



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

NOV 30 1999

Ms. Juanita Caban
Carib Ex Worldwide
6520 Airport Parkway, Suite 200
Greensboro, NC 27409

Ref. No. 99-0162

Dear Ms. Caban:

This is in response to your letter of June 11, 1999, and telephone conversation with Mr. Kevin Patch of the Federal Aviation Administration, requesting clarification on training requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if you could be responsible for violations of the HMR that occur as a result of your direct supervision of a hazmat employee who has not been trained in compliance with the requirements of 49 CFR Part 172, Subpart H - Training.

Section 172.704 (c)(1) provides that a "new hazmat employee or a hazmat employee who changes job functions may perform those functions prior to the completion of training." This provision also stipulates that the new employee must be under the direct supervision of a trained and knowledgeable hazmat employee and that the training be completed within 90 days after employment or job function change. The person providing direct supervision must be able to instruct the employee on how to properly perform the hazmat function, must observe performance of the hazmat function, and must be able to take immediate corrective action in regard to any function not performed in conformance with the HMR. If a violation of the HMR occurs, the hazmat company, the direct supervisor, and the supervised employee may be held responsible for the violation.

I hope this answers your inquiry.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



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 § 172.702
 99-0162

CaribEx Worldwide

FACSIMILIE COVER SHEET

SEND TO Company Name FAA		From JUANITA CABAN	
Attention Mr. Kevin Patch		Department SALES	
Fax Number (202) 267-5885		Date 6/11/99	

- Urgent
 Reply ASAP
 Please Comment
 Please Review
 For your information

Total pages, including cover sheet: 1

COMMENTS

Confirming my telephone conversation with you, please reply the following:

1) Is a U.S.F. certified person or hazardous goods, do I entail a violation with possible fines if I teach an individual sending two boxes of attached safety Data Sheet material (just 55 pounds each) by boat, to fill out an IMO Dangerous Goods Declaration? He has no hazmat training but will sign the IMO as per my instructions since he's the shipper? The boxes were properly labeled and marked.

Thank you for your reply (as soon as you can please)

Fax No. (787) 819-0101.