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What is the Hazardous Materials Transportation Authorization Act (HMTAA)?

The Hazardous Materials Transportation Authorization Act (HMTAA), first enacted in 1975 and most recently amended in 1994, protects against risks to life and property during the transportation of hazardous materials. HMTAA broadened the regulatory and enforcement authority of the Secretary of Transportation. The statute is so comprehensive that it covers the transportation of hazardous materials by any of these modes of transportation:

- aircraft
- rail
- ships
- vehicles

What is a hazardous material under HMTAA?

Any substance or material designated by the Secretary of Transportation as posing an unreasonable risk to health, safety, and/or property when transported in commerce may be subject to HMTAA. Such materials may include hazardous materials in solid, liquid, gaseous, or semi-solid form, including:

- explosives
- radioactive material
- infectious substances
- flammable or combustible liquids, solids, or gases
- toxic, oxidizing, or corrosive material
- compressed gas

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What are the requirements of HMTAA?

HMTAA requires that all employers who transport hazardous materials train their employees in each and all of these areas:

- handling
- loading
- storing
- unloading
- transporting
- emergency preparedness

The Secretary of Transportation has discretionary power to require anyone who transports hazardous materials to register with the Department of Transportation (DOT). However, some transporters have a mandatory obligation to register with DOT as follows:

- anyone who transports a highway-route-controlled quantity of radioactive material
- anyone who transports more than 25 kilograms (55 pounds) of certain explosive materials by motor vehicle, rail car, or transport container
- anyone who transports more than one liter (1.06 quart) of any material that is extremely toxic when inhaled
- anyone who transports in bulk packaging, container, or tank if the bulk packaging, container, or tank has a capacity of at least 3,500 gallons or more than 468 cubic feet
- anyone who transports at least 5,000 pounds of any hazardous material that requires placarding of a vehicle, rail car, or freight container

In fact, anyone involved in the transportation of oil, gas, pesticides, or any other potentially hazardous substances should contact DOT to be sure they are complying with the law. For more information on registration requirements, contact DOT (FE786, Contact Agencies).

What is the National Hazardous Materials Route Registry (NHMRR)?

The Federal Motor Carrier Safety Administration (FMCSA) has created the National Hazardous Materials Route Registry (NHMRR) as a national repository of non-radioactive hazardous materials and radioactive routes that are either specifically designated for hazmat transportation or specifically restricted from use by hazmat carriers. Routes are selected based on safety and security concerns, and motor carriers who are required to register with DOT under HMTAA must also carry and follow a route plan when transporting hazardous materials. The primary means of identifying and storing a particular route in the registry is through a textual description of the route, which is stored in a database on the FMCSA website (http://www.fmcsa.dot.gov/safety-security/hazmat/national-hazmat-route.aspx).

What are the penalties under HMTAA?

Anyone who knowingly violates HMTAA may be subject to fines of at least $250 per violation but not more than $55,000 per day. A violation of HMTAA training requirements may result in a fine of at least $495 per day. Under the criminal provisions of HMTAA, anyone who willfully or recklessly violates HMTAA may be fined or imprisoned for up to five years if the violation results in bodily injury or up to ten years if the violation results in death.