

Questions about your

## **Hazardous Material, Substance and Waste Compliance Seminar. DOT, EPA, OSHA, IATA and IMDG, what is the difference and what is required by each?**

### **DOT**

CFR 49 The Department of Transportation, regulates chemicals in trucks, trains, ships and airplanes, they have hazard material identification, hazard communication and container requirements.

### **EPA**

CFR 40 The Environmental Protection Agency, protects the environment. They regulate chemicals as hazardous waste when you no longer want them, you spill them or dispose of them.

### **OSHA**

CFR 29 The Occupational Health and Safety Administration, regulates chemicals, in addition to those listed above to protect workers, regardless of whether that chemical is in use, transportation or being disposed of.

### **IATA**

The International Air Transport Association, is an association of airlines that requires you to train on additional ICAO International Dangerous Goods Recommendations.

### **IMDG**

The International Maritime Dangerous Goods Code is written by a branch of the United Nations, again these are additional recommendations, that you agreed to meet with the vessel transportation companies, when you use their services.

IATA and IMDG training is part of your contractual agreements with the aircraft and vessel carriers.

## **How do you know if something is hazardous?**

*(Inside the front cover of the Hazardous Materials Substance and Waste*

Compliance Guides Volume 1 and 11 *on the first page* you will find “How to use the 2022/2023 Hazardous Materials, Substances and Wastes Compliance Guide”

DOT in 49 CFR 171.8, regulates hazardous materials hazardous wastes, marine pollutants, elevated temperature materials and hazardous substances. A quick directory to these subjects can be found on DOT 89.

EPA in 40 CFR 261.3, 302.4 and 355, regulates hazardous waste and hazardous substances and can be found on EPA 36, EPA 509 and EPA 575

OSHA in 29 CFR 1910.120(a) and 1910.1200, regulates hazardous substances and hazardous chemicals, and can be found starting on OSHA 3 and OSHA 126.

Be aware that these words do not share the same definition under these three federal agencies.

### **What information does DOT require on a hazardous material bill of lading and EPA hazardous waste manifest?**

DOT 49 CFR 172.200, Shipping Papers details the information or “shipping description” required by the Pipeline and Hazardous Materials Transportation Safety Administration on hazardous material shipping papers, bills of lading and hazardous waste manifests. You will find this in your compliance guide starting on DOT 404 and in the checklist on DOT 1105-1108..

### **What has recently changed and how does it apply to us?**

On JULY 26TH, 2022 HM-215P DOT published a large number of changes in the federal register in order to align their regulations with International Standards. **Government regulations change constantly** in the Federal Register and **it's the responsibility of the company to check them every day**, which we make clear in the seminar. **We even provide a Regulatory**

**Update Service on our website, free of charge.** But again, very few companies know about this or make this required effort.

The Federal Register contains both proposed and final rules, with preambles containing hundreds of pages of explanation and interpretations. It includes additional compliance information, at least one contact person at the agency and best of all it's written in layman's terms. Monitoring, understanding, training and implementing regulatory changes can be a full-time job.

## **How does EPA and OSHA apply to DOT and us?**

The EPA regulates your unclaimed, unwanted, spilled or discarded chemicals. These hazardous wastes are always regulated as hazardous materials under DOT. So, it is covered in the Hazardous Material, Substances and Waste Compliance Seminar. There is no way to get around it, unless you requested that it be eliminated from the training material and certifications for your in-house seminar.

OSHA protects workers with SDS's and container labels. Most shippers simply copy the information off the SDS when they ship a package. Unfortunately the Department of Transportation does not recommend SDS's to be used for identifying shipments of hazardous materials.

DOT requires hazardous material shippers to quantify the chemical's hazards on shipping documents, which could include testing. However, OSHA's Safety Data Sheets, or a SDS hazard information may be estimated, so SDS's are not authorized by DOT, for use when identifying hazardous material shipments. EPA hazardous wastes become DOT hazardous materials when you ship them, so we cover hazardous waste even in our "Strictly DOT Hazardous Material Seminar".

All DOT hazardous materials and EPA hazardous wastes are OSHA hazardous substances. regardless of whether they are being used, transported or disposed, mandating additional worker protection training under OSHA.

## **What do I need to be aware of when checking documents?**

In the Hazardous Materials, Substances and Wastes Compliance Guide Volumes I & II you will find over 50 pages of checklists, diagrams, indexes and additional compliance material which are listed in the "TABLE OF CONTENTS"

### **DOT CHECKLIST**

There is currently a checklist for shipments of DOT hazardous materials in your compliance guide volume I on DOT 1105-1108..

### **EPA CHECKLIST**

In Appendix A, to Part 262 there are instructions on how to complete an EPA hazardous waste manifest, along with an example it can be found in compliance guide volume II EPA 244- 252.

### **OSHA CHECKLIST**

OSHA Safety Data Sheet and container labels examples are found in compliance guide volume II OSHA 252 -264, Appendix D starts on OSHA 255.

## **SDS – what is it used for and what do you do with it?**

A safety data sheet or SDS is required by OSHA to be sent with the first shipment of a chemical, whether it is a hazardous material or not. They contain worker protection information. However, there is no requirement to test a material, when a manufacturer, distributor or importer fills it out.

The SDS's, in many cases, over-identified hazards, to protect workers. Also, It is only based on the original shipment from the manufacturer or distributor based on the size and the amount in the container.

Therefore unless you were using the exact same container, in the exact same amounts and the material was not a mixture or solution the information listed on the SDS would not be correct. That is the reason I do not recommend the use of them during the seminar for shipping hazardous materials. Many cannot be trusted, and the shipper can be fined when the information is wrong.

## **Who needs to be trained and certified?**

There are no job titles, it could be anyone from management to maintenance.

You need to tell those who are allowed and most importantly those who are not qualified to do the job, whether they have been trained on the regulations or not.

### **DOT TRAINING**

Under the Department of Transportation any employee, who carries out any of the following HAZARDOUS MATERIAL PLAN functions must be trained, tested and certified, Determines a hazard class. Selects, Fills, Secures, Marks, Labels or Prepares a hazardous material packaging. Provides or Affixes a placard. Certifies, Loads, Unloads, Segregates, Prepares or is responsible for hazardous materials safety.

### **EPA TRAINING**

The Environmental Protection Agency requires any workers having responsibilities within the corporation's HAZARDOUS WASTE MANAGEMENT PLAN be trained including Identification, Documentation, Storage, Shipping and Disposal of hazardous waste.

### **OSHA TRAINING**

The Occupational Health and Safety Administration requires any workers who could come in contact with hazardous substances be trained to the First Responder Awareness Level and on the company's WORKER PROTECTION HAZARD COMMUNICATION PROGRAM'S Safety Data Sheet, (SDS), and container Labels, regardless of whether they are in your plant, in a truck or being discarded.

## **How long is the training certification good for?**

**DOT, as long as there are no changes in the regulations that affect your company, there is a three-year training and testing requirement.**

EPA has hazardous waste management training requirements for small quantity generators (SQG). And **annual training** requirement for large quantity generators (LQG).

OSHA, then has a First Responder Awareness training requirement, for individuals who may come in contact with hazardous materials, wastes and chemicals, **requiring training each year.**

**Then, of course immediate training would be required by the employer if any regulatory changes became applicable or if there were a change in the employee's job function.**

### **What is the pace and information flow of your seminars?**

We cover regulations that you have contracted us to, in the time frame you have requested. Regulations are written for enforcement, not compliance.

However, our one day Hazardous Material, Substances and Waste Compliance Seminar is designed to certify attendees on how to cross reference three separate federal chemical regulations, DOT for shipping, EPA for disposal and finally OSHA regulations for worker protection. You can't Google that. It is fast and furious.

So many companies opt for an in-house seminar, provide their haz-mat plan and the chemicals, products, SDS's, shipping papers, bills of lading concerning the materials that they want covered or omitted, who is attending and the jobs they have or that they will be given. Thus, reducing information presented and some cross referencing overload.

We would love the opportunity to spend more time on the regulation. But, there is nothing that we would add or choose to leave out based on the certifications in our one day DOT, EPA, OSHA seminar.

## **Can I ask questions during your seminar?**

Yes! We encourage questions before, during and after the seminar, which unfortunately sometimes we fail to make clear.

So at the first break, lunch and at the end of the seminar I am always the last person to leave the meeting room or to “log off” so that any “questions, comments or concerns” can be addressed. In addition, I always make sure that each attendee receives my personal cell phone number, (610-587-3978) and email (hazmat.tsp@gmail.com), to contact us for free guidance and further direction .

## **Is your DOT EPA OSHA seminar focused on the recertification of attendees, or those with no prior exposure to handling hazardous materials?**

**No one should attend the seminar without some prior experience or exposure to your written HAZARDOUS MATERIAL TRANSPORTATION PLAN.** New attendees should review “HOW TO USE THE HAZARDOUS MATERIAL REGULATIONS” and “THE HAZARDOUS MATERIALS GENERAL AWARENESS AND FAMILIARIZATION TRAINING MANUAL” including the EPA’s LEARN THE BASICS OF EPA HAZARDOUS WASTE and OSHA’s FREQUENTLY ASKED QUESTIONS UNDER OSHA 1910.120 HAZWOPER pre-training material, if applicable, that is also available on our website in Rob’s Office.

Training a person on their job is not the same as training them on regulations that affect the jobs you have given to them. Every company should have a HAZARDOUS MATERIAL TRANSPORTATION PLAN, but many don’t.

## **Is there a basic 101 powerpoint presentation regarding Hazardous material or something that the guy off the street can relate to and follow?**

We do not have a basic hazardous materials transportation PowerPoint presentation, but a quick search of the DOT website or the Internet will

provide hundreds. They can be used in addition to your training, but they do not meet any of the DOT requirements other than the General Awareness Training, not the In-depth training, testing and certification requirements.

THE DOT PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION  
HAZARDOUS MATERIAL TRAINING MODULES.

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