



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

Training, Qualification, and Oversight for Safety-Related Railroad Employees

49 CFR Part 243 – Overview



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Learning Objectives

- Understand the purpose of the regulation
- Review persons defined as a safety-related railroad employee
- Review key provisions of the rule
- Discuss important dates
- Understand program submission and approval processes
- Discuss program implementation and oversight requirements



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Purpose and Scope Set By Statute

- Fulfills a statutory requirement in the Rail Safety Improvement Act of 2008
- To ensure that any person employed by a railroad or a contractor of a railroad as a “safety-related railroad employee” is trained and qualified to comply with any relevant Federal railroad safety laws



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Safety-Related Railroad Employee

- Employees covered by the hours of service laws
- Employees performing work as an operating employee (including supervisors), even if not covered by the hours of service laws
- All engineering/maintenance-of-way (MOW) including bridge workers who inspect, install, repair, or maintain track, roadbed, signal and communication systems
- Mechanical personnel who inspect, install, or repair any locomotive, passenger car, freight car, or MOW vehicle



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Safety-Related Railroad Employee *cont.*

- Any person who, as a primary duty, directly instructs, mentors, inspects, or tests others engaged in a safety-related task (includes first line supervisors of operating employees)
- Safety-related railroad employees include supervisors who determine that an on-track roadway maintenance machine or hi-rail vehicle may be used without repair of a noncomplying condition
- Persons who perform oversight roles rather than doing the work themselves



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Key Provisions

- Employers must submit training programs to FRA
- Employers must designate existing and new employees by category/training
- Employers must train employees to measurable standards (including OJT when applicable)
- Some employers must conduct periodic oversight and annual reviews to determine the adequacy of training programs



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Key Provisions *cont.*

- Employers must retain adequate records.
- Beginning January 1, 2020, training organizations and learning institutions (TO/LI) must have FRA approval before providing training services to employers of safety-related railroad employees
- The regulation encourages any organization (i.e., railroads, contractors, associations, TO/LI) to develop model training programs and submit them to FRA so that they can be shared with the industry and used by small employers



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Subpart B, Program Components and Approval Process



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9/26/2018



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Implementation Snapshot

Topic	≥ 400k	< 400k
Roadway Maintenance Machines	01/06/2015	01/06/2015
Submit Program	01/01/2020	05/01/2021
Designating Existing Employees (Grandfathering)	09/01/2020	01/01/2022
Start Refresher	01/01/2022	05/01/2023
Complete Refresher	12/31/2024	12/31/2025



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Employer Programs

§243.101

- With the previous submission dates in mind, **employers do not have to wait on FRA approval before adopting, implementing, and complying with program(s)**
- Employers commencing operations after the implementation dates must submit training programs before commencing operations, then must adopt, implement, and comply upon commencing operations



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Classifying Safety-Related Railroad Employees

- Simply means identifying safety-related railroad employees in categories or subcategories by class, craft, task, or other terminology
- Classification of employees is not necessarily by job title. Classification is based on performance of safety-related tasks. Therefore, employers **are not constrained or compelled** to use job titles that have traditionally been used by the railroad industry to classify railroad employee workgroups (i.e., carman, brakeman, machinist, switchman, etc.).



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Key Learning Points

Task and Knowledge-based Training

- Key learning points are generally captured in terminal learning objectives
- Terminal learning objectives start with an action verb and are the learning objectives that apply to the entire course curriculum
- A terminal learning objective is written to describe each major job performance outcome expected as a result of training



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Design, Development, and Delivery

- The regulation provides the regulated community with the flexibility to design and develop training to meet the needs of its target audience
- The regulation encourages use of technology for the delivery of training
- The regulation seeks to ensure safety-related railroad employees have the skills to perform safety-related tasks in a correct and safe manner



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OJT

- OJT is a critical aspect of 49 CFR Part 243. When tasks require neuromuscular coordination to learn, FRA will generally expect to see OJT or another formal training delivery method with a “hands-on training component”
- OJT must be structured and consist of the following three elements:
 - **Task** means a brief statement describing the tasks and related steps the employee learning the job shall be able to perform
 - **Conditions** means tools, equipment, documentation, briefings, demonstration, and practice necessary for learning transfer
 - **Standards** means how proficiency is measured through a combination of completeness and repetition



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Contractor/Railroad Relationships

- If a contractor chooses to train its own safety-related railroad employees to perform safety-related duties on a railroad, the contractor must prove (i.e., approval document from FRA) to the railroad that the training program was approved by FRA
- Railroads that use contracted safety-related railroad employees to perform safety-related duties are required to retain proof of contractor approval documents
- These requirements are necessary to ensure each party understands which is responsible for training



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Training Components in Program §243.103

Sufficient detail is required by this subsection to enable FRA to make assessments during the review of each training program submitted. The submission must include the following components:

1. A unique name and identifier for each formal course of study
2. A course description including terminal learning objectives
3. A brief description of the target audience,
4. A course outline
5. Method of course delivery
6. Course duration



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Components in Program cont.

§243.103

7. Federal law, regulations or FRA orders covered
8. Type of test/assessment to demonstrate employee proficiency
9. A document for each OJT program that includes the roles and responsibilities of each category of person involved in the administration and implementation, guidelines for program coordination, and the progression and application of OJT
10. Employer's training (primary) POC contact information for each employee occupational category if applicable
11. Additional information if any training organization/learning institution (TO/LI) developed and delivered all or part of the training



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Optional Model Programs

§243.105

- This subsection permits organizations, businesses, or associations to develop training programs that could be used by multiple employers
- FRA encourages a modular approach to model program development to allow for easy customization by employers
- Program detail requirements are the same as previously discussed



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Optional Model Programs *cont.*

§ 243.105

- Model programs submitted to FRA before May 1, 2019, are considered approved and may be implemented 180 days after date of submission, unless FRA notifies the organization that developed and submitted the program that the program contains deficiencies
- An employer that uses a model program approved by FRA only needs to submit the unique identifier and any additional information that is specific to that employer or deviated from the model program



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Training Program Submission Intro. Information

§243.107

- There are additional training program submission requirements under this subsection
- As an employer, there are five questions that need to be answered with respect to training that is administered to safety-related railroad employees
- FRA needs this additional information to have an understanding about an employer's approach to training
- TO/LI full name needs to be provided if an employer uses a TO/LI to train all or some of its safety-related railroad employees, to include new hires previously trained by TO/LI



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Program Submission Review/Approval

§243.109

- Apprenticeships and intern programs that began before the employer's initial program may continue, but must be described in the initial submission
- Employers do not have to wait on FRA approval before adopting and implementing a submitted program
- Programs submitted by employers are considered approved upon submission



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Program Submission *cont.*

§243.109

- Informational filings in connection with previously approved programs can be submitted at any time, but no later than (NLT) 30 days after the calendar year in which the mod occurred
- All new courses and/or refresher courses developed since the previous submission must be submitted using the same criteria previously discussed
- With respect to model program revisions, developer (business, organization, association, etc.) is required to publicize notice of informational filings concerning model program revisions



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Program Submission *cont.*

§243.109

- New portions or substantial revisions to a previously approved program not described in information filings are considered approved and may be implemented upon submission to FRA
- **If applicable, simultaneous submission of each program must be provided to the president of each labor organization**
- **Labor has no more than 90 days to provide comments to FRA about the program**



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Program Submission *cont.*

§243.109

- FRA will provide notification of approval, as well as partial disapproval or disapproval
- In the case of partial disapproval or disapproval, remediation to address deficiencies must occur within 90 days, and submitted to FRA for approval
- Partially deficient programs may remain in effect until approval of the remedied program, unless FRA provides notification otherwise
- Program remediation extensions will be considered on a case-by-case basis
- Failure to remediate a program shall be considered a failure to implement a program



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TO/LI

§243.111

- TO/LI that have provided training to safety-related railroad employees before 1/1/2019 may continue without FRA approval until 1/1/2020.
- TO/LI need approval no later than 01/01/2020, to continue (*extensions may be granted with sufficient facts*)



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TO/LI *cont.*

- TO/LI must submit the same information previously discussed, unless the component can only apply to an employers program
- TO/LI must also submit the following information:
 - The full corporate or business name
 - Primary business and email address
 - Primary telephone number and point of contact
 - List of designated instructors (DI)
 - Resume for each DI showing how SME and training experience was acquired, unless DI is employed by Railroad
 - List of references for TO/LI past services
 - Brief, but detailed, summary statement indicating how TO/LI determined the KSAs necessary to develop training courses for safety-related railroad employees



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TO/LI *cont.*

§243.111

- Substantial additions/revisions to programs that are not considered informational filings **must receive FRA approval before implementation**
- Informational filings for previously approved programs are considered approved upon submission and may be implemented, provided submitted to FRA NLT 30 days after the end of the calendar year in which the modifications occurred



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TO/LI *cont.*

§243.111

- In addition, the informational filing shall contain the same information as required in the initial filing (e.g., description of new or refresher courses, OJT, or practice sessions added, changes to delivery of training, or qualifying employees)
- A student's training transcript or training record shall be provided to any employer upon request by the student



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Electronic Program Submission

§243.113

- Employers \geq 400k employee work hours and TO/LI must submit training programs (including model programs) electronically to FRA
- Prior to electronic submission, the employer, TO/LI, or association must provide the information at the FRA Web portal to gain access:
 1. Name of employer, TO/LI, or association
 2. POC to include job titles (*minimum of two*)
 3. POC mailing addresses
 4. POC system or main headquarters (HQ) address located in the USA
 5. POC email address
 6. POC daytime telephone number
- Notice of approval, partial approval, and disapproval will be provided via US Mail and/or email



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Web Portal Registration

- New users to the Web portal must first register at:
<http://safetydata.fra.dot.gov/SPAAccountRequests/default.aspx?app=part243>
- Once registration is complete and accepted, the Web portal may be accessed at:
<https://rrsp.fra.dot.gov/Part243Training/>



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Written Submission

§243.113

- Written material programs submitted for review shall be addressed to: FRA, 1200 New Jersey Avenue SE, Washington, DC 20590
- Notice of approval, partial approval, and disapproval will be provided via US Mail and/or email



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Subpart C, Program Implementation and Oversight



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Employee Qualifications

§243.201

- NLT September 1, 2020, employers with \geq 400k employee hours must declare the designations of its existing safety-related railroad employees
- NLT January 1, 2022, employers with $<$ 400k employee hours must declare the designations of its existing safety-related railroad employees
- FRA may grant extensions on a case-by-case basis



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Employee Qualifications *cont.*

§243.201

Employers that commence operations after the published implementation dates for filing a program has passed shall designate their employees, and either:

- Train those designated employees according to the employer's program,
- Retain records from prior training, or
- Ensure knowledge through performance testing when records are missing



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Employee Qualifications – New Hires

§243.201

- For an employee to become a member of an occupational category, the employee must successfully complete all formal training curriculum, including OJT when required
- OJT is permitted by an employee prior to formal completion of training under the watchful eye of a qualified person, provided that person can intervene if an unsafe act is observed , but the qualified person must be qualified in the safety-related tasks being observed
- When OJT is required, the employee must demonstrate proficiency of all safety-related tasks, to the **satisfaction of the designated instructor**



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Employee Qualifications - New Hires

§243.201

- Safety-related railroad employee trained by anyone other than the current employer may be deemed qualified provided:
 1. A record of training from the previous entity is obtained, or
 2. If no training records exist, the current employer may perform testing to assess the KSAs of the employee to be a member of the occupational category

Note: *When an employee has not performed the safety-related duties, or has not received any training associated with the occupational category in the previous 180 days, testing as described above (Item 2) is required*



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Employee Qualifications - Refresher

§ 243.201

<p><i>Employers ≥ 400k employee work hours annually</i></p>	<p>Begin Implementation 01/01/2022</p> <p>Complete First 3-year cycle 12/31/2024</p>	<p>Part 243 three year refresher training cycle begins. However, if the last training event occurs prior to FRA’s approval of the employer’s program, the employer shall provide refresher training either 3 calendar years from that prior training event, or no later than December 31, 2024.</p> <p><i>Note :</i> <i>Some FRA regulations require refresher training at more frequent intervals. Part 243 does not supersede those requirements.</i></p>
<p><i>Employers < 400k employee work hours annually</i></p>	<p>Begin Implementation 05/01/2023</p> <p>Complete First 3-year cycle 12/31/2025</p>	<p>Part 243 three year refresher training cycle begins. However, if the last training event occurs prior to FRA’s approval of the employer’s program, the employer shall provide refresher training either three calendar years from that prior training event, or no later than December 31, 2025.</p> <p><i>Note:</i> <i>Some FRA regulations require refresher training at more frequent intervals. Part 243 does not supersede those requirements.</i></p>



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Records

§243.203

- Employers shall maintain records to prove qualification status of each safety-related railroad employee it employs
- Records of former safety-related railroad employees must be retained for 6 years after employment relationship ends
- Current employee records shall be accessible at the employer's system HQ



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Safety-Related RR Employee Training Records §243.203

- Employee name
- Each occupational category or subcategory deemed qualified including date(s)
- Dates and title of each formal training course successfully completed
- If course provided by TO/LI approved by FRA, attach copy of transcript
- OJT program unique name or identifier
- Date OJT successfully completed
- Name of person(s) designated instructor) who determined the employee is qualified to perform safety-related tasks in occupational category



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Non-Employee Records

§243.203

- Periodic oversight records and annual review records shall be accessible for 3 calendar years after the end of the year to which the event relates
- Records shall be accessible at HQ location within the USA



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Other Records

§243.203

During normal business hours, each TO/LI shall:

- Make records available to FRA upon request
- Make an employee, former employee, or individual learner's records available to that person, or that person's representative upon written authorization by the person



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Records – eRecords Management

§243.203

- Employers and TO/LI must use reasonable security methods to prevent unauthorized access and ensure data integrity
- The program must use an employee ID and password or comparable protocol for program access to include the following standards:
 - No two persons may have the same eID
 - A record cannot be deleted or altered by anyone after the record is certified by the author



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eRecords Management *cont.*

§243.203

- Amending records must be:
 - Electronically stored apart from the record it amends, or
 - Electronically attached as information without changing the original record
- Amended records must uniquely identify the person making the amendment
- Employers and TO/LI must provide FRA access to eRecords
- eRecords must be in a usable format and furnished to FRA upon request
- eRecords furnished to FRA must be authenticated by a railroad representative upon request



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Records – Transfer of Records

§243.203

- Employers ceasing to do business and taken over by another employer must transfer records to the new employer
- The (new) successor employer will be required to maintain the records for the remainder of the period prescribed by the regulation



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Periodic Oversight Questions

§243.205

- What is periodic oversight?
- What is the scope of periodic oversight?
- Who conducts such oversight?
- What are the purposes for requiring oversight?
- When must an employer start oversight?
- When can employers opt out?



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Periodic Oversight

§243.205

Periodic oversight = tests and inspections

- Tests: Change the work environment requiring employee action
- Inspections: Observations determining compliance at a job site



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Periodic Oversight

§243.205

Limited Scope:

Required only for FRA regulations pertaining to personal and work group safety, which means:

- Part 214 Railroad Workplace Safety
- Part 218 Railroad Operating Practices
- Part 220 Railroad Communications



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Periodic Oversight

§243.205

Who conducts such oversight?

- Qualified supervisors on **all** railroads, and some contractor supervisors
- There is no exception for small employers



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Periodic Oversight

§243.205

Railroads are required to identify supervisory personnel in each category or subcategory responsible, except:

- When a contractor is required or voluntarily agrees to provide oversight of its own employees, or
- When the railroad does not have a qualified supervisor to conduct oversight of a contractor's employees



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Periodic Oversight

§243.205

Twofold Purpose:

1. Notice whether individual employees are complying, and whether an employee needs coaching or retraining
2. Assess the effectiveness of training programs and make curriculum adjustments to initial or refresher training programs to focus on problem areas



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Periodic Oversight

§243.205

For an existing employer, a periodic oversight program is required to commence on the day the employer files its training program with FRA under § 243.101.



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Periodic Oversight

§243.205

For locomotive engineers and conductors:

- No new oversight requirement
- Periodic oversight is already required by other regulations, so consider data collected under Parts 217, 240, and 242 to determine how training might improve systemic performance gaps



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Periodic Oversight - Railroad Options

§243.205

Railroads are not required to conduct periodic oversight of a contractor's employees:

When the contractor:

- Employs more than 15 employees
- Directly trains its own employees for safety-related duties, and
- Employs supervisors capable of periodic oversight

Or when the railroad:

- Does not employ qualified supervisors



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Periodic Oversight RR Options

§243.205

- Railroads are not required to conduct periodic oversight on supervisors who are responsible for conducting oversight
- A railroad is not required to conduct operational tests on contractor employees working on its property, but there is no prohibition against it



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Periodic Oversight Railroad's Duty to Contractors §243.205

- A railroad has a duty to notify noncompliance of a contractor's employee to both:
 - Employee, and
 - Employer/contractor



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Annual Review

§243.207

- Purpose of review is to assess if any training program improvements are possible by reviewing “sources” of data that may indicate employee gaps in knowledge or performance
- Not required for railroad with < 400k employee work hours annually
- ***Not required for contractors***, although contractors shall use any information provided by a railroad to adjust training specific to personal and work group safety



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Annual Review

§243.207

- Sources of information include:
 - Periodic oversight data as required by § 243.205
 - Accident/Incident data
 - FRA inspection report data
 - Employee post-course training evaluation feedback (if available)
 - Feedback from labor organizations (if available)



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Annual Review – Results

§243.207

- Railroads are required to:
 - Designate a person to conduct annual review and coordinate any necessary adjustments to course curriculum (initial or refresher)
 - Notify contractor of any training program changes as a result of the annual review (**Note:** Only when railroad use contractors that train their own employees)



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List of Contractors Used

§243.209

- Railroads that use contractors for safety-related duties are required to provide:
 - The full corporate or business name of the contractor
 - Contractor's primary business address, email address, and primary telephone number
- The above information not required if:
 - The railroad qualifies the safety-related railroad employees used
 - Maintains records for each safety-related railroad employee



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Training Program Reviews

- FRA inspectors will not have the responsibility or authority to evaluate training program content under 49 CFR Part 243. FRA inspectors will, however, have the authority to request copies of training records to ascertain the qualification status of any safety-related railroad employee.
- Only designated FRA personnel with instructional design experience and Master Trainer accreditation will be involved in reviewing and approving training programs



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Training Program Audits

- FRA plans to begin scheduling routine audits 12 to 18 months after training program implementation. Additional audits will be scheduled as warranted by audit findings, or events such as accidents, fatalities, or other negative safety performance outcomes.
- Audit focus may include:
 - Attend classes and observe different types of training
 - Review periodic oversight records
 - Review annual review records
 - Review employee training records
 - Review training evaluation methods
 - Confirm that each employer is complying with its training program



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Questions?

Part243Questions@dot.gov

Rob Castiglione, Staff Director, Human Performance Division

Michael Sanders, HPD Specialist

Brian Reilly, HPD Specialist

Cory Johnson, HPD Specialist



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