



New Security Requirements for Hazmat Transportation

DOT says a written plan for registered hazardous material carriers and offerors must be in place by Dec. 22, 2003.

by Mindy Glaze

Every day 800,000 hazardous material shipments take place in the United States. The vast majority of these shipments are carried by truck and include fuels, medicines, and agricultural fertilizers. There are 85,000 trucks needed for the transportation of gasoline and propane alone.

High-volume shipments of flammable fuels could be used as a weapon of catastrophic proportions if in the wrong hands. Today, our national security is at the forefront of concerns affecting both

the transportation industry and regulators, and we see the response to these concerns throughout all modes of transport.

While some security changes are felt only by individual managers or the employees directly involved in hazmat transport, several security enhancements are well known to the general public and have become a part of daily American life. A color-coded Homeland Security Advisory System evaluates our risk of terrorist threat, which is published not only on government Web sites, but also is

broadcast in the daily media. The Transportation Security Administration, now functioning in the Department of Homeland Security, has increased its public profile by assuming responsibility for passenger and baggage screening at all major airports. TSA also makes available on its Web site news updates and tips for safe travel intended for use by the general public, including a detailed list of items that may pose a security threat and would therefore be prohibited on passenger aircraft.

In addition to these very public changes, TSA has assisted the federal Research and Special Programs Administration and the Federal Motor Carrier Safety Administration with emergency changes to the hazmat and commercial driver license regulations related to security. Changes effective March 25, 2003, impose new security requirements for hazardous material shippers and carriers that include mandatory security awareness training and written security plans. These new security requirements are designed to increase awareness of terrorist threats to the carriers of any hazardous material.

DOT's Training Module

The DOT security awareness training at 49 CFR 172.704 affects every shipper of hazardous materials, without exception. DOT has released a free training module CD that meets this security training requirement. The module reviews vulnerabilities and preventive safety measures to help ensure a safe shipment. The training focuses on helping employees recog-

nize possible threats involving hazmats that could be used as weapons: Flammable fuels, chlorine gas, and ammonium nitrate are used as examples. While this module has been approved by DOT to satisfy the training requirements for hazmat security,

all hazmat employers are still required to ensure hazmat security risks not covered in the module have been addressed in their employee training.

The new DOT security requirements are considerably more demanding on hazmat shippers and carriers that offer or transport large quantities of hazmats, as well as those that handle chemicals that are unusually dangerous if misused.

Details of the Security Plan

DOT says a written plan for registered hazardous material carriers and offerors must be in place by Dec. 22, 2003. In accordance with 49 CFR 172.800, anyone who offers or transports hazardous mate-

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rials must develop and adhere to a security plan that includes placarded loads with:

- Highway route-controlled quantity of class 7 material;
- More than 25 kilograms of an explosive material;
- More than 1 liter per package of a material poisonous by inhalation;
- A bulk hazmat shipment 13,248 liters

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for liquids or gases and 13.24 cubic meters for solids;

- Shipments where one hazard class of 2,268 kg requires placarding;
- A select agent or toxin regulated by the CDC;
- Or any other placarded load.

The plan must include employer security objectives, employee security procedures, documented actions for a security emergency, and organization of a security site. The requirements are subdivided into four parts:

1) The first part will increase personnel security by confirming information provided by hazardous material driver job applicants and performing background checks. Some of the items to be reviewed include criminal history, personal references, citizenship, and gaps in employment.

2) The next step in the plan is accessing the level of risk based on the damage potential of hazardous materials the shipper or carrier stores or ships. One tool for performing these evaluations is a hazard

and exposure ranking of your material's vulnerability and threat assessment for each material. A copy of the chemical inventory classified for transportation would demonstrate the shipping hazards for each material that is shipped. Along with this classification is a ranking system for each material for the potential threat based on hazard, quantity, route, and past history of misuse. This will provide a better understanding of the potential threat.

3) The third step of the plan addresses in-route security risks based on high population areas or areas where highjacking is a high risk. Tunnels provide an isolated area that may or may not be well lit where a potential highjacker can await a hazardous material driver. Route selection is an important security measure. Knowing the potential risk areas may prompt drivers to choose an alternative route. Along with route selection, driver communication is an additional proactive security measure.

4) The fourth provision is the development of a written and up-to-date security plan. The plan must include but is not lim-

ited to: security objectives, security procedures, employee responsibilities, actions to be taken during a security emergency, organization of site, a list of what is being shipped, and the level of threat of each item. Emergency procedures may include communication of special emergency contact numbers, satellite tracking, or automatic emergency engine kill switches to prevent highjacking.

A vital component in securing compliance is management commitment. Management can allocate funds needed for technology such as video surveillance or Global Positioning Systems (GPS) equipment installed on all commercial vehicles. Management also must ensure that all equipment is being monitored and that loading and unloading decks are secure. At a minimum, management can assume responsibility for emergency preparation and crisis communication procedures. DOT estimates this security planning will cost U.S. companies a combined \$34 million for the first year of compliance and \$18 million per year for recurrent training.

Changes in CDL Licenses, Shipping Papers

DOT has gone beyond the training and security plan mandates with additional security requirements that are found in 49 CFR parts 1570 and 1572. Motor carriers registered with DOT to carry hazardous materials must have a copy of their current registration certificate on each motor vehicle. RSPA, an agency within DOT, has proposed that the name and address of the consignor and consignee, along with the shipper's DOT hazmat registration number when applicable, be required on all shipping papers.

DOT also has made it harder to renew or acquire a hazmat-endorsed commercial driver's license. The agency is requiring a fingerprint-based criminal history record check for each Commercial Driver's License (CDL) with a Hazardous Materials Endorsement. There is also a pending Federal Motor Carrier Safety Administration rule that will require hazardous material drivers to renew their license every five years. In addition to the back-

ground checks required to be conducted by the employer, employees seeking an H-endorsement on their CDL soon will need to be screened by TSA, as well. That agency is setting up guidelines for determining which convictions will prohibit a carrier from obtaining a CDL with a hazmat endorsement and is working toward establishing programs to fingerprint all drivers.

The Public's Security Role

As hazmat employers, employees, passengers, or carriers, we all should have an awareness of the potential for hazardous materials to be stolen for misuse by criminals. Both the Department of Homeland Security and DOT have implemented new security measures and programs; it is up to every employer, employee, and U.S. citizen to utilize these tools and increase our security knowledge and awareness.

Traditional security risks now have an additional layer of risk because of criminal activity. Security continues to be a matrix that grows and changes with the

environment. With this in mind, all of us must realize that security starts with us. We must adhere to the new requirements, utilize our security resources, and protect our hazardous materials from misuse—for our own safety and that of the public. ■

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RECOMMENDED SOURCES

DOT's Hazardous Materials Safety
Web: <http://hazmat.dot.gov>

Federal Motor Carrier Safety
Administration: www.fmcsa.dot.gov

Federal Aviation Administration:
www1.faa.gov