

QUARTERLY SPECIAL REPORT

TOP 5 HAZMAT VIOLATIONS

AND HOW TO AVOID THEM





FMCSA'S HAZARDOUS MATERIALS VIOLATIONS STATISTICS

According to the Federal Motor Carrier Safety Administration's (FMCSA's) Analysis & Information Online roadside inspections data on hazardous materials violations, the top five violations along with the out of service (OOS) counts and OOS percentages in fiscal year 2023 were as follows:

Violation	Description	Number of violations	OOS percent
177.834(a)	Package not secure in vehicle	3,818	97.88
107.620(b)	No copy of US DOT Hazardous Materials Registration Number	2,306	0.09
177.817(a)	Improper shipping papers (carrier)	2,206	74.16
177.817(e)	Shipping paper accessibility	2,089	2.44
177.823(a)	No placards/markings when required	1,908	46.49

We are only a few months into fiscal year 2024 and these top 5 violations are still at the top of the list. In fact, since 2018, "Package not secure in vehicle" has held the number one spot. The remaining top four violations have shifted slightly over the past few years, but even they remain essentially the same going into 2024.

Let's take a closer look at these violations, why they might be so frequent, and what you can do to take meaningful action to avoid them.



1. PACKAGE NOT SECURE IN VEHICLE

What is required:

The regulation at 177.834(a) requires, "Any package containing any hazardous material, not permanently attached to a motor vehicle, must be secured against shifting, including relative motion between packages, within the vehicle on which it is being transported, under conditions normally incident to transportation. Packages having valves or other fittings must be loaded in a manner to minimize the likelihood of damage during transportation."

While on the road, packages containing hazmat and not permanently attached to the vehicle must be secured. This means the packages must be braced and secured to minimize shifting within the vehicle during normal transportation conditions.

Cylinders with valves or fittings must be protected during transportation, too.

The regulations aren't specific when it comes to securing packages, just that they must be secured against shifting.





Nearly all violations of this regulation — 97.88 percent — resulted in an out-of-service in 2023. Again, this trend is continuing into 2024, so this violation is an important one to address. A few steps you can take to prevent this violation include:



Ensure drivers have the tools they need. Drivers often require securement tools (load bars, straps, etc.) to ensure freight is properly secured against movement, under conditions normally incidental to transportation.



Train drivers on proper load securement. City drivers, dock workers, and road drivers should all receive function-specific training applicable to their job classification. A review of FMCSA's cargo securement regulations may also be in order.



Explain segregation requirements. Drivers need to be aware of segregation requirements. Certain hazmat cannot be transported with other types of hazmat and this information is laid out in the segregation table in 177.848. Be sure your drivers know about the segregation requirements, where to find the table, and how to use the information.

2. NO COPY OF USDOT HAZARDOUS MATERIALS REGISTRATION NUMBER

What is required:

Section 107.620(b) requires each motor carrier to carry a copy of its current Certificate of Registration issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA) or another document bearing the registration number identified as the "U.S. DOT Hazmat Reg. No." on board each truck and truck tractor (not including trailers and semitrailers) used to transport hazardous materials subject to the requirements. The Certificate of Registration or document bearing the registration number must be made available, upon request, to enforcement personnel.

Every vehicle you use for the transportation of a hazardous material that meets the registration criteria must have this proof of registration on board.



Carrying proof of your hazmat registration is a relatively easy violation to avoid. You'll want to:



Ensure copies of your registration are in each vehicle. A great place to put this document is in your vehicle's permit binder. Note that an electronic copy is not advised.



Replace the registration as needed. As new registrations are issued, be sure you place the current copy in the vehicle.



Ensure your drivers are familiar with the appearance and location of the document. You may have the document in the vehicle as required, but perhaps drivers may not understand what it is and may be failing to produce it during a roadside inspection.





3. NO OR IMPROPER SHIPPING PAPERS (CARRIER)

What is required:

The regulation at 177.817(a) states that a person may not accept a hazardous material for transportation or transport a hazardous material by highway unless that person has received a shipping paper.

A subsequent carrier may not transport a hazardous material unless it is accompanied by a shipping paper (except for the shipper's certification required by 172.204).

There may be a couple different scenarios where this issue surfaces for a motor carrier and its drivers:



Regardless of the reason this violation occurs, there are ways you can help prevent the missing or improper shipping paper violation:



Remind drivers to check the load, if possible.

If a hazardous materials shipping paper is not provided, the driver can use clues as to whether hazardous materials are on the vehicle. Drivers should look for packages displaying hazardous materials markings or labels.



Check the shipping paper. Drivers should check the shipping paper for hazardous materials-related information, if needed. Does everything look correctly identified on the shipping paper and are the hazardous materials Is the shipping paper improperly completed or listed on the shipping paper? If a material with a UN ID number is listed on the shipping paper, but is not correctly formatted, encourage your drivers to speak up.



Conduct additional training on the shipping paper expectations. If you're regularly transporting hazmat, then drivers should be expecting a shipping paper when picking up freight. Take time to show your drivers properly completed hazardous materials shipping papers.



4. SHIPPING PAPER ACCESSIBILITY



Section 177.817(e) says that if the shipping paper is carried with other shipping papers or other papers of any kind, the hazardous materials shipping paper must be tabbed distinctively or it should be on top of all other papers.

The regulation further requires the shipping papers to be stored in a certain way in the vehicle to ensure they're accessible to the driver when the driver is in the vehicle as well as when the driver is away from the vehicle.

While transporting hazmat by highway, hazardous materials shipping papers have very specific requirements because they need to be accessible to authorities in the event of an incident or accident. Be sure to:



Remind drivers of the requirements. If the hazmat shipping paper is carried with any other papers, it is clearly distinguished either with a tab or by appearing first.



Demonstrate accessibility when the driver is in the vehicle. When at the controls, the shipping papers must be within the immediate reach of the driver while the driver is restrained by the seat belt. The shipping papers must be readily visible to anyone entering the driver's compartment, or in a pouch or holder mounted on the inside of the driver's side door.



Demonstrate accessibility when the driver is outside of the vehicle. When the driver is not in the vehicle, the shipping paper must be either in the door pouch, the door holder, or on the driver's seat.

Additionally, shipping papers must have emergency response information on or in association with the shipping paper.

You can easily demonstrate proper shipping paper storage and accessibility through in-person training, at safety meetings, or even by sending out a short video to all drivers.





5. NO PLACARDS/MARKINGS WHEN REQUIRED

What is required:

The regulation in 177.823(a) prohibits carriers from moving a transport vehicle unless the vehicle marked and placarded. Many hazardous materials loads require placards and markings and, in most cases, the shipper is responsible for providing those placards; however, the carrier is responsible for applying them to the vehicle and maintaining them during transport. Again, because drivers are on the road, they're responsible for the hazardous materials load.

Drivers need to be aware that they're responsible for ensuring the placards remain in good condition and replacing any missing placards during transportation. Drivers are also required to remove the placards if/when the vehicle is no longer hauling hazardous materials.

To help prevent this violation:



Encourage drivers to review the hazardous materials shipping paper. Make sure your drivers carefully review the manifest for hazardous materials shipments. The driver must apply the correct placard(s) and identification numbers, as applicable, to the vehicle and/or trailer prior to departure. Identification (ID) numbers are the most

common markings drivers encounter and these ID numbers are often also displayed on placards. You'll want to ensure drivers are checking the ID numbers on the placards and ensuring

shipping paper.

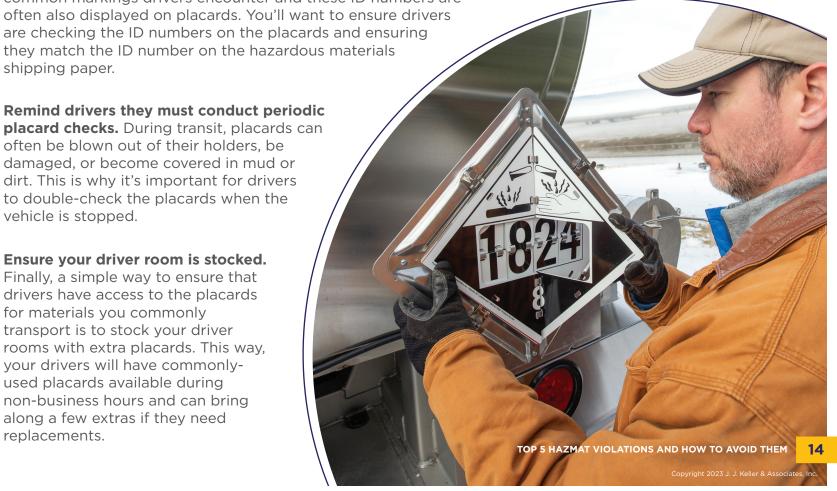


Remind drivers they must conduct periodic placard checks. During transit, placards can often be blown out of their holders, be damaged, or become covered in mud or dirt. This is why it's important for drivers to double-check the placards when the vehicle is stopped.



Ensure your driver room is stocked.

Finally, a simple way to ensure that drivers have access to the placards for materials you commonly transport is to stock your driver rooms with extra placards. This way, your drivers will have commonlyused placards available during non-business hours and can bring along a few extras if they need replacements.



COMMUNICATION AND TRAINING ARE KEY

You may have noticed a theme here when it comes to remedying the most commonly cited hazardous materials violations: driver communication and training. Remember that regular communication with your drivers does not need to be formal and limited to a classroom. You can use your time in safety meetings or create short videos demonstrating what your drivers need to know. The more you can connect your communications and training with the real world, the better.

You can also simply take a walk outside and consider conducting safety exercises in your yard. Real-world exercises and practice can help your drivers gain a better understanding of the requirements. For example, when you see a placarded trailer on the ready line, approach the driver and determine if the driver can reach the hazardous materials shipping papers from a seat belted position. Then, review the shipping papers and ensure the correct placards are being displayed and all necessary information looks correct. Finally, open the trailer doors to determine if the hazardous materials freight is properly secured.



ABOUT THE AUTHOR

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Michael Atkinson joined J. J. Keller in 2016 with over 21 years of logistics experience in operations, management, hazmat preparation, hazmat inspection, logistics, and material handling. As a Hazardous Materials Editor, he is responsible for developing and updating content for existing manuals, online services, forms, handbooks, and software, as well as developing new products and supporting customer solutions. He is the editor of the *Hazardous Materials Compliance Manual* and the *Hazmat Made Easier handbook*.



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