



Hazardous Materials Inspection Process

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phmsa.dot.gov



Hazmat Shipments in the U.S.

The Department of Transportation (DOT) currently lists approximately 3,000 hazardous materials (hazmat) descriptions – these materials, if accidentally or intentionally released, can pose risks to public health and safety, property, or the environment.

Over 800,000 Shipments Daily

3.1 Billion Tons Shipped Annually by All Modes

Hazardous Materials Support \$446 Billion of US Economy Annually



PHMSA Regional Offices

Region/States Served



Who does PHMSA Inspect?

- Shippers/Carriers (HAZMAT)
 - Explosives
 - Radioactive Materials
 - Select Agents and
 - Infectious Substances
 - Lithium Batteries
 - Waste
- Freight Forwarders
- Third-Party Labs
- Special Permit Holders
- Cylinder Requalifiers
- Aerosol Fillers/Shippers
- Packaging Manufacturers
 - Tanks, Drums, IBCs,
 - Cylinders, Boxes, etc...
- Packaging Certifiers
- Distributors/Brokers
- High Hazard Entities
- Multi-Agency Strike Force Operations (MASFO)



Why Me?

- Complaints
- High Risk (PIH/TIH)
- Investigations
- Re-Inspections
- Observations
- Incident History
- Fitness Review
- Registered Entity
- Abatements



The Inspection Process

- Introduction
 - Getting in the Door
 - General Information/Overview
- Items Reviewed
 - What are we looking for?
 - Will vary depending on type of inspection
- Evidence Gathering
 - Interviews, Documentation, Photographs, etc.
- Closing the Inspection
 - Security Inspection Report, Exit Briefing, etc.



Investigator Forms

- Inspection/Investigation Report
 - Used to notate pertinent information during inspection
- Observation Forms
 - Used to notate unique package specific markings and labeling
- Cylinder Requalification Facility Inspection Report
 - Used as a guide for high and low pressure cylinder requalification inspections
- Written Statements
 - Used to document the results of an interview



The Inspection Process - Introduction

- Identification
- Purpose of Inspection
- PHMSA Overview
- General Info Gathering
 - Representative
 - Contact Info
 - Tax ID Number
- Company Profile
 - What do you do?
 - Manufacture, Test, Fill, Ship?



The Inspection Process – Items Reviewed

- Observations
 - Processes and Procedures
 - Testing Equipment
 - Manufacturing Equipment
 - Packaging
 - Marking and Labeling
 - Training
 - Registration
 - Security Plan



The Inspection Process – Evidence Gathering (Documentation)

- Package Certifications
- Production Records
- Closure Instructions
- Training Records
- Registration
- Invoices/Receiving Records
- Safety Data Sheets
- Retest Records





The Inspection Process – Evidence Gathering (Documentation)

- Shipping Papers
 - Description/Sequence
 - Quantity and Type
 - Placards Required?
 - Certification Statement
 - Signature
 - Emergency Response #
 - Additional Information
 - Special Permits, LTD QTY, RQ, Technical Names, etc.
 - Retention (2 Years)



Shipping Papers



256743-DU 4

ATTENTION SHIPPERS! FREIGHT CHARGES ARE PREPAID ON THIS BILL OF LADING UNLESS MARKED COLLECT.

STRAIGHT BILL OF LADING
ORIGINAL - NOT NEGOTIABLE

Shipper No. _____
 Carrier No. _____
 Date _____

Page _____ of _____
 (Name of carrier) (SCAC)

On Collect or Delivery shipments, the letters "COD" must appear before consignee's name or as otherwise provided in Item 430, Sec. 1.

| | |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| TO: Consignee _____ Street _____ City _____ State _____ Zip Code _____ | FROM: Shipper _____ Street _____ City _____ State _____ Zip Code _____ 24 hr. Emergency Contact Tel. No. _____ |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|

| Route | | BASIC DESCRIPTION <small>Proper Shipping Name, Hazard Class, Identification Number (UN or NA), Packing Group, per 172.101, 172.202, 172.203</small> | TOTAL QUANTITY <small>(Weight, Volume, Gallons, etc.)</small> | WEIGHT <small>(Subject to Correction)</small> | RATE | CHARGES <small>(For Carrier Use Only)</small> |
|---------|----|------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|------------------------------------------------------|------|------------------------------------------------------|
| | HM | | | | | |
| 1 Box | | Carriage bolts | 1000 | | | |
| 4 Drums | X | UN1805, Phosphoric acid solution, 8, PGIII | 4 gal | | | |
| 1 Drum | X | UN1993, Flammable liquids, n.o.s., (contains methanol), 3, PGIII | 18 gal | | | |
| | | This shipment is within limitations for Cargo Aircraft only | | | | |



The Inspection Process – Evidence Gathering (Photographs)



The Inspection Process – Closing the Inspection

- Security Inspection Report
 - Required for certain Commodities and Quantities
 - Verifies components of Security Plan
 - Risk Assessment
 - Personnel Security
 - Unauthorized Access
 - En-Route Security
 - Security Awareness
 - How to recognize and respond to a threat?
 - Training Complete?
 - Within 90 Days of Hire?
 - In-Depth Security
 - Training on your Security Plan



The Inspection Process – Closing the Inspection

- Exit Briefing
 - A “Field Report” not a “Final Report”
 - Used to summarize the inspection and notate “probable violations” and 49 CFR cites, if any
 - Investigator will review document with company official and provide guidance with regard to deficiencies
 - Request corrective action and refer to penalty guidelines
 - Obtain signature(s) and provide copies



Exit Briefing



U.S. Department of
Transportation
Pipeline and Hazardous
Materials Safety Administration

Office of Hazardous
Materials Enforcement
Southern Region

233 Peachtree Street NE, Suite 602
Atlanta, Georgia 30303
(404) 832-1140 Fax: (404) 832-1168

EXIT BRIEFING

COMPANY NAME _____ DATE _____

ADDRESS _____

COMPANY WEB ADDRESS _____ TAX ID# _____

NAME OF INDIVIDUALS RECEIVING THE BRIEFING:

Name: _____ Title: _____

Email Address: _____

Name: _____ Title: _____

Email Address: _____

Name: _____ Title: _____

Email Address: _____

This has been a compliance inspection conducted in accordance with Title 49 U.S.C. Section 5121(c). This exit briefing addresses only the areas noted, and it is not a finding of general compliance in any other areas covered by the Hazardous Materials Regulations that were subject to the inspection.

During the course of the inspection the following probable violations of 49 CFR and/or quality control items were noted:

PROBABLE VIOLATIONS:

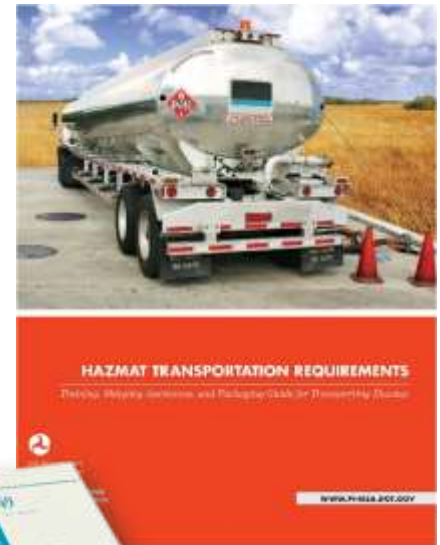
Section: _____

Explanation: _____

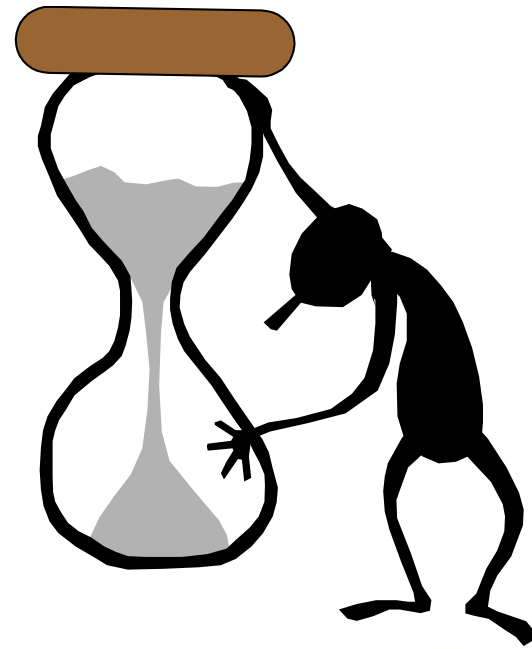


The Inspection Process – Additional Docs

- PHMSA Organization Chart
- Hazmat Transportation Requirements
- Penalty Guidelines (Appendix A to Subpart D of Part 107)
- Title 49 Code of Federal Regulations (49 CFR)
- DOT Chart 16
- DOT Pamphlets (Security Plan, MOTS)



Glad That's Over – Now What???



The Inspection Process – Next Steps

- Investigator returns to office to prepare inspection report
 - Reviews inspection with Region Chief
 - Formalizes interviews, photos, documentation, etc.
 - Documents facts and evidence
- Awaiting Corrective Action (within 30 Days)
 - Attach to completed report and submit to Region Chief
- Region Chief will review report for validity, completeness, and determine that corrective actions are sufficient to prevent future occurrences and ensure compliance



Enforcement Potential (per violation)



- Civil (\$250 - \$50,000); **Up to \$100,000 if death, illness or serious injury...**
 - Violation of a requirement as it relates to the...
“transporting of a hazardous material, manufacture, fabrication, marking, maintenance, reconditioning, repair or testing of a hazardous materials packaging.”
- Criminal (max. \$500,000 and/or 5 years imprisonment)
 - Willfully violating the hazardous materials regulations
 - Unlawful altering, removal, defacing, destroying or otherwise tampering with any marking, labeling, placarding or packaging requirement



Enforcement Actions

- Warning Letter
- Ticket for Non-Compliance
- Civil Penalty Case
 - General Council
- Criminal Case
 - General Council
 - Office of Inspector General (OIG)



Penalty Guidelines

Appendix to Subpart D of Part 107 Guidelines for Civil Penalties.

1. This appendix sets forth the guidelines used by the Office of Hazardous Materials Safety (as of October 1, 2005) in making initial baseline determinations for recommending civil penalties. The first part of these guidelines is a list of baseline amounts or ranges for probable violations frequently cited in enforcement reports referred for action. Following the list of violations are general guidelines used by OHSMS in making initial penalty determinations in enforcement cases.

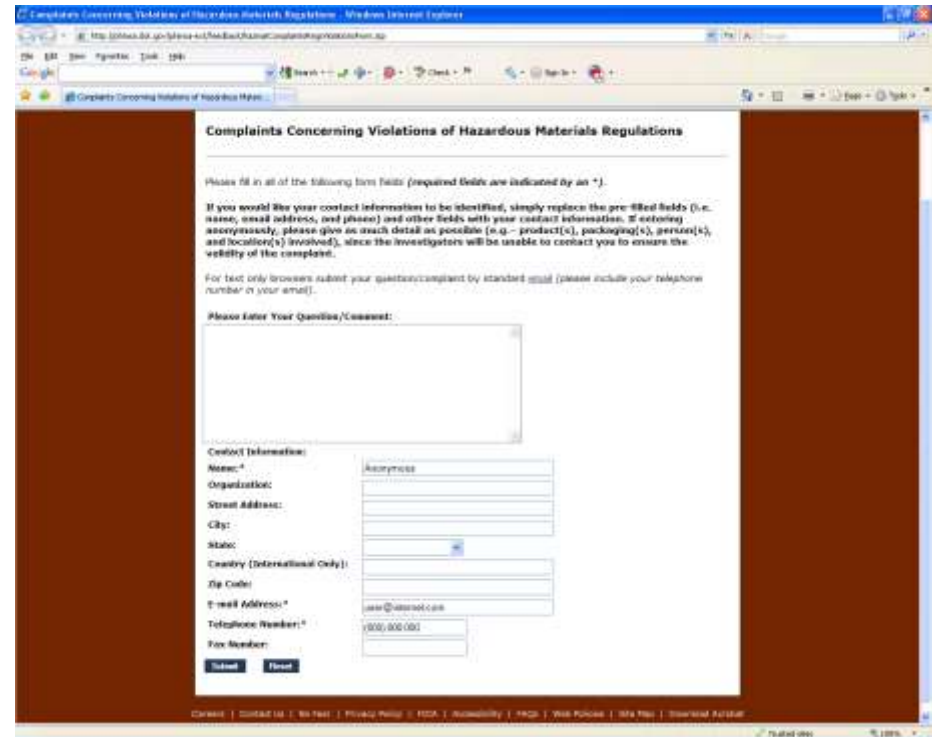
II. List of Frequently Cited Violations

| Violation description | Section or title | Baseline amount |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-------------------------------------------|
| General Requirements | | |
| A. Registration Requirements: | | |
| Failure to register as an owner or carrier of hazardous material and pay registration fee. | 107.600, 107.612 | \$1,000 + \$500 each additional year |
| B. Training Requirements: | | |
| 1. Failure to provide initial training to hazmat employees (general awareness, function-specific, safety, and security awareness training): | 172.702 | |
| a. More than 10 hazmat employees. | | \$700 and up each area |
| b. 10 hazmat employees or fewer. | | \$450 and up each area |
| 2. Failure to provide recurrent training to hazmat employees (general awareness, function-specific, safety, and security awareness training). | 172.702 | \$450 and up each area |
| 3. Failure to provide security training when a security plan is required but has not been developed. | 172.702 | Included in penalty for no security plan. |
| 4. Failure to provide security training when a security plan has been developed but hazmat employees have not been trained concerning the security plan and its implementation. | 172.702 | \$1,500 |
| 5. Failure to create and maintain training records: | 172.704 | |
| a. more than 10 hazmat employees. | | \$800 and up |
| b. 10 hazmat employees or fewer. | | \$500 and up |
| C. Security Plan: | | |



File Complaint

- Promotes Safety
- High Priority
- Anonymous
- “What about that guy?!”
 - Opportunity to identify unknowns/“bad guys”



The screenshot shows a web browser window displaying a form titled "Complaints Concerning Violations of Hazardous Materials Regulations". The form includes instructions for users to fill in required fields (marked with an asterisk) and provides an option for anonymous reporting. A large text area is provided for the user's question or comment. Below this, there is a section for "Contact Information" with fields for Name, Organization, Street Address, City, State, Country (International Only), Zip Code, E-mail Address, Telephone Number, and Fax Number. The form also includes "Submit" and "Reset" buttons.



Hazardous Material Information Center

- 1-800-HMR-4922
1-800-467-4922
202-366-4488
phmsa.hm-infocenter@dot.gov



- **Have a question about transporting hazardous materials?** Need clarification on an entry in the [Hazardous Materials Regulations](#)? PHMSA's Hazmat Information Center provides live, one-on-one assistance Monday through Friday from 9AM- 5PM



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PHMSA – Southern Region
Arthur.Buff@dot.gov
office 404.302.4745



Thank you again for meeting with
me under blue skies so that if we
need each other in a storm

– we won't be strangers!

