

June 23, 2021



U.S. Department  
of Transportation

East Building, PHH-30  
1200 New Jersey Avenue S.E.  
Washington, D.C. 20590

**Pipeline and Hazardous  
Materials Safety Administration**

DOT-SP 21146  
(SECOND REVISION)

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATIONS:
  - a. This emergency special permit authorizes hazmat employers, who employ maritime transportation workers and are unable to provide recurrent training consistent with the HMR due to restrictions resulting from the COVID-19 public health emergency, to delay the recurrent training for the applicable hazmat employees. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
  - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
  - c. Unless otherwise stated herein, this special permit consists of the special permit authorization letter issued to the grantee together with this document.
  - d. Grantees to this special permit must be hazmat employers located at the ports referenced in paragraph 7.c.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

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4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.704(c)(2) in that recurrent training is not required, as specified herein.
5. BASIS: This special permit is based on the application of APM Terminals Pacific LLC dated November 23, 2020, submitted in accordance with § 107.117 and the determination that it is necessary to protect persons and property and additional information dated April 30, 2021.
6. HAZARDOUS MATERIALS (49 CFR 172.101):

<b>Hazardous Material Description</b>			
<b>Proper Shipping Name</b>	<b>Hazard Class/ Division</b>	<b>Identification Number</b>	<b>Packing Group</b>
As applicable	As applicable	As applicable	As applicable

7. SAFETY CONTROL MEASURES:

a. This special permit applies only to the recurrent training requirements of 49 CFR 172.704(c)(2). Offerors and carriers must comply with all other obligations under the HMR and other applicable laws.

b. This special permit does not preclude the undertaking of enforcement actions related to violations that occurred prior to PHMSA's initial notice of enforcement discretion dated March 25, 2020.

c. This special permit is applicable to hazmat employers such as ports that are a party to this special permit and that are unable to provide adequate recurrent training for a maritime worker due to the ongoing COVID-19 pandemic who is qualified except that their hazardous materials recurrent training has expired within the last 12 months. Hazmat employers must be located at ports in the following regions:

- (1) California;
- (2) Washington;
- (3) Oregon;

- (4) Baltimore;
- (5) Georgia;
- (6) New York/New Jersey;
- (7) Philadelphia;
- (8) Southeast Florida;
- (9) Jacksonville;
- (10) Alabama; Louisiana; or
- (11) Texas.

d. The relief provided in this special permit is no longer valid after December 31, 2021.

8. SPECIAL PROVISIONS:

a. A current copy of this special permit must be maintained at each facility where maritime transportation employees who have not received the required recurrent training are employed.

b. Within 30 days the grantee, or a representative on their behalf, will provide to the United States Coast Guard, via [specialpermits@dot.gov](mailto:specialpermits@dot.gov), plans describing how they intend to become compliant with the recurrent training requirements of the Hazardous Materials Regulations (HMR) prior to the deadline of December 31, 2021. This plan will include at a minimum:

- (1) The number of employees who currently require training;
- (2) The number of employees who will require training prior to December 31, 2021;
- (3) A description of how the grantee intends to ensure that all employees meet all required training by December 31, 2021.
- (4) Failure to provide the required plan by the date may result in suspension or termination of your grantee status to this special permit.

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c. The grantee, or a representative on their behalf, shall submit a monthly report to [specialpermits@dot.gov](mailto:specialpermits@dot.gov) describing:

- (1) The number of employees trained in that month;
- (2) The number of employees remaining with expired training;
- (3) The number of employees whose training has lapsed in that month;
- (4) An indication if they are on track to complete the required training; and
- (5) If not on track, how they intend to modify their program, including a new plan describing how they intend to become compliant with the training requirements of the HMR prior to December 31, 2021.

9. MODES OF TRANSPORTATION AUTHORIZED: As authorized by the HMR. Transportation must be to, from, or within U.S. maritime ports.
10. MODAL REQUIREMENTS: None as a requirement of this permit.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
  - o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
  - o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
  - o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704, except as specified in this special permit.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)—“The Hazardous Materials Safety and Security Reauthorization Act of 2005” (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term “exemption” to “special permit” and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for William Schoonover  
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at <https://www.phmsa.dot.gov/approvals-and-permits/hazmat/special-permits-search>. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: TG