



May 2003

**Bureau of Radiation Control
RADIOACTIVE MATERIALS SECTION
Information Notice 2003-01
(Supersedes and replace Information Notice 1999-03)**

**Hazmat Training Requirements for Radioactive Materials Licensees
(Security Awareness Training Requirement Effective 3-25-2003)**

**ATTENTION: RADIATION SAFETY OFFICERS AND MANAGEMENT
(MEDICAL AND NON-MEDICAL LICENSEES)**

This notice supersedes and replaces Information Notice 1999-03. The substantial changes are denoted in blue text and boxed and Appendix B has been replaced.

This information notice is applicable to radioactive materials licensees that receive, transport, and offer for shipment packages containing radioactive material that are classified as hazardous materials (hazmat) by U.S. Department of Transportation (USDOT).

The main emphasis of this notice is to raise licensee awareness concerning USDOT training requirements for hazmat employees. Effective training of hazmat employees reduces the potential for incidents and accidents and is essential for the protection of people (employees, passengers, emergency response personnel, and the general public), property, and the environment.

USDOT now requires that each hazmat employee receive training that provides an awareness of security risks associated with hazardous materials transportation. This training must contain a component covering how to recognize and respond to possible security threats. The training must be included in any recurrent or refresher training provided after 3-25-2003 and must be part of all new hazmat employee training. The text of this training requirement is provided Appendix A of this notice.

Licensees who transport quantities of radioactive materials that requires the vehicle to be placarded or to be considered a highway route controlled quantity must satisfy other "in-depth security training" as specified in 49 CFR Part 172, Subpart I "Security Plans," which are listed in Appendix B or may be found in the Federal Register Volume 68, Number 57, page 14521 issued March 25, 2003.

Sections 64E-5.1501 and 64E-5.1502, Florida Administrative Code (F.A.C.), require licensees to comply with applicable requirements of the USDOT. Many forms of radioactive material are classified as hazardous material under the USDOT's hazardous materials regulations, which are found in Subchapter C of Title 49, Code of Federal Regulations (49 CFR).

Examples of radioactive material classified as hazardous material by the USDOT include:

- Industrial sealed sources used in fixed point, level and density gauges, portable moisture/density gauges, electron capture detectors contained in gas chromatographs, well logging devices, and radiographic exposure devices.
- Industrial sealed sources used in x-ray fluorescence analyzers (even when classified as excepted instruments and articles).
- Medical sealed sources used in brachytherapy, teletherapy and high dose remote afterloading devices.
- Diagnostic and therapeutic radiopharmaceuticals.
- Limited quantities of radioactive materials used for medical, industrial, academic or research & development purposes.
- Low-level radioactive waste.

Subpart H of 49 CFR Part 172 (attached) requires individuals with work functions related to hazardous material transportation safety to receive hazmat training before performing such functions. The terms "hazmat employee" and "hazmat employer" are defined in 49 CFR 171.8. Stated briefly, a hazmat employee is anyone who directly affects hazardous material transportation safety, either by being responsible for the safety of transporting hazardous materials or by directly conducting such activities as loading, unloading, or handling hazardous materials, preparing them for transportation, or operating a vehicle to transport hazardous materials. A hazmat employer is anyone who uses employees in connection with transporting hazardous materials in commerce, causing hazardous materials to be transported, or manufacturing or offering hazmat packages for transportation.

Before any employee performs a hazmat transportation-related function, that person must be provided initial training in the performance of that function. As an interim measure, a hazmat employee may perform a required function under the direct supervision of a properly trained and knowledgeable hazmat employee for a period of 90 days, or until the required training is provided, whichever comes first. Also, if a new regulation is adopted, or an existing regulation is changed that relates to a function performed by a hazmat employee, the employee first must be instructed in those new or revised function-specific requirements. For example, if a new requirement is added to the shipping paper requirements, a hazmat employee must be instructed regarding the new requirement prior to performance of a function affected by the new or revised rule.

Hazmat employers are responsible for training employees. Each hazmat employee must be initially trained, tested, and periodically retrained at least every three years. Four subjects must be covered.

- **General awareness/familiarization training**, designed to provide familiarity with 49 CFR requirements and to enable the employee to recognize and identify hazardous materials.
- **Function-specific training**, concerning USDOT requirements that are specifically applicable to the functions the employee performs.
- **Safety training** concerning emergency response information, measures to protect the employee from the hazards posed by materials, and methods and procedures for avoiding accidents.
- **Security awareness training**, concerning recognizing and responding to risks associated with hazardous materials transportation.

The employer must keep a record of training for the duration of employment, plus 90 days. Record must include the following information.

- The hazmat employee's name.
- The most recent training completion date.
- A description and copy, or the location of the training materials.
- The name and address of the person providing the training.
- Certification that the hazmat employee has been trained and tested, as required.

Licensees may conduct hazmat training in-house or use third party instructors. Individuals may also "self-certify" (i.e., train themselves) as hazmat employees, provided all training and testing requirements are appropriately addressed. Relevant training received from a previous employer or from other sources may also be used to satisfy hazmat training requirements.

The USDOT Transportation Safety Institute offers hazmat employee training classes and may be contacted through their website at <http://www.tsi.dot.gov/>. In addition, the USDOT maintains a list of commercial and non-profit hazmat training providers on their web site <http://hazmat.dot.gov/thirdpty.htm>.

No written response to this notice is required. However, hazmat training is a licensing issue and an inspection compliance item, so licensees should ensure that their training programs address the requirements described above. Refer to the attached copy of Subpart H (Training) and I (Security Plans) of 49 CFR Part 172 for specific requirements.

If you have any questions or need additional information, please contact us.

49 CFR is also available on the Internet at <http://www.gpoaccess.gov/cfr/index.html> and can be ordered from the U.S. Government Printing Office. Also Federal Registers are available on the Internet at <http://www.gpoaccess.gov/fr/index.html>. Copies of Florida Radiation Hazardous Regulations, Chapter 64E-5 is available electronically at the Bureau's website: <http://www.doh.state.fl.us/environment/radiation>.

Appendix A 49 CFR Part 172, Subpart H

§ 172.700

Subpart H--Training

SOURCE: Amdt. 172-126, 57 FR 20952, May 15, 1992, unless otherwise noted.

§ 172.700 Purpose and scope.

(a) *Purpose.* This subpart prescribes requirements for training hazmat employees.

(b) *Scope.* Training as used in this subpart means a systematic program that ensures 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 (see § 172.704).

(c) *Modal-specific training requirements.* Additional training requirements for the individual modes of transportation are prescribed in parts 174, 175, 176, and 177 of this subchapter.

§ 172.701 Federal-State relationship.

This subpart and the parts referenced in § 172.700(c) prescribe minimum training requirements for the transportation of hazardous materials. For motor vehicle drivers, however, a State may impose more stringent training requirements only if those requirements—

(a) Do not conflict with the training requirements in this subpart and in part 177 of this subchapter; and

(b) Apply only to drivers domiciled in that State.

§ 172.702 Applicability and responsibility for training and testing.

(a) A hazmat employer shall ensure that each of its hazmat employees is trained in accordance with the requirements prescribed in this subpart.

(b) Except as provided in § 172.704(c)(1), 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 in relation thereto.

(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.

[Amdt. 172-126, 57 FR 20952, May 15, 1992; 57 FR 22182, May 27, 1992, as amended by Amdt. 172-149, 61 FR 27173, May 30, 1996]

§ 172.704 Training requirements.

(a) Hazmat employee training must 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.

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(4) *Security awareness training.* No later than the date of the first scheduled recurrent training after March 25, 2003, and in no case later than March 24, 2006, each hazmat employee must receive training that provides an awareness of security risks associated with hazardous materials transportation and methods designed to enhance transportation security. This training must also include a component covering how to recognize and respond to possible security threats. After March 25, 2003, new hazmat employees must receive the security awareness training required by this paragraph within 90 days after employment.

(5) *In-depth security training.* By December 22, 2003, each hazmat employee of a person required to have a security plan in accordance with subpart I of this part must be trained concerning the security plan and its implementation. 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, EPA, and other training.* Training conducted by employers to comply with the hazard communication programs required by the Occupational Safety and Health Administration of the Department of Labor (29 CFR 1910.120 or 1910.1200) or the Environmental Protection Agency (40 CFR 311.1), or training conducted by employers to comply with security training programs required by other Federal or international agencies, may be used to satisfy the training requirements in paragraph (a) of this section to the extent that such training addresses the training components specified in paragraph (a) of this section.

(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) *Recordkeeping.* 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 packagings 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.

[Amdt. 172-126, 57 FR 20952, May 15, 1992, as

amended by Amdt. 172-126, 58 FR 5851, Jan. 22, 1993; Amdt. 172-145, 60 FR 49110, Sept. 21, 1995; Amdt. 172-149, 61 FR 27173, May 30, 1996]

**PART 172—HAZARDOUS MATERIALS
TABLE, SPECIAL PROVISIONS,
HAZARDOUS MATERIALS
COMMUNICATIONS, EMERGENCY
RESPONSE INFORMATION, AND
TRAINING REQUIREMENTS**

1. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

2. In § 172.704, paragraph (a) introductory text is revised, paragraphs (a)(4) and (a)(5) are added, and paragraph (b) is revised to read as follows:

§ 172.704 Training requirements.

(a) Hazmat employee training must include the following:

* * * * *

(4) *Security awareness training.* No later than the date of the first scheduled recurrent training after March 25, 2003, and in no case later than March 24, 2006, each hazmat employee must receive training that provides an awareness of security risks associated with hazardous materials transportation and methods designed to enhance transportation security. This training must also include a component covering how to recognize and respond to possible security threats. After March 25, 2003, new hazmat employees must receive the security awareness training required by this paragraph within 90 days after employment.

(5) *In-depth security training.* By December 22, 2003, each hazmat employee of a person required to have a security plan in accordance with subpart I of this part must be trained concerning the security plan and its implementation. 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, EPA, and other training.* Training conducted by employers to comply with the hazard communication programs required by the Occupational Safety and Health Administration of the Department of Labor (29 CFR 1910.120 or 1910.1200) or the Environmental Protection Agency (40 CFR 311.1), or training conducted by employers to comply with security training programs required by other Federal or international agencies, may be used to satisfy the training requirements in paragraph (a) of this section to the extent that such training addresses the training components specified in paragraph (a) of this section.

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3. Subpart I is added to read as follows:

Subpart I—Security Plans

Sec.

172.800 Purpose and applicability.
172.802 Components of a security plan.
172.804 Relationship to other Federal requirements.

172.800 Purpose and applicability.

(a) *Purpose.* This subpart prescribes requirements for development and implementation of plans to address security risks related to the transportation of hazardous materials in commerce.

(b) *Applicability.* By September 25, 2003, each person who offers for transportation in commerce one or more of the following hazardous materials must develop and adhere to a security plan for hazardous materials that conforms to the requirements of this subpart:

(1) A highway route-controlled quantity of a Class 7 (radioactive) material, as defined in § 173.403 of this subchapter, in a motor vehicle, rail car, or freight container;

(2) More than 25 kg (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material in a motor vehicle, rail car, or freight container;

(3) More than one L (1.06 qt) per package of a material poisonous by inhalation, as defined in § 171.8 of this subchapter, that meets the criteria for Hazard Zone A, as specified in §§ 173.116(a) or 173.133(a) of this subchapter;

(4) A shipment of a quantity of hazardous materials in a bulk packaging having a capacity equal to or greater than 13,248 L (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids;

(5) A shipment in other than a bulk packaging of 2,268 kg (5,000 pounds) gross weight or more of one class of hazardous materials for which placarding of a vehicle, rail car, or freight container is required for that class under the provisions of subpart F of this part;

(6) A select agent or toxin regulated by the Centers for Disease Control and Prevention under 42 CFR part 73; or

(7) A quantity of hazardous material that requires placarding under the provisions of subpart F of this part.

§ 172.802 Components of a security plan.

(a) The security plan must include an assessment of possible transportation security risks for shipments of the hazardous materials listed in § 172.800 and appropriate measures to address the assessed risks. Specific measures put

into place by the plan may vary commensurate with the level of threat at a particular time. At a minimum, a security plan must include the following elements:

(1) *Personnel security.* Measures to confirm information provided by job applicants hired for positions that involve access to and handling of the hazardous materials covered by the security plan. Such confirmation system must be consistent with applicable Federal and State laws and requirements concerning employment practices and individual privacy.

(2) *Unauthorized access.* Measures to address the assessed risk that unauthorized persons may gain access to the hazardous materials covered by the security plan or transport conveyances being prepared for transportation of the hazardous materials covered by the security plan.

(3) *En route security.* Measures to address the assessed security risks of shipments of hazardous materials covered by the security plan en route from origin to destination, including shipments stored incidental to movement.

(b) The security plan must be in writing and must be retained for as long as it remains in effect. Copies of the security plan, or portions thereof, must be available to the employees who are responsible for implementing it, consistent with personnel security clearance or background investigation restrictions and a demonstrated need to know. The security plan must be revised and updated as necessary to reflect changing circumstances. When the security plan is updated or revised, all copies of the plan must be maintained as of the date of the most recent revision.

§ 172.804 Relationship to other Federal requirements.

To avoid unnecessary duplication of security requirements, security plans that conform to regulations, standards, protocols, or guidelines issued by other Federal agencies, international organizations, or industry organizations may be used to satisfy the requirements in this subpart, provided such security plans address the requirements specified in this subpart.

Issued in Washington DC on March 19, 2003, under authority delegated in 49 CFR part 1.

Ellen G. Engleman,

Administrator, Research and Special Programs Administration.

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