

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



**Port Operations Program
February 2008**

1.0 INTRODUCTION

The Port Operations Program is established as set forth by the Director of Office of Hazardous Materials Enforcement (OHME) in order to strengthen and enhance the focus and ensure the uniform application of OHME's port inspection operations of hazardous materials transportation.

2.0 PURPOSE

This program is established in order to develop and implement standardized protocols and procedures and maximize outcomes of OHME's port inspection operations to include inter-modal containerized and portable tank inspections conducted by OHME Investigators as the PHMSA OHME **Port Inspections Team (PIT)**.

3.0 MISSION STATEMENT

The team's mission is to protect the people, property, and environment from the risk inherent in transportation of hazardous materials by all modes of transportation. The PIT will accomplish this by inter-agency cooperation in the use of risk based approaches to identify high risk and high consequence activities and shipments regarding the areas specific to transportation of hazardous materials in the maritime industry. The team will also develop coordination mechanisms to facilitate effective national inspection/investigation and technical response for sea port activities including jurisdictional incidents and multi-agency assistance.

4.0 SCOPE

DOT is experiencing an increasingly growing and global economy that is primarily entering and exiting thru U.S. sea ports. There are several million HM freight containers annually traveling these ports. PHMSA's focus on risk based inspections of containerized and portable tank cargoes at US sea ports provides strategic oversight of certain HM before it enters the US transportation stream. Federal Hazardous Materials Transportation law, 49 U.S.C. 5101-5127, and the regulations implementing the Federal Hazmat law are codified in 49 CFR 100-185. Under the current authority, PHMSA may inspect hazardous materials shipments and cargo at maritime port facilities, including opening of freight containers, under authority granted in 2005 (SAFETEA-LU), which

authorizes a designated agent of the Secretary of Transportation to open and examine a package offered for, or in, transportation when an officer, employee, or agent has an objectively reasonable and articulable belief that the package may contain a hazardous material.

NOTE: Until PHMSA publishes the “Open Package” final rule and the development, completion and approval of the corresponding OHME operating procedures for package opening, OHME will not physically lead or perform any opening of a HM package or freight container.

5.0 OBJECTIVES

Carry out the functions of the PHMSA OHME National Business Strategy as it relates to port activities.

6.0 ROLES

a. Leadership

Director, OHME

- Will assign a Port Inspection Team lead from investigative staff.

Region Chiefs

- Supervision of the PIT team leader will be the responsibility of the Region Chief for which the team leader reports in the duty station assigned.
- Each Region Chief will assign at least one Investigator to become a team member of the PIT.
- Provides direction, guidance, and enables implementation of PIT activities.
- Communicates and coordinates activities with other Region Chiefs.

b. Port Inspection Team Lead

- The duties of the team lead are to coordinate and communicate port operations activities with team members, maintain a central data base of all port inspection activities, set national goals and priorities of the team, ensure team members are trained regarding inter-modal activities, develop a risk based priority matrix, and provide briefs of all activities to the Director of OHME, and Region Chiefs.
- The team lead will be responsible for developing partnerships and be the primary point of contact with the U.S. Coast Guard Container Inspection Training Team (CITAT) regarding nationwide inter-modal operations.
- The team lead must also be capable of performing all duties required of team members including Explosive Handling Operations (EHS).

c. Port Inspection Team Members

- The duties of the team members are to develop regional partnerships with Federal, State, and local enforcement agencies, Port Authority representatives, and industry stakeholders, including the International Vessel Operators Hazardous Materials Association (VOHMA).
- Each team member will become familiar with the geographical layout of the port terminal areas in their region; compile data/statistics regarding number of Marine Transportation Security Act inter-modal terminals, including the average tonnage of hazardous cargo shipments, names and contacts of each steamship line, and provide copies for input in the National Data Repository.
- Each team member must be capable to lead and conduct port inspections, Multi-agency Strike Force operations (MASFO), and enforce international vessel transportation requirements in accordance with 49 CFR and IMDG code.
- Team members must be capable to respond to request for investigative assistance predicated by U.S. Coast Guard, U.S. Customs and Border Protection, and other various law enforcement/emergency response agencies regarding issues that fall under the jurisdictional purview of PHMSA OHME.
- Team members are required to provide accurate and timely Situation Reports (SITREP) to any responses in a port zone or any predicated port investigation as required by (**OHME Operation Guidance – Accident & Emergency Response & Investigation Policy - dated November 2007**).
- Team members may be required to work arduous hours during certain operations and investigations, and must be accessible and respond on short notice during non-core work hours
- Each team member will forward the data to the team lead for data collection and analysis.

c. PIT Working Group

- Special work group will be established to develop PHMSA's OHME National Container Inspection Program (CIP), outlining standardized procedures, protocols, jurisdiction, and legal considerations for PHMSA Investigators that conduct port operation activities.
- The working group will consist of the Region Chiefs and the PIT team members.
- The work group will also include OHME's National Training Coordinator to develop standardized Performance Qualification Standards (PQS) for Investigators regarding container inspections.
- The working group will forward the CIP plan to the Director, OHME, for approval.