



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

JUN 23 2016

Mr. Daniel A. Justis
Marine Assurance Coordinator
Foss Maritime Company
9030 NW St. Helens Road
Portland, OR 97231

Reference No. 16-0033

Dear Mr. Justis:

This letter is in response to your February 24, 2016, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to training requirements for employees. Specifically, you ask if your employees who secure rail cars containing hazardous materials on barges are considered hazmat employees and thus require hazardous materials training.

The answer is yes. Except as provided in § 172.704(c)(1), a hazmat employee who performs any regulated function must be trained in the HMR requirements applicable to that function (see § 172.702(b)). Common examples of regulated functions include: (1) determining the hazard class of a material; (2) selecting an appropriate packaging; (3) filling or securing a package containing a hazardous material; (4) securing packaging closures; (5) marking and labeling a package; and (6) preparing shipping papers. In the scenario you provided, the employees are securing a package containing a hazardous material for shipment and are, therefore, subject to the training requirements.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Andrews
172.702
Applicability
16-0083

Goodall, Shante CTR (PHMSA)

From: Geller, Shelby CTR (PHMSA)
Sent: Wednesday, February 24, 2016 11:49 AM
To: Hazmat Interps
Subject: FW: Requesting letter of interpretation

Dear Shante and Alice,

Forwarded is a request for a formal letter of interpretation.

Thanks,
Shelby

From: Dan Justis [mailto:djustis@foss.com]
Sent: Friday, February 19, 2016 11:34 AM
To: PHMSA HM InfoCenter
Cc: Whitley, Earl (PHMSA)
Subject: Requesting letter of interpretation

To whom it may concern,

I am requesting a letter of interpretation for the below scenario. As a company we want to ensure our people are fully qualified and meet the present standards. The officers onboard the tug receive the required training as per 49CFR172.702.

Scenario:

We have a barge that transports rail cars on a deck barge designed to carry them from Canada to Alaska. The barge is set up to be able to transport six rows of railcars, some of them do carry hazardous materials. The majority of hazardous materials that are transported/shipped are on tank cars. The crews from the tug that tows the barge do not physically move the rail cars but do lash the cars down prior to transport. The crew unlashes the rail cars once they have reached terminal on the other side.

Does the act of lashing down the rail cars on the barge constitute handling of hazardous materials, therefore requiring job specific hazardous materials training. A determination of this would be helpful to ensure we are meeting all requirements.

By the way a Dangerous Cargo Manifest is generated on each shipment that does contain hazardous materials.

Thank you for your help.

Dan Justis



FOSS

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