



U.S. Department
of Transportation

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

**Pipeline and Hazardous
Materials Safety
Administration**

Mr. Kevin M. Greene
Senior Dangerous Goods Consultant
DuPont Corporate Center for Safety, Health,
and Environment (SHE)
974 Centre Road
Wilmington, DE 19805

SEP 27 2016

Reference No. 16-0136

Dear Mr. Greene:

This letter is in response to your August 11, 2016, letter and email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the definition of a "hazmat employee" in § 171.8. Specifically, you seek confirmation that your company's Systems Applications and Products/Environmental Health and Safety (SAP/EHS) Software Program Coordinators are not considered hazmat employees under the HMR and, therefore, are not required to receive hazmat training.

You state that your company's SAP/EHS Coordinators are only responsible for data entry and do not make decisions pertaining to the classification or description of hazard materials. According to your letter, they receive information from company employees who are hazmat trained in conformance with 49 CFR Part 172, Subpart H, and who classify and describe the hazard materials. You state the SAP/EHS Coordinators then transcribe and input this information about your company's hazardous materials shipments into a corporate shipping paper/Safety Data Sheet (SDS) database in a manner that allows it to appear on outbound shipping documents, SDSs, or other corporate documents.

Your understanding is correct. A "hazmat employee" is a person who is employed by a hazmat employer or is self-employed and who, in the course of employment, "directly affects hazardous materials transportation safety" (see § 171.8). If your company's SAP/EHS Coordinators merely input data (e.g., proper shipping names, classification, authorized packagings) provided to them by a trained hazmat employee of your company, then they are not considered hazmat employees and are not subject to the training requirements in 49 CFR Part 172, Subpart H. However, if they make determinations concerning regulatory requirements applicable to the hazardous materials to be shipped as part of the performance of their duties, then the SAP/EHS Coordinators are considered hazmat employees and must be hazmat trained.

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

Edmonson
171.8
Definition and Abbreviations
16-0136

Goodall, Shante CTR (PHMSA)

From: Rivera, Jordan CTR (PHMSA)
Sent: Friday, August 12, 2016 5:50 PM
To: Hazmat Interps
Subject: FW: Request Clarification - HazMat Training
Attachments: DOT_Clarification_Training_11Aug2016_KMG.pdf

Hi Shante/Alice,

Please submit this as a formal letter of interpretation. Please let me know if you have any questions.

Thanks,
Jordan

From: Greene, Kevin M [<mailto:KEVIN.M.GREENE@dupont.com>]
Sent: Thursday, August 11, 2016 3:11 PM
To: PHMSA HM InfoCenter
Subject: Request Clarification - HazMat Training

Dear Mr. Betts:

I am requesting an interpretation relative as to if our "SAP/EHS Coordinator" meet the definition of a "HazMat Employee" as defined in 49 CFR Part §171.8, and subsequently are subject to the training requirements in Subpart H of Part 172.

Please see attached PDF file for details regarding my letter of clarification.

Thank you,

Kevin M. Greene
Sr. Consultant Hazardous Materials / DOT Advocacy
Center for Safety, Health, and Environment (SHE) and Operational Excellence (OE)
SHE Systems Team
251.591.6803 (Primary)
251.679.5330 (Secondary)

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Kevin M. Greene
DuPont Corporate SHE
Sr. Dangerous Goods Consultant
974 Centre Road
Wilmington, DE 19805
Telephone: 251.591.6903
Kevin.M.Greene@DuPont.com

11 August 2016

Mr. Charles Betts
Director, Standards and Rulemaking Division, PHH-10
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Dear Mr. Betts:

I am requesting an interpretation relative as to if our "SAP/EHS Coordinator" meet the definition of a "HazMat Employee" as defined in 49 CFR Part §171.8, and subsequently are subject to the training requirements in Subpart H of Part 172.

In DuPont we have hazmat employees that are subject to the training requirements in Subpart H of Part §172. These hazmat employees are trained and qualified under the HMR to determine the UN/ID number, proper shipping name, hazard class, packing group, and any additional descriptions (e.g., Marine pollutant, hazardous substance, etc.). This information is documented on an internal company form known as a "U.S. Transportation Classification Protocol".

The trained and qualified hazmat employee forwards the "U.S. Transportation Classification Protocol" to our "SAP/EHS Coordinator" who is essentially responsible for data entry only and their only function is to transcribe the hazardous materials basic description plus any additional information provided by our hazmat employee into our corporate shipping paper/SDS database that will allow this information to subsequently appear on the outbound shipping document, Safety Data Sheet, or other corporate documentation. The SAP/EHS Coordinator is not responsible for determining hazard classification, proper shipping descriptions, packaging, or any other HM function covered by the HMR.

I am requesting confirmation of our opinion that our SAP/EHS Coordinator is not considered a "HazMat Employee" as defined in 49 CFR Part §171.8 of the HMR and would subsequently not be required to receive Hazmat training.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

Kevin M. Greene
Sr. Dangerous Goods Consultant