

Answers to Your Questions

ILLINOIS DEPARTMENT OF TRANSPORTATION • DIVISION OF TRAFFIC SAFETY • COMMERCIAL VEHICLE SAFETY SECTION

I'm Only a Shipper, Why is I.D.O.T. Knocking at My Door?

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Your company receives a call that a Compliance Officer wants to come to your office to conduct a Hazardous Materials Shipper Compliance Review. The Compliance Officer wants to discuss, in detail, how your company prepares shipments of hazardous materials for transportation over Illinois' highways.

When you find yourself in this situation the best thing you can do is be prepared in advance. You and your hazmat employees will be at ease knowing you will not have a problem when DOT comes knocking at your door.

This article highlights what processes and documents may be reviewed if your company either offers hazardous materials for transportation or transports your own hazardous materials in your own vehicle. Keep in mind that this article will not cover every compliance detail, it's only a basic guide to help you find shortcomings in your current hazardous materials operation.

Not complying with the DOT hazardous materials regulations may result in fines of up to \$32,500 per day per violation of the hazardous materials regulations if enforcement action is taken by a federal safety investigator. Per Illinois' regulations, the maximum fine is currently \$10,000 per day per violation. More importantly, compliance with the regulations provides a level of safety and security designed to prevent or minimize the effects of a hazmat incident.

During a hazardous materials shipper compliance review there are several areas that will typically be covered in every review. Some reviews will cover other areas more specific to the types of hazardous materials shipped and/or packagings used, as there may be additional requirements related to these operations. The following is a list of the more typical records and areas subject to review and inspection:

1. Access to, possession or knowledge of the Hazmat Transportation Regulations (HMR);
2. Proof of U.S. DOT HazMat Registration (when required);
3. DOT hazardous material employee training;
4. Proper preparation and retention of hazardous materials shipping papers;
5. Emergency Response Information including emergency telephone number;
6. Proper package marking and labeling;
7. Inspection for use, reuse and maintenance of approved HM packaging;
8. Storage and loading areas used for packages prepared for transportation;
9. Providing required placarding and documents to the motor carrier; and
10. Hazardous Materials Security Plan (when required).

This article will briefly explain each portion of this type of compliance review and what is required and what items are recommended.



Do you have a USDOT registration number?

One of the earliest surprises of a review that many people do not understand is why a shipper needs a USDOT number. The Federal Motor Carrier Safety Administration (FMCSA) tracks companies receiving a hazardous material shipper review by using a USDOT number. If you do not currently have a USDOT number, one will be obtained for your company by the compliance officer prior to or at the time of the review. A USDOT number will be assigned to a company's corporate address or its "principle place of business." A shipper review may be conducted at any location where hazardous materials are offered for transportation but a separate number will not be assigned to a terminal or other business location of the company. If your company previously had a USDOT number assigned to it as a motor carrier or as a hazardous materials shipper, that number will be used.

The purpose of receiving a USDOT registration number is to identify all those companies who are shipping hazardous materials by a unique identifying number. Once the review is completed, the shipper's basic company address information and type of hazardous materials shipped will be forwarded to USDOT for future contact should it be needed.

1) Access to, Possession or Knowledge of the Hazmat Transportation Regulations

You may ask, "Why do I need a copy?" Often when we do reviews, we describe the regulations like the rules of any board game. To start the game without any or limited knowledge of the rules can only lead to problems during the contest. Not knowing the rules is usually not tolerated well by the others competing against one another (ignorance is not considered bliss). By knowing the rules and having a known place to check back against to review the rules, the contest can keep running smoothly and each participant can be certain they are remaining within the rules. We recommend, beyond the required hazmat employee training, that at least one person become very knowledgeable in the DOT regulations and that they periodically review the regulations to ensure their company remains in compliance.

The HMR (49 CFR Parts 100-185) can be purchased either from vendors or the US Government Printing Office Bookstore. The HMR can also be accessed online at or viewed at <https://hazmatonline.phmsa.dot.gov/services> at no cost in most reference sections of public libraries.

2) Proof of U.S. DOT HazMat Registration

During the audit, once it is determined that the company needs a hazardous material registration, the compliance officer will ask for copies of the USDOT Research and Special Programs Administration (RSPA) Certificate of Registration. Recordkeeping should include copies of current year's registration statement and the USDOT HM Certificate of Registration. You are required to retain copies of these documents for three years from the date the certificate was issued.



While there are several conditions that require a shipper of hazardous materials to register with RSPA, the most common one is to determine if they ever ship a placardable amount of hazardous materials. (See 49 CFR 107.601 for further applicability.) During the audit process, the compliance officer will review retained shipping papers to determine if a company needs to register. Even if only one shipment made during the registration year meets the applicability, registration must be completed for the year. The dates of the company's hazardous materials registration period do not change. The registration year runs from July 1 to June 30 of the next year.

If a shipper of hazardous materials realizes their company needs to register, they can go on-line at <http://hazmat.dot.gov/register.htm> or call RSPA at 1-800-942-6990. If a company was required to register but failed to do so for previous registration periods, the company will be required to register for all required periods. If a company's failure to register is discovered during a compliance review, the company may be subject to additional fines.

3) Hazardous Materials Training

Hazardous materials training is required for each "hazmat employee" (see definition found in 49 CFR 171.8), basically meaning anyone who takes part in the shipment of hazardous materials must be trained. Often during our reviews, we find that persons who package the product or persons who load the product are the only ones being trained. This is an incorrect assumption. Everyone, from the person who prepares a proper shipping paper, to the person who prepares the packages for shipment, to the person who loads the materials in the truck for shipment, must be trained in the proper intervals.

There are five types of hazmat employee training:

1. General Awareness;
2. Function Specific;
3. Safety;
4. Security Awareness; and
5. In-depth Security (when required).

All training must be completed during the first 90 days of employment or if a change in HM job function occurs. A hazmat employee may work under the direct supervision of a trained employee during these 90 days. Before the employee can begin the hazmat function alone, he/she must be trained in that function. Likewise, recurrent training must also be completed either when an employee changes hazardous materials job functions or after three years, whichever occurs first. Training should not be allowed to lapse.

Many companies have gone to generic vendor-developed training systems and have been told that they fulfill all the training regulations. They may fulfill some but not all of your requirements. Few, if any, accurately cover the vast variety of function specific training necessary. Do not assume these vendor products demonstrate all the items necessary for the required training. Vendor programs may not provide the safety training specific to the hazardous materials your company offers for transportation. Few programs provide function specific training for packaging operations.



The training you provide must be relevant to your HM operations. For this reason, the compliance officer will review your function specific training for different job functions. If your company fills cylinders, for example, you should have training and testing materials for cylinder filling operations. If you use fireboard boxes, you should have specific instructions and training on filling and closing these types of performance oriented packages. As with function specific training, your In-Depth Security Training must also be unique to your company's written security plan.

To document hazmat employee training and his/her proper training dates, you need to produce five required items. The five items are:

1. Hazmat employee name (if not legal name, you may wish to list both names);
2. Most recent training date;
3. Description, copy or location of the materials used during the training;
4. Person's name and address who provided the training (the most forgotten item) (can be a company address if the trainer is employed by the company); and
5. A certification that the hazmat employee has been trained and tested according to the regulations.

These documents can be kept individually in company employee files or collectively at a training office but must be available for review at the time of the compliance review.

4) Preparation and Retention of Shipping Papers

Shipping papers and hazardous waste manifests prepared for shipments of hazardous materials will be examined. Generally, one for each hazardous material offered for transportation will be examined for the appropriate description and content. Shippers must remember that they are obligated to provide shipping papers for all hazardous materials offered for transportation in commerce regardless of who transports the hazardous material or where the hazardous materials are picked up.

Shippers are also required to retain a copy of each HM shipping paper for a period of 375 days from the time tendered to the initial carrier (see 49 CFR 172.201(e)). Hazardous waste manifests must be retained for three years from the date offered. Retained copies may be electronic images of the shipping papers. In addition to hazardous materials information, each shipping paper copy must include the date of acceptance by the initial carrier.

A motor carrier using a permanent shipping paper for multiple shipments of one or more hazardous materials may retain a copy of the permanent shipping paper but must also retain a document showing the proper shipping name, identification number, date and quantity of the hazardous material transported. Shippers, acting as motor carriers, may use this option when permitted by the regulations.



5) Emergency Response Information and Emergency Phone Number

Shippers of hazardous materials must provide the necessary emergency response information to the carrier who will be transporting the shipped hazardous materials. The emergency response information required by 49 CFR 172.602 may be presented in the following three different forms: 1) emergency response guidebook; 2) a material safety data sheet; or 3) including the required information on the shipping paper. The compliance officer will examine the emergency response information provided for the hazmat offered for transportation.

An emergency response telephone number has several requirements per 49 CFR 172.604(a) but, most importantly, it must be manned at all times while the material is in transportation by a person knowledgeable of the product and who has information on how to deal with emergencies involving the material. This number must be to a person who can immediately supply the information. The phone number must be present on the shipping paper.

The emergency response information, including the emergency phone number, must also be accessible and available at all facilities and locations where the hazardous materials are loaded, transferred, stored or otherwise handled.

During an audit, the compliance officer will ask for the basis of the emergency response telephone number. If it is with an emergency response information service vendor, the shipper will be asked to identify the vendor. The compliance officer will contact the vendor to verify the shipper has the necessary authority to use the vendor's phone number. If an in-house system is used, the process and information will be reviewed for compliance. The availability of the emergency response information on-site will also be checked.

6) Package Marking and Labeling

The Compliance Officer will then conduct a visual inspection of each of the products that are deemed to be ready for shipment. Close inspection will be made to ensure the packages have their complete and proper marking requirements including proper shipping name, identification number and any additional marking required.

Complete and proper labeling requirements for each material will be examined for each material offered for transportation.

7) Use, Reuse and Maintenance of DOT-Approved HM Packaging (Parts 173, 178, 179 and 180)

Packaging procedures will be assessed to ensure authorized DOT hazmat packages are used according to the classification and description of the hazardous material. Depending upon the type of packing operation, various aspects of the packaging operations will be checked.



Non-bulk packaging operations will be checked for proper packaging selection, inner and/or outer packaging and closure procedures as determined by the performance oriented packaging or UN standards. Bulk packaging operations will be checked for proper packaging selection and loading procedures.

Procedures and required documentation for re-qualifying or re-testing hazmat packaging will be examined for shippers who re-use or re-qualify packaging such as cylinders, IBCs, portable tanks or cargo tanks.

8) Storage and Loading of Packaging for Transportation (49 CFR 173.30 and Part 177)

Shippers are required to comply with the separation and segregation requirements for hazardous materials while the prepared packages are on the loading dock or in other areas when they are ready for transportation. Shippers who load transport vehicles must also comply with the loading, securement, segregation and separation requirements as a motor carrier.

9) Providing Marking and Placarding to Motor Carriers

It is the responsibility of the shipper to provide the required marking and placards to the carrier unless the motor vehicle is already displaying the correct ID marking and placards of the HM offered. When required, a motor carrier may not move a vehicle transporting hazardous materials unless it is properly marked and placarded.

During the audit, the compliance officer will discuss with the appropriate personnel how they identify the proper ID marking and placarding to be provided. A check may be made to see if you have the appropriate placarding and/or marking to provide to the motor carrier.

10) Hazardous Materials Security Plans

Generally, if you offer any of the following for transportation, you need a written security plan. (See 49 CFR 172.800(b) for detailed applicability.)

1. Any quantity of a hazardous material requiring a placard; or
2. More than 3500 gallons of a liquid or 468 cubic feet for a solid Class 9 material; or
3. Selected agents or toxins regulated by the Center for Disease Control (CDC).

Written security plans will be examined for your risk assessment for the materials you offer for transportation and specific measures developed based upon that assessment addressing the following areas:

1. Personnel Security- hiring/personnel practices for all employees who handle or have access to the hazardous material.
2. Unauthorized Access- measures used to prevent unauthorized access to the facility or to the hazardous materials, packaging or vehicles used for shipments covered by the security plan.



3. En route security- measure to cover unauthorized access to the hazardous materials while en route from origin to destination including knowing carriers that accept material from the facility.

The ten items listed above are areas for inspection of operations, training and documentation. Being aware of these areas, having the proper training to perform the shipper functions and maintaining the required documentation will go a long way in making the Compliance Review a smoother task. Ensuring your compliance with the regulations through training and education will help minimize your exposure to hazardous materials incidents and security issues and protect your employees, the public and the environment from unwanted consequences.

If you have any questions regarding the Illinois Hazardous Materials Transportation Regulations, please call (217) 785-1181 or TTY (217) 524-4875.

