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## New Transportation Bill Amends Hazmat Law

Those who ship and transport hazardous materials will be affected by several new provisions of the 2005 Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (H.R. 3), which was signed into law by President Bush. Among other provisions, the bill mandates more stringent recordkeeping requirements and substantial increases in penalties. The penalty increases were effective upon signing (August 10, 2005) and the recordkeeping provisions will go through the DOT rulemaking process.

Also, the Act continues the general trend of jacking up security measures for both national and international shipments. For example, a new provision prohibits the operator of a commercial motor vehicle licensed in Mexico or Canada from transporting hazmats in United States until the operator has undergone a background records check similar to the records check required for hazmat operators in the United States.

Also in the international area, DOT and the Department of Homeland Security (DHS) have been authorized to establish a program of random inspections of cargo at points of entry into the United States to determine the extent to which undeclared hazmats are being offered for transportation in commerce through such points.

Other notable provisions include:

- An expansion of the scope of federal regulations to include persons who design or inspect a packaging or packaging component represented as qualified for use in transporting hazmats in commerce.
- Authorization for DHS to require persons who design or inspect a package or packaging component represented as qualified for use in transporting hazmats in commerce to file a registration statement with DHS.
- A requirement that the person who provides a hazmat transportation shipping paper must retain it, or an electronic form of it, for 2 years after it is provided to the carrier, with the paper or e-form accessible through the shipper's principal places of business. Carriers must retain the papers for 1 year.
- Increases in penalties for hazmat violations (e.g., the civil penalty was increased to \$50,000).
- Reduction in the maximum fee for hazmat registration from \$5,000 to \$3,000.
- A requirement that DOT revise its curriculum of lists of courses necessary to train public sector emergency response and preparedness teams in matters relating to the transportation of hazmats.
- An exclusion from certain hazmat transportation plan requirements covering the surface transportation of a farmer in direct support of the farmer's farming operations for transport conducted within a 150-mile radius of such operations.

Hazmat provisions are contained in Title VII of the Act, which is available on BLR's website at <http://www.blr.com/keyword>. Type in **em646hazmat** when prompted.

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