

Hazmat Training Requirements

Hazmat training requirements under the Pipeline and Hazardous Materials Safety Administration's (PHMSA) regulations are nonspecific. But one thing is crystal clear: Employers are legally responsible for making sure hazmat employees are properly trained.

Performance-based standards have a nice, industry-friendly sound to them until you realize you are the one responsible for designing and implementing a compliance program with very few instructions on how to do so, and an overriding and inflexible requirement—achieve specific environmental or safety objectives.

For example, PHMSA training requirements for hazmat employees (49 CFR 172.700[b]) state that hazmat training must ensure that:

"...a hazmat employee has familiarity with the general provisions of this subchapter, is able to recognize and identify hazardous materials, has knowledge of specific requirements of this subchapter applicable to functions performed by the employee, and has knowledge of emergency response information, self-protection measures, and accident prevention methods and procedures."

Beyond this overall objective, however, there are relatively few explicit provisions.

So What Should Training Cover?

Mainly, training must cover five specific areas.

1. General awareness/familiarization training
2. Function-specific training
3. Safety training
4. Security awareness training
5. In-depth security training

The first four are mandatory for all hazmat employees. The last one is mandatory for employees who perform regulated functions related to the transportation of materials covered by the hazmat security plan or who are responsible for implementing the security plan.

Employees must be tested on the material covered in training, although there is no requirement that testing be scored. In addition, employers must ensure that refresher training is conducted at specific intervals and that training records are kept.

How and by whom the training is conducted and the actual contents of training lessons are left to the hazmat employer. While those directions are intentionally nonspecific, the regulations explicitly state that **it is the employer and the employer alone that is legally**



responsible for making sure that employees are provided with the knowledge and skills necessary to perform their hazmat job functions safely.

Tips for Employers

Given the sketchiness of the hazmat training regs, PHMSA periodically publishes guidance material to assist hazmat employers in meeting the requirements to train employees. The following suggestions to help employers make the right choices in their training programs are gleaned from PHMSA's publication, **What You Should Know: A Guide to Developing a Hazardous Materials Training Program**.

1. Make a plan. Don't make important training decisions only when a hazmat employee is hired or operations change. A plan need not be long and complicated. PHMSA suggests a statement of purpose and the benefits that can derive from thorough and regular training that is appropriate to the employee, the job function(s), and the company and its resources. Deciding at the last minute to meet the training requirement (training must be completed within 90 days of the first day of employment or the first day of a change in job function) can result in unnecessary costs if a professional trainer must be hired when adequate in-house resources are available. The plan should include specific directions on how the effectiveness of training is evaluated and methods to improve the program, if necessary. Directions on completing administrative tasks, such as recordkeeping and maintaining a schedule of both required and discretionary actions, should be included.

2. Identify hazmat employees. The definition of a hazmat employee—i.e., one who by law must receive training—covers a very broad range of individuals. Be careful not to exclude from training those employees who have only limited involvement with regulated activities. The regulations do not indicate that a person must work a minimum number of hours to qualify as a hazmat employee.

According to PHMSA regulations, hazmat employees include those who:

1. Determine the hazard class of a hazmat;
2. Select hazmat packaging;
3. Place warning signs, block wheels, and set brakes on tank cars placed for loading or unloading with closures open;
4. Mark packages to indicate that they contain hazmats;
5. Provide and maintain hazmat emergency response information;
6. Provide international shippers with information on U.S. hazmat requirements;
7. Segregate a hazmat package in a freight container or transport vehicle from incompatible cargo; or
8. Load or unload hazmats for the purpose of transportation.

3. Conduct a needs assessment before developing a training program. For example, determine the level of awareness hazmat employees have about hazmats and the regulations as well as the level of training they've already had. Also, find out if the training employees have already received is adequate for the tasks they are now performing. This is frequently an issue in smaller companies where an employee may be required to fill in for co-workers on regulated activities. Similarly, if your company's operations have changed since the last round of training, determine if new employee training to accommodate the changes has occurred.

4. Select a training tool. The Pipeline and Hazardous Materials Safety Administration's (PHMSA) guidance for hazmat employee training lists four training delivery methods:

- Web-based
- Computer-based
- Classroom
- Hands-on/mentor training

Decisions on which of these, or which combination, is most appropriate will depend on many factors, including cost, suitability for the hazmat employee and the employee's hazmat responsibilities, language proficiency, whether employees can be self-directed, and qualifications of the instructor.

5. Evaluate the effectiveness of the training program. A training program is only as good as the results it produces. That means you have to ask employees about how they benefited from the training. You should also observe employees after training to determine how lessons have been incorporated into performance. Results of interviews and observation should be documented and incorporated, if necessary, into subsequent training.

6. Assign a training manager. A training manager should be given the time and resources to effectively manage training. Responsibilities can include arranging for newly trained employees to be evaluated, determining additional training needs for incumbents, communicating the status of training to upper management, and maintaining training records in compliance with PHMSA regulations. Larger companies may also consider formation of training committees that meet regularly to assess the effectiveness of the training program.

7. Don't stop with training. Develop a safety culture that encourages training as part of daily and typical tasks and operations. Attention to regulatory requirements, efficiency, and improved performance invariably begins with demonstrated commitment by top management followed by buy-in from all other levels of the company. Employees should be motivated to identify problems at early stages without fear of retribution or retaliation. Problems that are quickly corrected will promote proactive approaches to safety. When management provides the right foundation and acts appropriately, employees will be more motivated to take ownership of the operations for which they are responsible and

share responsibility equally with management for the overall safety of the company. "Enhanced safety measures help to reduce the cost of doing business by reducing accidents, decreasing workers' compensation claims, and providing a more effective and targeted use of resources," states PHMSA.

BLR Safety Daily Advisor [SafetyDailyAdvisor@nl.blr-news.com]

About BLR®—Business & Legal Resources

BLR® is the leading provider of employment, safety, and environmental compliance solutions. BLR has been an acknowledged authority in covering state as well as federal law for over three decades, and employers know that they can count on BLR's industry-leading compliance and training solutions to keep them out of legal trouble, avoid fines, and save money. BLR offers solutions for business owners, executives, employees, and managers of HR, compensation, safety, environmental, or training for all-sized organizations and industries. Simply put, anyone worried about how their local state agency or national DOL, OSHA, and EPA legal requirements impact their organization can benefit from BLR. For more information, please visit www.BLR.com or call 800-727-5257.



IMPORTANT: Paladin Risk Management, Ltd. is a risk management consultancy company and the information it provides should not be interpreted as insurance, coverage, or legal advice. The information provided should be interpreted in line with insurance and legal methodologies as they relate to your business practices and/or procedural guidelines.