

# Training Requirements Under the Hazardous Materials Regulations

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## It's the Law!

### Code of Federal Regulations

### Title 49, Subpart H, §172.700-172.704

(Formerly Docket HM-126F)

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RSPA amended the Hazardous Materials Regulations (HMR) in conformance with amendments to the Federal Hazardous Materials Transportation Law that required DOT to regulate the training of all hazardous materials (hazmat) employees. Training meeting these requirements will increase a hazmat employee's safety awareness and be an essential element in reducing hazmat incidents.

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## DEFINITIONS

**HAZMAT EMPLOYEE** means a person who is employed by a hazmat employer and 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.

**HAZMAT EMPLOYER** means a person who uses one or more of its 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.)

**TRAINING** means a systematic program (i.e., 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(b) through § 172.704.

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## **Training and the Hazmat Law**

The Federal hazardous materials transportation law (49 U.S.C. § 5101 et seq.), is the basic statute regulating the transportation of hazardous materials (hazmat) in the United States. This law requires the training of ALL hazmat employees. The purpose is to increase a hazmat employee's safety awareness and 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:

**GENERAL** § 173.1;

**SPECIFIC** § 172.704

### **MODAL:**

Air § 175.20

Vessel § 176.13

Highway §§ 177.800, 177.816

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## **TRAINING REQUIREMENTS**

### **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.

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