

ALERT!

New requirements for transportation of hazardous materials

By Mindy Glaze

There are 800,000 hazardous material shipments in the US every day. The vast majority of these shipments are carried by truck and include fuels, medicines and agricultural fertilizers. Some 85,000 trucks are needed for the transportation of gasoline and propane alone. A high-volume shipment of a flammable fuel could be used as a weapon of catastrophic proportions if in the wrong hands. Today, security is at the forefront of concerns affecting both the transportation industry and regulators, and we see the reaction to these concerns permeating all modes of transport.

While some security changes are only felt by individual managers or employees directly involved in hazmat transportation, several security enhancements are well known to the general public and have become a part of daily American life. The US now has a color-coded Homeland Security Advisory System evaluating our risk of terrorist threat, which is published not only on government Web sites but in traditional print and Web-based media and network and cable news broadcasts, as well. The Transportation Security Administration (TSA), now functioning as under the Office of Homeland Security, has increased its public profile by assuming the responsibility for passenger and baggage screening and security at most major airports. The agency has also made 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, the TSA has had a hand in assisting the RSPA and the Office of Motor Carriers to administer recent emergency changes to the hazardous material and commercial driver license regulation related to security. Changes effective March 25, 2003 impose new security requirements on hazardous material shippers and carriers that include mandatory required security awareness training and written security plans. These new security requirements are designed to increase a level of awareness of terrorist threats to carriers of hazardous materials.

The DOT security awareness training (49CFR 172.704) affects every shipper of hazardous materials without exception. This security awareness training is required along with a security plan and some additional registration requirements. The training shows employees how to recognize security risks in transporting hazardous materials in addition to covering methods of enhancing transportation security. The DOT has released a training module

via CD, which meets this security training requirement. The module reviews possible vulnerabilities and preventative safety measures to help secure a safe shipment. The safety training focuses on helping employees recognize possible threats involving hazardous materials that have the potential to be used as weapons. While this training module has been approved by the DOT to satisfy the training requirements for hazmat security, it is still the requirement of every hazmat employer to ensure that any hazmat security risks not covered in the DOT module have been addressed during employee training.

While the aforementioned training requirement affects every hazmat employer, the new DOT security requirements are considerably more demanding on hazmat shippers and carriers that offer or transport large quantities of hazardous materials or those that handle chemicals that are unusually dangerous if misused. The DOT states that a written plan for registered hazardous material carriers and offerors must be in place by December 22, 2003. In accordance with 49CFR172.800, anyone who offers or transports hazardous materials must develop and adhere to a security plan. The offerors and carriers that need the plan include placarded loads with:

- A highway route controlled quantity of Class 7 material
- More than 25 kg of an explosive material
- More than one liter per package of a material poisonous by inhalation
- A bulk hazmat shipment 13,248 L for liquids or gases and 13.24 cubic meters for solids
- A shipment where one hazard class of 2,268 kg requires placarding
- A select agent or toxin regulated by the CDC
- 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. The first part will increase personnel security by confirming information given by hazardous material driver job applicants and performing background checks. Some of the items to be reviewed are criminal history, personal references, citizenship and gaps in employment.

The next step in the plan is assessing 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 you ship. Along with this classification, you could rank each material for potential threat based on hazard, quantity, route and past history of misuse. This will provide you with a better understanding of the potential threat.

The third step of the plan addresses en route security risks based on sensitive, densely populated areas or areas en route where highjacking may be more easily achieved. Route selection is an important security measure. Knowing potential risk areas may prompt your drivers to choose alternative routes. Along with route selection, driver communication (i.e., supplying emergency numbers to the carrier) is an additional proactive security measure.

The fourth provision is the development of a security plan, which must be in writing and retained for as long as it remains in effect. The plan must include, but is not limited to, security objectives, security procedures, employee responsibilities, actions to be taken during a security emergency, organization of sites and 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 installed on all commercial vehicles. Management must also ensure that equipment is being monitored and that all loading and unloading docks are secure. At a minimum, management can assume responsibility for emergency preparation and crisis communication procedures. The DOT estimates that this security plan will cost all US companies a combined \$34 million for the first year of compliance and \$18 million a year for recurrent training.

Beyond the training and security plan requirements, the DOT has issued additional security requirements. These are in 49CFR parts 1570 and 1572. Motor carriers registered with the DOT to carry hazardous materials need to have a copy of their current registration certificate on each motor vehicle. RSPA has proposed 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. The DOT has also made it harder to renew or acquire a hazmat endorsed commercial driver's license. The DOT 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 licenses every five years. These requirements

are in addition to, and work in tandem with, the security training and plan. In addition to the background checks, which must be conducted by the employer, employees seeking an H-endorsement on their CDLs will soon need to be screened by the TSA as well. The TSA 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 drivers.

As a hazmat employer, employee, passenger or carrier, we should all have an awareness of the potential for our hazardous materials to be stolen for misuse by criminals. Both the Office of Homeland Security and the DOT have implemented new security measures and programs; it is up to every employer, employee and citizen to utilize these tools to increase our security knowledge and awareness. Traditional security risks now have an additional layer of risk due to criminal activity. Security continues to be a matrix, which grows and changes with the environment. With this in mind, we all must realize 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.

Mindy Glaze is a transportation specialist for 3E Company in Carlsbad, California. You can call 800-760-8700 or visit info@3ecompany.com. For additional information, please contact the following sources: DOT's Hazardous Materials Safety Web site <http://hazmat.dot.gov>; Federal Motor Carrier Safety Administration www.fmcsa.dot.gov; the Federal Aviation Administration www.faa.gov. 