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(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 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 subpart C of part 171 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.

(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) *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.

[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; 65 FR 50460, Aug. 18, 2000; 68 FR 14521, Mar. 25, 2003; 70 FR 73164, Dec. 9, 2005; 73 FR 4716, Jan. 28, 2008; 73 FR 57005, Oct. 1, 2008]

Subpart I—Safety and Security Plans

SOURCE: 68 FR 14521, Mar. 25, 2003, unless otherwise noted.

§ 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 or transports 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;