



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**  
FEB 25 2008

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

Mr. Mike Stern  
Controller  
REZ-1 Inc. (Boston)  
395 Elliot Street  
Newton, MA 02464

Ref. No. 07-0126

Dear Mr. Stern:

This responds to your letter requesting applicability of the training requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether under the following scenario a person is considered a hazmat employee and subject to training in accordance with the HMR:

Your company receives rail routing information, to include required hazardous materials descriptions, from a shipper via an online message or fax. Your company resends the information electronically to the railroad without any alteration in a billing format. Your company then sends the same unaltered information to the railroad via fax. You ask if these company employees are considered "hazmat employees" under the HMR and are required to be trained.

The company employees you describe in your letter would not be considered "hazmat employees" under the HMR and, therefore, would not be required to be trained.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Hattie L. Mitchell".

Hattie L. Mitchell  
Chief, Regulatory Review and Reinvention  
Office of Hazardous Materials Standards

Stevens  
 3172.704  
 Training  
 07-0126

**Drakeford, Carolyn <PHMSA>**

**From:** INFOCNTR <PHMSA>  
**Sent:** Friday, June 22, 2007 2:29 PM  
**To:** Drakeford, Carolyn <PHMSA>  
**Subject:** FW: Hazmat Training Requirements

Request for Written Interp.

**From:** Mike Stern [mailto:mstern@rez1.com]  
**Sent:** Friday, June 22, 2007 1:12 PM  
**To:** INFOCNTR <PHMSA>  
**Subject:** Hazmat Training Requirements

To Whom It May Concern:

Our company would like further information as to whether or not REZ-1 would need to take on the additional expense of training employees as "Hazmat" employees, as defined in the U.S. Hazmat regulations.

#### **Background**

Our company is working with several major Steamship Lines. Our service consists of providing an electronic interface that allows large shipping companies to see the Steamship Lines intermodal units and reserve them for use in domestic shipments.

After reserving the unit and picking it up from the Steamship Line facility, these shipping companies would have full control of these units. They would have full responsibility for packing, labeling, creating the Rail Billing, etc. in compliance with HMR standards. These companies are also fully responsible for managing and dispatching the drayage for the intermodal units.

Because these shipping companies are using intermodal units owned by international Steamship Lines and offered through the REZ-1 system, instead of submitting Rail Billing directly to the Railroads the shipping companies would submit the Rail Billing to REZ-1. REZ-1 would then forward that information to the Railroads in one of two methods, based on how it was received from the shipping company:

#### **Method 1 – Receive Hazmat Rail Billing from Shippers Electronically**

REZ-1 would receive an EDI message or an online submission from the shipping company, including routing information and Railroad required HAZMAT information. REZ-1 would forward the Rail Billing to the Railroads via EDI. None of the HAZMAT information would be altered; the interchange of the HAZMAT information would be a direct pass-through. REZ-1 would then send a fax to the Railroad with the HAZMAT form exactly as received from the shipping company (as a pass-through).

#### **Method 2 – Receive Hazmat Rail Billing from Shippers via Fax**

REZ-1 would receive a fax message from the shipping company, including routing information and Railroad required HAZMAT information. REZ-1 would enter the routing information and Railroad required HAZMAT information into the Railroad's Rail Billing website. REZ-1 would then send a fax to the Railroad with the HAZMAT form exactly as received from the shipping company (as a pass-through).

Based on the information described above, would REZ-1 need to take on the additional expense of training employees as "Hazmat" employees as defined in the U.S. Hazmat regulations?

**I would like to receive a written confirmation that we are or are not required to comply**

6/25/2007

**with any additional HAZMAT requirements due to our role in submitting rail billing on HAZMAT shipments**

Thank you for your attention to this matter!

Mike Stern  
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