

# 49 CFR PART 172

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## Subpart H—Training



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Sec.

172.700 Purpose and scope.

172.701 Federal-State relationship.

172.702 Applicability and responsibility for training.

172.704 Training requirements.

#### §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.

#### Editor's Note:

Part 174 = Rail Carriers

Part 175 = Air Carriers

Part 176 = Vessel Carriers

Part 177 = Highway Carriers

For example, Part 177 training requirements include:

§177.800(b)—General

§177.816—Driver Training

§177.834(i)(4)—Loading & Unloading Cargo Tanks

Note also: Modal authorities such as Motor Carrier Safety Rules [49 CFR 350-399] also include training requirements.

#### §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.

##### WHO IS RESPONSIBLE FOR TRAINING?

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

**Editor's Note:** See also 49 CFR 173.1(b) "...It is the duty of each person who offers hazardous materials for transportation to instruct each of his officers, agents, and employees having any responsibility for preparing hazardous materials for shipment as to applicable regulations in this subchapter."

I.e., only the "employer" is responsible for detailed training and recordkeeping. However, the shipper must assure that all persons involved in preparing materials for transportation know how to do their jobs correctly.

#### UPDATE TRAINING

(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.

**Editor's Note:** "If a new regulation is adopted, or an existing regulation is changed, that relates to a function performed by a hazmat employee, that hazmat employee must be instructed in those new or revised function specific requirements without regard to the timing of the three year training cycle." [Preamble, 61 FR 27169, May 30, 1996.]

**Editor's Note:** "*Hazmat employee* means a person who ...in the course of employment directly affects hazardous materials transportation safety." [49 CFR 171.8, definition of "Hazmat employee"].

(c) Training may be provided by the hazmat employer or other public or private sources.

#### TESTING

(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.

**Editor's Note:** DOT leaves to the discretion of the employer the determination of "appropriate means" for testing. Testing can be written, oral, by demonstration of ability, by computer, or otherwise. Regardless of the method of testing chosen, standards of passing should be established in advance and should be adhered to.

[Source Note: At 57 FR 22181, May 27, 1992, added (d). At 61 FR 27173, May 30, 1996, revised (b).]

#### §172.704 Training requirements.

##### TRAINING CONTENT

(a) Hazmat employee training must include the following:

- (1) General for all
- (2) Taught to do what you do
- (3) Safety for those handling or exposed
- (4) Security awareness for all
- (5) Training on security plan, if required

(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 must be provided function-specific training concerning requirements of this subchapter, or exemptions or special permits issued under subchapter A of this chapter, that 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 §§171.22 through 171.25 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.

**Editor's Note:** "Safety training is for hazmat employees who handle or transport packagings containing hazardous materials during the course of transportation (e.g., packers and warehouse workers) and persons who have the potential for exposure to hazardous materials as a result of a transportation accident (e.g., drivers or members of a train crew)." [Preamble, 57 FR 20949, May 15, 1992.]

Employees who do not handle hazardous materials and do not have potential for exposure (e.g., clerical workers typing shipping papers) do not need DOT safety training.

(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.

#### WHEN TO TRAIN

(c) *Initial and recurrent training.*—

##### Initial 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.

##### Complete Retraining

(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 employee's 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.

#### TRAINING RECORDS

(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) *Limitations.* The following limitations apply:

(1) 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 training requirement of paragraph (a)(3) of this section.

(2) A railroad maintenance-of-way employee or railroad signalman, who does not perform any function subject to the requirements of this subchapter, is not subject to the training requirements of paragraphs (a)(2), (a)(4), or (a)(5) of this section. Initial training for a railroad maintenance-of-way employee or railroad signalman in accordance with this section must be completed by October 1, 2006.

[Source Note: At 58 FR 5851, January 22, 1993, revised paragraphs (a)(1), (a)(2), (c)(1)(i) and (c)(1)(ii); and at 60 FR 49110, September 21, 1995, revised (a)(2)(i). At 61 FR 27173, May 30, 1996, revised (c)(1) and (2) and (d) introductory text. At 65 FR 50460, August 18, 2000, revised (b). At 68 FR 14521, March 25, 2003, revised (a) introductory text and (b), and added (a)(4)–(a)(5). At 70 FR 73164, December 9, 2005, revised (a)(2)(i) and (e). At 73 FR 4716, January 28, 2008, effective October 1, 2008, revised (a)(2)(ii).]