



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

JAN - 6 1995

Ms. Charlene Tulumalo  
University of North Carolina  
212 Finley Golf Course Road  
Chapel Hill, NC 27514

Dear Ms. Tulumalo:

This is in response to your letter requesting information on the applicability of the training requirements of the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180) to university employees.

A "person" is defined in § 171.8 as any legal entity that offers hazardous materials for transportation "in commerce" or for the furtherance of a commercial enterprise. Hazardous materials transported by university employees in university vehicles for non-commercial purposes are not subject to the requirements of the HMR. If, however, you contract with a private company to perform any hazardous materials transportation functions these employees would need to be trained in accordance with 49 CFR Subpart H. "Hazmat employees," as defined in § 171.8, are persons who directly affect hazardous materials safety in transportation, including loading and unloading.

I hope this information is helpful.

Sincerely,

Delmer H. Billings  
Chief, Regulations Development  
Office of Hazardous Materials Standards

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THE UNIVERSITY OF NORTH CAROLINA  
AT  
CHAPEL HILL

University  
Health and Safety Office  
(919) 962-5507  
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October 25, 1994

The University of North Carolina at Chapel Hill  
212 Finley Golf Course Road  
Chapel Hill, North Carolina 27514

*Kalam*  
DB  
file: 172.702  
SC: 528, 510

Edward Mazullo  
Office of Hazardous Materials Standards  
400 7th St. SW  
Washington, D.C. 20590

Dear Mr. Mazullo:

I am currently the coordinator of the Health and Safety Training Program at UNC, Chapel Hill. We need an interpretation of the HM 126f standard which requires training for all workers who handle or prepare hazardous materials for transport. I was told by certain members of your office that we are not required to provide training for individuals who are receiving materials, as long as the carrier unloads them. Also, we are not required to provide training for individuals who are shipping or receiving materials within the University system. Could I please have written documentation of these claims. Do we need to provide training to individuals (ie: truck drivers), who are transporting materials within our campus who are traveling over roadways.

If you have any questions I can be reached at the above number. Thank you for your assistance with this matter.

Sincerely,

Charlene Tulumalo, OSHA trainer

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