



**U.S. Department of Labor**  
Occupational Safety & Health Administration  
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**Standard Interpretations**

**02/12/1992 - OSHA does not certify instructors in HAZWOPER.**

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• **Standard Number:** [1910.120](#)

**OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha-slc.gov/index.html>**

February 12, 1992

Mr. Jon Williams  
**Diamond Shamrock, Inc.**  
Health and Safety Department  
Post Office Box 696,000  
San Antonio, TX 78269-6000

Dear Mr. Williams:

This is in response to your letter of December 13, concerning the Occupational Safety and Health Administration's (OSHA) training provisions for hazardous waste operations.

The "Hazardous Waste Operations and Emergency Response" standard (**HAZWOPER**), 29 CFR 1910.120, states in paragraph (e)(5) that "Trainers shall be qualified to instruct employees about the subject matter that is being presented in training". In addition, 29 CFR 1910.120(e)(5) explains that the qualifications of the instructors may be shown by academic degrees, completed training courses and/or work experience.

At this time, **OSHA does not have any specific requirements to certify an instructor.** The subjects that trainers should be able to convey to employees at hazardous waste operations who need training are summarized in paragraphs (e), (p) and (q) of the **HAZWOPER** standard. In addition, OSHA has proposed a standard entitled "Training Programs for Hazardous Waste Operations," (29 CFR 1910.121) which may offer guidance. Some of your questions may be answered by the proposed rulemaking, and when the standard becomes final you may have to comply with parts of it. You may want to monitor the progress and anticipate changes in your training and certification programs. Please find a copy of the Notice of Proposed Rulemaking enclosed.

The training programs required to be accredited under the proposed regulation are found in the Hazardous Waste Operations and Emergency Response standard (**HAZWOPER**), 29 CFR 1910.120, paragraphs (e) and (p). These training programs are required for employees involved in clean-up operations required by a governmental body involving hazardous substances; corrective actions involving cleanup operations at sites covered by the Resource Conservation and Recovery Act (RCRA); voluntary clean up operations at sites



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recognized by a governmental body; and operations involving hazardous waste that are conducted at RCRA permitted treatment storage and disposal (TSD) facilities. Currently, 1910.121 does not propose to accredit training programs for employees engaged in emergency response activities, however, the decision has not been made yet whether this will be a requirement of the final standard.

The notice of proposed rulemaking does not address train the trainer courses directly, however paragraph (c)(2)(B) of the notice of proposed rulemaking states that the requirements for accreditation are: "That [the course] has competent staff and facilities to carry out the training properly." Outlines of the courses that require accreditation may be used as a guideline for developing a train the trainer course.

The response above is OSHA's general explanation to your questions, however the following responses are answers to your specific questions:

**1. Are Train the Trainer courses to be specific for each type of hazardous waste operations and/or emergency response operations? Does this mean there are Train the Trainer courses for HAZMAT trainers?**

A Train the Trainer course must instruct the trainer on the subjects to be covered in the employee training course. It is unlikely that one course would be able to incorporate all of the topics required to be covered for all hazardous waste operations and emergency response operations. A more practical approach would be to create separate courses. The trainer must be able to demonstrate an understanding of the material to be transmitted to employees. Training courses for employees outlined in the **HAZWOPER** standard (and the proposed 29 CFR 1910.121, although it may differ in the final rule) can be used as a foundation for train the trainer courses, but more time should be allowed for a more in depth explanation of the material.

**2. What is meant by academic credentials? Does this mean a person with a degree in safety, industrial hygiene, toxicology, environmental science, and/or some other related degree?**

Yes. Trainers may also show transcripts from courses in safety and industrial hygiene that are not necessarily part of a degree.

**3. Would an engineer, not having a degree in safety or industrial hygiene, and not having attended an adequate number of safety and hygiene courses, related to aspects concerning hazardous wastes or materials, be considered to have the proper academic credentials? If so, what would an adequate number of safety and hygiene courses be?**

An adequate number of courses would vary depending on the course and the engineer's experience and training in safety and industrial hygiene practices. As mentioned above, the trainer must be able to demonstrate an understanding of the material to be transmitted to trainees and have some credentials or experience in training others.

**4. What are the minimum requirements for a trainer in terms a layman would understand?**

Please see the answer to question 1.

**5. Does experience mean that a person that has spill experience and a 40 hr.**



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**hazardous waste and emergency response course can teach the training course? If so, does this mean that a person can teach all aspects of the hazardous waste or emergency response course?**

It seems unlikely that the person described above would be able to instruct employees on all aspects of the hazardous waste or emergency response course, and would feel confident in answering any questions that employees may have during their training. However, such a person could probably teach some aspects of the course.

**6. The Subpart (q)(7) states that trainers "shall have satisfactorily completed a training course for teaching the subjects they are expected to teach, such as courses offered by the U.S. Fire Academy, or they shall have the training and/or academic credentials and instructional experience necessary to demonstrate competent instruction skills and a good command of the subject matter in the specific subject they are to teach." I will assume the standard is speaking of the Maryland Fire Academy when it states the U.S. Fire Academy. Here again we are speaking of training and/or academic credentials. What exactly does this mean?**

The Incident Command System and the training levels within a HAZMAT team originated from the National Fire Protection Association's (NFPA) Standard for Professional Competence of Responders to Hazardous Materials Incidents, codified as NFPA 472. Emergency response training given by the U.S. Fire Academy in Emmittsburg, Maryland, would be identical or similar to **HAZWOPER** training requirements outlined in paragraph (q).

**7. Where do you draw the line on who is and who is not qualified to instruct these courses:**

- Does field experience in industry, pipelines, or manufacturing with the occasional emergency conditions qualify as experience with emergency response or hazardous materials?  
**If the person described above actually responded to an emergency and/or was trained in emergency response their experience may suffice.**
- Would the normal safety training given to employees in industry or manufacturing be considered as experience for a **HAZWOPER** or **HAZMAT** instructor?  
**This may satisfy some of the training requirements, although the instructor will probably need additional, more thorough, training to convey the information to employees.**
- If the trainer has a degree, but in a field unrelated to the subject being taught, and has satisfied some of the other requirements for a trainer would that trainer be considered qualified to teach that subject? **No. Trainers must be trained in the subject they are expected to teach.**
- Should a trainer be certified [a] safety, industrial hygienist, toxicologist, or other professional with expertise in the subject he/she is to teach. If the trainer is not a certified professional and has attended a Train the Trainer course in the subject he is to teach but does not have significant professional experience and/or experience as an instructor in the subject areas of safety, industrial hygiene, or other subjects related to the subject to be taught; can that instructor be considered competent?  
**Possibly, if the trainer has been sufficiently trained he or she may teach the course to employees. Professional experience is only one of the criteria that may satisfy a trainer's credentials to teach. Other criteria, such as a train the trainer course, may also satisfy the credentials.**



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- What would OSHA consider significant professional and/or training experience? Any experience from which a person is able to attain information, enabling them to later draw on the experience while teaching. Field experience in industry, pipelines, or manufacturing may qualify as training experience if the person is actively involved in the development or implementation of site safety and health plans, engineering controls, or emergency response provisions.
- My final question, what would OSHA use as grounds to [c]ite a company on their HAZWOPER or HAZMAT training concerning the trainer's qualifications? **OSHA would issue a citation if an OSHA compliance officer found that a trainer did not have academic qualifications, sufficient experience or training in the material that trainer was teaching.**

For suggestions and assistance in developing training programs you may want to contact: the OSHA Training Institute at [(847) 297-4810; your OSHA Regional Office at (214) 767-4731; or the OSHA Consultation Services for the Employer at (512) 804-4640].

We hope this information has helped you. If you have any further questions regarding current HAZWOPER training please feel free to contact [the Office of Health Enforcement at (202)693-2190].

Sincerely,

**Patricia Clark,**  
Director  
**[Directorate of Enforcement Programs]**

Enclosures  
**[Corrected 1/17/03]**

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