

SECURITY PLAN FINAL RULE: Effective October 1, 2010

On March 9, 2010, significant amendments were published that narrows the list of materials subject to the Security Plan requirements, while adding new elements that must be addressed in your plan related to risk assessment, planning, training, and documentation.

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Completely Revised Security Plans

PERS has assessed the final rule, recommendations by TSA, and guidance from PHMSA and FMCSA. Our security plan solutions have been revised to address the new amendments to §172.802. Applicable TSA Security Action Items (SAI's) will be incorporated into your new plan. By completing the Security Plan Worksheet (which must accompany your order) you will select/specify site-specific or location-specific risks associated with your facility and measures to address these risks. The worksheet information will be used to create your security plan.

New Security Plan Template CD-ROM

EDIT/UPDATE YOUR PLAN AT ANY TIME. Using the Security Plan Template CD-ROM (Microsoft® Word® files), site-specific or location-specific information (and any other portion of your plan) can be modified at any time. In addition, the security plan comes in a 1/2" three-ring binder, making it easy to add or replace pages within your plan. The CD-ROM also includes additional supporting security resource documents and other useful information.

FREE TSA Security Training CD & DVD

Each Security Plan Compliance Package includes, at no charge, TSA's "Security Action Item Training for Motor Carriers". **This free training resource (CD-ROM & DVD) may also be obtained by calling PERS to request a copy, independent of purchasing our compliance package.** TSA developed this comprehensive training program in collaboration with the PHMSA and FMCSA. It meets the Security Awareness training requirements of 49 CFR 172.704 (a)(4). The training program includes an instructor's guide, student manual, slide presentation, a scenario-based DVD, and documentation.

IMPORTANT: The fax/email **Order Form** (on back of our Letterhead) must be submitted, along with the **3-page Worksheet**. **All 4 pages must be received by PERS** before your order can be processed.



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*** Fax Order to: 801-629-0680**

* The amended regulation that becomes effective on October 1, 2010 is printed on reverse side of this flyer.

Sec. 172.800 Purpose and applicability.

(a) Purpose. This subpart prescribes requirements for development and implementation of plans to address security risks related to the transportation of hazardous materials in commerce.

(b) Applicability. Each person who offers for transportation in commerce or transports in commerce one or more of the following hazardous materials must develop and adhere to a transportation security plan for hazardous materials that conforms to the requirements of this subpart. As used in this section, "large bulk quantity" refers to a quantity greater than 3,000 kg (6,614 pounds) for solids or 3,000 liters (792 gallons) for liquids and gases in a single packaging such as a cargo tank motor vehicle, portable tank, tank car, or other bulk container.

- (1) Any quantity of a Division 1.1, 1.2, or 1.3 material;
- (2) A quantity of a Division 1.4, 1.5, or 1.6 material requiring placarding in accordance with Sec. 172.504(c);
- (3) A large bulk quantity of Division 2.1 material;
- (4) A large bulk quantity of Division 2.2 material with a subsidiary hazard of 5.1;
- (5) Any quantity of a material poisonous by inhalation, as defined in Sec. 171.8 of this subchapter;
- (6) A large bulk quantity of a Class 3 material meeting the criteria for Packing Group I or II;
- (7) A quantity of a desensitized explosives meeting the definition of a Division 4.1 or Class 3 material requiring placarding in accordance with Sec. 172.504(c);
- (8) A large bulk quantity of a Division 4.2 material meeting the criteria for Packing Group I or II;
- (9) Any quantity of a Division 4.3 material;
- (10) A large bulk quantity of a Division 5.1 material in Packing Groups I and II; perchlorates; or ammonium nitrate, ammonium nitrate fertilizers, or ammonium nitrate emulsions, suspensions, or gels;
- (11) Any quantity of organic peroxide, Type B, liquid or solid, temperature controlled;
- (12) A large bulk quantity of Division 6.1 material (for a material poisonous by inhalation see paragraph (5) above);
- (13) A select agent or toxin regulated by the Centers for Disease Control and Prevention under 42 CFR part 73 or the United States Department of Agriculture under 9 CFR part 121;
- (14) A quantity of uranium hexafluoride requiring placarding under Sec. 172.505(b);
- (15) International Atomic Energy Agency (IAEA) Code of Conduct Category 1 and 2 materials including Highway Route Controlled quantities as defined in 49 CFR 173.403 or known as radionuclides in forms listed as RAM-QC by the Nuclear Regulatory Commission; (16) A large bulk quantity of Class 8 material meeting the criteria for Packing Group I.

(c) Exceptions. Transportation activities of a farmer, who generates less than \$500,000 annually in gross receipts from the sale of agricultural commodities or products, are not subject to this subpart if such activities are:

- (1) Conducted by highway or rail;
- (2) In direct support of their farming operations; and
- (3) Conducted within a 150-mile radius of those operations.

Sec. 172.802 Components of a security plan.

(a) The security plan must include an assessment of transportation security risks for shipments of the hazardous materials listed in Sec. 172.800, including site-specific or location-specific risks associated with facilities at which the hazardous materials listed in Sec. 172.800 are prepared for transportation, stored, or unloaded incidental to movement, and appropriate measures to address the assessed risks. Specific measures put into place by the plan may vary commensurate with the level of threat at a particular time. At a minimum, a security plan must include the following elements:

- (1) Personnel security. Measures to confirm information provided by job applicants hired for positions that involve access to and handling of the hazardous materials covered by the security plan. Such confirmation system must be consistent with applicable Federal and State laws and requirements concerning employment practices and individual privacy.
- (2) Unauthorized access. Measures to address the assessed risk that unauthorized persons may gain access to the hazardous materials covered by the security plan or transport conveyances being prepared for transportation of the hazardous materials covered by the security plan.
- (3) En route security. Measures to address the assessed security risks of shipments of hazardous materials covered by the security plan en route from origin to destination, including shipments stored incidental to movement.

(b) The security plan must also include the following:

- (1) Identification by job title of the senior management official responsible for overall development and implementation of the security plan;
- (2) Security duties for each position or department that is responsible for implementing the plan or a portion of the plan and the process of notifying employees when specific elements of the security plan must be implemented; and
- (3) A plan for training hazmat employees in accordance with Sec. 172.704 (a)(4) and (a)(5) of this part.

(c) The security plan, including the transportation security risk assessment developed in accordance with paragraph (a) of this section, must be in writing and must be retained for as long as it remains in effect. The security plan must be reviewed at least annually and revised and/or updated as necessary to reflect changing circumstances. The most recent version of the security plan, or portions thereof, must be available to the employees who are responsible for implementing it, consistent with personnel security clearance or background investigation restrictions and a demonstrated need to know. When the security plan is updated or revised, all employees responsible for implementing it must be notified and all copies of the plan must be maintained as of the date of the most recent revision.

(d) Each person required to develop and implement a security plan in accordance with this subpart must maintain a copy of the security plan (or an electronic file thereof) that is accessible at, or through, its principal place of business and must make the security plan available upon request, at a reasonable time and location, to an authorized official of the Department of Transportation or the Department of Homeland Security.

NOTE: Some companies will find relief from the security plan requirements, such as those who only offer or transport class 3 materials in packing group III (e.g., fuel oil, diesel fuel, kerosene, etc.), or 2.2 compressed gases (unless the compressed gas has a subsidiary hazard of 5.1 and is offered or transported in a large bulk quantity as defined above).