



## DOT and PHMSA issue new enforcement policy regarding recurrent training requirements in response to COVID-19

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On 25 March 2020 the U.S. Department of Transportation's (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) published a [new enforcement policy](#) regarding recurrent training requirements for hazardous materials employers in light of the international novel coronavirus outbreak (COVID-19).

Specifically, the new policy states that PHMSA will not pursue enforcement actions against any hazardous materials (hazmat) employer who is unable to procure and/or provide recurrent training required by the Hazardous Materials Regulations (HMR). According to the notice, the new policy was put in place "in response to unprecedented changes in business practices related to the COVID-19 outbreak and is intended to minimize disruptions to the supply chain."

As part of the notice, PHMSA also seeks to remind hazmat employers that the HMR do not require recurrent training to be provided in a classroom setting or in-person. PHMSA encourages employers to continue to make trainings available through alternative methods, including web-based or self-paced computer instruction and remote classroom instruction, even if testing is not possible.

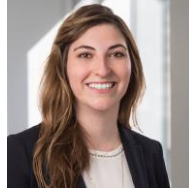
Importantly, the policy only applies to the recurrent training requirements described at 49 Code of Federal Regulations § 172.704(c)(2), which requires hazmat employees to receive training at least once every three years. Hazmat employers and their employees must still comply with all other provisions of the HMR and other applicable laws throughout the COVID-19 outbreak.

The new enforcement policy will apply to PHMSA along with several other federal agencies, including the Federal Aviation Administration, the Federal Motor Carrier Safety Administration, the Federal Railroad Administration, and the U.S. Coast Guard. The policy will remain in effect for 90 days.

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