

# New USDOT regulation changes affect more companies, cost more

Beginning July 1, 2000, a new rule issued by the Office of Hazardous Material Safety and authorized by the Research and Special Programs Administration (RSPA) of the U.S. Department of Transportation (USDOT) became effective for all businesses that offer quantities of hazardous material for transportation that require hazard placarding.

The rule requires all offerors, shippers, generators and transporters of hazardous materials, including hazardous waste, that requires hazard placarding, to file a registration statement with the U.S. Department of Transportation and to pay an annual fee.

This fee increase is to provide needed funds for grants distributed to states and Native American tribes for hazardous materials emergency response planning and training.

Registration will be required for:

1. Any person (business) that offers for transportation or transports quantities of hazardous materials that require hazard placarding as defined by USDOT regulations, except for farmers transporting or hiring for transport, materials that are directly supportive of their farming activities. To determine which materials and what quantities of those materials need to be placarded for transport, please refer to Title 49 CFR Part 172.500 for the placarding rule and the reference tables for hazardous materials given in Title 49 CFR 172.504.

Or...

2. Any person (business) that offers for transport in commerce any of the following:
  - a. A highway route controlled quantity of Class 7 (radioactive) material;
  - b. More than 55 pounds of a Div. 1.1, 1.2, or 1.3 explosive in a motor vehicle, rail car, or freight container;
  - c. More than 1.06 quarts per package of a material extremely toxic by inhalation;

- d. A hazardous material, including hazardous wastes, in bulk packaging (containers having capacities greater than 120 gallons) equal to or greater than 3,500 gallons for liquids or gases, or more than 468 cubic feet for solids. Note that shipments of Class 9 (miscellaneous) materials in bulk packaging greater than these quantities will also require registration, even though no placarding is required for domestic shipments of these materials.
- e. Shipments of hazardous materials, including hazardous wastes, in nonbulk packaging (containers having capacities less than 120 gallons), such as drum shipments of more than 1,000 pounds total gross weight, when placarding of a vehicle, rail car or freight container is required for that class.

**Note:** The extension of the new registration requirement to all shipping activities that require placarding will in most instances override the bulk packaging quantities specified above in item 2. It is important to note that the use of bulk packaging with capacities greater than or equal to those referenced requires registration, no matter how small the quantity of material actually shipped in the container. For more detailed explanations the final rule is accessible by Internet at this Web site: [http://hazmat.dot.gov/rules/hm208c\\_final.htm](http://hazmat.dot.gov/rules/hm208c_final.htm).

## Two-tiered registration scheme

The new regulation adopted a two-tiered fee schedule — \$300 annually for those registrants meeting the U.S. Small Business Administration (SBA) definition of a small business and \$2,000 annually for all other registrants.

The SBA criteria for “small business” are established for each standard industrial classification (SIC) code, by number of employees or by total income. A complete list of the SBA criteria by SIC can be found at the SBA Internet site at <http://www.sbaonline.sba.gov/regulations/siccodes/>

If a company engages in more than one business activity, the SIC code for the primary industry is the one that should be used. Companies unsure of their SIC can refer to the OSHA



## Hazmat transportation

Web site: <http://www.osha.gov/oshstats/sicser.html> for detailed descriptions of the businesses in each SIC.

### Registration process

Each business subject to this regulation is required to submit a complete and accurate registration statement on USDOT Form F 5800.2 (download from <http://hazmat.dot.gov/register.htm>) no later than June 30 for each registration year. Each registration year begins on July 1 and ends on June 30 of the following year. No persons required to file a registration statement may transport a hazardous material, or cause a hazardous material to be transported or shipped, unless they have a current Certificate of Registration. Permitting registration for one, two or three years on a single registration statement is permitted and fees are prorated for extended registration permits.

### Registration deadline

The completed 2000-2001 registration statement and payment should have been submitted before July 1, 2000, or before engaging in any of the activities requiring registration, *whichever is later*. Enforcement and penalties can be through local, state or federal agencies. If you need to register more quickly than normal procedures provide, expedited registration is possible by calling 800-942-6990.

### For more information

In Kansas: Sherry Davis, KSU Pollution Prevention Institute, 800-578-8898.

### For registration forms and instructions

Download: <http://hazmat.dot.gov/register.htm>. You can register on line at this site.

Automated fax-on-demand service at 800-467-4922, press "2" and follow instructions to request document #700.

E-mail request to: [REGISTER@rspa.dot.gov](mailto:REGISTER@rspa.dot.gov) or call 617-494-2545 or 202-366-4109 to ask direct questions.

### The straight talk . . .

So what's the plain language way to tell if this regulation affects your business?

It's easy. The first thing you must determine is whether the shipment of hazardous materials you offer for transport requires the transporter to placard his vehicle. Then you must determine whether your business is classified as a small business.

Placarding is required when a hazardous material, including a hazardous waste, is shipped:

- In **non-bulk** containers (containers having capacities less than 120 gallons),
- **And** in a one-time shipment of more than 1,000 pounds total gross weight (not cumulative);
- **And** the hazardous material is in a hazard class that requires placarding.

For example: If your business is offering for shipment three 55-gallon drums of hazardous waste from your site, the total shipment is more than 1,000 pounds, **and** the material you are shipping requires hazard placarding by DOT regulations, then the new registration requirement applies to you.

**Note:** Those who offer shipments of hazardous materials, including hazardous wastes in **bulk** shipments have different weight and volume guidelines to determine registration requirement.

After determining registration applicability you must then determine which registration fee applies — based on whether a company is considered a small business according to the number of employees or millions of dollars in earnings or receipts. The Small Business Administration's criteria for "small business" determination is made according to the business' standard industrial classification (SIC) code. Guidance to help determine your SIC code is given at the OSHA Web site previously mentioned. Once your SIC code is determined, you can decide whether your company meets the criteria as a "small business" by visiting SBA's site on the Internet.



The Small Business Environmental Assistance Program's (SBEAP) mission is to help Kansas small businesses comply with environmental regulations. SBEAP operates through a consortium of the University of Kansas, Kansas State University and Wichita State University. SBEAP is funded through a contract with the Kansas Department of Health and Environment. SBEAP services are free and confidential. This fact sheet was published by Kansas State University's Pollution Prevention Institute. For more information, call 800-578-8898 or send e-mail to [SBEAP@ksu.edu](mailto:SBEAP@ksu.edu). Our Web address is <http://sbeap.niar.twsu.edu>. The University of Kansas, Kansas State University and Wichita State University are EEO/AA providers.