



The Florida Agricultural Handbook of Solid and Hazardous Waste Regulation: Hazardous Materials Transportation Authorization Act (HMTAA)¹

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What is the Hazardous Materials Transportation Authorization Act (HMTAA)?

In 1994, Congress enacted the Hazardous Materials Transportation Authorization Act (HMTAA) to provide protection against the risks to life and property during the transportation of hazardous materials. HMTAA 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 HMTAA?

Any substance or material, including a hazardous substance, which has been determined by the Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated. Hazardous materials may be solid, liquid, gaseous, or semi-solid.

1. This is EDIS document FE767, a publication of the Food and Resource Economics Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida, Gainesville, FL. Published November 2008. Please visit the EDIS website at <http://edis.ifas.ufl.edu>.

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What are the requirements of HMTAA?

HMTAA requires that all hazardous material employers train their employees in each and all of these areas:

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

The Secretary 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:

- anyone who transports a highway-route-controlled quantity of *radioactive material* (contact DOT for more information)
- anyone who transports more than 25 kilograms (55 pounds) of certain *explosive materials* by motor vehicle, rail car, or transport container (contact DOT for more information)
- anyone who transports more than one liter (1.06 quart) of a *material that is extremely toxic when inhaled*
- anyone who transports in *bulk packaging*, if the bulk packaging has a capacity of at least 3500 gallons or more than 468 cubic feet
- anyone who transports at least 5000 pounds of a *hazardous material that requires placarding* for vehicles, rail cars, or freight containers (contact DOT for more information; FE786, Contact Agencies)
- 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.

What are the penalties under HMTAA?

Anyone who knowingly violates HMTAA may be subject to fines of at least \$250, but not more than \$25,000 per day, per violation. Anyone who knowingly and willfully violates HMTAA may be fined or imprisoned for up to five years under the criminal provisions.

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. 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 (<http://hazmat.fmcsa.dot.gov/nhmrr/index.asp>).