



aware

HAZMAT, HEALTH, SAFETY
AND ENVIRONMENT

C.L.E.A.N.
DEALERSHIP

INTRODUCTION TO HAZMAT U – HOW DOT HAZMAT TRAINING RULES AFFECT YOUR DEALERSHIP – PART 1 OF 2

Introduction

As an associate, manager or principal in an automotive dealership, you and your company are subject to a number of regulatory requirements related to the health, safety and well-being of yourself and others. One particular area of regulation that has potential for far-reaching effects on others is dealing with the handling and transportation of hazardous materials or *hazmat*, as it is commonly referred to by industry.

Today, employees of dealerships who affect the transportation of *hazmat* are required by law to be trained, tested and certified. Because dealerships handle *hazmat* as a matter of routine, daily business activity, it isn't difficult to imagine finding one's self in violation of one or more regulatory requirements simply because of the complexity of evolving regulations and the increased number of regulatory inspections and enforcement cases.

"*Hazmat U – How DOT Training Rules Affect Your Dealership*" is Part 1 of a two-part series that will help you understand regulations that apply to your business, how to assess and manage the risk that *hazmat* shipping and handling poses to your business, and ways to implement compliance training to reduce those risks.

Overview

It has been almost 15 years (October 1, 1993) since the U.S. Department of Transportation (DOT) began

requiring dealerships to train all employees who are engaged in any job or task that involves the shipment of hazardous materials (*hazmat*) or hazardous wastes (*hazmat*). The purpose of the final [PHMSA Training Requirements Rule \(formerly known as HM-126F\)](#), which went into effect October 1993, is to ensure the proper labeling, marking, packaging, documentation and safe work practices when shipping and receiving *hazmat*.

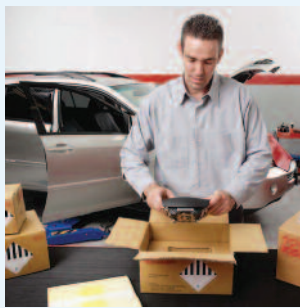
Over the years, much has changed with regard to DOT's regulations governing the handling of automotive hazardous materials and the training of employees. The intention of this AWARE article is to reintroduce the most important issues that your dealership faces with respect to *hazmat* training and to introduce a new resource that will soon be available through the new Toyota/Lexus C.L.E.A.N. Website – the *Hazmat U* training program for automotive dealership personnel.

Hazmat Activities that Require Trained Personnel

Some aspects of the DOT regulations have not changed since the rule was adopted, including the following functions which require a "*hazmat employee*" to receive the requisite *hazmat* transportation training:

- Loading, unloading or handling *hazmat*
- Manufacturing, testing, reconditioning or repairing *hazmat* packaging
- Preparing *hazmat* for transportation
- Operating a vehicle used to transport *hazmat*

Only a properly trained employee may perform one or more of the above-mentioned job functions. To reduce the cost of training, some dealerships limit the number of *hazmat* shipments they make or the number of employees they train; however, even when using a qualified transporter



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to ship your *hazmat*, you are not relieved of your training and compliance responsibilities. For example, United Parcel Service (UPS) and FedEx, as well as other commercial shipping companies, require proof of training from customers who ship certain types and quantities of *hazmat* using their distribution network. These rules apply to all businesses, not just to bulk transporters of hazardous cargo. Even one- and two-person automotive service shops are subject to these training regulations.

One important feature that has changed over the years is the penalty for violation of the Hazardous Materials Regulations (HMR). The maximum civil penalty for a violation of the HMR is \$50,000 per day per citation. For example, if a shipper offers an air bag module without any marks, labels, or shipping papers, the shipper may have committed as many as 24 separate, but distinct, violations of the HMR and could, therefore, be subject to a penalty of up to \$1,200,000!

Civil penalty cases are relatively easy to prove and require that the shipper need only have "knowledge," which has been interpreted as either direct or indirect knowledge of the violation, or what a "reasonable person" should have known under those circumstances. Criminal penalties require both "knowledge" and "intent" and may result in penalties of up to \$500,000 per citation and/or up to five (5) years imprisonment.

Training Requirements

The HMR are very complex and include more than 1,600 pages of

text and a Hazardous Materials Table with more than 3,500 entries. To fully appreciate the complexity of how these rules apply to the automotive service industry, you can browse the [DOT's Training Requirements](#) Web page.

The following is a summary of things you should know regarding DOT *hazmat* training requirements.

Subjects Covered in the Training

Training for "*hazmat employees*" must include the following:

- **General-awareness training** is required so that *hazmat employees* understand the basic DOT requirements and can recognize *hazmat* transportation labels, marks, placards, and shipping papers for packages containing *hazmat*.
- **Safety training** helps avoid potential exposure to *hazmat* in the event of an incident or accident.
- **Function—specific training** is tailored to specific tasks performed by particular *hazmat employees* such as a driver, handler, packager, loader or unloader, or those who prepare waste manifests and shipping papers.
- **Security training** is required of all *hazmat employees* to provide an awareness of the security risks associated with *hazmat* transportation.

Hazardous Materials Covered in the Training

With very few exceptions, virtually all types and kinds of automotive hazardous materials are covered in the *Hazmat U* training, including parts, components, accessories or

chemicals found in any of the following vehicle systems: electrical, power train, fuel, steering & suspension, passenger safety, paint & body, accessories, and after-market auto care products.

Materials can be classified as *hazmat* in number of ways, including:

- **Explosive** (like air bag modules and seat-belt pretensioners)
- **Pressurized** (accumulators, refrigerants, tire inflators)
- **Corrosive** (wet acids and wet alkaline batteries, concentrated cleaning compounds)
- **Reactive** (bleach, epoxy-cream hardener, cleaning compounds)
- **Flammable** (acetylene, paint, gasoline, adhesives)
- **Radioactive** (X-ray equipment, smoke detectors)
- **Magnetized** (audio speakers, magnetic clutches, magnetic switches)
- **Toxic** (pesticides, fumigants, parts-wash solutions)



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Limited Quantities Shipments

The *Hazmat U* training program also addresses limited quantity, small or excepted quantity, de minimis exceptions and consumer commodity shipments. Limited quantities of *hazmat* are those for which there is an exception from the use of DOT Specification or United Nations' Performance Oriented Packaging. Common examples include small quantities of compressed gas, aerosols, paint, adhesives, sealants and coating solutions. Consumer commodity (sometimes referred to as ORM-D) shipments are those that present a limited hazard during transportation because of their form, quantity or packaging. Consumer commodities are any materials packaged and distributed for retail sales to consumers for personal care or household use, such as touch-up paint, cleaning compounds and after-market auto care products.

Materials of Trade

The DOT also makes an important exception for what are called Materials of Trade (MOTs). MOTs are *hazmat*, which a company or person needs to perform his or her job. These are smaller quantities of dangerous goods or certain classes that are generally consumed during the performance of that job function. Notable examples include welding gases, gasoline, paints, adhesives and sealants.

The *Hazmat U* course addresses these important and notable exceptions from the HMR.

Hazardous Waste Shipments

Although your hazardous waste transporter should assist you in the

preparation and transportation of your waste containers and manifests, it is your responsibility to ensure that it is done properly. You should also require proof that the driver of the transporter has the requisite DOT training requirements.

Training in Hazmat Shipping Regulations – How Does It Impact Your Dealership?

The DOT's HMR and exceptions are highly complex, and the penalties for violations, even without criminal intent, are severe. Ensuring that your dealership is operating in


Hazmat U was designed to ensure that employees, who ship, receive and transport auto parts have a clear and accurate understanding of hazmat shipping regulations.

compliance with these regulations is a fundamental element of a sound risk management program.

So, you might ask, "Where can I find *hazmat* regulation training tailored to the needs of my automotive parts and service operation?"

There are many sources available for general industrial *hazmat* training including consulting companies who offer comprehensive risk management programs. In fact, your dealership may already be using one of these consultants. There is, however, one program of particular note that was developed by the automotive industry for the

automotive industry - that program is known as *Hazmat U*.

Hazmat U was developed under the guidance of the North American Automotive Hazmat Action Committee (NAAHAC), a group of regulatory compliance specialists representing the major automotive manufacturers in North America, including Toyota Motor Sales, U.S.A., Inc. NAAHAC partnered with ShipMate®, a trusted automotive *hazmat* training consulting company, and the Coordinating Committee for Automotive Repair (CCAR®), an automotive industry not-for-profit organization with a background in online training, to develop an Internet-based training program focused exclusively on automotive dealership *hazmat* shipping issues. *Hazmat U* was designed to ensure that employees, who ship, receive and transport auto parts have a clear and accurate understanding of *hazmat* shipping regulations. *Hazmat U* is an exciting new resource that will soon be offered through C.L.E.A.N., the Toyota/Lexus Leadership - Environmental Assistance Network. Look for more detailed information about *Hazmat U* training in Part 2 of this series coming soon. 

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