

**TRAINING MAKES "SENSE"**

**RSPA**

**2001**

**AND...IT'S THE LAW**

# **Training**

**for the Safe  
Transportation  
of Hazardous  
Materials**

DHM50-0009-0701

# It's the Law...

The Federal hazardous materials transportation law (49 U.S.C. 5101 et seq.) is the basic statute pertaining to the transportation of hazardous materials (hazmat) in the United States. This law requires the training of ALL hazmat employees. The purposes are to increase a hazmat employee's safety awareness and to be an essential element in reducing hazmat incidents. The Hazardous Materials Regulations (HMR) include training requirements in several sections of Title 49 Code of Federal Regulations (CFR) as follows:

<b>GENERAL</b>	§ 173.1
<b>SPECIFIC</b>	§ 172.704
<b>MODAL</b>	
Air	§ 175.20
Vessel	§ 176.13
Highway	§§ 177.800, 177.816

## Each hazmat employer must:

- train and test,
- certify; and
- develop and retain records of current training (inclusive of preceding three years) for each hazmat employee (during the period of employment and 90 days thereafter).

## Hazmat training must include:

- general awareness/familiarization;
- function-specific;
- safety; and
- driver training (for each hazmat employee who will operate a motor vehicle).

## Frequency of training

Initial training - a new employee, or an employee who changes job functions, may perform hazmat job functions before completing training, **provided**:

- the employee does so under the direct supervision of a properly trained and knowledgeable hazmat employee; and
- the hazmat training is completed within 90 days of employment or change in job function.

Recurrent training is required at least once every three years. The three-year period begins on the actual date of training.

Relevant training received from a previous employer or source may be used to satisfy the requirements provided a current record of training is obtained from the previous employer or source.

## Training Records must include:

- hazmat employee's name;
- completion date of most recent training;
- training materials (copy, description, or location);
- name and address of hazmat trainer; and
- certification that the hazmat employee has been trained and tested.

## DEFINITIONS

**TRAINING** means a systematic program (consistent approach, testing, and documentation) that ensures that a hazmat employee has knowledge of hazardous materials and the HMR, and can perform assigned hazmat functions properly. See § 172.700 through § 172.704.

**HAZMAT EMPLOYER** means a person who uses one or more employees in connection with:

- transporting hazmat in commerce;
- causing hazmat to be transported or shipped in commerce; or
- representing, marking, certifying, selling, offering, reconditioning, testing, repairing, or modifying packagings as qualified for use in the transportation of hazmat.

The term “hazmat employer” also includes any department, agency, or instrumentality of the United States, a State, a political subdivision of a State, or an Indian tribe engaged in offering or transporting hazmat in commerce.

**HAZMAT EMPLOYEE** means a person who is employed by a hazmat employer **and** who directly affects hazmat transportation safety including:

- an owner-operator of a motor vehicle which transports hazmat;
- a person (including a self-employed person) who:
  - loads, unloads, or handles hazmat;
  - tests, reconditions, repairs, modifies, marks, or otherwise represents packagings as qualified for use in the transportation of hazmat;
  - prepares hazmat for transportation;
  - is responsible for safety of transporting hazmat; or
  - operates a vehicle used to transport hazmat.

## FREQUENTLY ASKED QUESTIONS

**May hazmat employers/employees train and test themselves (an owner-operator)?**

Yes, self-training is acceptable provided that all training requirements of § 172.704 are met.

**Who certifies that an instructor is qualified to train, test, and certify in accordance with § 172.704?**

Except for certain FAA required 14 CFR training, the U.S. DOT does not review or certify training programs for pre-approval purposes. The employer must determine a trainer’s qualifications based on the employer’s need.

**Does the trainer who teaches and tests the hazmat employee certify that the hazmat employee is trained and tested?**

It is the hazmat employer’s responsibility to ensure that a hazmat employee is properly trained and tested; however, the hazmat employer may designate an outside source to train, test, and certify on his/her behalf that the employee has been trained and tested.

**If a designated outside source trains but does not test the employee, must the employee be tested to complete this training?**

Yes. The employee must be tested in order for the training to meet the requirements of the HMR. The hazmat employer is responsible for ensuring each hazmat employee is trained and tested.

**Must the test be in a written format or may a skill demonstration be used?**

Any test that ensures that the employee can perform the assigned duties in compliance with the HMR is acceptable. Training and testing may be accomplished in a variety of ways: performance, written, verbal, or a combination of these.

**Must the employee "pass" a test?**

The requirements do not state that the employee must "pass" a test; however, an employee may only be certified in areas in which he/she can successfully perform his/her hazmat duties.

**Does IMDG Code, ICAO Technical Instructions, OSHA or EPA training fulfill the HMR requirements?**

This training may be used to the extent that the general awareness, function-specific, and safety training and testing requirements of the HMR are met. Areas not covered will require additional training.

**Who will enforce the training requirements in § 172.704?**

Enforcement pertaining to carriers is the responsibility of each U.S. DOT modal administration. Compliance or noncompliance with the training rule will be determined during safety and compliance reviews of shippers and carriers.

**What type of fines would be involved?**

A violation of any hazardous materials regulation, including training, may result in a civil penalty of up to \$27,500 for each violation and, in certain cases, criminal penalties of up to \$500,000 and imprisonment of up to 5 years. See § 107.329 and § 107.333.

**An office secretary types the required hazardous materials description on a shipping paper at the direction of another, item by item. Is the secretary a hazmat employee requiring training?**

Yes, each person who performs any function subject to the HMR must be trained, except special circumstances addressed by § 172.704 (e).

**Do the hazmat training regulations apply to foreign flag vessels carrying hazardous materials?**

Yes, the regulations apply to each non-bulk domestic and foreign vessel while operating in the navigable waters of the United States.

**Do the hazmat training regulations apply to hazmat employers and/or employees who operate a bulk vessel transporting hazardous materials?**

No. Except for transportation in bulk packagings, the bulk carriage of hazardous materials by water is governed by 46 CFR Chapter I, Subchapter D, I, N, and O. See 49 CFR § 176.5(d).

**Is a shipmaster a hazmat employer?**

No, the shipmaster is a hazmat employee; the operator of the vessel is the hazmat employer.

**Do the hazmat training regulations apply to employees working with materials that are consumer commodities?**

Yes.

**Does a Commercial Driver's License (CDL) with HM/tank vehicle endorsement satisfy requirements?**

A hazmat employer must determine applicability of CDL to the specific functions the employee performs and provide training for functions not covered by the endorsement.

**Most transportation incidents involving hazardous materials are the result of human error.**

**Training is the best means of preventing hazardous materials incidents.**

## **Why Training Makes Sense and ¢ents!**

*Heightens Employee Safety*

*Reduces Incidents and Accidents*

*Increases Employee Skills*

*Precludes Penalties*

*Reduces Operating Costs*

*Decreases Property Damage Costs*

*Increases Productivity*

*Increases Profits*



Hazardous Materials

# **INFO-LINE** **1-800-HMR49-22**

(1-800-467-4922)

Call our information line to obtain hazardous materials transportation information, copies of rulemakings and training materials. INFO-LINE specialists are on duty Monday through Friday from 9 a.m. to 4 p.m. Eastern time; however, you may call any time, 24 hours a day, seven days a week, and leave a message. We will return your call before the end of the next business day. You may use this number to report alleged violations of the Hazardous Materials Regulations.

## **Training Sources**

Videos, CD-ROMs, training materials, fact sheets, newsletters and other safety-related information are available from U.S. DOT. Obtain these materials from:

**U.S. Department of Transportation  
Research and Special Programs Administration  
Office of Hazardous Materials Initiatives and Training  
400 Seventh Street, S.W., DHM-51  
Washington, DC 20590-0001  
202-366-2301 FAX: 202-366-7342  
E-Mail: TRAINING@rspa.dot.gov**

Also view them on the web at  
<http://hazmat.dot.gov>

## **Awareness, Compliance and Enforcement Training**

**U.S. Department of Transportation  
Transportation Safety Institute  
Hazardous Materials and Transportation Safety Division  
4400 Will Rogers Parkway, Suite 218  
Oklahoma City, OK 73108-2057  
405-949-0036/Ext. 374 FAX: 405-946-4345  
E-Mail: ruby\_judge@tsi.jccbi.gov**

For training course information visit  
<http://www.tsi.dot.gov>



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