

Training Requirements FAQ

Q. May a hazmat employer/employee train and test themselves (e.g., owner-operator)?

A. Yes, self-training is acceptable provided that all training requirements of § 172.704 are met.

Q. Who certifies that an instructor is qualified to train, test, and certify in accordance with § 172.704?

A. Except for certain FAA required CFR 14 training, the U.S. DOT does not review or certify training programs for pre-approval purposes. The employer must determine a trainer's qualifications based on their need.

Q. Does the trainer who teaches and tests the hazmat employee certify that the hazmat employee is trained/tested?

A. No, the hazmat employer must certify that the employee has been trained and tested.

Q. If an outside source trains but does not test the employee, must the employee be tested and certified based on this training?

A. Yes. It is the responsibility of the hazmat employer to meet these training requirements. However, a hazmat employer may designate an outside source to train, test, and certify on its behalf.

Q. Must the test be in a written format or may a skill demonstration be used?

A. Any test that ensures that the employee can perform the assigned duties in compliance with the HMR is acceptable. Training and testing may be accomplished in a variety of ways: performance, written, verbal, or a combination of these.

Q. Must the employee "pass" a test?

A. The requirements do not state that the employee must "pass" a test; however, an employee may only be certified in areas in which he/she can successfully perform their hazmat duties.

Q. Does IMDG Code, ICAO Technical Instructions, OSHA or EPA training fulfill the HMR requirements?

A. This training may be used to the extent that the general awareness, function specific, and safety training and testing requirements of the HMR are met. Areas not covered will require additional training.

Q. Who will enforce the training requirements in § 172.704?

A. Enforcement pertaining to carriers is the responsibility of each modal administration. Compliance or non-compliance with the training rule will be determined during safety and compliance reviews of shippers and carriers.

Q. What type of fines would be involved?

A. Violations of any hazardous materials regulations including training may be subject to a civil penalty of up to \$27,500 for each violation and, in appropriate cases, a criminal penalty of up to \$500,000 and/or imprisonment of up to 5 years. (See 49 CFR § 107.329 and § 107.333.)

Q. An office secretary types the required hazardous materials description on a shipping paper at the direction of another, item by item. Is the secretary a hazmat employee requiring training?

A. Yes, each person who performs any function subject to the HMR must be trained, except special circumstances addressed by 172.704(c).

Q. Do the training regulations apply to foreign flag vessels carrying hazardous materials?

A. Yes, the regulations apply to each domestic and foreign vessel when in dry dock or in navigable waters of the United States.

Q. Do the training regulations apply to a hazmat employers and/or employees who operate a bulk vessel transporting hazardous materials?

A. No. Except for transportation in bulk packagings, the bulk carriage of hazardous materials by water is governed by 46 CFR Chapter I. See 49 CFR § 176.5(d).

Q. Is a shipmaster a hazmat employer?

A. No, the shipmaster is a hazmat employee; the operator of the vessel is the hazmat employer.

Q. Do the regulations apply to employees working with materials that are consumer commodities?

A. Yes.

Q. Does a Commercial Driver's License (CDL) with HM/tank vehicle endorsement satisfy requirements?

A. A Hazmat employer must determine applicability of CDL to the specific functions the employee performs and provide training for functions not covered by the endorsement.