



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Ave., S.E.
Washington, DC 20590

SEP 27 2007

Mr. James LoBello
Senior Manager
Security and Risk Management, the Americas
Lufthansa Cargo

Reference No.: 06-0099

Dear Mr. Lobello:

This is in response to your April 17, 2006 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 100-180) applicable to accepting and inspecting hazardous materials shipments. Specifically, you state that your company has staff at "offline" stations that check hazardous materials shipments and forward them to the first "online" station for connection to a flight. You state that your offline station does not handle hazardous materials on a regular basis, and ask whether the following procedures are acceptable under the HMR training requirements:

- 1). Offline station staff, trained in general awareness, receive the hazardous materials shipment;
- 2). Offline station staff forward the shipping documents to a remote location for verification of accuracy by staff trained in acceptance procedures in accordance with International Air Transport Association (IATA) and International Civil Aviation Organization (ICAO) Technical Instructions;
- 3). The hazardous materials shipment would be captured via a Web Cam and transmitted to the remote location;
- 4). Staff at the remote location reviews the shipping documents and Web Cam pictures and accepts the hazardous materials shipment.

The answer is no. As required in § 172.702(a), a hazmat employer must ensure that each of its hazmat employees is trained in accordance with the prescribed requirements. A hazmat employee, as defined § 171.8, is a person who is employed by a hazardous materials employer and who, in the course of employment, directly affects hazardous materials transportation safety. Under your scenario, both offline and online employees directly affect hazardous materials transportation, and, therefore, are subject to the training requirements of the HMR. The training requirements found in § 172.704 include: (1) general awareness/familiarization training; (2) function-specific training; (3) safety training; (4) security awareness training; and (5) in-depth security training. Thus, in addition to general awareness, safety, and security awareness training, employees accepting hazardous materials shipments at your offline stations should receive function-specific training sufficient to enable them to properly identify



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172.702(a)
175.30

a hazardous materials shipment and ascertain that it conforms to applicable HMR requirements.

In addition, your procedure to remotely view a package via Web Cam prior to its acceptance for transportation does not appear to be sufficient to ascertain that the package conforms to all applicable HMR requirements. For example, a picture does not provide a true representation of the size, color, and shape of the package, and the marking and labels on the package. Further, the procedure is not adequate to determine whether the integrity of the package has been compromised, or the package is leaking or emitting odors. That determination requires a physical inspection.

I trust this satisfies your inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Gale", written over a circular scribble.

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

Foster
5175.30,172.702
Air
06-0099



April 17th 2006

**Office of Hazardous Materials Standards,
Research and Special Programs Administration
Attn: DHM-10
U.S. Department of Transportation
400 7th Street SW
Washington, DC 20590-0001**

Dear Sir/ Madam,

Re: Checking of Hazardous Materials shipments from a remote location

We currently have Category 6 (acceptance trained in accordance with IATA and the ICAO Technical Instructions) qualified staff at offline stations who check Hazardous Material shipments and forward it to the first online station (via truck under the DOT requirements for road feeder operations) for a connection to a Lufthansa flight. Since the offline station does not check hazardous material shipments on a regular basis (in accordance to the air transportation regulations 49CFR Part 175), there is more room for error and also different forms of interpretation than a regular airline online station where shipments are checked more frequently.

Therefore we would like to pursue the following:

The Offline station (served by truck) would be manned with a Category 7/8 qualified staff (general awareness) to receive the shipments. They forward the documents – Hazardous Materials Shipment Declaration (Via Fax) to a remote location for checking. This remote location would be manned by Hazardous Materials experts who are Category 6 qualified in accordance with 49CFR Part 175.

The packages (all sides) could then be captured via a Web Cam and transmitted to the remote location. The Category 6 staff at the remote location will check the documents and shipment pictures accordingly and give the okay for acceptance.

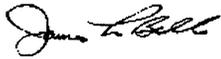
In reviewing the 49CFR Part 175.30 and the ICAO Technical Instructions (Page 7.1.1), we could not find any regulation that would restrict this proposed process.

Could you provide written guidance as to whether or not this process would be acceptable in meeting the regulations outlined in the Code of Federal Regulations, Title 49 for Air Transportation?

Please let me know if you require further information.

We look forward to hearing from you.

Yours Sincerely,
Lufthansa Cargo AG

A handwritten signature in black ink, appearing to read "James LoBello".

James LoBello
Senior Manager
Security and Risk Management, the Americas