

HazMat Employee Training

Description:

Sometimes called “HM 126f training,” Subpart H to Part 172 requires initial and 3-year recurrent training for employees whose duties include specified tasks associated with the transportation of hazardous materials.

Regulatory Reference

§ 171.8 Definitions and abbreviations (includes definitions of *hazmat employee* and *hazmat employer*)

49 CFR Part 172, Subpart H Training

49 CFR § 172.700 Purpose and scope (hazmat employee training)

49 CFR § 172.702 Applicability and responsibility for training and testing

49 CFR § 172.704 Training requirements

Applies to:

Hazmat employee means a person who is employed by a hazmat employer and who in the course of employment directly affects hazardous materials transportation safety. This term includes an owner-operator of a motor vehicle which transports hazardous materials in commerce. This term includes an individual, including a self-employed individual, employed by a hazmat employer who, during the course of employment:

- (1) Loads, unloads, or handles hazardous materials;
- (2) Manufactures, tests, reconditions, repairs, modifies, marks, or otherwise represents containers, drums, or packaging as qualified for use in the transportation of hazardous materials;
- (3) Prepares hazardous materials for transportation;
- (4) Is responsible for safety of transporting hazardous materials; or
- (5) Operates a vehicle used to transport hazardous materials.

Hazmat employer means a person who uses one or more of its employees in connection with: transporting hazardous materials in commerce; causing hazardous materials to be transported or shipped in commerce; or representing, marking, certifying, selling, offering, manufacturing, reconditioning, testing, repairing, or modifying containers, drums, or packaging as qualified for use in the transportation of hazardous materials. This term includes an owner-operator of a motor vehicle which transports hazardous materials in commerce. This term 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 an activity described in the first sentence of this definition.

General Requirements:

- (1) 49 CFR § 172.702 sets out hazmat employer responsibilities as follows:
 - (a) A hazmat employer shall ensure that each of its hazmat employees is trained in accordance with the requirements prescribed in this subpart.
 - (b) A hazmat employee who performs any function subject to the requirements of this subchapter may not perform that function unless instructed in the requirements of this subchapter that apply to that function. It is the duty of each hazmat employer to comply with the applicable requirements of this subchapter and to thoroughly instruct each hazmat employee [on the requirements]. *Exception:* a new hazmat employee, or a hazmat employee who changes job functions whose training is completed within 90 days after employment or a change in job function, and who works under the direct supervision of a properly trained and knowledgeable hazmat employee may be allowed to perform the specific function.
 - (c) Training may be provided by the hazmat employer or other public or private sources.
 - (d) A hazmat employer shall ensure that each of its hazmat employees is tested by appropriate means on the training subjects covered in §172.704.
- (2) 49 CFR §172.704 specifies hazmat employee training requirements.
 - (a) Hazmat employee training shall include the following:
 - (1) General awareness/familiarization training. Each hazmat employee shall be provided general awareness/familiarization training designed to provide familiarity with the requirements of this subchapter, and to enable the employee to recognize and identify hazardous materials consistent with the hazard communication standards of this subchapter.
 - (2) Function-specific training.
 - (i) Each hazmat employee shall be provided function-specific training concerning requirements of this subchapter, or exemptions issued under subchapter A of this chapter, which are specifically applicable to the functions the employee performs.
 - (ii) As an alternative to function-specific training on the requirements of this subchapter, training relating to the requirements of the ICAO Technical Instructions and the IMDG Code may be provided to the extent such training addresses functions authorized by §§171.11 and 171.12 of this subchapter.
 - (3) Safety training. Each hazmat employee shall receive safety training concerning-
 - (i) Emergency response information required by subpart G of part 172;
 - (ii) Measures to protect the employee from the hazards associated with hazardous materials to which they may be exposed in the work place, including specific measures the hazmat employer has implemented to protect employees from exposure; and
 - (iii) Methods and procedures for avoiding accidents, such as the proper procedures for handling packages containing hazardous materials.

- (4) Security awareness training. 49 CFR § 172.704(a)(4)&(5) require hazmat employee security awareness training no later than the date of the first scheduled recurrent hazmat employee training after March 25, 2003, and no later than March 24, 2006 for all hazmat employees. After March 25, 2003, all new hazmat employees must receive security awareness training within 90 days after employment. By December 22, 2003, each hazmat employee must be trained (*in-depth security training*) concerning the company's security plan and its implementation.
- (i) Security awareness training must include a component that identifies security risks associated with hazardous materials transportation, methods to enhance transportation security, and how to recognize and respond to possible security threats.
- (ii) In-depth security training must include company security objectives, specific security procedures, employee responsibilities, actions to take in the event of a security breach, and the organizational security structure.
- (b) OSHA or EPA Training. Training conducted by employers to comply with the hazard communication programs required by the Occupational Safety and Health Administration (OSHA) of the Department of Labor (29 CFR 1910.120 or 1910.1200) or the Environmental Protection Agency (EPA) (40 CFR 311.1), to the extent that training addresses the training specified in paragraph (a) of this section, may be used to satisfy the training requirements in paragraph (a) of this section, in order to avoid unnecessary duplication of training.
- (c) Initial and recurrent training-
- (1) Initial training. A new hazmat employee, or a hazmat employee who changes job functions may perform those functions prior to the completion of training provided-
- (i) The employee performs those functions under the direct supervision of a properly trained and knowledgeable hazmat employee; and
- (ii) The training is completed within 90 days after employment or a change in job function.
- (2) Recurrent training. A hazmat employee shall receive the training required by this subpart at least once every three years.
- (3) Relevant Training. Relevant training received from a previous employer or other source may be used to satisfy the requirements of this subpart provided a current record of training is obtained from hazmat employees' previous employer.
- (4) Compliance. Each hazmat employer is responsible for compliance with the requirements of this subchapter regardless of whether the training required by this subpart has been completed.

- (d) **Record keeping.** A record of current training, inclusive of the preceding three years, in accordance with this section shall be created and retained by each hazmat employer for as long as that employee is employed by that employer as a hazmat employee and for 90 days thereafter. The record shall include:
- (1) The hazmat employee's name;
 - (2) The most recent training completion date of the hazmat employee's training;
 - (3) A description, copy, or the location of the training materials used to meet the requirements in paragraph (a) of this section;
 - (4) The name and address of the person providing the training; and
 - (5) Certification that the hazmat employee has been trained and tested, as required by this subpart.
- (e) **Limitation.** A hazmat employee who repairs, modifies, reconditions, or tests packaging as qualified for use in the transportation of hazardous materials, and who does not perform any other function subject to the requirements of this subchapter, is not subject to the safety training requirement of paragraph (a)(3) of this section.

Maintenance and Review

Periodic reviews of employee training files are recommended to assure that initial and recurrent hazmat employee training is documented and current. Initial training must be completed within 90 days of hiring a new employee or when the function-specific duties of existing employees are changed. Recurrent training is required at intervals not exceeding 3 years from initial hazmat employee training. Recurrent training should also be provided when there is a significant change in elements of the company security plan.

Additional Information and Resources

A computer-based (CD-ROM) hazmat employee training program is located in the PERC *Initial OSHA & DOT Training: For the Handling and Transport of Hazardous Materials* manual that accompanies this propane regulatory compliance guidebook. For additional copies, contact the Propane Education and Research Council, www.propanecouncil.org.