



US Army Corps
of Engineers ®

HTRW Center of Expertise Information – Fact Sheet

US Army Corps of Engineers

HTRW CX Regulatory Fact Sheet FY05-05

Title: Department of Transportation (DOT) and Department of Defense (DOD) Hazardous Materials (HAZMAT) Certification and Appointment Procedures

Date: July 14, 2005

Executive Summary: This Fact Sheet outlines suggested procedures for a hazmat employer to provide DOT and DOD certification to a hazmat employee executing hazmat pre-transportation and/or transportation functions. This Fact Sheet also provides recommended DOD hazmat authorization and appointment procedures.

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Discussion: Under 49 CFR 172 Subpart H, each hazardous materials (hazmat) employer must provide the required certification for his or her employees. This means that the District Commander or his/her designated representative must provide hazmat certification as per DOT regulation, *49 CFR 172 Subpart H*, (http://hazmat.dot.gov/regs/49cfr/172/172_subpart.htm), *EP 415-1-266, Resident Engineer Management Guide (REMG) for Hazardous, Toxic, and Radioactive Waste (HTRW) Projects* (<http://www.usace.army.mil/publications/eng-pamphlets/ep415-1-266/toc.htm>) and *EP 200-1-2, Process and Procedures for RCRA Manifesting* <http://www.usace.army.mil/publications/eng-pamphlets/ep200-1-2/toc.htm>. Also, an appointment letter certifying the hazmat employee is required from the District Commander or designated representative as per DOD regulation 4500.9-R, chapter 204, paragraph D.5. http://www.transcom.mil/j5/pt/dtrpart2/dtr_part_ii_204.pdf

Hazardous Materials Regulation (HMR) 49 CFR 172.702 states that the hazmat employer (i.e., the Commander or designated representative), shall ensure that each of its hazmat employees are trained in accordance with the appropriate requirements. A hazmat employee is a person who performs any functions involving the pre-transportation and/or transportation of hazmat, including hazardous wastes. Pre-transportation function means a function specified in the HMR that is

required to assure the safe transportation of hazmat in commerce, including-

- (1) Determining the hazard class of a hazardous material.
- (2) Selecting a hazardous materials packaging.
- (3) Filling a hazardous materials packaging, including non-bulk and bulk packagings.
- (4) Securing a closure on a filled or partially filled hazardous materials package or container or on a package or container containing a residue of a hazardous material.
- (5) Marking a package to indicate that it contains a hazardous material.
- (6) Labeling a package to indicate that it contains a hazardous material.
- (7) Preparing a shipping paper.
- (8) Providing and maintaining emergency response information.
- (9) Reviewing a shipping paper (including a manifest) to verify compliance with the HMR or international equivalents.
- (10) For each person importing a hazardous material into the United States, providing the shipper with timely and complete information as to the HMR requirements that will apply to the transportation of the material within the United States.
- (11) Certifying that a hazardous material is in proper condition for transportation in conformance with the requirements of the HMR.
- (12) Loading, blocking, and bracing a hazardous materials package in a freight container or transport vehicle.
- (13) Segregating a hazardous materials package in a freight container or transport vehicle from incompatible cargo.
- (14) Selecting, providing, or affixing placards for a freight container or transport vehicle to indicate that it contains a hazardous material.

Transportation means the movement of property and loading, unloading, or storage incidental to that movement.

The employee may not perform a specific function unless instructed in the requirements pertaining to that function. It is the duty of each employer to comply with these requirements and to thoroughly instruct and certify each employee. Training may be provided by the employer or other public or private sources under DOT regulation, however, DOD 4500.9-R, dated November 2004, provides a list of approved DOD training sources that must be used unless a waiver is obtained from higher Headquarters components.

In addition, the employer must ensure that each of its employees are tested by appropriate means on the training subjects covered in 49 CFR 172.704.

Hazmat employee training shall include the following:

- (1) General awareness/familiarization training. Each hazmat employee shall be provided general awareness/familiarization training designed to provide familiarity with the DOT requirements, and to enable the employee to recognize and identify hazmat consistent with the regulations.
- (2) Function-specific training. Each hazmat employee shall be provided function-specific training, which is specifically applicable to the functions the employee performs.
- (3) Safety training.

(a) 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.

(b) OSHA or EPA Training. Training conducted by employers to comply with the hazard communication programs required by the Occupational Safety and Health Administration (OSHA) of the Department of Labor (29 CFR 1910.120) to the extent that training addresses the training specified above, may be used to satisfy the training requirements, in order to avoid unnecessary duplication of 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 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.

(To determine whether or not a Security Plan is needed at a site, see <http://www.environmental.usace.army.mil/pdf/ftsht0303.pdf>)

In most cases, general awareness/familiarization training, function-specific training, safety training, and security awareness training can be provided through formal courses. Some function-specific training will have to be conducted at your specific facility. In addition, if a Security Plan is required, employees must also get In-depth Security Plan training at your facility.

Training

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 the employee performs those functions under the direct supervision of a properly trained and knowledgeable hazmat employee; and the training is completed within 90 days after employment or a change in job function.

Recurrent training. A hazmat employee shall receive the recurrent training every 24 months as per DOD 4500.9-R, November 2004.

Relevant training. Relevant training received from a previous employer or other source may be used to satisfy these requirements provided a current record of training is obtained from hazmat employees' previous employer.

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;
- (4) The name and address of the person providing the training; and
- (5) Certification that the hazmat employee has been trained and tested.

Compliance

Each hazmat employer is responsible for compliance with the hazardous materials regulatory requirements.

Summary Training Chart

<i>Course Name for general awareness, function-specific, and and security awareness training</i>	<i>Basic Course needed for general awareness, function-specific, and and security awareness training</i>	<i>Basic refresher needed</i>
OSHA/DOT Safety Training	HAZWOPER	HAZWOPER
HW Certification only	223	429 - 16 hour
Class 7 Certification only	441 (Does not include HW)	430 – 20 hour (Includes HW)
Class 9 (for Radionuclides only)	223 (Includes HW)	430 – 20 hour (Includes HW)
Ordnance and Explosives (Does not include HW)	See list in DOD Inst 4500.9 – R	

Note: The PROSPECT courses listed above, or their equivalent must be taken before the employer can certify for shipments of hazardous and radioactive wastes. (see DOD Regulation 4500.9-R, Chapter 204) In addition, function-specific training as well as site-specific in-depth security plan training may be required for the facility.

Summary of Procedures for obtaining DOT and DOD HAZMAT Certification, Authorization, and Appointment

Step 1. Hazmat employee takes OSHA HAZWOPER initial or refresher training as applicable to fulfill safety training portion of the training requirements.

Step 2. Hazmat employee involved with shipping hazardous wastes, asbestos, PCBs, Class 9 radioactively contaminated materials, takes initial or refresher DOT/Hazardous Waste Manifest Training as applicable. PROSPECT course number 223 and 429/430. Any additional, on-site function-specific training for a particular function should be provided on site as necessary.

Step 3. For employees shipping Class 7 materials and wastes, a commercial Radioactive Waste Packaging, Transportation & Disposal Initial Course or PROSPECT course number 441. Contact HTRW CX to arrange for course 441.

Step 4. For employees shipping Class 1 explosives, initial training is required from sources identified in DOD 4500.9-R.

Step 5. Employee is tested and a course certificate is provided to student by instructor. This is **not** the DOT or DOD required certification. DOT certification comes from the employer, i.e. the District Commander or delegated representative. In addition, DOD requires the employer to provide an appointment letter to the person performing the hazmat functions. This may be a single letter.

Step 6. Employee requests certification/appointment letter from District Commander or delegated representative by submitting qualifications and other information to the Commander or delegated representative with a cover letter. An example letter is provided herein (Attachment (1)). An alternative would be for a delegated representative to track the training requirements, on behalf of the Commander, and issue the certification/appointment letters as the employees are trained.

Step 7. Commander or delegated representative issues certification/appointment letter to employee as appropriate. Two example letters are provided herein (Attachments (2) and (3)).

Example Resume Letter

Office of Signatory

Date

MEMORANDUM FOR: Commander

SUBJECT: HTRW/Environmental Resume of _____

1. On 13 March 1996 HQUSACE issued a construction bulletin, CB 96-09, which outlines USACE policies and procedures for the implementation and execution of hazardous waste manifests and associated paperwork. The bulletin has since been replaced with EP 415-1-266, *Resident Engineer Management Guide (REMG) for Hazardous, Toxic, and Radioactive Waste (HTRW) Projects*. In accordance with EP 415-1-266 paragraph 7-_____, and DOD regulation 4500.9-R, Defense Transportation Regulation (DTR) DOD Regulation 4500.9-R, Part II, Chapter 204, I am hereby requesting formal authorization and appointment for

_____ to sign hazmat documentation, including manifests and other shipping documents on behalf of _____ (name agency: the Corps, EPA, DOD, etc.)

2. Department of Transportation regulations in 49 CFR 172.704 and DOD 4500.9-R require the following information to be completed and maintained on file for each hazardous material employee. Provided herein is the necessary information pertaining to the qualifications of _____.

a. Environmental/HTRW Training and Education Experience:
(List manifest courses, DOT courses, OSHA courses, etc. Identify if 223, 429, and 441 have been taken.) Provide the following: Dates courses were taken and location of training. Provide description of course (suggest attaching a course agenda). Identify location at which training materials are retained. Provide name, organization and address of trainer. Include a copy of the training certificate demonstrating course completion.

b. Environmental/HTRW Experience, including specific hazmat functions performed or to be performed as per area of training: (List applicable experience in signing shipping documents and/or manifests, packaging, labeling, etc.)

c. Performance and competency: (Discuss employee performance to date.)

Signature of Trainee's supervisor

Attachment (1)

Example Certification, Authorization, Appointment Letter

CEXXX-DE

Date

MEMORANDUM FOR Office of Designated Signer

SUBJECT: Hazardous Material Employee Training Certification and Manifest Signature Authorization – Appointment Letter

1. References:

- a. 49 CFR 172 Subpart H, Hazardous Materials Regulations, Training
- b. EP 415-1-266, Resident Engineer Management Guide (REMG) for Hazardous, Toxic, and Radioactive Waste (HTRW) Projects
- c. EP 200-1-2, Process and Procedures for RCRA Manifesting
- d. DOD Regulation 4500.9-R, Defense Transportation Regulation (DTR) DOD Regulation 4500.9-R, Part II, Chapter 204

2. This memorandum serves to certify that Mr./Ms. _____ has been trained and tested in the general awareness and function-specific requirements pertaining to his/her responsibilities in accordance with DOT hazardous materials regulations as required by the above references and as detailed in Attachment A.

3. The above named Certifying Official is hereby certified, authorized and appointed as required by the above references and directed to execute any and all [hazardous material], [hazardous waste], [Class 7 radioactive waste], [Class 9 FUSRAP wastes], [asbestos] and [PCB] shipping documents, including manifests for the U.S. Army Corps of Engineers, _____ District/Division, as the generator for the projects identified herein. This authority and appointment applies to the execution of any documents or paperwork, including, but not limited to, [hazardous material], [hazardous waste], [radioactive waste], and [PCB manifests], [DOT shipping documents], [asbestos waste shipment records], [land disposal restriction notifications], [waste profiles] and any items associated with the completion of manifests for the transportation and storage, disposal or treatment of [hazardous wastes], [radioactive wastes], [PCBs], and/or [asbestos].

4. This authority and appointment is limited as follows:

a. arranging for the shipments of _____ (hazardous material, hazardous waste, Class 7 radioactive waste, Class 9 FUSRAP wastes, asbestos and/or PCB shipping)

b. projects performed by or for the U.S. Army Corps of Engineers, _____ at (choose appropriate sites: Defense Environmental Restorations Sites, Formerly Used Defense Sites, Formerly Used

Site Remedial Action Program, Superfund Sites, DOE sites, _____
Civil Works Project Office/Lock/Dam/Recreation Facility, etc.) to which the appointed
person is assigned (for Government inspection and/or quality assurance duties).

c. A draft of all documents will be provided to _____ for
review prior to execution. (If HTRW construction projects, drafts may be first
reviewed by engineering or if civil works project documentation, drafts may be
reviewed by ECC or project engineer as identified by district.)

5. The execution of manifests for these projects shall be considered for all purposes
to be within the scope of the duties and employment of _____
and by and for the _____ District/Division. This memorandum also serves
as the DOD required appointment letter.

6. A copy of all manifests and associated documentation shall be maintained at
_____.

7. This authorization is conditional upon the following:

a.

b.

8. In accordance with existing DOD 4500.9-R, this authorization/appointment
expires 24 months from the date of the most recent training, which is
_____.

FOR THE COMMANDER:

Signature of Commander

Attachment A Employees Environmental Resume

Attachment (2)

Example Certification, Authorization, Appointment Letter

EXP: 2 March 2002

CEXXX-DE

Date of letter

MEMORANDUM FOR See Distribution

SUBJECT: Appointment Letter: Hazardous Material Employee Training Certification and Manifest Signature Authorization

1. References:

- a. 49 CFR, Part 172, Subpart H, Department of Transportation (DOT) Hazardous Materials Transportation Requirements
- b. DOD Regulation 4500.9-R, Defense Transportation Regulation (DTR) DOD Regulation 4500.9-R, Part II, Chapter 204
- c. EP 200-1-2, Process and Procedures for RCRA Manifesting
- d. Construction Bulletin 98-04, 14 May 1998, Hazardous Waste Manifest Signature Policy and Procedures – Formally Utilized Sites Remedial Action Program (FUSRAP)
- e. CENWO-HX-T Memorandum, dated 30 June 1998, Subject: Policy Clarification for FUSRAP Manifest Training Requirements and Notification Requirements

2. This memorandum serves to certify that the following hazardous material (HAZMAT) personnel have been trained and tested in accordance with DOT hazardous materials regulations (Reference [a]) and as required by Reference (b):

Employee	Office Symbol		
John Smith	CELRQ-CO-AB		

The certificates earned for this training are attached (Enclosures 1-X).

3. The personnel listed in paragraph 2 are appointed Certifying Officials that are hereby authorized and directed to execute any and all hazardous waste, asbestos, and Polychlorinated Biphenyl (PCB) manifests for the U.S. Army Corps of Engineers (USACE), _____ District, as the generator for the projects identified herein. This authority and appointment applies to the execution of any documents or paperwork, including, but not limited to, hazardous waste and PCB manifests, DOT

notifications, waste profiles, and any items associated with the completion of manifests for the transportation and storage, disposal or treatment of hazardous wastes, PCBs and/or asbestos.

4. The authority described in paragraph 3 is limited as follows:

a. Certification applies to projects performed by or for the USACE, _____ District at the projects to which the Appointed/Certifying Official is assigned (for Government inspection and/or quality assurance duties).

b. Only _____ and _____ have completed the required function-specific training entitled "Radioactive Waste Packaging and Transportation," and the 20-hour refresher training. These are the only two individuals within the USACE, _____ District, who are authorized to sign manifests and other shipping documents relating to the transportation of Class 7, Radioactive Wastes generated from FUSRAP sites (Reference [e]).

c. To ensure technical accuracy, the final execution of all of paperwork shall be subjected to an in-house review. To this end, the Appointed/Certifying Officials shall submit draft documents to _____ for a quality assurance review. This internal review should not hinder the administration of manifests and related hazmat documentation. It is common practice by most Contractors to prepare such documents in advance, and make them available for review, prior to the transportation of regulated wastes off-site.

5. The execution of manifests for the projects shall be considered for all purposes to be within the scope of the Appointed/Certifying Official's duties and employment, and by and for the USACE, _____ District.

6. A copy of all manifests and associated documentation executed by the Appointed/Certifying Official shall be maintained in the files of the Appointed/Certifying Official and/or his immediate supervisor, at their respective duty station.

7. The authorization and appointment provided in paragraph 3 is conditional upon the following:

a. This memorandum, including the enclosure, must be maintained on file at the employee's duty station for as long as this employee acts as a hazmat employee, and for a minimum of 90 days thereafter.

b. In accordance with existing DOD regulation, this authorization and appointment expires 24 months from the date of the most recent training, which is _____.

Signature of Commander

Enclosures

Attachment (3)