

# **National Fireworks Association**

## **Transportation Guide**

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**Part A**  
**Domestic Transportation Requirements**  
**Chapter 1**

***Federal Motor Carrier Safety Regulation (FMCSR)***

**Substance Abuse (Drug) and Alcohol Program**

Companies that ship fireworks but never transport them are not subject to this requirement in the regulation.

Companies that transport or both ship and transport fireworks are subject to these requirements.

1. Companies must ensure that all new drivers are given a pre-employment DOT drug test and receive a negative result prior to letting them operate a commercial motor vehicle for the company. Any company that allows a person to operate a commercial motor vehicle before receiving a negative result is using an unqualified driver. This is an acute violation and the company is subject to a very high fine as well as being placed on a 45 day shut down order.
  
2. Once a driver has received a pre-employment drug test and the company has a confirmed negative result the company may use that driver to operate a commercial motor vehicle provide all other requirements have been met and further provided that the driver is now in a random pool for both drug and alcohol test. The random pool must be conducted in accordance with the regulation. The random drug selection process must be done at a 50% rate spread equally over the 12 month period. The random selection process must be done at a 10% rate spread equally over the 12 month period. It is very easy to invalidate the program by testing too

many or not enough. Also by not doing the random selection properly.

3. A company must also include in their program the ability to test a person by reasonable suspicion by a person that has received proper training.
4. A company must also conduct post accident drug and alcohol test on drivers after they have been involved in any accident that would require the test to be performed.
5. All companies must have a written drug and alcohol policy that is written in accordance with all requirements of the regulation. All drivers must sign a form that they have received and understand the company drug policy.

## Driver Qualification Files

Companies that only ship fireworks do not have to comply with this part of the regulation.

Companies that either transports or both ships and transports fireworks must comply with these requirements.

Each company must create a driver qualification file for each driver it employees to operate a commercial motor vehicle and it must at a minimum contain the following documents.

1. The employment application that contains all the information required by the regulation.
  1. Inquiry to each of the drivers previous employer for the past three years and must request specific information including inquiry into dates of employment and drug and alcohol test results.
  2. An investigation into each drivers driving history from each state the driver had a valid licenses for the past three years. (This must be updated each 12 months)
  3. A valid DOT physical that was performed and documents on correct form in accordance with the regulation. (This must be updated each 24 months or if not valid for 24 month when it expires)
  4. A road test or a valid commercial drivers licenses with HM endorsement.
  5. A list of all accidents and tickets received over the past three years. (This must be updated each 12 months)
  6. Copy if waiver if issued to driver.

## **Vehicle Maintenance Files**

A company that only ships fireworks does not have to comply with this requirement.

A company that transports or both transport and ship fireworks must comply with this requirement.

A separate vehicle maintenance file must be created and maintained for each commercial motor vehicle.

Note: In most cases a vehicle maintenance file that is leased is kept by the vehicle leasing company. However, the fireworks company has the full responsibility to ensure that a file is maintained and must ensure that the leasing company is doing so. If not, the fireworks company must create them.

The file must include the following documents.

1. A current copy of the Federal DOT annual inspection.
2. A copy of the last Federal DOT annual inspection. (This is to ensure that the inspection did not expire before a current one was completed.)
3. The tire size of the vehicle.
4. The vin of the vehicle.
5. Make of the vehicle
6. Year of the vehicle.
7. Model of the vehicle.
8. The gross vehicle weight rating (GVWR).
9. All receipts for any maintenance completed on the vehicle

A system must be in place to ensure that vehicles are being given proper preventive maintenance.

## Financial Responsibility

Companies that only ship fireworks do not have to comply with this requirement.

Companies that transport or both transport and ship fireworks must comply with this requirement.

All companies must have on file proof of financial responsibility. This is done by having a MCS 90 on file with the required amount of insurance coverage according to the following chart.

Type of carriage	Commodity transported	January 1, 1985
(1) For-hire (In interstate or foreign commerce, with a gross vehicle weight rating of 10,001 or more pounds).	Property (nonhazardous)	\$750,000
(2) For-hire and Private (In interstate, foreign, or intrastate commerce, with a gross vehicle weight rating of 10,001 or more pounds).	Any quantity of Fireworks that are 1.1 or 1.3	\$5,000,000
(3) For-hire and Private (In interstate or foreign commerce: in any quantity; or in intrastate commerce, in bulk only; with a gross vehicle weight rating of 10,001 or more pounds)	Any quantity of Fireworks that are 1.4	\$1,000,000
(4) For-hire and Private (In interstate or foreign commerce, with a gross vehicle weight rating of less than 10,000 pounds).	Any quantity of Fireworks that are 1.1 or 1.3	\$5,000,000

If the status of a company is not listed in the chart above then the financial responsibility for that company is based on the requirements of the state the company operates in.

## **Hours of Service**

Companies that only ship fireworks are not required to comply with this requirement.

Companies that transport or both transport and ship fireworks must comply with this part.

All companies must maintain a record of time for all drivers.

When a company uses a part time or occasional driver the driver must furnish to the company a document indicating all time working for any employer for the previous 7 days. (This is so the fireworks company can determine if a person has any time to drive without violating the 60 or 70 hour rule.)

A company may keep a daily time report for each driver and not require them to complete a daily log if the driver reports back to the facility which he or she is dispatched, is relieved from duty before the end of a 12 hour shift, and further providing that he or she did not drive beyond 100 air miles of the facility. This is known as the 100 air mile rule.

If a company can not use the 100 air mile rule (which most fireworks can not) the driver must complete a daily log.

Unless the Federal Motor Carrier Safety Administration issues a waiver a driver must comply with all hours of service contained in the regulation.

A driver can not driver more than 11 hours during a 14 hour shift.

A driver must have 10 hours off duty before beginning another 14 hour shift or 11 hour driving day.

A driver can not drive after having been on duty 60 hours in a 7 day period if the company does not work 7 days a week.

A driver can not drive after having been on duty 70 hours in a 8 day period if the company works 7 days a week.

After a driver takes 34 consecutive off duty the 60 or 70 hour clock starts over.

The daily log must be completed in its entirety. Any items not completed would be a violation.

Companies should conduct log classes for it's drivers to ensure they know how to prepare logs correctly.

## **Accident Records**

Companies that only ship fireworks do not have to comply with this requirement.

Companies that transport or both transport and ship fireworks must comply with this requirement.

The following accidents are DOT recordable accidents and must be recorded on the company accident register.

Any accident that results in a fatality must be recorded. (It doesn't matter who is at fault)

Any accident that results in a person being injured and is transported to a medical facility and is treated away from the scene of the accident must be recorded.

Any accident that results in on or more of the vehicle being damaged to the point that it is required to be towed away from the scene of the accident must be recorded.

This accident register must be current and available upon request by DOT.

## Chapter 2

### ***Hazardous Materials Regulation (HMR)***

#### **Importers Responsibility**

Companies that import and only ship fireworks must comply with this requirement.

Companies that import and transport or both transport and ship fireworks must comply with this requirement.

Any person that imports fireworks must ensure that all requirements of the Hazardous Materials Regulation are met prior to allowing the fireworks to enter the United States. The importer must ensure that the packages of fireworks comply with the following.

1. The fireworks have an EX approval from the DOT and the one the one being used is valid.
1. The fireworks are in a valid UN Spec package.
2. The packages are properly marked and labeled.
3. The fireworks are properly identified.

## **Hazardous Materials Security Plan**

Companies that ship any fireworks that are required to be placarded must comply with this requirement.

Companies that transport any fireworks that are required to be placarded must comply with this requirement.

All companies that ship or transport 1.1 or 1.3 fireworks in any quantity or over 1000 pounds of 1.4 fireworks must have a written hazardous materials security plan. The security plan must at a minimum include the following elements.

1. The Objectives of the plan.
2. A risk assessment for the material and personnel.
3. Unauthorized personnel.
4. Unauthorized access at facility.
5. Unauthorized access while en route.
6. Administration of the plan.
7. Training of the plan.

## **Hazardous Materials Registration**

Companies that ship fireworks that are required to be placarded must comply with this requirement.

Companies that transport fireworks that are required to be placarded must comply with this requirement.

All companies that ship or transport 1.1 or 1.3 fireworks in any quantity or over 1000 pounds of 1.4 fireworks must register with the Pipeline and Hazardous Materials Safety Administration (PHMSA) of the Department of Transportation.

Companies must maintain a copy of the most current registration certificate and the year prior.

A copy must be maintained where all files are kept.

A copy of the current registration must be on each vehicle at the time it is transporting the quantity of fireworks which requires the company to register.

## Hazardous Materials Permit

Companies that only ship fireworks do not have to comply with this requirement in the regulation.

Companies that only transport 1.4 fireworks do not have to comply with this requirement in the regulation.

Companies that transport more than 55 pounds of 1.1 or 1.3 fireworks must comply with this requirement.

This requirement became effective January 1, 2005.

Companies that have a US DOT number that next to the last number is an odd number must file for a safety permit in 2005 and renew it each odd year.

Companies that have a US DOT number that next to the last number is an even number must file for a safety permit in 2006 and renew it each even year.

The last number in the US DOT number determines what month the application must be completed. The following chart identifies the months each company must file in.

USDOT Number ending in:	Must file by last day of:
1.....	January.
2.....	February.
3.....	March.
4.....	April.
5.....	May.
6.....	June.
7.....	July.
8.....	August.
9.....	September.
0.....	October.

There is no fee for the safety permit.

A company that wishes to obtain a safety permit must have a satisfactory safety rating from the Federal Motor Carrier Safety Administration of the US DOT.

The application that must be filed is the MCS 150B and may be obtained by going on line to [WWW.FMCSA.DOT.GOV](http://WWW.FMCSA.DOT.GOV) and go to How to obtain a US DOT number.

## Hazardous Materials Training

All fireworks companies must complete training for all hazardous materials (HM) employees.

All Hazardous Materials training must include general awareness, function specific, and safety training.

All fireworks companies must conduct security awareness training for all HM employees.

Any company that is required to have a Security Plan (See Security Plan Section) must complete in depth security as well as security awareness.

All Security training must be completed at the same time hazardous materials training is required.

All training is required according to the following.

1. *Initial training.* A new hazmat employee, or a hazmat employee who changes job functions may perform those functions prior to the completion of training provided—

(A) The employee performs those functions under the direct supervision of a properly trained and knowledgeable hazmat employee; and

(Note: A driver must receive training prior to driving a commercial motor vehicle because he/she is not working under the direct supervision of a properly trained and knowledgeable hazmat employee).

(B) The training is completed within 90 days after employment or a change in job function.

2. *Recurrent training.* A hazmat employee shall receive the training required by this subpart at least once every three years.

3. *Relevant Training.* Relevant training received from a previous employer or other source may be used to satisfy the requirements of this subpart provided a current record of training is obtained from hazmat employees' previous employer.

(Note: The security training conducted by another employer will not meet this requirement).

## Part B

### International Transportation Requirements

#### Chapter 3

##### ***Governing Publications***

- **Code of Federal Regulations (CFR) Title 49, Parts 100 to 185**

**AND**

- **International Maritime Dangerous goods Code (IMDG) issued by International Maritime Organization (IMO)**

All shipments, both International and Domestic are governed by the Rules and Regulations contained in the Code of Federal Regulations (CFR) Title 49, Parts 100 to 185.

These regulations deal with essentially all requirements: proper shipping names, markings, packaging, labeling, placarding, shipping papers, and carriage by aircraft, vessels, and highway.

We must make special mention of the requirement for an Emergency Response number, and it must be emphasized that this must be a number which is answered 24 hours a day by a person familiar with the requirements for the commodity shipped. For import shipments by vessel, this requirement is enforced by the US Coast Guard. The Coast Guard will make calls to the Emergency Response Numbers listed on the shipping papers, and if they are not satisfied with the response a citation and fine will be issued.

In part 174.55(c) under Carriage by Rail, General Handling and Loading Requirements it reads:

*(c) The doors of a freight container or transport vehicle may not be used to secure a load that includes a package containing a hazardous material unless the doors meet the design strength requirements of Specification M-930 (for freight containers) and M-931 (for trailers) in the AAR's specification for "Specially Equipped Freight Car and Intermodal Equipment" (IBR, see Sec. 171.7 of this subchapter) and the load is also within the limits of the design strength requirements for the doors.*

Since both the Coast Guard and the rail carriers handling the inland moves of the shipments place great importance on proper Blocking and Bracing of the cargo in the

containers we have included herewith a photograph of a container with blocking and bracing installed.



Detailed specifications and explanations of requirements can be found in the Intermodal Loading Guides of both the UPRR and BNSF at the following links:  
<http://www.uprr.com/customers/dam-prev/loading/intguide/index.shtml>  
[http://www.bnsf.com/tools/lars/intermodal\\_loading\\_guide.html](http://www.bnsf.com/tools/lars/intermodal_loading_guide.html).

## ***International Security Initiatives***

### **1. US Coast Guard (USCG) and Customs & Border Patrol (CBP)**

- **24 Hour Advance Manifest Rule**

In the wake of 9/11/2001 CBP implemented the so-called 24 Hour Advance Manifest Rule. Essentially this rule requires that Carriers submit a manifest with all details of the cargo to CBP 24 hours prior to loading in the foreign port. The carriers are prohibited from loading any cargo to the US that has not been pre-approved by CBP.

- **C-TPAT - Customs – Trade Partnership Against Terrorism**

C-TPAT is a voluntary government-business initiative to build cooperative relationships that strengthen and improve overall international supply chain and U.S. border security. C-TPAT recognizes that U.S. Customs and Border Protection (CBP) can provide the highest level of cargo security only through close cooperation with the ultimate owners of the international supply chain such as importers, carriers, consolidators, licensed customs brokers, and manufacturers. Through this initiative, CBP is asking businesses to ensure the integrity of their security practices and communicate and verify the security guidelines of their business partners within the supply chain.

Currently, open enrollment for C-TPAT is available for the following business types related to the U.S. import supply chain cargo handling and movement

- U.S. Importers of record
- U.S./Canada Highway Carriers
- U.S./Mexico Highway Carriers
- Rail Carriers
- Sea Carriers
- Air Carriers
- U.S. Marine Port Authority/Terminal Operators
- U.S. Air Freight Consolidators, Ocean Transportation Intermediaries and Non-Vessel Operating Common Carriers (NVOCC)
- Mexican manufacturers
- Certain Invited Foreign Manufacturers
- Licensed U.S. Customs Brokers

CBP is responsible for screening all import cargo transactions. Utilizing risk management principles, C-TPAT seeks to enroll compliant low-risk companies who are directly responsible for importing, transporting, and coordinating commercial import cargo into the United States. The goal is to identify compliant trusted import traders who have good supply chain security procedures and controls to reduce screening of their imported cargo. In turn, this enables CBP to focus screening efforts on import cargo transactions involving unknown or high-risk import traders.

C-TPAT offers trade-related businesses an opportunity to play an active role in the war against terrorism. By participating in this first worldwide supply chain security initiative, companies will ensure a more secure and expeditious supply chain for their employees, suppliers and customers. Beyond these essential security benefits, CBP will offer benefits to certain certified C-TPAT member categories, including:

- A reduced number of CBP inspections (reduced border delay times)
- Priority processing for CBP inspections. (Front of the Line processing for inspections when possible.)
- Assignment of a C-TPAT Supply Chain Security Specialist (SCSS) who will work with the company to validate and enhance security throughout the company's international supply chain.
- Potential eligibility for CBP Importer Self-Assessment program (ISA) with an emphasis on self-policing, not CBP audits.
- Eligibility to attend C-TPAT supply chain security training seminars.

The decision to join C-TPAT is voluntary. Not all companies may be in a position to meet C-TPAT minimum security criteria or guidelines.

All eligible companies that import into the U.S. or provide import cargo movement or handling services should assess their supply chain security procedures to determine if they can qualify. CBP intent is to not impose security requirements that will be cost prohibitive and have worked in concert with the trade community in developing security criteria and guidelines that reflect a realistic business perspective. Potential C-TPAT participants may find that they already have many of these guidelines in place.

Also, C-TPAT is not intended to create any new 'liabilities' for companies beyond existing trade laws and regulations. However, joining C-TPAT will commit companies to follow through on actions specified in the signed agreement. These actions include self-assessing security systems, submitting security questionnaires, developing security enhancement plans, and communicating C-TPAT guidelines to companies in the supply chain. If a company fails to uphold its C-TPAT commitments, CBP would take action to suspend benefits or cancel participation.

CBP recognizes that a safe and secure supply chain is the most critical part of our work in keeping our country safe. For this reason, CBP is seeking a strong anti-terrorism partnership with the trade community through C-TPAT. Trade partners will have a commitment to both trade security and trade compliance rooted in their business practices. CBP wants to work closely with companies whose good business practices ensure supply chain security and compliance with trade laws.

CBP encourages all companies to take an active role in promoting supply chain and border security. C-TPAT is not just a big-company program. Medium and small companies may want to evaluate the requirements and benefits of C-TPAT carefully in deciding whether to apply for the program. Moreover, even without official participation in C-TPAT, companies should still consider employing C-TPAT guidelines in their security practices.

An increasing number of importers that exhibit diligence in securing their supply chains from the stuffing of containers overseas to delivery in the U.S. are qualifying for Customs' coveted designation as Tier Three importers.

Some importers have complained that it is next to impossible to achieve Tier Three status under the Customs-Trade Partnership Against Terrorism program. Importers validated for Tier Three status receive no cargo inspections for security purposes.

As of 3<sup>rd</sup> quarter 2005 C-TPAT has validated about 425 importers for participation in the cargo-security program. Some 110 of those importers, or 25 percent, have achieved Tier Three status.

CBP offers a tiered menu of incentives in the form of reduced inspections and flexibility of documentation filing requirements depending upon how secure an importer's supply chain is judged to be.

For example, importers designated as Tier One participants are targeted for security inspections less frequently than importers who do not participate in C-TPAT. Tier Two participants experience even fewer inspections than Tier One importers. Tier Three importers are given Customs' "green lane," which means they will not be targeted for Customs inspections for security purposes. All U.S. importers are subject to random inspections for possible commercial infractions.

The Commercial Operations Advisory Committee (COAC) was established to provide Customs with private sector input on how the agency's decisions affect international trade. Importer representatives at the latest meeting (fall 2005) said C-TPAT could be further improved if Customs would develop data to measure the effectiveness of the program in securing the nation's borders. Also, importers want a clearer statement of benefits they can bring to their company executives to show that participation in C-TPAT is producing a positive return on investment.

As importers of fireworks you already have in place most of the requirements of C-TPAT and further information is available at <http://www.cbp.gov>.

- **CSI - Container Security Initiative**

The container security Initiative is an initiative that was developed by US Customs (CPB) in the aftermath of the September 11 attacks. The primary purpose of CSI is to protect the global trading system and the trade lanes between CSI ports and the US. Under the CSI program, a team of officers is deployed to

work with host nation counterparts to target all containers that pose a potential threat. Announced in January 2002, CSI was first implemented in the ports shipping the greatest volume of containers to the United States. CBP has entered into bilateral discussions with all the foreign governments where these top ports are located and is now expanding to additional ports in strategic locations. The program is continually expanding, as of the third quarter of 2005 39 ports are operational and ports of interest to this group included in the program are: Hong Kong, Shenzhen, Shanghai, and Laem Chabang.

- **ISPS – International Ship & Port Security Code**

The ISPS went into effect on July 1, 2004 and requires that vessels entering US Ports have on board an International Ship Security Certificate (ISSC). These certificates are issued by the vessel's flag registry. Foreign ports have been requested to implement the ISPS requirements, and the USCG are doing specific foreign port assessments. This program requires that both vessels and ports have in place security plans and procedures for collection and communication of security information.

- **OSC – Operation Safe Commerce**

Operation Safe Commerce is a pilot program that brings together private business, ports, local, state, and federal representatives to analyze current security procedures for cargo entering the country. The program will function like a venture capital fund to utilize existing technology to monitor the movement and integrity of containers through the supply chain.

The Transportation Security Administration (TSA) is the primary grant coordinator of the Operation Safe Commerce program. Over the next year, TSA grant officers and program officers in the TSA's Office of Maritime and Land will monitor recipients' projects to ensure they stay within budgetary and operational guidelines. Grant recipients who do not meet these strict standards may be denied reimbursement.

The Department of Transportation (DOT), which serves as co-chair of the Executive Steering Committee that oversees the Operation Safe Commerce program, has served as an active partner with DHS in developing the criteria for these awards. As the primary federal agency responsible for transportation mobility, DOT has also played a critical role in ensuring that Operation Safe Commerce projects not only deliver security benefits, but also enhance the efficiency of the various supply chains selected for awards under the program.

U.S. Customs and Border Protection (CBP) plays an integral role in Operation Safe Commerce as it continues to seek out, test and employ the latest in global

cargo-tracking and non-intrusive inspection technologies at ports of entry, here and abroad.

- **National Targeting Center**

Before 9/11, there was no national level targeting of goods headed for our border for the risk of terrorism.

Today, through CBP's National Targeting Center and the Automated Targeting System, all cargo shipments are evaluated for the terrorist risk.

CBP use sophisticated methods to identify and target potentially high-risk cargo, including advance electronic information about every cargo shipment to the U.S. before it arrives; strategic intelligence; their vast amount of automated trade data collected over the past 20 years; anomaly analysis, and even the relative security of a shipper or importer's supply chain is evaluated. For example, C-TPAT certification and validation of point of origin security reduces the risk, and therefore, the targeting score. And, through the Advanced Targeting System, they identify and target all shipments that pose a potential risk.

CBP's National Targeting System serves as the national hub for these targeting efforts, and gives us advance notice of what is coming, so that they can—and do—give greater scrutiny to cargo that poses a potential terrorist threat.

All oceangoing cargo containers that are identified through CBP's Automated Targeted System as posing a potential terrorist threat are inspected, usually with large-scale imaging equipment and radiation detection devices, on arrival at U.S. seaports, if not before—under CSI mentioned above.

- **ATDI – Advanced Trade Data Initiative**

This initiative pushes security back even further into the supply chain, before the 24-Hour Rule. It will tell us where containers have been before they reach a CSI port, to the point of origin.

Through the Advanced Trade Data Initiative, CBP will:

- identify the true port of origin and all stops along the way;
- identify the real parties in interest associated with a shipment;
- determine the veracity of commodity descriptions; and
- improve our targeting for risks and our analysis of anomalies.

And, like any effective risk management measure, this improved targeting will, of course, help to reduce inspections and do an even better job of facilitating trade.