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training required by this subpart has been completed.

(d) *Recordkeeping*. Each hazmat employer must create and retain a record of current training of each hazmat employee, inclusive of the preceding three years, in accordance with this section for as long as that employee is employed by that employer as a hazmat employee and for 90 days thereafter. A hazmat employer must make a hazmat employee's record of current training available upon request, at a reasonable time and location, to an authorized official of the Department of Transportation or of an entity explicitly granted authority to enforce the HMR. The record must 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) *Limitations*. The following limitations apply:

(1) 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 training requirement of paragraph (a)(3) of this section.

(2) A railroad maintenance-of-way employee or railroad signalman, who does not perform any function subject to the requirements of this subchapter, is not subject to the training requirements of paragraphs (a)(2), (a)(4), or (a)(5) of this section.

[Amdt. 172–126, 57 FR 20952, May 15, 1992, as amended by Amdt. 172–126, 58 FR 5851, Jan. 22, 1993; Amdt. 172–145, 60 FR 49110, Sept. 21, 1995; Amdt. 172–149, 61 FR 27173, May 30, 1996; 65 FR 50460, Aug. 18, 2000; 68 FR 14521, Mar. 25, 2003; 70 FR 73164, Dec. 9, 2005; 73 FR 4716, Jan. 28, 2008; 73 FR 57005, Oct. 1, 2008; 75 FR 10988, Mar. 9, 2010; 76 FR 56314, Sept. 13, 2011; 78 FR 15326, Mar. 11, 2013; 80 FR 72923, Nov. 23, 2015]

Subpart I—Safety and Security Plans

SOURCE: 68 FR 14521, Mar. 25, 2003, unless otherwise noted.

§ 172.800 Purpose and applicability.

(a) *Purpose*. This subpart prescribes requirements for development and implementation of plans to address security risks related to the transportation of hazardous materials in commerce.

(b) *Applicability*. Each person who offers for transportation in commerce or transports in commerce one or more of the following hazardous materials must develop and adhere to a transportation security plan for hazardous materials that conforms to the requirements of this subpart. As used in this section, ''large bulk quantity'' refers to a quantity greater than 3,000 kg (6,614 pounds) for solids or 3,000 liters (792 gallons) for liquids and gases in a single packaging such as a cargo tank motor vehicle, portable tank, tank car, or other bulk container.

(1) Any quantity of a Division 1.1, 1.2, or 1.3 material.

(2) A quantity of a Division 1.4, 1.5, or 1.6 material requiring placarding in accordance with subpart F of this part.

(3) A large bulk quantity of Division 2.1 material.

(4) A large bulk quantity of Division 2.2 material with a subsidiary hazard of 5.1.

(5) Any quantity of a material poisonous by inhalation, as defined in §171.8 of this subchapter.

(6) A large bulk quantity of a Class 3 material meeting the criteria for Packing Group I or II.

(7) A quantity of desensitized explosives meeting the definition of Division 4.1 or Class 3 material requiring placarding in accordance with subpart F of this part.

(8) A large bulk quantity of a Division 4.2 material meeting the criteria for Packing Group I or II.

(9) A quantity of a Division 4.3 material requiring placarding in accordance with subpart F of this part.

(10) A large bulk quantity of a Division 5.1 material in Packing Groups I and II; perchlorates; or ammonium nitrate, ammonium nitrate fertilizers, or

ammonium nitrate emulsions, suspensions, or gels.

(11) Any quantity of organic peroxide, Type B, liquid or solid, temperature controlled.

(12) A large bulk quantity of Division 6.1 material (for a material poisonous by inhalation see paragraph (5) above).

(13) A select agent or toxin regulated by the Centers for Disease Control and Prevention under 42 CFR part 73 or the U.S. Department of Agriculture under 9 CFR part 121.

(14) A quantity of uranium hexafluoride requiring placarding under §172.505(b).

(15) International Atomic Energy Agency Code of Conduct (IBR, see §171.7) Category 1 and 2 materials, Nuclear Regulatory Commission, Category 1 and Category 2 radioactive materials as listed in Table 1, appendix A to 10 CFR part 37, and Highway Route Controlled quantities as defined in 49 CFR 173.403.

(16) A large bulk quantity of Class 8 material meeting the criteria for Packing Group I.

(c) *Exceptions*. Transportation activities of a farmer, who generates less than $500,000 annually in gross receipts from the sale of agricultural commodities or products, are not subject to this subpart if such activities are:

(1) Conducted by highway or rail;

(2) In direct support of their farming operations; and

(3) Conducted within a 150-mile radius of those operations.

[68 FR 14521, Mar. 25, 2003, as amended at 70 FR 73164, Dec. 9, 2005; 71 FR 32258, June 2, 2006; 75 FR 10988, Mar. 9, 2010; 75 FR 53597, Sept. 1, 2010; 76 FR 56314, Sept. 13, 2011; 85 FR 27878, May 11, 2020; 85 FR 83381, Dec. 21, 2020]

§172.802 Components of a security plan.

(a) The security plan must include an assessment of transportation security risks for shipments of the hazardous materials listed in §172.800, including site-specific or location-specific risks associated with facilities at which the hazardous materials listed in §172.800 are prepared for transportation, stored, or unloaded incidental to movement, and appropriate measures to address the assessed risks. Specific measures put into place by the plan may vary commensurate with the level of threat at a particular time. At a minimum, a security plan must include the following elements:

(1) *Personnel security*. Measures to confirm information provided by job applicants hired for positions that involve access to and handling of the hazardous materials covered by the security plan. Such confirmation system must be consistent with applicable Federal and State laws and requirements concerning employment practices and individual privacy.

(2) *Unauthorized access*. Measures to address the assessed risk that unauthorized persons may gain access to the hazardous materials covered by the security plan or transport conveyances being prepared for transportation of the hazardous materials covered by the security plan.

(3) *En route security*. Measures to address the assessed security risks of shipments of hazardous materials covered by the security plan en route from origin to destination, including shipments stored incidental to movement.

(b) The security plan must also include the following:

(1) Identification by job title of the senior management official responsible for overall development and implementation of the security plan;

(2) Security duties for each position or department that is responsible for implementing the plan or a portion of the plan and the process of notifying employees when specific elements of the security plan must be implemented; and

(3) A plan for training hazmat employees in accordance with §172.704 (a)(4) and (a)(5) of this part.

(c) The security plan, including the transportation security risk assessment developed in accordance with paragraph (a) of this section, must be in writing and must be retained for as long as it remains in effect. The security plan must be reviewed at least annually and revised and/or updated as necessary to reflect changing circumstances. The most recent version of the security plan, or portions thereof, must be available to the employees who are responsible for implementing it, consistent with personnel security clearance or background investigation