

Minnesota Commercial Truck and Passenger Regulations Fact Sheet

Hazardous Materials Security

The US DOT Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a final rule on March 25, 2003, that established new requirements aimed at enhancing the security of hazardous materials (HM) transportation. This rule requires some HM shippers and transporters to develop and implement security plans. By September 23, 2003, affected companies must have developed and implemented this security plan. All new companies or those beginning to ship or transport certain types and quantities of HM must develop and implement a HM security plan before engaging in those HM activities. This rule also requires all HM employers to provide security training to their employees as part of their regular HM training.

Hazardous Materials Security Plans (49 CFR, Parts 172.800 through 172.804)

This rule created a new Subpart I, **Security Plans**, in Part 172 of the regulations. 49 CFR 172.800 requires each person who offers or transports HM that would require them to register with the US DOT under the provisions of 49 CFR 107.601, and any person offering or transporting selected agents or toxins regulated by the Centers for Disease Control under 42 CFR, Part 73, to develop and adhere to a security plan that conforms to the new requirements of Subpart I. . The Security Plans must include:

- An assessment of possible security risks for shipments of covered materials; and
- Appropriate measures to address the assessed risks, and must include 3 components:
 - A personnel security component. This includes measures taken to confirm background information provided by employees hired for positions that have access to HM covered by the security plan;
 - An unauthorized access component. This includes measures to address the risk that unauthorized persons could gain access to facilities or vehicles used to transport HM covered by this rule; and
 - An en route component. This includes measures to ensure efficient and secure movement of HM shipments from origin to destination.

The security plan must be in writing and retained as long as it remains in effect. Copies of the plan, or portions thereof, must be available to employees responsible for implementing the plan, in a manner consistent with security clearances and a demonstrated need to know. The US DOT has published a security template on its website at <http://hazmat.dot.gov/riskmgmt/rmsef/rmsef.htm> that can be used to identify points in the transportation process where security measures can be enhanced.

Hazardous Materials Security Training (49 CFR 172.704 (A) (4))

The HM regulations have been revised to include the new requirements for security awareness training and in-depth security training. Many HM transported in commerce may potentially be used as weapons of mass destruction or weapons of convenience, and it is critical that training for persons that ship or transport HM include a security component.

Security Awareness Training

At the next scheduled 3-year recurrent HM training, and in no case later than March 24, 2006, each HM employee must receive training that provides awareness of security risks associated with HM transport, and methods designed to enhance transportation security. Training must include a component covering how to recognize and respond to a security threat. New HM employees hired after March 25, 2003, must receive security training within 90 days of employment. HM employers are strongly encouraged to provide security awareness training to employees on an accelerated schedule whenever possible.

In-depth Security Training

By December 22, 2003, all affected HM employees of a person required to have a security plan by Part 172, Subpart I, were required to be trained concerning the security plan and its implementation. This training must include:

- Company Security Objectives,
- Specific Security Procedures,
- Employee Responsibilities,
- Actions in case of a Security Breach; and
- Organizational Security Structure.

The most recent revision of a company's HM security plan is to be made available to the affected HM employees on a "need to know" basis. **Not all HM employees (such as those who's only function is to fill out shipping papers) need to be trained or given a copy of the security plan. Security plan requirements apply only to those HM employees who have direct access to the hazardous materials and/or have responsibility for its implementation.**

Security training conducted to comply with the requirements of other federal or international agencies may be used to satisfy this DOT requirement to the extent it complies with the training components required in 49 CFR 172.704 (A).

The US DOT Office of Hazardous Materials Safety has prepared a HM Transportation Security Awareness Training Module, which is available from them at no cost. You can order it from their Web site at <http://hazmat.dot.gov> or by calling them at (202) 366-4900, or (800) 467-4922 ext. 3.

This Fact Sheet is intended as a resource. It is not intended to explain all the requirements of Minnesota or Federal law. The actual Statutes and Regulations are recommended as a resource, and can be purchased at the Minnesota Bookstore (phone number 651/297-3000 or 1-800-657-3757). For additional assistance contact the US DOT at 651/291-6150 or Mn/DOT's Office of Freight and Commercial Vehicle Operations.



Minnesota Department of Transportation
Office of Freight and Commercial Vehicle Operations
395 John Ireland Boulevard, M.S. 420
St. Paul, MN 55155-1899
Phone: 651/215-6330
Fax: 651/366-3719
Web: www.dot.state.mn.us/cvo