

Hazardous Materials Security Planning

Local law enforcement has a major role in protecting our country since the terrorist event on 09/11/2001. In an effort to assist the enforcement community the U.S. Department of Transportation has developed new rules that apply to companies transporting hazardous materials. One of the new rules involves hazardous material transportation security.

Police officers should be aware of the new planning requirement so they have some background as to what a company is doing to insure safety in your community. Also, if during a routine patrol, an officer sees a vehicle subject to this requirement that may be in violation, the officer will have some information to base an investigation upon.

Companies and carriers that ship and transport certain hazardous materials must develop a security plan specifically for their operation. The hazardous materials that trigger the planning requirements are:

- 1) Class 7, Radioactive, in highway route controlled quantities.
- 2) Division 1.1, 1.2, 1.3, Explosives, more than 25 pounds.
- 3) Poison inhalation hazard, (PIH) in Zone A, more than 1.06 quarts.
- 4) Hazardous material in a bulk packaging with a liquid capacity greater than 3,500 gallons or solid capacity greater than 468 cubic feet.
- 5) Hazardous material in non-bulk packaging with a total gross weight of more than 5,000 pounds.
- 6) Select agent or toxin regulated by the Centers for Disease Control and Prevention (CDC).
- 7) Any hazardous material shipment requiring placards.

As you can see by the list above, not all hazardous materials require a plan to be developed. However, when a plan is required, certain items must be addressed. First a company must evaluate the relevant threats and vulnerabilities to the operation they perform. For example, a company would be required to make sure any areas of their business practices which could be vulnerable to a terrorist type activity be identified and steps taken to alleviate any possible threats.

The businesses are also required to evaluate personal security. The intent is to insure the employees are protected from outside threats and also have the ability to recognize threats and have a plan in place to report strange events to the appropriate authorities.

Next, the business must address unauthorized access. They are required to make sure the business is protected from people just walking in and taking unsecured hazardous materials or other covert acts. For a lot of business, these issues could be addressed by simply locking the back gate.

Companies involved in transportation must address en-route security. From a law enforcement and business perspective, the transportation phase is the most vulnerable. The company is required to train their drivers and to plan for out of the ordinary events. This could include training for a driver to know security precautions to be taken for the load, from events as mundane as a flat tire, all the way to an actual hijack of a load. A good en-route security plan should give the driver and company a good idea on handling any unusual events.

Last, the security plan must be in writing and the most current version must be retained until it is revised. Once the plan is completed, anyone who has responsibility for implementing any part of the plan must be trained.

All HM companies were to implement the plan by September 25, 2003, and train their employees in the plan by December 22, 2003. If during your routine activities you note issues that are obviously not in compliance with the rule, you can contact the Michigan State Police, Motor Carrier Division or the Federal Motor Carrier Safety Administration for assistance.

The principal Traffic Safety Division contact is Sgt. Susan Fries, Commander of the Hazardous Material Unit, at 517-241-0583, or your local TSD Commercial Vehicle Enforcement Hazardous Material Investigator.

If you would like to read the rule in its entirety it is available on the Internet at: <http://hazmat.dot.gov>. The specific rules are found in 49 CFR subpart H, (172.700 through 172.704), and subpart I, (172.800 through 172.804). In addition, USDOT has transportation-related security information at <http://www.fmcsa.dot.gov/security/index.asp>.