



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

JAN 17 2006

Mrs. Debbie Andres
Samirian Chemicals, Inc.
1999 S. Bascom Ave.
Tower II, Suite 515
Campbell, CA 95008

Ref. No. 05-0245

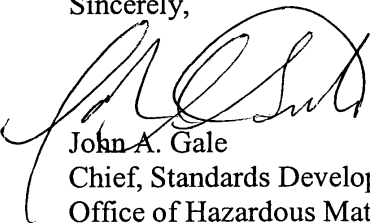
Dear Mrs. Andres:

This is in response to your September 26, 2005, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether the training requirements apply to employees who type addresses on shipping papers.

For purposes of the HMR, "hazmat employee" means a person who is employed by a hazmat employer and who, in the course of employment, directly affects hazardous materials transportation safety. In the specific scenario you describe, secretaries whose only function includes typing addresses on shipping papers while using unaltered templates that were created by a hazardous materials trained employee are not subject to the training requirements in Subpart H of Part 172. As described, these secretaries have no direct involvement in preparing the shipping documentation and do not handle, package, or load/unload hazardous materials for shipment, and therefore are not "hazmat employees" under the HMR.

I hope this satisfies your request.

Sincerely,



John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



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172.704

SAMIRIAN CHEMICALS INC.

1999 S BASCOM AVE. TOWER II, SUITE 515
CAMPBELL, CA 95008
TEL: (408) 558-8282
FAX: (408) 516-9646

BAH
§ 172.704
Training
05-0245



Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
400 7th Street S.W.
Washington, D.C. 20590-0001

September 26, 2005

Dear Mr. Mazzullo,

According to the enclosed documents that I downloaded from the DOT website, it says that office secretaries who type in hazardous materials descriptions on shipping documents are required to be hazardous materials trained even if the description was made by another. Samirian Chemicals, Inc transports hazardous materials. Our office handles our company's shipping documents and the people responsible for typing in the shipping documents use templates. The templates already contain the hazardous materials descriptions which were prepared by a hazardous materials trained employee. Our office secretaries do not change the description, they only type in the addresses required on the documents.

My concern is that I have received conflicting reports from our own hazardous materials trained employee and the Hazardous Materials Information Center phone line regarding this matter. Our hazardous materials trained employee says that those responsible for the shipping documents should be trained, but your Information phone line said that we do not need hazardous material training because the office secretaries are not deciding on the actual description. I am a little wary of that advice because the person I spoke to was not aware of the document I have enclosed. The enclosed document, which I obtained from your website, states that we need training if we are typing in the materials description "at the direction of another, item by item". I am concerned that the difference between using a template and typing in a description "at the direction of another, item by item" is purely semantic.

I would appreciate it if you would clarify our hazardous materials training responsibilities. We currently have a conflict of opinion in our office regarding this matter. I would need a clarification in writing on our training duties in order to resolve this issue. Please contact me at the (408) 558-8282 or email at debbie@samirian.com if you have any questions. Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "Debbie Andres", is written over a faint, illegible typed name.

Debbie Andres

Enclosure: 2