



## Do Kombucha Manufacturers Need DG Training?

I used to have a hard time conveying what I do for a living to those not involved in the Dangerous Goods industry. But now, after 20 years, it has become fun and simple for me to share this passion with just about anyone! I'll talk DG transportation to anyone and everyone, explaining how and why it affects all of us on a daily basis. One of those people I recently got to share the world of hazmat with is my good friend Jake, a local kombucha manufacturer here in Minnesota.

Jake has been making AWESOME kombucha for over 20 years. If you don't know what kombucha is, Jake's website creatively describes it:

"A long time ago (around 200 BC), in a land far far away (the Tsin Dynasty), a drink known as 'the tea of immortality' started to gain notoriety as a miracle elixir. Spread around the world by trade routes and its touted benefits, it has gained many names throughout history. Despite its many travels, its brewing methods and ingredients remain the same: tea, fermentable sugar, and an amazing example of nature workin' together with the mother SCOBY (symbiotic colony of bacteria and yeast). While that may seem simple, this harmonious organic process yields a wide variety of good stuff that keeps your body movin' and shakin'."

In the end kombucha is tea fermented with lots of love! Although kombucha itself is not a hazardous material, the manufacturing process for kombucha includes the utilization of CO<sub>2</sub> gas, also known as UN 1013, Carbon Dioxide, which is used to pressurize and carbonate the kombucha before bottling.

So this begs the question, do Jake or his employees need hazardous materials transportation training? That is a great question and one that I believe is easily explained in the hazardous materials regulations. The first step in finding the answer is to determine whether or not Jake's kombucha company meets the definition of a Hazmat Employer.

### **49 CFR 171.8 defines a "Hazmat employer" as:**

(1) A person who employs or uses at least one hazmat employee on a full-time, part time, or temporary basis; and who:

(i) Transports hazardous materials in commerce;

(ii) Causes hazardous materials to be transported in commerce; or

(iii) Designs, manufactures, fabricates, inspects, marks, maintains, reconditions, repairs or tests a package, container, or packaging component that is represented, marked, certified, or sold by that person as qualified for use in transporting hazardous materials in commerce;

(2) A person who is self-employed (including an owner-operator of a motor vehicle, vessel, or aircraft) transporting materials in commerce; and who:

(i) Transports hazardous materials in commerce;

(ii) Causes hazardous materials to be transported in commerce; or



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(iii) Designs, manufactures, fabricates, inspects, marks, maintains, reconditions, repairs or tests a package, container, or packaging component that is represented, marked, certified, or sold by that person as qualified for use in transporting hazardous materials in commerce; or

(3) A department, agency, or instrumentality of the United States Government, or an authority of a State, political subdivision of a State, or an Indian tribe; and who:

(i) Transports hazardous materials in commerce;

(ii) Causes hazardous materials to be transported in commerce; or

(iii) Designs, manufactures, fabricates, inspects, marks, maintains, reconditions, repairs or tests a package, container, or packaging component that is represented, marked, certified, or sold by that person as qualified for use in transporting hazardous materials in commerce.

### What is a hazmat employee?

“**Hazmat employee**” means: (1) A person who is:

(i) Employed on a full-time, part time, or temporary basis by a hazmat employer and who in the course of such full time, part time or temporary employment directly affects hazardous materials transportation safety;

(ii) Self-employed (including an owner-operator of a motor vehicle, vessel, or aircraft) transporting hazardous materials in commerce who in the course of such self-employment directly affects hazardous materials transportation safety;

(iii) A railroad signalman; or

(iv) A railroad maintenance-of-way employee.

(2) This term includes an individual, employed on a full time, part time, or temporary basis by a hazmat employer, or who is self-employed, who during the course of employment:

(i) Loads, unloads, or handles hazardous materials;

(ii) Designs, manufactures, fabricates, inspects, marks, maintains, reconditions, repairs, or tests a package, container or packaging component that is represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

(iii) Prepares hazardous materials for transportation;

(iv) Is responsible for safety of transporting hazardous materials;

(v) Operates a vehicle used to transport hazardous materials.



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As with most gas cylinders that are used by beverage manufacturers, the cylinders that Jake utilizes are delivered and offloaded by his local gas manufacturer; therefore since Jake and his employees do not load, unload, or transport the cylinders, nor do they handle them in a way that affects their transportation, neither Jake nor his employees meet the definition of either a hazmat employer or hazmat employee, and they are therefore not subject to the training requirements of 49 CFR.

Grab some Bootlegger Kombucha and come talk Dangerous Goods with us at our newest location in Apple Valley, MN!

*Written by Michael Bowen  
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