

# *SPECIAL* Report



NATIONAL ROOFING CONTRACTORS ASSOCIATION

Sept. 2, 2003

Dear Member,

This *Special Report* provides information regarding compliance with the U.S. Department of Transportation (DOT) Research and Special Programs Administration's hazardous-materials security plan rules that become effective Sept. 25, 2003. The first part of this *Special Report* provides an explanation of the new hazardous-materials security plan rules, and the second part provides a security plan template roofing contractors can use to assist them in developing the plan required under the new rules. A risk-assessment tool developed by DOT for determining the level of risk posed by your company's transport of hazardous materials is available at the DOT Web site, [hazmat.dot.gov/rmsef.htm](http://hazmat.dot.gov/rmsef.htm).

The tragic events of Sept. 11 provided the impetus for DOT to develop new rules directed at safeguarding the transportation of the wide variety of hazardous materials that is moved daily on the roads of the United States. Implementation of the security plan components by roofing contracting companies that transport certain hazardous materials is expected to reduce the potential for terrorists to use these products as weapons.

If your company transports propane, cutback products, mastics, adhesives or other hazardous materials, please take a moment to review the explanation of the new security plan rules. As you review your hazardous-materials operations, refer to the attached security plan template that NRCA has developed and DOT risk-assessment tool—they will be useful for developing the security plan DOT requires you to have in place by Sept. 25, 2003.

If you have any questions regarding the rules, please call me at (847) 299-9070, Ext. 7502.

Sincerely,

A handwritten signature in cursive script that reads "Harry Dietz".

Harry Dietz  
NRCA's Director of Risk Management

## **DOT Hazardous-Materials**

### **Security Plan Rules**

Roofing contracting and other companies that transport certain hazardous materials (referred to as hazmat) must comply by Sept. 25, 2003, with new security rules recently issued by the U.S. Department of Transportation (DOT). This amendment to DOT's Hazardous Materials Regulations requires anyone who transports certain hazmat to develop and implement a security plan and provide security-awareness training for all employees who directly affect hazmat transportation safety (defined by DOT as hazmat employees). DOT's goal is to prevent hazmat from being used in terrorist attacks. The new rules affect roofing contractors who transport quantities of hazmat that require DOT registration, such as propane, Class 3 cutback products or mastics in amounts subject to placarding.

Generally, contractors using placarded transport vehicles carrying nonbulk quantities, in the aggregate of 1,001 pounds or more, of propane (Class 2.1, UN 1075), cutback products (Class 3, UN 1999), or mastics and adhesives (Class 3, UN 1133) are required to register. Transporting bulk quantities in excess of 119 gallons of cutback products or mastics and 1,000 pounds or more of propane subjects a contractor to DOT's new rules.

DOT allows roofing contractors who develop security plans significant leeway in assessing the risks of transporting hazmat, as well as implementing security measures to address those risks. A contractor who determines his company's security risks for hazmat are minimal could develop and implement a simple security plan. For example, because

transporting 5-gallon containers of single-ply adhesive may not pose as much of a risk as transporting large cylinders of propane, the plan requirements for transporting adhesive can be less comprehensive than those for propane. Many techniques used to deter theft, account for inventories and safeguard material handling can be included as part of a written hazmat security plan.

**Plan components**

DOT's security plan components include:

- Assessing transportation security risks associated with the materials handled
- Confirming information supplied by job applicants who will handle or have access to hazmat
- A method for restricting access to hazmat or transport vehicles by unauthorized people
- Addressing en route security risks for materials transported

Assessing security risks must take into account factors such as type of material transported, quantity involved, geographic area of transit and mode of transportation.

Although almost any risk-assessment tool can be useful, DOT has developed a security template for this step that is available on DOT's Web site, [hazmat.dot.gov/rmsef.htm](http://hazmat.dot.gov/rmsef.htm), or by calling Harry Dietz, NRCA's Director of Risk Management at (847) 299-9070, Ext. 7502.

When hiring a hazmat employee, roofing contractors are required to check information about the applicant's recent job history, references and citizenship status. However,

obtaining information about an applicant must be done within the limits of state and federal laws. Additionally, the plan must address the possibility that unauthorized people (individuals not employed by the company) may attempt to gain access to hazmat or transport vehicles and the plan must describe methods to deny such access.

The safe transport of hazmat to a destination must also include secure storage incidental to the transportation. The security plan developed by a roofing contractor must address attending, fueling, locking and routing of hazmat, as well as storage security in company warehouses and job sites.

### **Training**

For those hazmat employees whose employers are required to have a security plan, training in security plan methods must be completed by Dec. 22, 2003. Security training must include a roofing contractor's security objectives, procedures, employee responsibilities, action to be taken if a security breach occurs and the contractor's organizational security structure.

Recurrent training of all hazmat employees under the new rules (without regard to the requirement for a plan) must include security-awareness training in risks associated with hazmat transportation, recognition and response to security threats, and methods to enhance transport security. This training must take place no later than March 24, 2006,

and at least every three years thereafter. New hazmat employees must complete security-awareness training within 90 days after employment.

DOT offers the following hazmat security suggestions:

- Verify U.S. citizenship for all employees and the immigration status of noncitizens.
- Conduct background checks on prospective hazmat employee applicants.
- Conduct comprehensive interviews with job applicants to gauge their integrity and character.
- Make sure hazmat storage areas are well-lit, secured by fences and alarms, and protected with adequate locks.
- Get to know the vendors that supply your hazmat, and instruct employees not to accept shipments from unfamiliar shippers.
- When delivering hazmat, drivers should be trained to avoid densely populated areas when possible.
- Keep hazmat vehicles locked when unattended and parked in a safe location.
- Consider truck alarms, cutoff switches or coded engine controls for vehicles transporting and/or storing hazmat.
- Develop a communication system (e.g., cellular telephones, two-way radios, satellite tracking) to monitor drivers' locations, status, etc.

Unfortunately, times have changed in many ways since the events of Sept. 11. Routine work practices in place before that day now are being scrutinized and revised to provide

more protection to employees and the general public. In light of the heightened risk from terrorism, it's important to implement DOT's new rules as soon as possible.

(Company Name) **HazMat Security Plan**

*(Underlined areas and bold italicized text require company-specific responses by a qualified company officer to finalize this plan. Underlined areas should be filled in and bold italicized text revised and/or deleted before printing a final version of this plan.)*

(Company Name) hereby implements the following hazmat security plan under the Department of Transportation Research and Special Programs Administration, 49 CFR 172 Subpart I, in an effort to maintain the highest level of hazmat transport security, heighten employee awareness of potential hazmat security issues, provide for comprehensive hazmat employee training and allow prompt emergency response to hazmat incidents.

Company management will monitor continually its hazmat transportation process, training programs, employee screening process, hazmat incidents and current security environment and amend and supplement this plan to meet varying hazmat security needs.

Scope. The hazmat transport activity of (Company Name) involves the following:

*(Insert here the nature of your company's hazmat transport activity along with the potential risk inherent to the material and potential terror or destructive risks. (Refer to the product's MSDS). Some possible examples follow. Remember that domestic transportation of Class 9 hazmat is not subject to placard requirements and as a result is not subject to the hazmat security plan requirements.)*

- ***Intrastate and interstate transportation of placarded amounts of liquefied propane gas, Class 2.1, UN1075. Risk of fire, explosion and asphyxiation. Risk of theft and intentional release and ignition.***
- ***Intrastate and interstate transportation of placarded amounts of tars, liquid (cutback), Class 3, UN 1999. Risk of fire, explosion, water and ground pollutant, suffocation risk from inhalation. Risk of theft, intentional release and ignition or release with intent to pollute water and ground or contaminate air.***
- ***Intrastate and interstate transportation of placarded amounts of adhesives (flammable), Class 3, UN1133. Risk of fire, explosion, water and ground pollutant, suffocation risk from inhalation. Risk of theft, intentional release and ignition or release with intent to pollute water and ground or contaminate air.***

Hazmat Transport Operational Details. In the development process used to formulate this security plan, the following operational details of (Company Name) transportation of hazardous materials were compiled and analyzed:

*(Insert your company-specific information corresponding to the bold italicized text that follows each applicable detail. Add any others you believe are appropriate.)*

- Quantity of hazmat transported is \_\_\_\_\_pounds, \_\_\_\_\_gallons, varies, etc.

- Type of packaging involved is *nonbulk and/or bulk*.
- Frequency of transport is *daily, weekly, irregular, etc.*
- Method of transport used is *e.g., tank truck, panel truck, stake-bed truck, pickup truck, etc. (specify all that apply)*
- Workers involved in transport include: *1) driver only; 2) driver and helper; 3) other (specify)*
- Transport techniques and procedures in current use include:
  - *Quantity or weight limits (e.g., 750 gallons mastic maximum per load)*
  - *Load securing and locking measures (specify)*
  - *Load visibility or identification measures (e.g., propane tanks carried in panel truck with only placard visible versus open-bed truck visibility)[specify]*
  - *Load-tracking procedures (e.g., periodic driver check-ins, delivery check-ins, two-way radio/cellular telephone capability, GPS tracking [specify])*
  - *Route selection procedures (e.g., tunnel, bridge, populated-area avoidance, most-direct [specify])*
  - *Ordinary routes traveled (e.g., urban, rural, suburban [specify])*
  - *Delivery time-of-day procedures (specify)*
  - *Local hazmat statutes and ordinances (specify ordinances comprising company hazmat policy [e.g., no overnight parking of trucks])*
  - *Any trends in hazmat thefts (specify, e.g., majority of thefts from storage)*
- Storage techniques and procedures in current use
  - *Hazmat storage security and locking measures (specify)*
  - *Alarms, guards or security systems in place*
  - *Access (hazmat employees, other employees, unauthorized people)*
  - *Inventory procedures*
- Personnel security procedures in current use
  - *Background checks made (references, residences, military, criminal history)*
  - *Identity, education, prior employment and eligibility to work verified (INS Form I-9)*
  - *Driver license, CDL and endorsements verified*

- ***Hazmat transport training and employee feedback procedures (specify)***

Assessment of Security Risk Control Points. The company has identified the following points in its hazmat transportation process where security risks are present but can be controlled using strategies established in the following paragraphs of this plan:

*(Insert here points that company management and staff have identified that pose security risks in the hazmat transportation process. Some examples follow.)*

- ***Job applicant information confirmation (mandatory)***
- ***Delivery route selection***
- ***En route procedures (vehicle attending, parking, riders)***
- ***Driver check-ins and communication***
- ***Employee training (emergency response)***
- ***Access to bulk propane storage (inventory control)***
- ***Vehicle access and locking***

Security Strategy. The security risk control points set out above have been evaluated by the company and prioritized according to the degree of danger and potential security impact that each represents and the prospective control measures that may be implemented to diminish any such danger. The risks and control actions are as follows:

*(Insert here the security control actions in priority order to address the risk control points set out above. Some examples follow that use an arbitrary four-level security risk priority. The lower the number the greater the control measures that may be needed to lessen the risk.)*

- ***Access to bulk propane storage will be fenced and locked with the key kept by the warehouse manager only. Only hazmat employees are permitted entry to hazmat storage areas (priority one).***
- ***Public access to company premises will be restricted through the use of signage, locks and gates. Trespassing will be reported immediately to the company safety director or supervisor (priority two).***
- ***When unattended, hazmat transport vehicles will be locked. Portable propane tanks and cylinders will be secured and locked at all times except when loading/unloading (priority one).***
- ***No nonemployees may travel with hazmat deliveries (priority two).***
- ***Hazmat driver communication will be accomplished by two-way radio cellular telephones (priority two).***
- ***Route selection will attempt to avoid tunnels. Hazmat vehicles are not allowed in underground parking facilities (priority three).***
- ***Hazmat driver CDLs and endorsements will be confirmed at monthly toolbox meetings (priority four).***
- ***Methods for confirming information provided on job applications by prospective hazmat employees, those with***

access to or who handle hazmat covered by the security plan, will include: *(mandatory plan component)*

- Recent *(prior 5 years)* employment history will be confirmed in a call or letter to the applicant's previous employer(s).
- References provided by the job applicant will be contacted regarding the job applicant.
- Within 72 hours (INS Form I-9) of the start of employment, applicant must submit verification of identity and eligibility to work.

Implementation. It is the direct responsibility of *(Company Name) safety director* to implement provisions of this hazmat security plan and verify all hazmat employees are trained in all aspects of the plan. The provisions related to confirming job applicant information are the direct responsibility of *(Company Name) personnel director*.

New hazmat employees: Training in all components of the security plan for new employees involved in handling and/or transporting hazmat must be completed within 90 days from the date of hire. *(Company Name)* schedules this training module for completion during the ***first week*** of new-hire training for hazmat employees.

Current hazmat employees: Training in all components of the security plan for hazmat employees who are currently employed in a hazmat capacity with the company must be completed by Dec. 22, 2003. All employees must receive recurrent training every three years. *(Company Name)* schedules this training for *(date prior to 12-23-03)* and recurrent training on *(the first week of December every third year)*.

Training of hazmat employees in security plan matters will include:

- 1) Specific requirements and details of the company's security plan
- 2) Awareness of security issues associated with the company's hazmat transportation
- 3) Methods to enhance the company's hazmat transportation security

Verification and Evaluation. *(Company Name)* will monitor the security strategies set forth to address the security risk control points determined in the plan process by the company. This will be accomplished through regular, ***weekly*** inspections of the hazmat storage areas, transfer and loading areas, hazmat transport vehicle conditions and load-securing accessories. Spot inspections will be made on an irregular schedule to ensure compliance with plan strategies.

Driver logs, delivery and shipping papers, personnel background documentation, driver's license verifications, and other documents and data used to confirm compliance with all aspects of the hazmat security plan will be reviewed at intervals no later than the ***quarterly company staff meeting*** and immediately upon the occurrence of any hazmat security incident.

The provisions of the hazmat security plan will be evaluated and proposed amendments or additions discussed no later than the *quarterly company staff meeting* and immediately upon the occurrence of any hazmat security incident. *The local law enforcement and fire department will be asked to perform a risk assessment of the company's hazmat security on an annual basis.*