



U.S. Department  
of Transportation  
**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

## **NOTICE OF ENFORCEMENT POLICY REGARDING HAZARDOUS MATERIALS TRAINING REQUIREMENTS FOR MARITIME WORKERS**

Due to the impacts of the COVID-19 public health emergency, the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) announced on March 25, 2020 that it would not take enforcement action against any hazardous materials (hazmat) employer who was unable to provide recurrent training for employees as required by the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). On June 24, 2020, PHMSA extended this notice. PHMSA's notice of enforcement discretion is scheduled to expire on October 31, 2020. PHMSA understands, however, that certain hazmat employers engaged in the maritime transportation of hazardous materials may be continuing to experience difficulty in providing the required recurrent training.

PHMSA therefore gives notice that it will not take enforcement action against any hazmat employer engaged in the maritime transportation of hazardous materials who is unable to provide recurrent training consistent with the HMR due to restrictions resulting from the COVID-19 public health emergency. This enforcement discretion is applicable to hazmat employers such as ports that are unable to provide recurrent training for a maritime worker who is qualified except that their hazardous materials recurrent training has expired within the last 12 months. This enforcement discretion is in response to unprecedented changes in business practices related to the COVID-19 public health emergency and is intended to minimize disruptions in the supply chain. This enforcement discretion will be exercised by PHMSA and the United States Coast Guard (USCG). This notice does not preclude the USCG from undertaking enforcement actions related to violations that occurred prior to PHMSA's initial notice of enforcement discretion dated March 25, 2020.

PHMSA reminds employers that the HMR does not require that training be provided in a traditional classroom setting or through on-the-job training. Any method of training delivery, including web-based, self-paced computer instruction, remotely delivered classroom instruction, on-the-job training, or some combination of those methods that covers the required elements in 49 CFR 172 Subpart H are acceptable. PHMSA encourages the utilization of any of these training methods to ensure hazmat employees be provided appropriate recurrent training.

This notice is limited to the recurrent training requirements found in 49 CFR 172.704(c)(2). Offerors and carriers must comply with all other obligations under the HMR and other applicable laws. This document is a temporary notice of enforcement discretion. Regulated entities may rely on this notice as a safeguard from departmental enforcement as described herein. To the extent this notice includes guidance on how regulated entities may comply with existing regulations, it does not have the force and effect of law and is not meant to bind the regulated entities in any way. This notice will remain in effect until December 31, 2020. Port/Maritime employers who believe they will need relief beyond December 31, 2020 must apply for an Emergency Special Permit prior to November 30, 2020. Processes for applying for an Emergency Special Permit are in 49 CFR part 107, subpart B.

Issued October 30, 2020, in Washington D.C.

A handwritten signature in blue ink that reads "William S. Schoonover". The signature is written in a cursive style and is contained within a light blue rectangular box.

William S. Schoonover  
Associate Administrator  
for Hazardous Materials Safety