



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

NOV 7 2000

Mr. James T. Van Sistine
Director, Defense Programs
Oshkosh Truck Corporation
P.O. Box 2566
Oshkosh, WI 54903-2566

Ref. No. 00-0281

Dear Mr. Van Sistine:

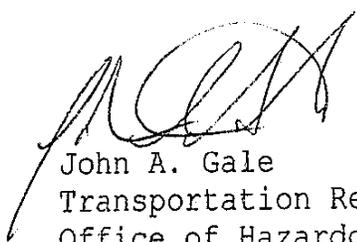
This is in response to your September 29, 2000, letter regarding the training requirements of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request clarification on whether all your employees would require DOT training.

A hazmat employee is a person employed by a hazmat employer and who in the course of employment directly affects hazardous materials transportation safety (see § 171.8). In other words, a person who performs duties that are regulated under the HMR is considered to be a hazmat employee. Section 172.704 requires a hazmat employee to receive general awareness, function specific, and safety training. Under § 172.704(e), a hazmat employee who repairs, modifies, reconditions, or tests packagings as qualified for use in the transportation of hazardous materials, and who does not perform any other function subject to the HMR, is not subject to the safety training requirement of § 172.704(a)(3).

An employee who performs functions subject to the HMR, such as manufacturing and testing DOT specification cargo tanks is a hazmat employee. Any employee who performs a function covered by the HMR, e.g., manufactures and tests packagings as qualified for use in the transportation of hazardous materials, is a hazmat employee and therefore must be trained.

I hope this satisfies your request.

Sincerely,


John A. Gale
Transportation Regulations Specialist
Office of Hazardous Materials Standards



00-0281

172.704

OSHKOSH TRUCK CORPORATION

ISO 9001 CERTIFIED

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BAH OSHKOSH

172.704(d)

171.8

Training

00-8-281

Research And Special Programs Administration
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Washington, DC, 20590
Dept: DHM-11, Attention Delmer Billings (Standards)

September 29, 2000

Subject: HAZMAT Training request for clarification.

171.8 Definitions and abbreviations
Hazmat employee, Hazmat employer
172.704 (d) Record keeping

Clarification:

During a recent DOT audit at the Pierce Manufacturing (Division of Oshkosh Truck Corporation) Bradenton Florida facility, Special Agent W.F. "Bill" Tyner, wrote up a violation to "172.704 (d) Record keeping" against the Bradenton facility. Bill Tyner stated that the regulation (171.8 Hazmat employee, Hazmat employer) states that all people involved with the manufacture (fabrication, welding, painting etc) and testing of the cargo tank need to be Hazmat trained.

Bradenton does have records for the people that are Hazmat trained and there are records for these people, but there are only four people trained in the facility, none of which work directly on the cargo tank. The Bradenton facility people working directly on the cargo tank (manufacture) do have general Hazmat training and know whom to call if there is a Hazmat issue/spill, but there are no records, other than incoming training procedures that all new employees receive.

The Hazmat training at Oshkosh Truck , Oshkosh Wisconsin is similar to that at Bradenton. There are a number of people that have full documented Hazmat training, but the general assembly population and truck testers do not have full, documented Hazmat training. The general assembly population and truck testers know how to handle a small spill and know whom to call in the event of a major Hazmat issue.

Bill Tyner's position is that the regulation 171.8 Hazmat employee and Hazmat employer requires all people involved with the manufacture, assembly and test of the cargo tank and cargo tank truck to be fully HAZMAT trained including documented (records on file).

I request a clarification to the regulation in the requirements for Hazmat training. I can see the point in having some people at a manufacturer fully Hazmat trained but can not believe that everyone needs this training. I contend that it is allowed to have a situation that allows for a small number of the entire population (at a facility) be fully trained. The rest of the population should be sufficient with little to no training other than an awareness of the Hazmat placards and meanings or where to go for assistance in identifying the hazards.

Background:

Oshkosh Truck Corporation provides a diesel fuel cargo tank truck to the U.S. Army, designated the HEMTT (Heavy Expanded Mobility Tactical Truck) M978. The diesel fuel cargo tank is 2,500 gallon capacity and is mounted to the truck. The truck is a highly mobile tactical on/off road truck. The Cargo tank is made in accordance with DOT 406 (49CFR Chapter 1, 178.345).

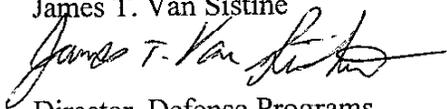
The cargo tank is manufactured (fabricated, welded tested, painted) at the Pierce Manufacturing (Division of Oshkosh Truck Corporation) located in Bradenton Florida. As part of the testing performed at Bradenton, they perform a leak test with Diesel fuel in the cargo tank to ensure that the manhole cover and outlets do not leak along with a hydrostatic test in accordance with 178.345-13.

The cargo tank is then shipped to the Oshkosh Truck, Oshkosh Wisconsin facility for final installation on to the truck chassis. The final cargo tank truck is then filled with diesel fuel and flow tested for proper performance.

I request that you call or write with any further questions regarding the clarification request and/or respond to me in writing with your position on this item.

Thank you for your attention to this matter,

James T. Van Sistine



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