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U.S. Department
of Transportation
**Research and
Special Programs
Administration**

DEPT. OF TRANSPORTATION

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400 Seventh St., S.W.
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APR 22 2003

Ms. Jane Smith
Henderson and Walton Women's Center, P.C.
806 St. Vincent's Drive, Suite 500
Birmingham, AL 35205

Ref. No. 03-0064

Dear Ms. Smith:

This is in response to your letter dated February 25, 2003, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you requested information on who is considered a offeror of hazardous material and thus subject to the DOT hazmat training requirements in Part 172, Subpart H.

Functions of an offeror include, but are not limited to the following: selection of the packaging for a hazardous material, physical transfer of hazardous materials to a carrier, classifying hazardous materials, preparing shipping papers, reviewing shipping paper to verify compliance with the HMR or international equivalents, signing hazardous material certifications on shipping papers, placing hazardous materials markings or placards on vehicles or packages, and providing placards to a carrier. Therefore, a company that performs offeror functions, such as the closing of packages, is a hazmat employer and is subject to § 172.704.

I hope this satisfies your request.

Sincerely,

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



030064

172.704

HENDERSON & WALTON
WOMEN'S CENTER, P.C.

Bill
3172-704
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03-0664

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2/25/2003

Edward Mazullo
U.S. Department of Transportation
Office of Hazardous Materials Safety
400 7th St., S.W.
Washington, DC 20590

Dear Sir,

I have a question regarding the applicability to the US DOT hazardous materials regulations to workers in healthcare facilities.

Question: We are a private OB/GYN physician office. We contract out to Stericycle to pick-up and transport our hazardous waste. Stericycle provides us with the DOT containers, red bags, and labels and handles the paperwork to meet DOT requirements. Our associates put the boxes together, handle the red bags, and close the containers to ready them for Stericycle to pick up. We provide annual OSHA/SAFETY training for our associates which covers the handling of hazardous waste. My question is, are we considered an "offeror" in this situation and subject to the training requirements?

I received an letter of interpretation from your office, which I have shared with my OSHA representative, who maintains that we are not required to provide this training for our associates. Our office has been doing this training for the last 3 years, but would like to validate with someone that this training is actually required. From talking with other medical facilities, I have yet to find anyone that is doing this for their staff.

Thank you for your time and assistance,

Tina Smith

what letter?

Tina Smith
Henderson and Walton Women's Center

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