



Fact Sheets and Information Papers

Hazardous Waste Transportation on Army Installation



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Background The Department of Transportation (DOT) regulates transportation on public roads in the 49 Code of Federal Regulations (49 CFR). Additionally, AR 600-55 (The Army Driver and Operator Standardization Program) and Department of Defense (DOD) 4500.9-R (Defense Transportation Regulation) regulate transportation on Army installations. Although 49 U.S. Code 5101 currently exempts the DOD from incurring direct fines and penalties from the DOT, the DOT will fine and penalize commercial or contract carriers who improperly transport hazardous materials for the government. The commercial or contract carrier in turn can sue the Department of Defense to recoup its loss, making the DOD responsible for fines and penalties incurred. Therefore, the DOD 4500.9-R requires personnel fully comply with DOT regulations when transporting hazardous material.

Hazardous materials are defined in 49 CFR 171.8 as a substance or material capable of posing an unreasonable risk to health, safety, and property when transported in commerce. Hazardous wastes (40 CFR 261) are classified as DOT hazardous materials (49 CFR 171.8) and HW transporters must comply with all DOT and Environmental Protection Agency (EPA) transport requirements.

On 12 February 1997, the EPA promulgated a rule that exempts manifest requirements for all intra-facility/on-post hazardous waste shipments. If a hazardous waste shipment occurs on a public or private right-of-way that is within, or along the border of, the installation, an EPA manifest, otherwise required under 40 CFR Part 262 and 49 CFR Part 172.205, is not required. The DOD has also adopted these standards for intra-facility/on-post shipments of hazardous waste. However, some form of documentation (e.g. a DD Form 1348-1A or DA Form 3161) describing the hazardous waste must accompany the shipment to aid in tracking and managing the hazardous waste while on-post. Hazardous waste being transported off-post must comply with all DOT and EPA transport requirements.

Training Requirements (49 CFR 172.704)

All hazardous material (HAZMAT) employees must receive general awareness, function-specific, security awareness, and safety training within 90 days of employment, and refresher training every two years following the initial training. This training can be accomplished through “train-the-trainer” training. Additionally, all drivers transporting hazardous materials must receive driver’s training as specified in 49 CFR 177.816. A HAZMAT employee is a person who, in the course of employment, directly affects hazardous materials transportation safety. This term includes an individual, including a self-employed individual, who during the course of employment loads, unloads, handles, packages, moves, prepares, marks, manufactures, tests, reconditions, repairs, modifies, or otherwise handles containers, drums or packaging containing hazardous materials or operates a vehicle used to transport hazardous materials. Each

HAZMAT employer must develop a process of examination, ensuring and documenting that each HAZMAT employee is trained. All training records must be kept for as long as the HAZMAT employee is employed by that HAZMAT employer and for 90 days thereafter.

[Question and answer sheet regarding this issue.](#)

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