



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

MAY -3 2006

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

Mr. Brent J. Hoberg
District Manager, Southwest
KPA, LLC
10805 I older St.,
Ste. 165
Cypress, CA 90630-5145

Ref. No.: 06-0096

Dear Mr. Hoberg:

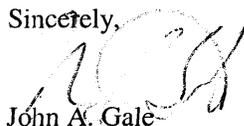
This is in response to your letter requesting clarification of the term "hazmat employee" as defined in § 171.8 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if a parts department employee of a car dealership who opens boxes containing hazardous materials, after the consignee has accepted the packages, is a hazmat employee. You indicate that the term "handles" in the definition of hazmat employee is causing the confusion.

In accordance with § 171.1, the HMR apply to persons who offer for transportation or transport hazardous materials in commerce. Section 171.1(c) clarifies that transportation begins when the driver takes possession of a hazardous material for transport and continues until the hazardous material package is delivered to its final destination. Delivery is complete when the driver relinquishes possession of the hazardous material package to the consignee and is no longer responsible for performing functions subject to the HMR.

In the scenario you describe, the hazardous material package has been delivered to its final destination and is being unpacked by a parts department employee of a car dealership. The employee "handles" the hazardous materials once they are out of transportation; therefore, the HMR, including the hazmat employee definition, do not apply.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,


John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



060096

171.1
171.8



www.kpaonline.com

Supko
§171.8
Definitions
06-0096

April 21, 2006

Attention: Edward Mazzullo
Director of the Office of Hazardous Materials Standards
Department of Transportation
Fax #: (202) 366-3012

Dear Mr. Mazzullo:

CFR Section 49 Part 171.8 describes a "hazmat employce" as a person who "directly affects hazardous materials transportation safety" and who, during the course of employment, "loads, unloads, or handles hazardous materials." As an environmental, health & safety consultant, I am tasked with assisting my clients in interpreting these regulations to determine if and how they apply to their respective employees. Spccifically, my clients are struggling with the definition of "handles" as it applies to their employees.

A majority of our clients are car dealerships which have service and parts departments. If a parts department employee does not load or unload hazardous materials from a transport vehicle, but "handles" them after they have been delivered to the facility (removes them from the shipping box for storage in cabinets and use at the facility), are they required to be DOT Hazmat Certified, and if so, to what extent? Can you please provide me with a written, DOT interpretation of "handles" as it applies to this circumstance? Your prompt response is appreciated. Thank you, in advance, for your assistance.

Sincerely,

Brent J. Hoberg
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