



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety Administration**

APR 3 2007

400 Seventh Street, S.W.
Washington, D.C. 20590

Mr. Marvin A. Sudduth
FedEx Express
Corporate Safety
3670 Hacks Cross Road
Building G, 2nd Floor
Memphis, TN 38125-8800

Ref. No.: 07-0054

Dear Mr. Sudduth:

This is in response to your February 27, 2007 letter regarding training requirements for offerors of hazardous materials shipped under the small quantity exception in § 173.4 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you ask if the training requirements in Part 172, Subpart H apply when offering hazardous materials for transportation under § 173.4.

The answer is no. Materials that meet the requirements of § 173.4 are not subject to any other requirements of the HMR. Therefore, persons who ship hazardous materials under the provisions of § 173.4 are not subject to the training requirements of Part 172, Subpart H. Although training and recordkeeping are not required under Part 172, Subpart H, a person who offers small quantity shipments is responsible for properly classifying the material, determining that the material may be shipped as a small quantity and otherwise ensuring compliance with the provisions of § 173.4. Thus, persons who ship hazardous materials under the small quantity exception will find it necessary to acquire the basic knowledge necessary to understand the provisions in § 173.4 and the provisions applicable to classifying the hazardous material they intend to ship under the small quantity exception.

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

Sincerely,

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

*172-Subpart H
173.4*



070054



Pollack
§172.704
§173.4
Training
07-0054

February 27, 2007

John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards
400 7th Street S.W. DHM10
Washington, D.C. 20590-0001

Dear Mr. Gale:

I am requesting a formal clarification regarding the training requirements for shipments offered under 49CFR 173.4 (small quantities). I contend that the clarification issued under Reference # 02-0237 is directly opposed to the training requirement of Part 172.704 and the interpretation issue under Reference # 05-0283. My concern falls under a question of qualification of commodities classified under 173.4. If an individual is not required to comply with the formal training requirements of Subpart H in 172, how would an individual accurately classify, package and identify commodities that could meet the standards of Part 173.4?

I submit that one who classifies a commodity under a 173.4 exception and thus offers the consignment for transit (in this case an air carrier) is also operating as a "hazmat employee"; therefore, a training requirement would be necessary.

Thank you for your attention to this matter. I look forward to hearing from you.

Sincerely,

Marvin A. Sudduth
Manager

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