PHMSA extends enforcement discretion policy for CDL driver hazmat training

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The Pipeline and Hazardous Materials Safety Administration (PHMSA) announced an extension of the agency’s March 24, 2020 enforcement discretion policy (waiver) regarding reoccurring hazardous material training and testing requirements for CDL drivers. While the waiver is in effect, PHMSA will take no enforcement action against any motor carrier or offeror who is unable to provide reoccurring hazardous material training and testing that all CDL HAZMAT drivers (and all HAZMAT employees) must undergo every three years. The original enforcement waiver expired on June 24, 2020. PHMSA's announcement this week extends the waiver through October 31, 2020.

PHMSA said the enforcement waiver extension is necessary because reoccurring HAZMAT training and testing often takes place in large classroom settings that have been temporarily suspended due to the COVID-19 emergency.

Specifically, the enforcement waiver covers only reoccurring training and testing under 49 CFR 172.704 (c)(2). Those reoccurring training and testing categories include:

- General Awareness Training/Testing
- Function Specific Training/Testing
- Safety Training/Testing
- Security Awareness Training/Testing
- In Depth Security Training/Testing
- OSHA and EPA Training/Testing

PHMSA also noted that although the reoccurring cement waiver is in effect, alternative delivery methods for training are available. Those delivery methods include; web-based training, self-paced computer instruction, remotely delivered classroom instruction, and on the job training. While these methods do not include testing or satisfy the training and testing requirement, they are helpful refresher courses on hazardous material safety. However, PHMSA is not requiring the use of any alternative training methods.

IMPORTANT! The enforcement waiver does not apply to initial HAZMAT training and testing requirements for drivers.

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