

Fact Sheet
January 2003

Security Enhancements for Hazardous Waste Handling and Transportation



DEPARTMENT OF TOXIC SUBSTANCES CONTROL

DTSC is one of six Boards and Departments within the California Environmental Protection Agency. DTSC's mission is to restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality, by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.

State of California



California
Environmental
Protection Agency



Background

After the events of September 11, 2001, businesses and government are more concerned with security, especially in handling or transporting hazardous materials or wastes that could be used as weapons. This fact sheet highlights recent changes in State law dealing with hazardous waste security in transportation and storage. It also provides recommended actions hazardous waste handlers may choose to take to make operations more secure.

SB 1257 Transporter Security Changes

Senate Bill 1257 (Murray), which goes into effect January 1, 2003, strengthens security for hazardous wastes and hazardous materials by focusing on transportation physical security.

Driver's License Checks — All hazardous waste generators and facility operators must make sure that the driver they give their hazardous waste to for transporting has the correct class of driver's license including a hazardous materials endorsement (Health & Saf. Code, §25160.7). *NOTE: Vehicle Code, section 15278 requires the driver of a vehicle transporting hazardous materials requiring placarding for hazardous wastes to have a commercial driver's license, class A, B or C, with a hazardous materials endorsement "H" (or an "X" if combined with a tank vehicle endorsement).*

Two-Way Communications — Vehicles transporting hazardous materials or hazardous wastes and that are required to use placards must be equipped with a working two-way communication device so that the driver can call for assistance in an emergency (Vehicle Code, §32001(c)). A two-way radio or cellular phone would meet this requirement.

Vehicle Locks — The enclosed cargo body must remain locked except during loading and unloading (Vehicle Code, §32001(c)(5)(A)). This requirement covers fully enclosed areas such as the van body or freight container that are part of the vehicle and encapsulate the entire load, but not a tank or flat bed vehicle. The driver must open the doors at the direction of a peace officer or an authorized employee of the California Highway Patrol (CHP), the Department of Toxic Substances Control (DTSC), Certified Unified Program Agencies, and local health officers (Health & Saf. Code, §25185).

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our web site at www.dtsc.ca.gov.

January 1, 2003

License Check Requirement
Vehicle Locking Requirement
Two-Way Communication Requirement

Upon Adoption of Regulations
Hazardous Wastes of Concern List
Disclosure Statements
Background Checks

Early 2003
Manifest Discrepancy Reporting
Regulations for Priority Wastes

The driver transporting hazardous material in a locked cargo body must verify that all locks are in place if the vehicle has been left unattended for any length of time. The driver must also note the time and date of the verification in the log book.

For a complete version of this bill, please go to www.leginfo.ca.gov/pub/01-02/bill/sen/sb_1251-1300/sb_1257_bill_20020917_chaptered.pdf or contact the Senate Bill Room at (916) 445-2323.

NOTE: While Vehicle Code enforcement is primarily the responsibility of the CHP and local law enforcement, DTSC has the authority to enforce hazardous waste laws, including California Code of Regulations, title 22, section 66263.13(b) which requires compliance with the Vehicle Code by transporters.

SB 489 Hazardous Wastes of Concern

Some hazardous wastes can pose a threat when used to intentionally harm the public in a terrorist or other criminal act. Senate Bill 489 (Romero) requires DTSC to identify these “hazardous wastes of concern” and more closely monitor activity involving them. SB 489 directs DTSC to adopt emergency regulations implementing the reporting provisions by July 1, 2003. The disclosure statement requirements take effect on January 1, 2004 for facilities and transporters handling hazardous wastes of concern, although DTSC may request submission earlier.

List of “Hazardous Wastes of Concern” — DTSC will create a list of “hazardous wastes of concern” that require additional security measures and the minimum quantity of each that, when missing, must be reported (Health & Saf. Code, §25169.7, subdiv.(a)). The list will include any hazardous waste that requires special handling restrictions and requirements beyond those generally necessary for hazardous wastes (Health & Saf. Code, §25169.6.(a)).

Reporting Missing Waste — If a hazardous waste transporter or the owner or operator of a hazardous waste facility discovers that a hazardous waste of concern is missing during transportation or storage, and the amount of waste missing equals or exceeds the specified reportable quantity, the hazardous waste transporter or facility must immediately contact DTSC by phone, and report the discrepancy in writing within five days. The transporter or the owner or operator must also comply with the applicable manifest discrepancy reporting requirements (Health & Saf. Code, §25169.7(a)(1)).

Disclosure Statements — Any person applying for a permit to operate a hazardous waste facility that would handle hazardous waste of concern must submit a disclosure statement to DTSC. The disclosure statement will contain information specified in the Health and Safety Code, section 25112.5, which will generally include fingerprint images. DTSC will use that information to conduct a criminal history background check of the individuals identified in the disclosure statement. Fingerprints are not required from eligible publicly traded corporations. A new Disclosure Statement form will be available on the Internet at www.dtsc.ca.gov by July 1, 2003.

Additional disclosure requirements:

- By January 1, 2004, and at any time upon DTSC’s request, hazardous waste facility owners and operators that handle any hazardous waste of concern must submit a disclosure statement.
- On and after January 1, 2004, any person applying for registration as a hazardous waste transporter who will transport hazardous waste of concern must submit a disclosure statement.
- At any time upon the request of DTSC, any registered hazardous waste transporter who trans-

ports any hazardous waste of concern must submit a disclosure statement.

- Whenever any of the information required in a disclosure statement changes, the transporter or the facility owner or operator must provide the updated information in writing to the department within 30 days of the change.

For a complete version of this bill, please go to www.leginfo.ca.gov/pub/01-02/bill/sen/sb_0451-0500/sb_489_bill_20020917_chaptered.pdf or contact the Senate Bill Room at (916) 445-2323.

Persons subject to fingerprinting include owners, partners, and anyone who owns more than five percent of the company handling hazardous wastes of concern. Officers of eligible publicly traded corporations are not subject to the fingerprinting requirement (Health & Saf. Code §25112.5(c)).

New Federal Laws

The USA Patriot Act, enacted in October 2001, includes a requirement to fingerprint drivers who have a hazardous materials endorsement on their driver's license. Fingerprinting will only take effect when the U.S. Department of Transportation adopts regulations. Other federal regulations regarding site security are pending.

Security Suggestions

Consider security in the design and operation of your facility to help prevent unwanted intrusion and access to hazardous materials and wastes. You should first evaluate the vulnerability of your site and the inherent danger of the hazardous wastes you handle before making decisions about improving site security.

Implement additional security measures to reduce your vulnerability, if appropriate. Hazardous materials shipping and transportation companies should take it upon themselves to develop security guidelines and appoint a security representative. Terminals are easy targets for vandals or terrorists to “scope-out” and find weaknesses.

Common Security Issues:

- Hazardous materials left in open yard
- Hazardous materials not routinely inventoried

- Terminal access not secured
- Security measures not in place
- Lack of a security action plan
- Company personnel not aware of security issues
- The “it can't happen to me” attitude
- Vehicles/trailers not locked or sealed

Transporting Hazardous Materials or Wastes:

- Keep vehicle secure at all times and implement the use of load seals. Check the locks or seals at each stop. (Required January 1, 2003)
- Establish communication with the load's destination, give approximate arrival time, and ensure that there will be someone to receive the shipment
- Carry two-way communications. (Required effective January 1, 2003, if the load is placarded)
- Use caution when approached or asked about the load/develop a neutral answer to keep from giving out too much information
- Become familiar with the contact numbers for law enforcement agencies on your route
- Stay on a common route and be cautious of suspicious detours

Shipping Terminals:

- Restrict access to hazardous materials
- Implement a photo identification program
- Appoint a security liaison for the terminal
- Train personnel in security measures
- Install surveillance equipment
- Provide lighting for normally dark locations
- Relocate the hazardous materials and wastes to a more secure location
- Improve gates and fencing
- Consider gate logs and restricting visitor areas
- Encourage employees to challenge unknown persons in restricted areas



- Provide regular training to employees concerning security issues
- Institute a rewards program recognizing employees who identify security improvements
- Ship hazardous wastes through transportation companies equipped with Global Positioning Systems (GPS)
- Develop “security awareness” literature for drivers who transport hazardous materials
- Inspect facility windows and doors and replace any defective glass or locks
- Call in any suspicious activity that may affect the load

For More Information

In an urgent situation, call 911 for local law enforcement or the California Highway Patrol. You must report any hazardous releases to the Office of Emergency Services (OES) at 1-800-852-7550.

For non-urgent hazardous waste complaints, call DTSC’s Complaint Hot Line at 1-800-69TOXIC (1-800-698-6942). For non-urgent hazardous materials problems, call 1-800-TELL-CHP (1-800-835-5247). CHP has now expanded the 1-800-TELL-CHP phone number for use in the “Partners in Safety” program concerning hazardous materials security. This number is for reporting any security related problems regarding hazardous materials or wastes both at a terminal and during transportation. If you choose, you may remain anonymous.

CHP web site (www.chp.ca.gov/html/partners.html)

American Chemistry Council web site for documents on site security www.americanchemistry.com/cmaweb site.nsf/s?readform&n nar-53rkt8; for documents on transportation-related security www.americanchemistry.com/cmaweb site.nsf/s?readform&n nar-54bnk5.

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Translation Notice

Esta información sera disponible en español.

For more information, please contact the DTSC office nearest you, or call the regional Public and Business Liaisons at (800) 72TOXIC (1-800-728-6942).

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