

Are you compliant with DOT Hazardous Materials shipping regulations?

Contributed by iSi Compliance Groups

Hazardous materials are an integral part of our economy. Each day in the U.S., more than 800,000 shipments of hazardous materials are conducted by truck alone. This does not include the other modes of transportation used such as air, rail water or pipeline.

In addition to the technical nature of handling the materials safely, there are a myriad of regulations to comply with. Hazardous materials regulations are driven by the concern of terrorist attacks and the news of tragic accidents involving hazardous materials. Transportation of these materials has been identified as a soft target for terrorist activity. With all of this in mind it's no wonder that scrutiny of hazardous materials shipments has been on the rise.

The Department of Transportation (DOT) has the responsibility for the safety and security of hazardous materials transportation within the United States. The number of citations DOT has written for hazardous materials violations has increased by 66% over the last 5 years.

Generally speaking the Transportation Security Enhancements requirements apply to businesses that ship or transport over 1,000 pounds of hazardous materials at a time. That is about 125 gallons, 2¹/₂ drums or maybe half a pallet of product. The quantities are much lower for highly hazardous materials and there are specific criteria for material in bulk.

In 2002, DOT implemented enhanced transportation security requirements and is scheduled to implement new regulations clarifying the hazardous materials regulations of loading, unloading and storage operations. This rule creates the new term "pre-transportation function."

Pre-transportation functions clarify that anyone affecting the safety of hazardous materials in transportation are subject to the hazardous materials regulations. Some of these functions include filling a hazardous materials package, securing a closure on a filled hazardous materials package as well as signing the shipping papers for a hazardous materials shipment.

Companies who only ship a small amount of hazardous material or ship them only occasionally often fail to fully consider all of the DOT regulations that apply to them. It's no surprise that tank trucks full of gasoline or other highly dangerous materials are regulated as hazardous materials. What may failed to be recognized are the smaller packages of products such as wood

stain, adhesives, paints or cleaners that are be packaged with other products. These chemicals may have hazardous characteristics that cause them to be regulated by DOT under the same set of regulations as the larger shipments.

Another thing to watch out for is the occasion in which an individual that does not normally ship material becomes involved. They may be "helping out" or "filling-in" but improperly trained and not knowledgeable of the regulations, they may overstep the bounds and cause compliance mistakes. For example, a sales rep may rush shipping some touchup paint to a customer who received a scuffed product. Not properly shipped, declared hazardous materials, and labeled as such can lead to hefty fines if it's caught.

Adding to the problem, some transport companies do not always fully recognize their obligations under the hazardous materials regulations when the materials are offered incidental to the main cargo. Ultimately it's your responsibility to ensure your hazardous materials are packaged, labeled and shipped properly and all hazardous materials regulations are followed.

Companies operating above the quantities listed above must additionally comply with security requirements. They must perform a risk assessment of their hazardous materials transportation operations. This assessment must be in written form and must address potential vulnerabilities. From this assessment, a written security plan must be developed. The plan will take into account the specific threat level that was determined in the assessment. The written plan is required to cover background checks of personnel who have access to hazardous materials, how access to areas containing hazardous materials will be controlled and how the material will be secured while in transportation.

These are a few of the new regulations that the DOT will be enforcing as they attempt to fulfill their obligation to ensure safe and secure movement of hazardous materials in commerce. DOT enforces these regulations through their multiple agencies. Companies can expect to hear from representatives of the Federal Aviation Administration (FAA), Federal Motor Carrier Safety Administration (FMCSA), Federal Railroad Administration (FRA) or maybe the new Pipeline and Hazardous Materials Safety Administration (PHMSA). 