

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5106	49 App.:1805(a).	Jan. 3, 1975, Pub. L. 93-633, § 106(a), 88 Stat. 2157.

Before clause (1), the text of 49 App.:1805(a) (last sentence) is omitted as being included in “prescribe”. In clause (4), the words “to be used” are omitted as surplus. In clause (6), the word “assurance” is omitted as surplus.

AMENDMENTS

2005—Pub. L. 109-59 substituted “Secretary” for “Secretary of Transportation” in introductory provisions.

§ 5107. Hazmat employee training requirements and grants

(a) TRAINING REQUIREMENTS.—The Secretary shall prescribe by regulation requirements for training that a hazmat employer must give hazmat employees of the employer on the safe loading, unloading, handling, storing, and transporting of hazardous material and emergency preparedness for responding to an accident or incident involving the transportation of hazardous material. The regulations—

- (1) shall establish the date, as provided by subsection (b) of this section, by which the training shall be completed; and
- (2) may provide for different training for different classes or categories of hazardous material and hazmat employees.

(b) BEGINNING AND COMPLETING TRAINING.—A hazmat employer shall begin the training of hazmat employees of the employer not later than 6 months after the Secretary prescribes the regulations under subsection (a) of this section. The training shall be completed within a reasonable period of time after—

- (1) 6 months after the regulations are prescribed; or
- (2) the date on which an individual is to begin carrying out a duty or power of a hazmat employee if the individual is employed as a hazmat employee after the 6-month period.

(c) CERTIFICATION OF TRAINING.—After completing the training, each hazmat employer shall certify, with documentation the Secretary may require by regulation, that the hazmat employees of the employer have received training and have been tested on appropriate transportation areas of responsibility, including at least one of the following:

- (1) recognizing and understanding the Department of Transportation hazardous material classification system.
- (2) the use and limitations of the Department hazardous material placarding, labeling, and marking systems.
- (3) general handling procedures, loading and unloading techniques, and strategies to reduce the probability of release or damage during or incidental to transporting hazardous material.
- (4) health, safety, and risk factors associated with hazardous material and the transportation of hazardous material.
- (5) appropriate emergency response and communication procedures for dealing with an accident or incident involving hazardous material transportation.

(6) the use of the Department Emergency Response Guidebook and recognition of its limitations or the use of equivalent documents and recognition of the limitations of those documents.

- (7) applicable hazardous material transportation regulations.
- (8) personal protection techniques.
- (9) preparing a shipping document for transporting hazardous material.

(d) COORDINATION OF TRAINING REQUIREMENTS.—In consultation with the Administrator of the Environmental Protection Agency and the Secretary of Labor, the Secretary shall ensure that the training requirements prescribed under this section do not conflict with or duplicate—

- (1) the requirements of regulations the Secretary of Labor prescribes related to hazard communication, and hazardous waste operations, and emergency response that are contained in part 1910 of title 29, Code of Federal Regulations; and
- (2) the regulations the Agency prescribes related to worker protection standards for hazardous waste operations that are contained in part 311 of title 40, Code of Federal Regulations.

(e) TRAINING GRANTS.—

(1) IN GENERAL.—Subject to the availability of funds under section 5128(c), the Secretary shall make grants under this subsection—

- (A) for training instructors to train hazmat employees; and
- (B) to the extent determined appropriate by the Secretary, for such instructors to train hazmat employees.

(2) ELIGIBILITY.—A grant under this subsection shall be made to a nonprofit hazmat employee organization that demonstrates—

- (A) expertise in conducting a training program for hazmat employees; and
- (B) the ability to reach and involve in a training program a target population of hazmat employees.

(f) TRAINING OF CERTAIN EMPLOYEES.—The Secretary shall ensure that maintenance-of-way employees and railroad signalmen receive general awareness and familiarization training and safety training pursuant to section 172.704 of title 49, Code of Federal Regulations.

(g) RELATIONSHIP TO OTHER LAWS.—(1) Chapter 35 of title 44 does not apply to an activity of the Secretary under subsections (a)–(d) of this section.

(2) An action of the Secretary under subsections (a)–(d) of this section and section 5106 is not an exercise, under section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1)), of statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

(h) EXISTING EFFORT.—No grant under subsection (e) shall supplant or replace existing employer-provided hazardous materials training efforts or obligations.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 763; Pub. L. 103-311, title I, §§106, 119(c)(1)–(3), Aug. 26, 1994, 108 Stat. 1674, 1680; Pub. L. 109-59, title

VII, §§7108, 7126, Aug. 10, 2005, 119 Stat. 1897, 1909.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5107(a)	49 App.:1805(b)(1), (2), (5) (1st sentence).	Jan. 3, 1975, Pub. L. 93-633, 88 Stat. 2156, §106(b); added Nov. 16, 1990, Pub. L. 101-615, §7(3), 104 Stat. 3253.
5107(b)	49 App.:1805(b)(4), (5) (last sentence).	
5107(c)	49 App.:1805(b)(6).	
5107(d)	49 App.:1805(b)(3) (1st sentence).	
5107(e)	49 App.:1816(a)-(c).	Jan. 3, 1975, Pub. L. 93-633, 88 Stat. 2156, §118(a)-(c); added Nov. 16, 1990, Pub. L. 101-615, §18, 104 Stat. 3269.
5107(f)(1)	49 App.:1805(b)(7).	
5107(f)(2)	49 App.:1805(b)(3) (last sentence).	

In subsections (a)(1) and (b), before clause (1), the words “in order to comply with requirements established by such regulations” are omitted as surplus.

In subsection (a), before clause (1), the words “Within 18 months after November 16, 1990” are omitted as obsolete. In clause (1), the words “as provided by subsection (b) of this section” are added for clarity.

In subsection (b), before clause (1), the words “in accordance with the requirements established by such regulations” are omitted as surplus.

In subsection (c), before clause (1), the words “in accordance with the requirements established under this subsection” and “appropriate” before “documentation” are omitted as surplus.

In subsection (d), before clause (1), the words “take such actions as may be necessary to” are omitted as surplus. In clauses (1) and (2), the words “(and amendments thereto)” are omitted as surplus. In clause (1), the words “Secretary of Labor” are substituted for “Occupational Safety and Health Administration of the Department of Labor” because of 29:551.

In subsection (e), the words “and education” are omitted as being included in “training”. Before clause (1), the words “regarding the safe loading, unloading, handling, storage, and transportation of hazardous materials and emergency preparedness for responding to accidents or incidents involving the transportation of hazardous materials in order to meet the requirements issued under section 1816(b) of this title may be made under this section” are omitted as surplus.

In subsection (f)(1), the words “(relating to coordination of Federal information policy)” are omitted as surplus.

AMENDMENTS

2005—Subsecs. (a) to (d). Pub. L. 109-59, §7126, substituted “Secretary” for “Secretary of Transportation” in introductory provisions of subsecs. (a) to (c) and “Secretary shall” for “Secretary of Transportation shall” in introductory provisions of subsec. (d).

Subsec. (e). Pub. L. 109-59, §7108(1), added subsec. (e) and struck out heading and text of former subsec. (e). Text read as follows: “The Secretary shall, subject to the availability of funds under section 5127(c)(3), make grants for training instructors to train hazmat employees under this section. A grant under this subsection shall be made to a nonprofit hazmat employee organization that demonstrates—

“(1) expertise in conducting a training program for hazmat employees; and

“(2) the ability to reach and involve in a training program a target population of hazmat employees.”

Subsec. (f). Pub. L. 109-59, §7108(3), added subsec. (f). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 109-59, §7108(2), redesignated subsec. (f) as (g). Former subsec. (g) redesignated (h).

Subsec. (g)(1). Pub. L. 109-59, §7126, substituted “Secretary” for “Secretary of Transportation”.

Subsec. (g)(2). Pub. L. 109-59, §7126, substituted “Secretary” for “Secretary of Transportation”.

Pub. L. 109-59, §7108(4), substituted “section 5106” for “sections 5106, 5108(a)-(g)(1) and (h), and 5109 of this title”.

Subsec. (h). Pub. L. 109-59, §7108(2), redesignated subsec. (g) as (h).

1994—Subsec. (d). Pub. L. 103-311, §106, in introductory provisions inserted “or duplicate” after “conflict with” and in par. (1) substituted “hazardous communication, and hazardous waste operations, and” for “hazardous waste operations and”.

Subsec. (e). Pub. L. 103-311, §119(c)(1), (2), in first sentence substituted “The Secretary shall, subject to the availability of funds under section 5127(c)(3), make grants for training instructors to train hazmat employees under this section.” for “In consultation with the Secretaries of Transportation and Labor and the Administrator, the Director of the National Institute of Environmental Health Sciences may make grants to train hazmat employees under this section.” and in second sentence inserted “hazmat employee” after “non-profit”.

Subsec. (g). Pub. L. 103-311, §119(c)(3), added subsec. (g).

§ 5108. Registration

(a) PERSONS REQUIRED TO FILE.—(1) A person shall file a registration statement with the Secretary under this subsection if the person is transporting or causing to be transported in commerce any of the following:

(A) a highway-route-controlled quantity of radioactive material.

(B) more than 25 kilograms of a Division 1.1, 1.2, or 1.3 explosive material in a motor vehicle, rail car, or transport container.

(C) more than one liter in each package of a hazardous material the Secretary designates as extremely toxic by inhalation.

(D) hazardous material in a bulk packaging, container, or tank, as defined by the Secretary, if the bulk packaging, container, or tank has a capacity of at least 3,500 gallons or more than 468 cubic feet.

(E) a shipment of at least 5,000 pounds (except in a bulk packaging) of a class of hazardous material for which placarding of a vehicle, rail car, or freight container is required under regulations prescribed under this chapter.

(2) The Secretary may require any of the following persons to file a registration statement with the Secretary under this subsection:

(A) a person transporting or causing to be transported hazardous material in commerce and not required to file a registration statement under paragraph (1) of this subsection.

(B) a person designing, manufacturing, fabricating, inspecting, marking, maintaining, reconditioning, repairing, or testing a package, container, or packaging component that is represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

(3) A person required to file a registration statement under this subsection may transport or cause to be transported, or design, manufacture, fabricate, inspect, mark, maintain, recondition, repair, or test a package, container packaging component, or container for use in transporting, hazardous material, only if the person has a statement on file as required by this subsection.