

CHAPTER 4

ENFORCEMENT DIVISION

STAFFING AND FUNCTIONS

SECTION 4.1 - ORGANIZATION

OHMS Field Operations Enforcement Division is one of seven offices under the executive leadership of the Associate Administrator for Hazardous Materials Safety. The division and its mission are managed by the Director of Field Operations and Enforcement.

The Director's core senior field staff serves as part of the National Field Leadership Team consisting of: the Enforcement Officer and Supervisory Investigators. These supervisory investigators have the functional title of (*Regional or Special Investigations*) Director, but are also referred to as field, unit, or regional supervisors. The National Field Leadership Team develops and implements the activities, functions, goals, and policies of the enforcement office nationwide.

In headquarters, supporting the Director is an Enforcement Officer, whose primary duties are operational validation of the OHMS inspection program, including liaison with the organizational units in OHMS Field Operations, and liaison with the Office of the Chief Counsel for the enforcement program. The Headquarters is staffed with the National Field Training Officer, Enforcement Officer Assistant, Senior Investigator and an administrative assistant.

The Field Operations Units include: (1) Special Investigations, Washington, D.C.; (2) Eastern Region, West Trenton, New Jersey; (3) Southern Region, Atlanta, Georgia; (4) Central Region, Des Plaines, Illinois; (5) Southwest Region, Houston, Texas; and (6) Western Region, Ontario, California. Within the field units there are remote office where investigators work from remote duty locations (residence). This serves to maximize the presence of the Field Operations within the regulated public.

Special Investigations is staffed by a supervisory investigator, senior investigators/program managers, investigators, and an investigative assistant. Investigators specialize in explosives transportation, radioactive materials transportation, the manufacture, rebuilding, and repair of compressed gas cylinders, and in United Nations packaging. The investigative assistant handles the expired special permit program, the HMI failure to report program, and the undeclared shipment program.

Each regional office is staffed by a supervisory investigator, a senior investigator, and investigators. These investigators are proficient in the inspection of package manufacturers, package certifiers, cylinder requalifiers, drum reconditioners, shippers, freight forwarders, and other types of inspections. They also participate in Multi-Agency Strike Force Operations (MASFOs) and joint activities with other federal and state agencies.

SECTION 4.2 - Field Operations Headquarters

- The Director of Field Operations is the leader, manager, and overall supervisor of the enforcement staff, activities, and operations nationwide. The incumbent provides the vision of the office and serves as the primary hazmat enforcement liaison with the Legislative Branch, Federal Agencies, interested parties, regulated industries, and the general public for PHMSA.
- The Enforcement Officer serves as the primary liaison between enforcement operations, OHMS offices, and PHMSA's Office of Chief Counsel for enforcement actions and legal determinations and related matters. The Enforcement Officer also serves as a senior technical advisor for the Office. The Enforcement Officer Assistant serves to assist the Enforcement Officer's role.
- The National Field Training Officer leads and executes the OHMS Investigator Training and Certification Program nationwide and to members of other Federal, State, Local and Tribal hazardous material enforcement organizations as requested or directed.
- The National Response Investigator is a senior investigator that serves to assist or lead significant investigations for the Office. The role serves to provide a high degree of technical and tactical expertise in hazardous materials enforcement and investigatory activities.
- Director, Special Investigations is the supervisor of the Special Investigations Unit ensuring the oversight of identified high risk, high hazard regulated activities, and serves as the Director's primary advisor on specialized hazardous materials. The incumbent also facilitates Field Operations participation in the promulgation of hazmat regulations.
- Regional Directors are PHMSA's field representatives and regional supervisors of assigned personnel. The incumbents act on behalf of the AAHMS and Director of Field Operations. They supervise the daily operations of the field office and enforcement activities.

The OHMS National Field Leadership Team is also charged to:

- Advise the Associate Administrator for HMS and OHMS Division Directors on policy development and program requirements for safety, inspection, and enforcement of hazardous materials regulations.
- Evaluate data from internal and external sources to identify risk in hazardous materials transportation and advise the Associate Administrator of proposed actions to mitigate risks.

- Coordinate with other agencies to leverage resources to accomplish safety objectives.
- Ensure inspections and investigations are conducted to determine compliance with the Federal hazmat law and the HMR, including special permits and approvals issued thereunder.
- Investigate incidents to determine if noncompliance with the HMR was a contributing factor in the incident or if modification of the HMR is necessary.
- Establish and maintain liaison with other Administrations in the Department, Federal agencies, and state and local enforcement organizations concerning inspection and enforcement matters pertaining to hazardous materials transportation.
- Advise the Office of Hazardous Materials Safety on the enforceability of proposed and existing regulations.

SECTION 4.3 - SPECIAL INVESTIGATIONS

- Conducts inspections and investigations necessary to ensure compliance with the HMR with emphasis on the manufacture of compressed gas cylinders, the transportation of explosives, the transportation of radioactive materials, and the design and certification of United Nations packaging.
- Investigates hazardous materials transportation incidents in cooperation with federal and state agencies, when directed.
- Serves as the Department's technical experts, providing assistance and training to the Department's modal administrations, Federal agencies, and state and local agencies involved with hazardous materials enforcement activities.
- Maintains liaison with the Nuclear Regulatory Commission, Bureau of Alcohol, Tobacco and Firearms, U.S. Customs Service, and other Federal, state and local agencies regarding enforcement of the HMR.
- Investigates referrals from HMAPD concerning persons who continue to operate under the terms of special permits which have expired.
- Investigates referrals from HMPPD concerning persons who fail to file telephonic and/or written notifications of unintentional releases of hazardous materials during transportation.
- Assists the National Field Training Officer in training other members of the field in inspection of facilities involved in the transportation of radioactive materials, compressed gas, explosives, and certification of United Nations packaging.

- Develops enforcement actions based on established policies and procedures.
- Purchases packages utilized in transportation for testing.
- Conducts regulatory review and analysis of proposed and existing hazardous materials transportation regulations to ensure enforceability.
- Assists the DOT modal administrations, other Federal agencies, state enforcement agencies, industry, and the public in understanding and/or complying with the regulations through telephone calls, during inspections, in training activities, and in meetings, seminars and workshops.

SECTION 4.4 - REGIONAL OFFICES - (INVESTIGATORS)

- Conduct inspections and investigations necessary to ensure compliance with the HMR with emphasis on packaging manufacturers, drum reconditioners, cylinder requalifiers, and shippers subject to the HMR.
- Conduct and/or assist in Special Investigations Unit with performance of a program area of concentration unique inspection.
- Conduct inspections of special permits and approvals issued by HMAPD.
- Investigate hazardous materials transportation incidents in coordination with other Federal and state agencies, when directed.
- Investigate undeclared shipments reported through the incident reporting system.
- Develop enforcement cases based on established policies and procedures.
- Provide advice and technical guidance to the modal administrations within the Department.
- Develop and implements policies to increase the effectiveness of the hazardous materials enforcement program.
- Participate in intermodal and interdisciplinary task forces and teams.
- Conduct regulatory review and analysis of proposed and existing hazardous materials transportation regulations to ensure enforceability.
- Monitor data bases for compliance with the requirements for obtaining or renewing an approval from HMAPD.

- Conduct Fitness Inspections or Investigations as needed.
- Purchase packaging in the field for the Container Compliance Testing Program.
- Maintain liaison and conduct joint inspections with Federal, state and local agencies with enforcement of the HMR.
- Purchase hazardous material in the field for laboratory testing as part of the Product Testing Program.
- Assist the DOT modal administrations, other Federal agencies, state enforcement agencies, industry, and the public in understanding and/or complying with the regulations through telephone calls, during inspections, in training activities, and in meetings, seminars and workshops.

Note: Personnel assigned to remote duty locations are under the direction of a unit supervisor and maintain the assigned office functions and responsibilities as provided by responsible supervisor.

SECTION 4.5 - PHMSA SYSTEMS INTEGRITY SAFETY PROGRAM (SISP)

- SISP serves to enhance safety and ensure full compliance with the Hazardous Materials Regulations (HMR).
- Through SISP, PHMSA provides in-depth analyses, observations, and cooperative follow-up investigations to regulated entities
- Senior Investigators are assigned to each region but perform duties nationally to ensure a dedicated team approach.
- SISP is designed to achieve PHMSA's goal of enhancing the safe transportation of hazardous materials while partnering with stakeholders to achieve compliance.
- SISP operations are outlined in detail in the SISP Operational Policy Document.

SECTION 4.6 - NATIONAL INSPECTION TEAMS

PHMSA OHMS Field Operations has implemented a number of enforcement inspection teams to leverage its resources by focusing efforts and providing technical expertise and specialization in various areas.

These programs and teams are designed to enhance safety related to the transportation of hazardous materials by providing comprehensive and consistent inspections, investigations, and outreach.

Current Teams that have been chartered are:

- Cylinder Inspection Team
- Explosive Inspection Team
- Lithium Battery Team
- National Packaging Team
- Nurse Tank Inspection Team
- Intermodal Inspection Team
- Radioactive Materials Team
- Select Agent Infectious Substance Team

SECTION 4.7 - ASSIGNMENT OF STAFF AND DETACHED OFFICE CODES

As delegated by the Director of Field Operations, the unit supervisor is responsible for the assignment of code numbers to staff members. Assigned code numbers will remain with the person for the duration of his or her employment.

Staff code and unit code numbers must be shown on all inspection or investigation report forms as provided in the instructions for preparation of such forms. No other identification code number will be used to identify the member performing a given function.

A series of code numbers has been designated for each unit. The designated codes were taken from Department's routing symbols. Personnel assigned to remote locations will be assigned a code and series by the regional supervisor to whom they are assigned.

<u>Unit of Assignment</u>	<u>Routing Symbol</u>	<u>Code</u>	<u>Series</u>
Headquarters	PHH-40	40	.1 - .20
Special Investigations	PHH-41	41	.1 - .20
Eastern Region	PHH-42	42	.1 - .20
Central Region	PHH-43	43	.1 - .20
Western Region	PHH-44	44	.1 - .20
Southwest Region	PHH-45	45	.1 - .20
Southern Region	PHH-46	46	.1 - .20