



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

NOV 9 2006

Mr. D. L. Casmev
Vice President of Operations & Security
Jones Chemicals, Inc.
2500 Vanderhoof Road
P.O. Box 349
Barberton, Ohio 44203

Reference No. 06-0219

Dear Mr. Casmev:

This is in response to your September 29, 2006 letter concerning how to apply the in-depth security training requirements prescribed in § 172.704(a)(5) and Subpart I of Part 172 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You ask if under these requirements an employer must designate at least one hazmat employee as the individual required to receive in-depth security training. In addition, you ask if the individual pages of a security plan updated in response to changes to the HMR must be replaced or if the entire document must be reprinted and show the same date on all pages.

The answer to both questions is no. The in-depth security training under § 172.704(a)(5) is required only for hazmat employees who handle or perform regulated functions related to the transportation of the materials listed in § 172.800(b) or who are responsible for implementing the security plan. These hazmat employees must receive in-depth training on the specific portions of the plan for which they are responsible, including specific security procedures, employee responsibilities, and actions to be taken in the event of a security breach.

The HMR are silent on how to note changes in a security plan in that they do not require the revised pages of a security plan to be dated or the entire security plan to be reprinted if one or several pages in the plan are changed. However, you may wish to reflect this date on a cover page for the document. Section 172.704(a)(5) requires that if this agency adopts a new regulation or changes an existing regulation that relates to a function performed by a hazmat employee the employee must be instructed in the new or revised function-specific requirements without regard to the three-year training cycle before the employee can perform the regulated tasks. While it is not necessary to completely retrain the hazmat employee sooner than the required three-year cycle, the employee must receive the instruction necessary to ensure this person is knowledgeable about the new or



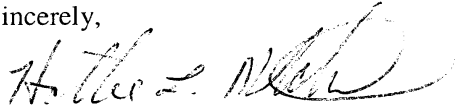
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172.704
172.802

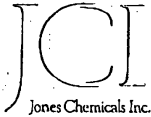
revised regulatory requirement. Also, please note it is not necessary to test the employee or retain records of the remedial instruction provided in the new or revised requirements until the next scheduled retraining at or within the three-year cycle.

I hope this information is helpful.

Sincerely,

A handwritten signature in cursive script, appearing to read "Hattie L. Mitchell". The signature is written in dark ink and is positioned above the typed name.

Hattie L. Mitchell, Chief
Regulatory Review and Reinvention
Office of Hazardous Materials Standards



29 September 2006

US Department of Transportation
DHM-10
Mr. Edward Mazzulo
Director, Office of Hazardous Material Standards
400 7th Street S.W.
Washington, DC 20590-0001

Fax: 1-202-366-3012

Edmonson
§ 172.704
§ 172.802
Training - Security Plans
06-0219

Dear Mr. Mazzulo-

The purpose of this letter is to request clarification of specific elements of *HM-23 Hazardous Materials: Security Requirements for Offerors and Transporters of Hazardous Materials*. HM 232 regulations, effective on March 25th, 2003 requires companies transporting hazardous materials in commerce to develop and implement plans to address security risks associated with making these deliveries. In response to this, JCI Jones Chemicals Inc. has developed and implemented an extremely comprehensive security plan in accordance with guidance provided by our Corporate Office, the Chlorine Institute's Security Management Plan, and HM 232. This security plan is continually reviewed and revised when appropriate and necessary in order to ensure we have the most effective program possible. Throughout the years since our security plan was first written, it has been revised to include Vulnerability Assessments, Vulnerability Reductions (Countermeasures), Breach of Security Guidelines, Information Technology Security, the requirements under 49 CFR 385.415(c)(1) (*FMCSA Regulations: Hazardous Materials Safety Permits - Additional Requirements*), and Security Guidelines applicable only to our Corporate Office, just to name a few. Training on individual elements of our security plan is conducted on a monthly basis for all employees of JCI Jones Chemicals Inc.. Attached to this letter is a copy of the Training Matrix used to document this training.

Having said all of this, I have two questions pertaining to 49 CFR 172.704 (*Training Requirements*) and 49 CFR 172.802 (*Components of a security plan*). Last week, our Caledonia Branch was visited by a Hazardous Materials Inspector with the US Department of Transportation (Federal Railroad Administration). In addition to touring the Branch and reviewing shipping papers, the inspector reviewed our security training records. For all intents and purposes, we consider all employees at all eleven JCI Jones Chemicals Inc. Branches to be hazmat employees and for this reason, all employees receive the same security training each month. As you can see from the attached Security Training Matrix, our security training program is representative of the many elements covered in our Security Plan. The inspector commented that at least one employee at the facility is to be designated as that employee that is to receive 'In-depth security training'

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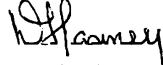


and that we had no documentation designating such an employee. Again at JCI, there is no difference in the type and level of security training provided to all employees and therefore, while one employee at each Branch is designated in writing to be the Security Coordinator for that particular facility, no one single employee is designated as being that individual required to receive 'In-depth security training'. Given this, can you please clarify what this means with respect to the Hazardous Materials Inspector's comments?

Secondly and as stated above, JCI's Security Plan is continually reviewed and revised as additional security measures are identified and implemented. The last sentence in 49 CFR 172,802 (b) states, "When the security plan is updated or revised, all copies of the plan must be maintained as of the date of the most recent revision". The inspector stated that this means that the date at the bottom of all pages of the security plan must reflect the date of the most recently revised page in the plan; i.e., all pages must have the same date. Given that JCI's Security Plan is over 100 pages long and various elements of the plan have been added and or revised at different times during the past three years to include those elements discussed above in the first paragraph as well as many others, it seems unreasonable to think that all 100 pages must be updated to reflect the date of the most recent revision each and every time a revision, no matter how minor, is made. Your interpretation of this would be appreciated.

We look forward to hearing from you on this and should you require any additional information from me, I can be reached at 1-330-825-4521.

Sincerely,
JCI JONES CHEMICALS INC.


D.L. CASMEY
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CC: Mr. Tim Gaffney, Executive Vice President, JCI Jones Chemicals Inc.
Mr. Michael Croke, Vice President of Safety, JCI Jones Chemicals Inc.
Mr. James Nelson, Manager, JCI Jones Chemicals Inc., Caledonia Branch