



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

SEP 27 2007

Mr. John P. Plasencia
Seaboard Marine, LTD
8001 NW 79 Avenue
Miami, FL 33166

Ref. No.: 07-0137

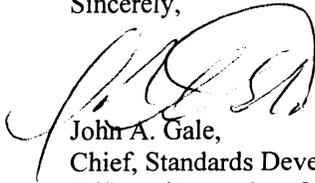
Dear Mr. Plasencia:

This is in response to your letter dated July 3, 2007 concerning the definition of hazmat employee under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if employees who maintain and repair freight containers, reefer containers, flat racks, and chassis that are owned and/or leased by your ocean carrier company meet the definition of a hazmat employee under the HMR. You state that the employees in question do not load, unload, classify, mark, label, placard, transport or accept hazardous materials.

A hazmat employee, as defined in § 171.8, includes a person who designs, manufactures, fabricates, inspects, marks, maintains, reconditions, repairs, or tests a package, container or packaging component that is represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce. Based on the information you provided, the employees in question do not meet the definition of a hazmat employee unless the equipment that these employees maintain and repair includes packages, containers, or packaging components that are represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

I hope this information is helpful.

Sincerely,



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



070137

171.8

Drakeford, Carolyn <PHMSA>

From: INFOCNTR <PHMSA>
Sent: Tuesday, July 03, 2007 3:47 PM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: Information Center Comments/Questions

Eichenlaub
\$171.8
Definitions
07-0137

See below this man wants a written letter of interp. 7/3 RB

-----Original Message-----

From: john_plasencia@seaboardmarine.com [mailto:john_plasencia@seaboardmarine.com]
Sent: Tuesday, July 03, 2007 2:46 PM
To: INFOCNTR <PHMSA>
Subject: Information Center Comments/Questions

Completed by phone 7/3/07 3:18pm - CL (left vm)

Below is the result of your feedback form. It was submitted by JOHN P. PLASENCIA (john_plasencia@seaboardmarine.com) on Tuesday, July 3, 2007 at 14:46:16.

Email: john_plasencia@seaboardmarine.com

Name: JOHN P. PLASENCIA

Category: General Information, Regulations, and Definitions (Sections 171.1 - 171.21)

Organization: SEABOARD MARINE, LTD.

Street: 8001 NW 79 AVE

City: MIAMI

State: Florida

Zip Code: 33166

Phone: 305-370-5110

Fax: 305-579-9162

Comments: Subject: Definition of "hazmat employee"

Scenario: We are an ocean carrier with a fleet of owned and/or operated vessels, and a fleet of drivers (contracted owner/operators). We also own and/or lease freight containers, reefer containers, flat racks, and chassis (no tanks at all though).

Question: May the following employees be considered as "hazmat employees"? (Note: these employees do not load, unload, classify, mark, label, placard, transport or accept hazmat):

- vehicle mechanic (i.e. works on the vehicles that transport chassis' and freight containers)
- freight container maintenance & repair mechanic
- reefer container maintenance & repair mechanic
- chassis maintenance & repair mechanic
- freight container sweepers (i.e. sweeps out returning empty freight containers)

(Note: In general, the aforementioned employees are instructed by our Safety (OSHA) Team under the topic of "HAZCOM")

I respectfully request your interpretation on the subject matter. Thank you in advance.