

Minnesota Commercial Truck and Passenger Regulations

Fact Sheet

Hazardous Materials Security

The USDOT Pipeline and Hazardous Materials Safety Administration (PHMSA), in consultation with the Transportation Security Administration (TSA), has issued regulations that require persons who offer or transport certain hazardous materials (HM) to develop and implement security plans to address security risks related to transportation of HM in commerce. PHMSA and TSA have established a tiered approach to transportation security, to focus security efforts on types or amounts of hazardous materials that pose a significant security threat.



Applicability of Security Plan Regulations (49 CFR Section 172.800)

The regulations establish thresholds for the applicability of the security regulations based on the hazard class or division of the HM, the amount shipped or transported, and for some materials, whether the shipment requires placarding. Persons who offer or transport a hazardous material as listed below must create and implement a HM Security Plan.

Any Quantity of:

- 1.1, 1.2, or 1.3 Explosives
- Materials Poisonous by Inhalation as defined in 49 CFR Section 171.8, including any quantity of anhydrous ammonia
- 4.3 Dangerous when Wet materials
- 5.2, Type B, Temperature Controlled organic peroxides
- Select agents and toxins regulated by the Centers for Disease Control and Prevention under 42 CFR Part 73, or the US Department of Agriculture under 9 CFR Part 121
- Class 7 radioactive material in Highway Route Controlled Quantities, or radionuclides listed as RAM-QC by the Nuclear Regulatory Commission

Large Bulk Quantities:

A large bulk quantity (LBQ) is a quantity greater than 3,000 liters (792 gallons) for liquids and gases, or 3,000 kg (6,614 pounds) for a solid material shipped in a single packaging such as a cargo tank, portable tank, roll-off box, or other bulk container. **Please note:** LBQ refers to the **amount** in a single package, not the **capacity** of the package. A LBQ of the following classes or divisions require a security plan:

- 2.1 flammable gases
- 2.2 non-flammable gases with a subsidiary hazard of 5.1 oxidizer (for example oxygen or nitrous oxide)
- Class 3 flammable liquids in Packing Group (PG) I or II
- 4.2 spontaneously combustible materials is PG I or II
- 5.1 oxidizing materials in PG I or II, including ammonium nitrate, and ammonium nitrate fertilizers, gels, emulsions, and suspensions, and perchlorates
- 6.1 poison or toxic materials (other than materials poisonous by inhalation, which are regulated at any quantity as noted above)
- Class 8 corrosive materials in PG I

Quantities Requiring Placarding:

- 1.4, 1.5, and 1.6 explosives
- Desensitized explosives in Class 3 or division 4.1
- Uranium hexafluoride required to be placarded by 49 CFR Section 172.505 (b)

Components of Hazardous Materials Security Plans (49 CFR Section 172.802)

Security Plans must include:

- A site specific assessment of possible security risks at facilities where the hazardous materials listed in 172.800 are prepared for shipment, stored, or unloaded incidental to movement; 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 revised regulation added additional components to the security plan, including:

- Identification **by job title** of the senior management official responsible for overall development and implementation of the security plan
- Security duties for each person or department that is responsible for implementing the plan
- A training plan for employees required to have security training or in-depth security training pursuant to 49 CFR Section 172.704

The security plan must be in writing and retained while in effect, and **reviewed annually**. The most recent version of the plan must be available to those employees responsible for implementing the plan, in a manner consistent with security clearances and a demonstrated need to know. Employees must be notified when revisions are made. Each person required to develop or implement the security plan must maintain an accessible written or electronic copy of the plan. The security plan must be available upon request to authorized officials of the DOT or Department of Homeland Security.

The USDOT has published a security template at <http://www.phmsa.dot.gov/hazmat/risk/rmsef> that can be used to identify points in the transportation process where security measures can be enhanced.

Hazardous Materials Security Training: (49 CFR Section 172.704 (a) (4) and (5))

Security Awareness Training: All HM employees must receive training that provides: Awareness of security risks associated with HM transportation, 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 must receive security training within 90 days of employment.

In-depth Security Training: HM employees of a person required to have a security plan, who are responsible for implementing the plan, and handle or perform a regulated function related to HM covered by a security plan, are required to have In-depth security training. This training must include: Company Security Objectives; organization security structure; specific security procedures; specific security duties and responsibilities of each employee; specific actions in case of a security breach.

Recurrent Training

A HM employee required to have in-depth security training must be trained at least once every three years, or if the security plan is revised, must receive in-depth security training within 90 days of the implementation of the revised plan. 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 security training components required in 49 CFR Section 172.704 (a) (4) and (5).

The USDOT 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://www.phmsa.dot.gov/hazmat> 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 or regulations. For additional assistance contact the USDOT Pipeline and Hazardous Materials Safety Administration at 800-467-4922 or www.phmsa.dot.gov/hazmat, the Federal Motor Carrier Safety Administration at 651-291-6150 or www.fmcsa.dot.gov, or MnDOT's Office of Freight and Commercial Vehicle Operations at 651-215-6330.