

CHAPTER 6

PLANNING AND PRIORITIZING ACTIVITIES

SECTION 6.1 – PURPOSE

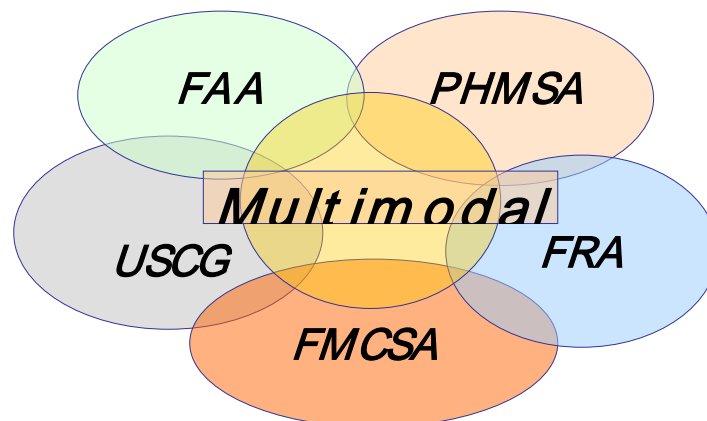
The purpose of this chapter is to provide guidance for planning and prioritizing operational activities. Supervisors (Regional and Special Investigation Directors) are responsible for providing current guidance to their assigned investigator staff for planning and prioritizing the regional activities consistent with national goals.

SECTION 6.2 – POLICY

PHMSA's Hazmat Field Operations is small when compared to the vast number of hazardous materials activities that occur in industry every day. In order to maximize the value of its limited resources, the field focuses its activity in a risk-based manner. The objective is to prioritize who is inspected and investigated, what avenues are explored with the regulated entity to bring about compliance, and how Field Operations reviews the relevant data. One of the field's primary goals is to improve the quality and availability of the data used and to re-focus its resources on those companies posing the greatest risk to transportation safety and security.

Field Operations conducts extensive reviews and analysis of internal/external data and focuses more than ever on using the data to drive the program. In an effort to improve the process and maximize its resources on those activities posing the greatest risk, the field ranks inspection priorities utilizing the Hazardous Materials Intermodal Portal (HIP) Itinerary Planner in accordance with the National Business Strategy.

- **HIP is a web-based hazardous materials intelligence fusion center that provides centralized access to vital data and information to support risk management, transparency, and decision support objectives**



The National Business Strategy sets the annual priorities of the field for each year. The Enforcement Division targets serious risks by considering both the likelihood and consequence of an event. This include companies involved in serious incidents, high risk, and/or high consequence transportation related activities, companies that have been involved in repeated incidents, have poor safety records or compliance histories, and companies against which complaints have been filed. All of this information is compiled through internal and external data sources.

Internal data sources consist of but are not limited to: HMIS, HIP, ACS, MISSLE, SAFER, and other federal data systems. Some of the most valuable external data sources come from your state and local partners such as State Fire Marshals, State Police, State Emergency Response Agencies, etc.

Supervisors and investigators will consider many factors when reviewing data. Four main focus points will include but are not limited to:

Exposure: How often is a hazardous material shipped by the same company? What is the volume being shipped? Are many companies engaged in shipping the same or similar hazardous materials within a concentrated area? (Example: gasoline.) Is the community where the shipments occur densely populated?

Consequence: Will an incident involving small or moderate quantities of the hazardous material be likely to cause injury, death, damage to the environment, or disruption of normal social activities? (Example explosives, Toxic by Inhalation, High activity radioactive materials.)

Incident History: Does a single person or carrier within your region have a history of incidents that is abnormally high? Is there a trend or pattern with certain types of hazardous materials involved in incidents?

Compliance History: Is there a person or industry within your region that has a history of serious noncompliance? Even frequent noncompliance of a less serious nature may be a leading indicator of more serious issues that are developing.

SECTION 6.3 – INSPECTION PLANNING

Each investigator shall utilize the HIP itinerary planner (HIP-IP) to begin the inspection planning process. The HIP-IP was designed to enhance resource management utilizing technology. It centralizes enforcement information and standardizes the itinerary planning process nationally avoiding overlap with the modal administrations.

The HIP-IP will generate a priority inspection itinerary organized in order of risk, with the highest risk activity being number one. The list will differ greatly from region to region because the hazardous materials industry is different in each region.

These inspection lists will be automatically updated daily or as operations dictate. This tool will be utilized in planning assignment of resources and prioritizing activities.

SECTION 6.4 – ORDER OF PRECEDENCE

The order of precedence for handling the various types of investigations is set by the Associate Administrator for Hazardous Materials Safety, National Field Leadership Team, and National Business Strategy.

A description of and instructions for each category of inspection activity are contained in the following paragraphs. Priority of accomplishment and assignment of resources shall be as follows:

<u>Priority</u>	<u>Category</u>
1	Accident Investigations
2	Complaint Investigations
3	Fitness Inspections
4	Priority Inspections List
5	Joint Inspection Activities
6	Re-inspections
7	Routine Inspections

***Note:** The priority of any activity may vary given unusual circumstances. Adjustments may be made by leadership according to changing circumstances.

Accident Investigations – Since PHMSA does not generally inspect carriers, accident investigations are not conducted in the usual sense, i.e. first response, initial on-scene investigations. Usually PHMSA becomes involved after the accident in an effort to determine if noncompliance with the HMR contributed to the accident or if the HMR has a potential deficiency and needs to be addressed. A situation report (SITREP) will be completed for each accident or incident investigation.

Accident investigations will be assigned by supervisors. Following the accident investigation an Inspection/Investigation Report must be prepared and submitted for review.

Complaint Investigations – Complaints are received in many forms. They may be received via telephone, letter mail, e-mail, web, or in person when conducting an inspection, investigation, attending meetings, or seminars.

Anyone has the right to file a complaint. The complaint may come from a private citizen, a company, a local or state government, other Federal agencies (including the Inspector General which requires special handling by supervisors), or a colleague within the Department of Transportation. Many persons filing a complaint may request anonymity.

- When a complaint is received, it must be entered in HMIS. If the complainant has requested anonymity, in place of the name enter Mr. or Ms. Anonymous. When entering the complaint it is assigned to the region where the investigation will take place. The supervisor will assign a specific investigator. Usually the HMIS will send an e-mail to the supervisor where the complaint is assigned. However, it is a good practice to make a copy of the complaint after input into HMIS and email to the region responsible for investigating the complaint.
- Investigators have 90 days to complete complaint after its assigned; however circumstances may require that the complaint be given more expeditious handling, which will be acknowledged by the supervisor.
- When a complaint is taken, perform a complete interview of the complainant obtaining as much information about the complaint as possible. Use the Who, What, Where, When, How, and Why method. Try to obtain a means of further contact, telephone number or e-mail address, so the assigned investigator can conduct further interview(s) if necessary.
- When a written complaint is received, forward it to the supervisor handling the complaint.

Fitness Inspections – Fitness inspections are conducted in accordance with Chapter 19 of this manual. They are primarily completed as requested by (1) the Hazardous Materials Safety Approvals and Permits Division; (2) based on an investigation initiated by the Enforcement Division; or (3) during a routine inspection an observation is made pertaining to a special permit or approval activity.

Priority Inspections – Most of the activity (inspections and investigations) assigned will originate from the HIP-IP. Investigators must follow steps outlined in the HIP-IP training guide provided by the information technology team. Each supervisor has the ability to add external data priorities to any inspection itinerary manually. The external list is complementary and compiled by supervisors after a detailed review of many data sources, thereby providing a sound baseline and understanding of the hazardous materials activities within the region of their responsibility.

When approving itineraries, supervisors must continue to consider compliance history, incident history, type hazmat shipped (including high hazard or high consequence materials), volume of hazmat shipped and frequency (high exposure), and mode of shipment. This enables PHMSA's Hazmat enforcement team to sustain a risk based – data driven approach to enforcement and compliance, maximizing its production value of its limited resources.

Joint Inspection Activities – PHMSA Field Operations is a multi-modal operation and specializes exclusively in hazardous materials. PHMSA’s strategic goal is to leverage its resources and HM expertise by fostering partnerships with the modal administrations, other federal agencies, and state and local authorities. This is accomplished in many ways. One way is through participation in Multi Agency Strike Force Operations (MASFO’s). Another is to work jointly with another mode or agency on areas of mutual interest.

By working together the agency can build on the concept of shared responsibility with partners and provide training and assistance in the areas of HM enforcement. Leveraging resources with partners increases the field efforts as a force multiplier in enforcement, compliance, industry outreach, and public education. The field also receives valuable and unique training and experience from partners while conducting joint inspection activities.

Re-inspections – Re-inspections are inspections of entities previously subject to a civil penalty case or ticket. The purpose of the re-inspection is to verify compliance by an entity known to have violated the Federal hazardous materials transportation law in the past, in order to determine the effectiveness of PHMSA’s hazardous materials inspection and investigation program.

Unless directed by leadership, or circumstances present based on a complaint or accident warranting a shorter duration, an entity involved in a civil penalty case becomes eligible for re-inspection one year after issuance of an uncontested final order or, if contested, one year after the final dispensation. An entity receiving a ticket for noncompliance becomes eligible for re-inspection 6 months after the ticket action is closed.

Routine Inspections – In addition to responding to known or suspected problems or noncompliance, the Enforcement Division inspects companies involved in the hazardous materials transportation industry on a routine basis to monitor their compliance with the HMR, approvals and permits. Some of the inspections performed may fall into this category. The key difference between these and other inspections/investigations is that the field has little or no information about the entity, its compliance, or current activity profile. The Enforcement Division will make use of its data sources to schedule inspections of packaging manufacturers and certifiers, requalifiers, reconditioners, repairers, rebuilders, NVOCCs, and shippers.

SECTION 6.5 – Preparing the Inspection/Investigation

Investigators will want to know as much about an entity before physically showing up for an inspection or investigation. HMIS contains information on registration, permits, approvals, incidents, and prior enforcement history. The Hazmat Inter-modal Portal (HIP) will provide a profile of the entity with respect to the modal administrations. The more that is known about an entity, the better chance to conduct a comprehensive inspection or investigation. Chiefs will identify additional sources of information for entities in assigned region.

Planning Itineraries – The field inspection destination within each region or program area is determined by the HIP-IP. The entry with the highest priority ranking (that has not had action) will often determine primary location of inspection travel for a given week.

The main priority driven activity might not take an entire week. Therefore, in order to maximize the office financial allocations, each investigator will include a combination of the other inspection activities listed above. All inspection activities must be selected in the order of precedence listed above. It is prudent to have alternatives on the itinerary list.

Unless directed by leadership, a travel week is 4 full days of activities (including inspections, investigations, and outreach), allowing a half day to travel to and from the area working which is not always be possible. Supervisors will provide guidance. Normal travel itineraries are due to the supervisor 2 weeks prior to travel beginning.

Travel Authorization – Once an itinerary is approved by the supervisor, the investigator will need a travel authorization. Unless otherwise directed, only trip-by-trip authorizations will be selected in the agency travel management system (GovTrip). Travel authorizations will be initiated anytime inspections/investigations are conducted outside of 50 miles from office location and residence combined.

A printed copy of the travel authorization will be maintained during a trip with investigator travel equipment. All personnel not assigned to an area of travel must notify the local regional supervisor of the impending trip to ensure support is available and to possibly handle any local inspection priority, if time permits. This notification must be in writing with a copy provided to the investigator's assigned supervisor.

Travel Equipment – Each investigator must arrive ready to conduct the inspection. An investigator must have (at a minimum) their credentials, a current copy of 49 CFR, the inspection forms related to the type of inspection i.e. cylinder requalifier inspection form or drum observation form, a measuring device (ruler), and a camera.

An investigator will supplement the equipment and regulatory material listed above depending on the type inspection/investigation. When investigators are conducting radioactive materials or explosives inspections, the Special Investigations program manager will assist in obtaining the proper equipment.