Department of Transportation Increases Securing Requirements for Hazmat Shipment

In March, the U.S. Department of Transportation issued a final rule placing heightened security requirements on the shippers and carriers of hazardous materials.

The new DOT rule states that hazmat shippers and carriers must develop and implement security plans that identify potential security risks and put measures into place to protect shipments of the hazardous materials covered by the rule. These include radioactive, explosive, poisonous or toxic materials. Companies must also provide mandatory training for employees responsible for the transport of hazardous materials on how to be aware of security risks and enhance security.

The security plan must assess the risks for shipping hazardous materials and provide for appropriate measures to address those risks. At a minimum, the plan must include measures to confirm information provided by job applicants that will handle or have access to hazardous materials; to address the risk that unauthorized persons may gain access to the materials; and to deal with the risks of hazmat shipments en route from origin to destination. The security plan must be in writing and be maintained for as long as it is in effect. The deadline for developing the security plan is September 25, 2003.

Training for employees responsible for transporting hazardous materials must include security awareness training and in-depth security training. Security awareness training must provide awareness of security risks and must cover how to recognize and respond to threats. No later than the date of the first scheduled recurrent training after March 25, 2003, and in no case later than March 24, 2006, each hazmat employee must receive security awareness training. Employees hired after March 25, 2003, must receive this training within 90 days after employment.

In-depth security training includes training employees on the employer's hazmat security plan, its implementation and its enforcement. This in-depth training is required by December 22, 2003. Training conducted by employers to comply with programs required by other Federal or international agencies may be used to satisfy the DOT training requirements, provided the training meets the requirements listed above..

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DOT inspectors will look for security plans and training records when inspecting shipping terminals and other facilities, and will initiate appropriate enforcement action when violations are found. In the near future, the DOT will issue a civil penalty rulemaking which will provide the baseline penalties for security requirement violations.

If you have questions regarding the DOT hazmat security rule or if you would like assistance in preparing a security plan, please contact Jeffrey P. Clark, the head of our Crisis Management and Business Continuity Team, at 414-298-8131.

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