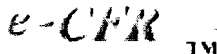


Home_Page > Executive Branch > Code of Federal Regulations > Electronic Code of Federal Regulations

Electronic Code of Federal Regulations



e-CFR Data is current as of January 8, 2010

TITLE 49--Transportation

Subtitle B--OTHER REGULATIONS RELATING TO TRANSPORTATION

**CHAPTER I--PIPELINE AND HAZARDOUS MATERIALS SAFETY
ADMINISTRATION, DEPARTMENT OF TRANSPORTATION**

SUBCHAPTER C--HAZARDOUS MATERIALS REGULATIONS

**PART 172--HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS,
HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY
RESPONSE INFORMATION, TRAINING REQUIREMENTS, AND
SECURITY PLANS**

Subpart A--GENERAL

§172.1 Purpose and scope.

§172.3 Applicability.

Subpart B--TABLE OF HAZARDOUS MATERIALS AND SPECIAL PROVISIONS

§172.101 Purpose and use of hazardous materials table.

§172.102 Special provisions.

Subpart C--SHIPPING PAPERS

§172.200 Applicability.

§172.201 Preparation and retention of shipping papers.

§172.202 Description of hazardous material on shipping papers.

§172.203 Additional description requirements.

§172.204 Shipper's certification.

§172.205 Hazardous waste manifest.

Subpart D--MARKING

§172.300 Applicability.

§172.301 General marking requirements for non-bulk packagings.

§172.302 General marking requirements for bulk packagings.

§172.303 Prohibited marking.

§172.304 Marking requirements.

§172.306 [Reserved]

§172.308 Authorized abbreviations.

§172.310 Class 7 (radioactive) materials.

§172.312 Liquid hazardous materials in non-bulk packagings.

§172.313 Poisonous hazardous materials.

§172.315 Packages containing limited quantities.

§172.316 Packagings containing materials classed as ORM-D.

§172.317 KEEP AWAY FROM HEAT handling mark.

§172.320 Explosive hazardous materials.

§172.322 Marine pollutants.

§172.323 Infectious substances.

§172.324 Hazardous substances in non-bulk packagings.

§172.325 Elevated temperature materials.

§172.326 Portable tanks.

§172.328 Cargo tanks.

§172.330 Tank cars and multi-unit tank car tanks.

§172.331 Bulk packagings other than portable tanks, cargo tanks, tank cars and multi-unit tank car tanks.

§172.332 Identification number markings.

§172.334 Identification numbers; prohibited display.

§172.336 Identification numbers; special provisions.

§172.338 Replacement of identification numbers.

Subpart E--LABELING

- §172.400 General labeling requirements.
- §172.400a Exceptions from labeling.
- §172.401 Prohibited labeling.
- §172.402 Additional labeling requirements.
- §172.403 Class 7 (radioactive) material.
- §172.404 Labels for mixed and consolidated packaging.
- §172.405 Authorized label modifications.
- §172.406 Placement of labels.
- §172.407 Label specifications.
- §172.411 EXPLOSIVE 1.1, 1.2, 1.3, 1.4, 1.5 and 1.6 labels, and EXPLOSIVE Subsidiary label.
- §172.415 NON-FLAMMABLE GAS label.
- §172.416 POISON GAS label.
- §172.417 FLAMMABLE GAS label.
- §172.419 FLAMMABLE LIQUID label.
- §172.420 FLAMMABLE SOLID label.
- §172.422 SPONTANEOUSLY COMBUSTIBLE label.
- §172.423 DANGEROUS WHEN WET label.
- §172.426 OXIDIZER label.
- §172.427 ORGANIC PEROXIDE label.
- §172.429 POISON INHALATION HAZARD label.
- §172.430 POISON label.
- §172.431 [Reserved]
- §172.432 INFECTIOUS SUBSTANCE label.
- §172.436 RADIOACTIVE WHITE-I label.
- §172.438 RADIOACTIVE YELLOW-II label.
- §172.440 RADIOACTIVE YELLOW-III label.
- §172.441 FISSILE label.
- §172.442 CORROSIVE label.
- §172.444 [Reserved]

- §172.446 CLASS 9 label.
- §172.448 CARGO AIRCRAFT ONLY label.
- §172.450 EMPTY label.
-

Subpart F--PLACARDING

- §172.500 Applicability of placarding requirements.
- §172.502 Prohibited and permissive placarding.
- §172.503 Identification number display on placards.
- §172.504 General placarding requirements.
- §172.505 Placarding for subsidiary hazards.
- §172.506 Providing and affixing placards: Highway.
- §172.507 Special placarding provisions: Highway.
- §172.508 Placarding and affixing placards: Rail.
- §172.510 Special placarding provisions: Rail.
- §172.512 Freight containers and aircraft unit load devices.
- §172.514 Bulk packagings.
- §172.516 Visibility and display of placards.
- §172.519 General specifications for placards.
- §172.521 DANGEROUS placard.
- §172.522 EXPLOSIVES 1.1, EXPLOSIVES 1.2 and EXPLOSIVES 1.3 placards.
- §172.523 EXPLOSIVES 1.4 placard.
- §172.524 EXPLOSIVES 1.5 placard.
- §172.525 EXPLOSIVES 1.6 placard.
- §172.526 [Reserved]
- §172.527 Background requirements for certain placards.
- §172.528 NON-FLAMMABLE GAS placard.
- §172.530 OXYGEN placard.
- §172.532 FLAMMABLE GAS placard.
- §172.536 [Reserved]
- §172.540 POISON GAS placard.

- §172.542 FLAMMABLE placard.
- §172.544 COMBUSTIBLE placard.
- §172.546 FLAMMABLE SOLID placard.
- §172.547 SPONTANEOUSLY COMBUSTIBLE placard.
- §172.548 DANGEROUS WHEN WET placard.
- §172.550 OXIDIZER placard.
- §172.552 ORGANIC PEROXIDE placard.
- §172.553 [Reserved]
- §172.554 POISON placard.
- §172.555 POISON INHALATION HAZARD placard.
- §172.556 RADIOACTIVE placard.
- §172.558 CORROSIVE placard.
- §172.560 CLASS 9 placard.
-

Subpart G--EMERGENCY RESPONSE INFORMATION

- §172.600 Applicability and general requirements.
- §172.602 Emergency response information.
- §172.604 Emergency response telephone number.
- §172.606 Carrier information contact.
-

Subpart H--TRAINING

- §172.700 Purpose and scope.
- §172.701 Federal-State relationship.
- §172.702 Applicability and responsibility for training and testing.
- §172.704 Training requirements.
-

➔ Subpart I--SAFETY AND SECURITY PLANS

- §172.800 Purpose and applicability.
- §172.802 Components of a security plan.

§172.804	Relationship to other Federal requirements.
§172.820	Additional planning requirements for transportation by rail.
§172.822	Limitation on actions by states, local governments, and Indian tribes.
Appendix	Appendix A to Part 172 --Office of Hazardous Materials Transportation Color Tolerance Charts and Tables
Appendix	Appendix B to Part 172 --Trefoil Symbol
Appendix	Appendix C to Part 172 --Dimensional Specifications for Recommended Placard Holder
Appendix	Appendix D to Part 172 --Rail Risk Analysis Factors

For questions or comments regarding e-CFR editorial content, features, or design, email ecfr@nara.gov.

For questions concerning e-CFR programming and delivery issues, email webteam@gpo.gov.

Section 508 / Accessibility

Title 49: Transportation

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, TRAINING REQUIREMENTS, AND SECURITY PLANS

[Browse Previous](#)

➔ Subpart I—Safety and Security Plans

Source: 68 FR 14521, Mar. 25, 2003, unless otherwise noted.

§ 172.800 Purpose and applicability.

(a) *Purpose.* This subpart prescribes requirements for development and implementation of plans to address security risks related to the transportation of hazardous materials in commerce.

(b) *Applicability.* By September 25, 2003, each person who offers for transportation in commerce or transports in commerce one or more of the following hazardous materials must develop and adhere to a security plan for hazardous materials that conforms to the requirements of this subpart:

- (1) A highway route-controlled quantity of a Class 7 (radioactive) material, as defined in §173.403 of this subchapter, in a motor vehicle, rail car, or freight container;
- (2) More than 25 kg (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material in a motor vehicle, rail car, or freight container;
- (3) More than one L (1.06 qt) per package of a material poisonous by inhalation, as defined in §171.8 of this subchapter, that meets the criteria for Hazard Zone A, as specified in §§173.116(a) or 173.133(a) of this subchapter;
- (4) A shipment of a quantity of hazardous materials in a bulk packaging having a capacity equal to or greater than 13,248 L (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids;
- (5) A shipment in other than a bulk packaging of 2,268 kg (5,000 pounds) gross weight or more of one class of hazardous materials for which placarding of a vehicle, rail car, or freight container is required for that class under the provisions of subpart F of this part;
- (6) A select agent or toxin regulated by the Centers for Disease Control and Prevention under 42 CFR part 73 or, by April 1, 2007, a select agent or toxin regulated by the United States Department of Agriculture under 9 CFR part 121; or
- (7) A quantity of hazardous material that requires placarding under the provisions of subpart F of this part.

(c) *Exceptions.* Transportation activities of a farmer, who generates less than \$500,000 annually in gross receipts from the sale of agricultural commodities or products, are not subject to this subpart if such activities are:

- (1) Conducted by highway or rail;
- (2) In direct support of their farming operations; and

(3) Conducted within a 150-mile radius of those operations.

[68 FR 14521, Mar. 25, 2003, as amended at 70 FR 73164, Dec. 9, 2005; 71 FR 32258, June 2, 2006]

§ 172.802 Components of a security plan.

(a) The security plan must include an assessment of possible transportation security risks for shipments of the hazardous materials listed in §172.800 and appropriate measures to address the assessed risks. Specific measures put into place by the plan may vary commensurate with the level of threat at a particular time. At a minimum, a security plan must include the following elements:

(1) *Personnel security.* Measures to confirm information provided by job applicants hired for positions that involve access to and handling of the hazardous materials covered by the security plan. Such confirmation system must be consistent with applicable Federal and State laws and requirements concerning employment practices and individual privacy.

(2) *Unauthorized access.* Measures to address the assessed risk that unauthorized persons may gain access to the hazardous materials covered by the security plan or transport conveyances being prepared for transportation of the hazardous materials covered by the security plan.

(3) *En route security.* Measures to address the assessed security risks of shipments of hazardous materials covered by the security plan en route from origin to destination, including shipments stored incidental to movement.

(b) The security plan must be in writing and must be retained for as long as it remains in effect. Copies of the security plan, or portions thereof, must be available to the employees who are responsible for implementing it, consistent with personnel security clearance or background investigation restrictions and a demonstrated need to know. The security plan must be revised and updated as necessary to reflect changing circumstances. When the security plan is updated or revised, all copies of the plan must be maintained as of the date of the most recent revision.

§ 172.804 Relationship to other Federal requirements.

To avoid unnecessary duplication of security requirements, security plans that conform to regulations, standards, protocols, or guidelines issued by other Federal agencies, international organizations, or industry organizations may be used to satisfy the requirements in this subpart, provided such security plans address the requirements specified in this subpart.

Greene, Sherina

From: Belkin, Paul
Sent: Tuesday, January 12, 2010 1:17 PM
To: Greene, Sherina; Johnson, Lawann
Cc: Moglia, Dena
Subject: RE: DOT Regulations for TSP Data Collection Tools

Per our discussion below is the Regulations for the TSP data collection for the security plan and security assessment

- *49 CFR 172.800 (b) states: "Applicability. By September 25, 2003, each person who offers for transportation in commerce or transports in commerce one or more of the following hazardous materials must develop and adhere to a security plan for hazardous materials that conforms to the requirements of this subpart § 172.802 Components of a security plan. (a) The security plan must include an assessment of possible transportation security risks for shipments of the hazardous materials listed in § 172.800 and appropriate measures to address the assessed risks. Specific measures put into place by the plan may vary commensurate with the level of threat at a particular time. At a minimum, a security plan must include the following elements (1) Personnel security. Measures to confirm information provided by job applicants hired for positions that involve access to and handling of the hazardous materials covered by the security plan. Such confirmation system must be consistent with applicable Federal and State laws and requirements concerning employment practices and individual privacy. (2) Unauthorized access. Measures to address the assessed risk that unauthorized persons may gain access to the hazardous materials covered by the security plan or transport conveyances being prepared for transportation of the hazardous materials covered by the security plan. (3) En route security. Measures to address the assessed security risks of shipments of hazardous materials covered by the security plan en route from origin to destination, including shipments stored incidental to movement. (b) The security plan must be in writing and must be retained for as long as it remains in effect. Copies of the security plan, or portions thereof, must be available to the employees who are responsible for implementing it, consistent with personnel security clearance or background investigation restrictions and a demonstrated need to know. The security plan must be revised and updated as necessary to reflect changing circumstances. When the security plan is updated or revised, all copies of the plan must be maintained as of the date of the most recent revision."*

Paul Belkin
Program Analyst
FEMA/DHS
(o) 202-786-9771
(m) 202-351-1530
Paul.Belkin@dhs.gov

From: Moglia, Dena
Sent: Monday, January 11, 2010 6:01 PM
To: Belkin, Paul
Subject: Fw: DOT Regulations for TSP Data Collection Tools

See below. Do u recall whether we collected this when we pulled together the TSP statutory authorities last year? I think we may have this in our files already.

Sent using BlackBerry

From: Greene, Sherina
To: Moglia, Dena

Sent: Mon Jan 11 16:53:37 2010

Subject: DOT Regulations for TSP Data Collection Tools

Hi Dena,

Can you please send me the DOT regulations that pertain to TSP's Security Assessment and Security Plan? The DOT OMB Control# is 2137-0612? Once I receive these documents I will be ready to enter this package into the system (ROCIS). Thanks for your help.

Sherina M. Greene
Management Analyst
Collections and Research Branch
Federal Emergency Management Agency
Department of Homeland Security
MD-BO-RM
500 C Street, SW
Washington, DC 20472
Mail Drop Room 3005
1800 South Bell Street
Arlington, VA 22202

"FEMA's mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards."