

New York State Department of Environmental Conservation

Division of Materials Management

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CERTIFICATION OF HAZARDOUS MATERIALS & OSHA TRAINING FOR TRANSPORTERS OF HAZARDOUS INDUSTRIAL/COMMERCIAL WASTE, AND REGULATED MEDICAL WASTE IN NEW YORK STATE

Certification that all employees who are or will be involved in the transportation and handling of hazardous materials have been, or will be trained before they handle hazardous materials, in accordance with the requirements set forth in **49 CFR §172.704 and 172.602, and 29 CFR §1910.120 and 1910.1200** is required by the New York State Department of Environmental Conservation in order to obtain and maintain a Part 364 Waste Transporter Permit. This includes the transportation of hazardous industrial/commercial waste and regulated medical waste.

The text of 49 CFR §172.704 and 172.602 are reproduced here for your convenience.

49 CFR §172.704:

- (a) Hazmat employee training must include the following:
- (1) *General awareness/familiarization training.* Each hazmat employee shall be provided general awareness/familiarization training designed to provide familiarity with the requirements of this subchapter, and to enable the employee to recognize and identify hazardous materials consistent with the hazard communication standards of this subchapter.
 - (2) *Function specific training.*
 - (i) Each hazmat employee shall be provided function-specific training concerning requirements of this subchapter, or exemption issued under subchapter A of this chapter, which are specifically applicable to the functions the employee performs.
 - (ii) As an alternative to function-specific training on the requirements of this subchapter, training relating to the requirements of the ICAO Technical Instructions and the IMDG Code may be provided to the extent such training addresses functions authorized by §§ 171.11 and 171.12 of this subchapter.
 - (3) *Safety training.* Each hazmat employee shall receive safety training concerning –
 - (i) Emergency response information required by subpart G of part 172;
 - (ii) Measures to protect the employee from the hazards associated with hazardous materials to which they may be exposed in the work place, including specific measures the hazmat employer has implemented to protect employees from exposure; and
 - (iii) Methods and procedures for avoiding accidents, such as the proper procedures for handling packages containing hazardous materials.
 - (4) *Security awareness training.* No later than the date of the first scheduled recurrent training after March 25, 2003, and in no case later than March 24, 2006, each hazmat employee must receive training that provides an awareness of security risks associated with hazardous materials transportation and methods designed to enhance transportation security. This training must also include a component covering how to recognize and respond to possible security threats. After March 25, 2003, new hazmat employees must receive the security awareness training required by this paragraph within 90 days after employment.

- (5) *In-depth security training.* By December 22, 2003, each hazmat employee of a person required to have a security plan in accordance with subpart 1 of this part must be trained concerning the security plan and its implementation. Security training must include company security objectives, specific security procedures, employee responsibilities, actions to take in the event of a security breach, and the organizational security structure.
- (b) OSHA, EPA, and other training. Training conducted by employers to comply with the hazard communication programs required by the Occupational Safety and Health Administration of the Department of Labor (29 CFR 1910.120 or 1910.1200) or the Environmental Protection Agency (40 CFR 311.1), or training conducted by employers to comply with security training programs required by other Federal or international agencies, may be used to satisfy the training requirements in paragraph (a) of this section to the extent that such training addresses the training components specified in paragraph (a) of this section.
- (c) Initial and recurrent training –
- (1) *Initial training.* A new hazmat employee, or a hazmat employee who changes job functions may perform those functions prior to the completion of training provided –
- (i) The employee performs those functions under the direct supervision of a properly trained and knowledgeable hazmat employee; and
- (ii) The training is completed within 90 days after employment or a change in job function.
- (2) *Recurrent training.* A hazmat employee shall receive the training required by this subpart at least once every three years.
- (3) *Relevant Training.* Relevant training received from a previous employer or other source may be used to satisfy the requirements of this subpart provided a current record of training is obtained from hazmat employee's previous employer.
- (4) *Compliance.* Each hazmat employer is responsible for compliance with the requirements of this subchapter regardless of whether the training required by this subpart has been completed.
- (d) Recordkeeping. A record of current training, inclusive of the preceding three years, in accordance with this section shall be created and retained by each hazmat employer for as long as that employee is employed by that employer as a hazmat employee and for 90 days thereafter. The record shall include:
- (1) The hazmat employee's name;
- (2) The most recent training completion date of the hazmat employee's training;
- (3) A description, copy, or the location of the training materials used to meet the requirements in paragraph (a) of this section;
- (4) The name and address of the person providing the training; and
- (5) Certification that the hazmat employee has been trained and tested, as required by this subpart.
- (e) Limitation. A hazmat employee who repairs, modifies, reconditions, or tests packagings as qualified for use in the transportation of hazardous materials, and who does not perform any other function subject to the requirements of this subchapter, is not subject to the safety training requirement of paragraph (a)(3) of this section.

49 CFR §172.602:

- (a) Information required. For purposes of this subpart, the term “emergency response information” means information that can be used in the mitigation of an incident involving hazardous materials and, as a minimum, must contain the following information:
- (1) The basic description and technical name of the hazardous material as required by §§ 172.202 and 172.203(k), the ICAO Technical Instructions, the IMDG Code, or the TDG Regulations, as appropriate (see §§171.7 of this subchapter);
 - (2) Immediate hazardous to health;
 - (3) Risks of fire or explosion;
 - (4) Immediate precautions to be taken in the event of an accident or incident;
 - (5) Immediate methods for handling fires;
 - (6) Initial methods for handling spills or leaks in the absence of fire; and
 - (7) Preliminary first aid measures.
- (b) Form of information. The information required for a hazardous material by paragraph (a) of this section must be:
- (1) Printed legibly in English;
 - (2) Available for use away from the package containing the hazardous material; and
 - (3) Presented –
 - (i) On a shipping paper;
 - (ii) In a document, other than a shipping paper, that includes both the basic description and technical name of the hazardous material as required by §§§§ 172.202 and 172.203(k), the ICAO Technical Instructions, the IMDG Code, or the TDG Regulations, as appropriate, and the emergency response information required by this subpart (e.g., a material safety data sheet); or
 - (iii) Related to the information on a shipping paper, a written notification to pilot-in-command, or a dangerous cargo manifest, in a separate document (e.g., an emergency response guidance document), in a manner that cross-references the description of the hazardous material on the shipping paper with the emergency response information contained in the document. Aboard aircraft, the ICAO “Emergency Response Guidance for Aircraft Incidents Involving Dangerous Goods” and, aboard vessels, the IMO “Emergency Procedures for Ships Carrying Dangerous Goods,” or equivalent documents, may be used to satisfy the requirements of this section for a separate document.
- (c) Maintenance of information. Emergency response information shall be maintained as follows:
- (1) *Carriers.* Each carrier who transports a hazardous material shall maintain the information specified in paragraph (a) of this section and §§ 172.606 of this part in the same manner as prescribed for shipping papers, except that the information must be maintained in the same manner aboard aircraft as the notification of pilot-in-command, and aboard vessels in the same manner as the dangerous cargo manifest. This information must be immediately accessible to train crew personnel, drivers of motor vehicles, flight crew members, and bridge personnel on vessels for use in the event of incidents involving hazardous materials.

Certification:

Permit Number (If applicable):

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I hereby certify that all employees who are or will be involved in the transportation and handling of hazardous materials have been or will be trained (every three years) in accordance with the requirements set forth in 49 CFR §172.704 and 172.602, and 29 CFR §1910.120 and 1910.1200 (**conducted annually**) before they handle hazardous materials.

Signature: _____ Date: _____

Name (please print): _____

Title: _____

Company Name (as listed on Part 364 Permit): _____

Note:

Copies of 29 CFR §1910.120 and 1910.1200 may be obtained at:
http://www.osha.gov/pls/oshaweb/owastand.display_standard_group?p_toc_level=1&p_part_number=1910

Copies of 40 CFR §172.704 and 172.602 may be obtained at:
http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=ecfrbrowse/Title49/49cfr172_main_02.tpl

A copy of the Chemical Hazardous Communication pamphlet can be downloaded at:
<http://www.osha.gov/pls/publications/pubindex.list>