e.g. magnetized material) would drivers still be considered hazmat employees and subject to the training requirements under the HMR?



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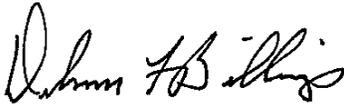
The answer is no. Persons transporting a material regulated by the ICAO Technical Instructions but not subject to the HMR are not required to meet the training requirements of the HMR. However, Section 6 of the ICAO Technical Instructions contain training requirements for hazmat employees of shippers of dangerous goods, including packers and shipping agents.

Question 4: In general, are drivers transporting hazardous materials prepared according to the ICAO Technical Instructions subject to the training requirements of the HMR?

The answer is yes. The HMR allows hazardous materials to be packaged, marked, labeled, classed, described and certified on a shipping paper under the ICAO Technical Instructions provided that one segment of transportation is by aircraft. All other requirements of the HMR must be complied with, including the training requirements of Part 172. For your information, § 172.704(a)(2)(ii) authorizes that as an alternative to the function specific training requirements of the HMR, training relating to the requirements of the ICAO Technical Instructions may be provided to the extent that such training addresses functions authorized by § 171.11.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this Office.

Sincerely,



Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards

United Van Lines, Inc.
One United Drive
Fenton, Missouri 63026
(314) 326-3100



May 30, 2000

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/RSPA (DHM-10)
400 7TH Street S.W.
Washington, DC 20590-0001

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§ 172.704
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Dear Mr. Mazzullo:

United Van Lines has a customer which tenders shipments that are prepared according to ICAO/IATA regulations as allowed by D.O.T. Under 49 CFR 171.11. As a carrier, we have been asked to perform the ground transportation of these shipments prior to or following shipment by air. My questions relate to the training requirements under 49 CFR 172.704 that would apply to our drivers and other carrier personnel that handle these shipments.

- Question 1: Are there any exceptions to the training requirements in the HMR if the shipment/load is not placardable?
- Question 2: Are there any de-minimus quantities of regulated hazmat for which drivers transporting these materials would not be considered "hazmat employees" subject to the training requirements of 49 CFR 172.704?
- Question 3: If our drivers were only transporting commodities regulated as dangerous goods under ICAO/IATA, but not as regulated hazardous material by D.O.T. (e.g. magnetized material), would drivers still be considered hazmat employees under 49 CFR 171.8, and therefore subject to training under 49 CFR 172.704?
- Question 4: In general, are drivers transporting ground shipments prepared according to ICAO/IATA regulations subject to the training requirements under 49 CFR 172.704?

Can you review these four questions and furnish us with a clarification response to each question in writing in order that we may respond to our customer's inquiry? Please fax your written response to my attention (Fax No. 636-905-6290) at United Van Lines, Inc. World Headquarters in Fenton, MO.

Your early response to this request will be greatly appreciated.

Sincerely,

UNITED VAN LINES, INC.

A handwritten signature in cursive script that reads "Michael Pfeiffer".

Michael Pfeiffer
Pricing Coordinator