U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

NOV 12 2009

Scott Reeves
Sr. Mgr. Safety and Regulatory Compliance
ExpressJet Airlines
14775 JFK Boulevard
Houston, TX 77032

Dear Mr. Reeves:

This letter is in response to your request for interpretation of 14 C.F.R. § 121.1007, pertaining to hazardous materials training records, that we received on July 14, 2009. You asked whether § 121.1007 requires certificate holders to keep records of hazardous materials training provided to crewmembers.

You contend that § 121.1007(a) does not require hazardous materials training records be kept for crewmembers because the text of the regulation requires that records of training be kept for "each person who performs or directly supervises a job function specified in § 121.1001(a)," and does not specifically mention crewmembers. You contrast this with § 121.1003(b) which states that certificate holders must provide hazardous materials training to each "crewmember and person performing or directly supervising" certain job functions involving transportation of hazardous materials.

We do not agree with your interpretation of the regulation. Section 121.1007(a) requires that "training records must be kept for direct employees of the certificate holder, as well as independent contractors, subcontractors, and any other person who performs or directly supervises [certain job functions involving transportation of hazardous materials] for or on behalf of the certificate holder." Although § 121.1007(a)'s text does not specifically state "crewmember," it follows that a crewmember may be the certificate holder's direct employee, independent contractor, or subcontractor. If none of those, then that crewmember performing the duties for the certificate holder would certainly fall into the regulation's "any other person" catch-all provision. *See* 14 C.F.R. § 1.1 (establishing that "person" may be defined as "an individual" for purposes of FAA regulations).

Accordingly, to the extent that a crewmember performs any of the job functions or direct supervisory responsibilities specified in § 121.1001(a), the crewmember must be trained to perform those functions, and the certificate holder must keep records of that training pursuant to § 121.1007.

This response was prepared by Dean Griffith, Attorney in the Regulations Division of the Office of the Chief Counsel, and was coordinated with the Office of Security and Hazardous Materials, and the Air Transportation Division of Flight Standards Service. Please contact us at (202) 267-3073 if we can be of further assistance.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations, AGC-200