



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

OCT 07 2008

Mr. Bruce Bernstein
Parcels Plus
2637 E Atlantic Boulevard
Pompano Beach, FL 33062

Ref. No.: 08-0180

Dear Mr. Bernstein:

This is in response to your July 10, 2008 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding training. Your scenario is based on a Mail and Parcel Center (MPC) that neither accepts nor offers hazardous material shipments for transportation in commerce. Your questions are paraphrased and answered below.

Q1. Are employees of the MPC described above required to be trained in accordance with Subpart H of Part 172?

A1. No. The hazardous materials training requirements in Subpart H of Part 172 of the HMR establish training requirements for hazardous materials employees (hazmat employees). A hazmat employee is a person who, in the course of his employment, directly affects hazardous materials transportation safety (see § 171.8).

Q2. If training is not required for the employees of the MPC, how would DOT view the MPC, as a shipper, if the employees receive training in accordance with Subpart H of Part 172?

A2. As long as the MPC does not transport or offer hazardous materials for transportation in commerce, the DOT would view the MPC as a shipper of non-regulated materials who is not subject to the provisions of the HMR.

Although the HMR do not require your employees to be trained, you may wish to consider providing your employees with guidance or training to assist them to identify a package that may contain hazardous materials so that they do not inadvertently accept such a package for transportation.

You should also be aware that the Federal Aviation Administration has issued regulations governing air carriers that do not accept or transport hazardous materials, and these regulations may apply to some aspects of an MPC's operation. You may wish to contact

Mr. Christopher Bonanti, Director, Office of Hazardous Materials, ADG-1,
Federal Aviation Administration, 800 Independence Ave, SW, Room 300 East,
Washington, DC 20591, 202-267-9864, for additional information.

I hope this information is helpful. If you have further questions, please do not hesitate to
contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Mitchell', written over a horizontal line.

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

Satterthwaite
§172.704
Training
08-0180

Drakeford, Carolyn <PHMSA>

From: INFOCNTR <PHMSA>
Sent: Thursday, July 10, 2008 1:53 PM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: Letter of Interpretation

From: Bruce Bernstein [mailto:bbernst106@aol.com]
Sent: Thursday, July 10, 2008 12:52 PM
To: INFOCNTR <PHMSA>
Subject: Letter of Interpretation

Dear Sirs/Madam:

I am requesting an official interpretation from the DOT on a question of Hazardous Material Awareness training.

For background, I am the owner of a Mail and Parcel Center (MPC) in Pompano Beach, FL and a Director of a non-profit trade association of mail and parcel centers (National Alliance of Retail Ship Centers-NARSC) .

As a MPC owner, I am specifically prohibited from shipping Hazmat under my authorized retailer contracts with UPS, DHL and FedEx. (copies of these agreements are available upon request. We cannot tender for shipment any Hazmat, including ORM-D. Consequently, we are not Hazmat shippers—either by definition or in practice. As a part of our carrier contracts, we are also required to accept packages charged to other account holders which are dropped-off at our locations. These “drop-off” packages are pre-sealed by the account holder and “ready for shipping”.

As a Director of NARSC, our members are asking me to provide an answer to the following question; If we do not accept these items, do not intend to accept these items, and refuse to accept them as drop-off packages (either charged to our store accounts or charged to other accounts), are we required to take the Hazmat Awareness Training?

As a follow up to that question, does the completion of the Hazmat Awareness Training class change the way DOT would look at us as a shipper? We would still act as stated above. We would not pack, ship or accept as a drop-off any shipment that would be considered Hazmat.

I look forward to your response.

Respectfully,

Bruce Bernstein
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7/11/2008

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NARSC South Florida Chapter Treasurer
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PackFreight Member

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