



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

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

MAY 31 2002

Mr. William K. Taggart, CET
Lion Technology, Inc.
P. O. Drawer 700
Lafayette, New Jersey 07848

Reference No.: 02-0050

Dear Mr. Taggart:

This is in response to your letter regarding §§ 172.704 and 172.204(d) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if an individual who signs the shipper's certification required under § 172.204(a) must be trained in all phases of hazmat transportation.

Your understanding is correct. The training requirements apply to hazmat employees who perform any function subject to the requirements of the HMR (§ 172.704(b)); this includes an employee who signs a shipping paper certification. Since the employee certifies that the materials are properly classified, described, packaged, marked and labeled and in proper condition for shipment, the employee must receive function specific-training that ensures they are knowledgeable in those areas and can determine that a shipment is in compliance with the requirements of the HMR, in addition to general awareness/familiarization and safety training.

I hope this satisfies your request.

Sincerely,



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



020050

172.704



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Training
02-0050

January 10, 2002

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

RE: Shipping Paper Certification - Training for Signers

Dear Mr. Mazzullo:

Lion Technology Inc. has been providing hazardous materials transportation training for nearly 25 years. Since 1978, we have trained tens of thousands of people. Lion currently conducts over 60 two-day hazardous materials transportation training workshops per year, nationwide. We have always endeavored to provide our students with regulatory training that is as technically correct as we can possibly make it. Since we are training thousands of people per year, we feel it is very important that what we teach them is aligned with current DOT interpretation.

We are requesting confirmation of a particular interpretation pursuant to the promulgation of the "hazmat employee" training requirements under HM-126F.

One of the more common questions asked by our clients and students is exactly what training is required for someone who signs the certification on a DOT shipping paper or hazardous waste manifest. It is clear that any person who signs a shipper's certification is subject to the "hazmat employee" training standard of 49 CFR 172 Subpart H...RSPA has clearly stated this in interpretive letters. However, the question that these people are ultimately getting at is "specifically, what must their training cover?"

Lion has always understood that the person who signs a shipping paper is certifying that every aspect of the hazardous materials shipment is in full compliance with all applicable DOT regulations. In this respect, they might be the single most important person in the cycle of transportation, because they provide a final opportunity to check the shipment and catch any problems before the shipment is allowed to go out into the public domain. As such, we have always understood and taught that in order for a person be able to make the certification representing that the material is properly packaged, marked, labeled, described, and "in all respects" in compliance, that their training must cover all of these aspects of the HMR.

In other words, you can't certify that something is "right" and in compliance with the regulations, unless you know what "right" is. Therefore, our understanding is that a

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person whose sole hazardous materials transportation function is to sign shipping papers would need to have training such that they are able to determine if a material is properly classified, packaged, marked, labeled, placarded, prepared, loaded and described on the shipping paper.

Please confirm that this continues to be RSPA's interpretation.

Thank you for your attention to this matter, and I look forward to your response.

Sincerely,


William K. Taggart, CET
Lion Technology, Inc.

