

The Florida Handbook of Solid and Hazardous Waste Regulation: Hazardous Materials Transportation Act of 1975 (HMTA)¹

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What is the Hazardous Materials Transportation Act (HMTA)?

The Hazardous Materials Transportation Act of 1975 (HMTA), along with the 1994 amendment, the Hazardous Materials Transportation Authorization Act (HMTAA), protects against risks to life and property during the transportation of hazardous materials. HMTA broadened the regulatory and enforcement authority of the Secretary of Transportation. The statute is so comprehensive that it covers the transportation of hazardous materials by any of these modes of transportation:

- aircraft
- rail
- ships
- vehicles

What is a hazardous material under HMTA?

Any substance or material designated by the Secretary of Transportation as posing an unreasonable risk to health, safety, and/or property when transported in commerce may be subject to HMTA. Such materials may include hazardous materials in solid, liquid, gaseous, or semi-solid form, including:

- explosives
- radioactive material
- infectious substances
- flammable or combustible liquids, solids, or gases
- toxic, oxidizing, or corrosive material
- compressed gas

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What are the requirements of HMTA?

HMTA requires that all employers who transport hazardous materials train their employees in each and all of these areas:

- handling
- loading
- storing
- unloading
- transporting
- emergency preparedness

The Secretary of Transportation has discretionary power to require anyone who transports hazardous materials to register with the Department of Transportation (DOT). However, some transporters have a mandatory obligation to register with DOT as follows:

- anyone who transports a highway-route-controlled quantity of *radioactive material*
- anyone who transports more than 25 kilograms (55 pounds) of *certain explosive materials* by motor vehicle, rail car, or transport container
- anyone who transports more than one liter (1.06 quart) of *anymaterial that is extremely toxic when inhaled*
- anyone who transports in *bulk packaging, container, or tank* if the bulk packaging, container, or tank has a capacity of at least 3,500 gallons or more than 468 cubic feet
- anyone who transports at least 5,000 pounds of *any hazardous material that requires placarding of a vehicle, rail car, or freight container*

In fact, anyone involved in the transportation of *oil, gas, pesticides, or any other potentially hazardous substances* should contact DOT to be sure they are complying with the law. For more information on registration requirements, contact DOT ([FE786](#), Contact Agencies).

What are the penalties under HMTA?

Anyone who knowingly violates HMTA may be subject to fines of up to \$89,678 per violation per day. A violation of HMTA training requirements may result in a fine of at least \$540 per day. Under the criminal provisions of HMTA, anyone who willfully or recklessly violates HMTA may be fined or imprisoned for up to five years if the violation

results in bodily injury or up to ten years if the violation results in death.

What is the National Hazardous Materials Route Registry (NHMRR)?

The Federal Motor Carrier Safety Administration (FMCSA) has created the National Hazardous Materials Route Registry (NHMRR) as a national repository of non-radioactive hazardous materials and radioactive routes that are either specifically designated for hazmat transportation or specifically restricted from use by hazmat carriers. Routes are selected based on safety and security concerns, and motor carriers who are required to register with DOT under HMTA must also carry and follow a route plan when transporting hazardous materials. The primary means of identifying and storing a particular route in the registry is through a textual description of the route, which is stored in a database on the FMCSA website (<https://www.fmcsa.dot.gov/regulations/hazardous-materials/national-hazardous-materials-route-registry-state>).

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