



**Transportation  
Security  
Administration**

August 3, 2012

Docket Management System  
U.S. Department of Transportation  
1200 New Jersey Avenue SE  
West Building Ground Floor, Room W12-140  
Washington, DC 20590-0001

**RE: Revision to Appendix B of Highway Security Action Items 2008**

**Docket No. TSA-2008-0013**

Dear Docket Clerk,

On August 2, 2012 TSA updated Appendix B its Highway Security Action Items 2008 to align with recent revisions to regulations of the Department of Transportation that affect the same population.

For the record, the revisions and a background statement are attached.

Sincerely,

A handwritten signature in cursive script that reads "Traci S. Klemm".

Traci S. Klemm  
Senior Counsel  
Transportation Security Administration, DHS

Enclosure



**Transportation  
Security  
Administration**

**MEMORANDUM FOR THE RECORD  
(TSA-2008-0013)**

**REVISION TO HIGHWAY SECURITY ACTION ITEMS  
TO ALIGN HSSM LIST WITH HM232F**

*August 3, 2012*

Dear Highway and Motor Carrier Stakeholders:

In 2008, TSA released security action items (SAIs) for the highway transportation of specific hazardous material substances (Docket No. TSA-2008-0013-0005). The SAIs identify measures that could be voluntarily adopted by relevant stakeholders, including specific actions based on risks associated with certain types of hazardous materials.

OMB granted TSA's request to exempt the SAIs from notice and comment requirements because TSA had worked closely with industry and government stakeholders in their development. The SAIs were developed by the TSA Office of Transportation Sector Network Management (now known as the Office of Security Policy and Industry Engagement), Highway and Motor Carrier Division, in conjunction with stakeholders, including representatives of the chemical manufacturing industry, chemical carriers, and transportation industry. In addition to collaboration with the chemical manufacturing industry and chemical carriers, the SAIs were developed by TSA in consultation with the Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) and the Federal Motor Carrier Safety Administration (FMCSA) and built upon existing PHMSA and FMCSA hazardous materials regulations. In particular the PHMSA regulations in title 49, Code of Federal Regulations, sections 172.704 and 172.800 require each transporter of hazardous materials to develop and implement security plans and to train appropriate employees in security measures.

Since their introduction in 2008, TSA's list of Highway Security Sensitive Materials (HSSM) and the accompanying recommended SAI's have become well-recognized and adopted throughout the hazmat transportation industry. With TSA producing and distributing a comprehensive CD/DVD relating to hazmat security to over 75 thousand industry stakeholders, and conducting a series of free security training workshops throughout the country, SAI's have become accepted as a strong compliment to DOT hazmat regulations. SAI's provide hazmat carriers with voluntary guidance as to the

recommended security actions they should be using, dependant on the type and quantity of materials being shipped, to safeguard against a transportation related terrorist incident.

In 2006, PHMSA began the process of reviewing the list of hazardous materials for which a security plan must be implemented by those involved in their transportation. As part of this process, they noted, “the security plan requirements went into effect more than four years ago, on September 25, 2003. Since then, both the industry and the Government have gained experience evaluating security risks associated with specific hazardous materials and transportation environments and identifying appropriate measures to address those risks. Accordingly, PHMSA initiated this rulemaking, in coordination with other DOT modal administrations: the Federal Aviation Administration (FAA), Federal Railroad Administration (FRA), and FMCSA, as well as with TSA to consider modifications to the list of hazardous materials for which security plans are required.” *See* 73 FR 52558, 52560 (Sept. 9, 2008). TSA worked closely with PHMSA throughout the process of reviewing the list of hazardous materials subject to the requirements for security plans. PHMSA published a final rule with its revised list on March 9, 2010, aligning, to the extent possible, their “list of materials for which security plans are required, with the list of materials designated as high consequence dangerous goods for which enhanced security measures are recommended in the United Nations Model Regulations on the Transport of Dangerous Goods.” *See* 75 FR 10974.

In its final rule, PHMSA noted:

[W]e have worked closely with TSA to align our proposed list of materials subject to security plans with ongoing efforts by TSA in identifying Highway Security Sensitive Hazardous Materials (HSSM). TSA has used its HSSM list in conjunction with voluntary security practices (referred to as Security Action Items or SAIs) to increase the security of certain hazardous materials transported by motor vehicle. Minor differences between our proposal and the TSA HSSM list have been resolved and the overall approach taken by the two agencies in identifying materials that should be subject to security based requirements is consistent and supported by industry associations, offerors, carriers, and private citizens, as evidenced by the comments submitted in response to our NPRM.

Finally, as it implements its transportation security authority, TSA may identify a need to review transportation security plans and programs developed and implemented in accordance with Subpart I of Part 172 of the [Hazardous Materials Regulations (HMR)]. Under ATSA, TSA has the authority to “ensure the adequacy of security measures for the transportation of cargo” 49 U.S.C. 114(f)(10) and to “oversee the implementation, and ensure the adequacy, of security measures at airports and other transportation facilities.” 49 U.S.C. 114(f)(11).

75 FR at 10976-10977.

TSA is cognizant of strong industry support for consistency in governmental language and scope of effect across all federal agencies, and is seeking to harmonize with the U.S. DOT by reconciling differences in the quantities of certain hazardous materials offered for transport in commerce that have the potential to be used in a significant transportation security incident. Since PHMSA published its NPRM with the proposed modifications to the hazmat list relevant to security planning (known as HM-232F), industry stakeholders have repeatedly requested TSA to modify the SAIs to be consistent with the HMR.

At this time, TSA is seeking to reconcile differences in the quantities of certain hazardous materials offered for transport in commerce that have the potential to be used in a significant transportation security incident. TSA recognizes the need for there to be consistency between Federal agencies and the steps being taken are designed toward that end. In assessing the substances and quantities PHMSA has now identified in their regulation, TSA sees no diminutive effect to national security by accepting and adopting the list and threshold quantities as adopted by PHMSA and revising TSA's HSSM Appendix B to the SAIs to be consistent.

The overall effect of TSA adopting the U.S. DOT's HM-232F threshold standards will be varied. Some carriers that have not previously been asked to participate in TSA's HSSM-SAI program will now be asked to implement the voluntary security recommendations; others who have been subject to voluntary participation in the past will now be outside the scope of the program.

Specifically, quantity thresholds have changed for some Class 1 (explosives), some Class 3 (flammable liquids), and some Class 4.1 (flammable solids), moving from the "any quantity" standard to the less stringent "placarded quantity," causing some carriers to no longer be included. Conversely, conflicts in Packaging Group and/or Hazard Class guidance for Class 2.3 (toxic gases), Class 3 (flammable liquids), Class 6.1 (poisonous materials) and Class 8 (corrosive materials) have been rectified and will likely result in additional carriers falling under the HSSM-SAI voluntary guidelines. The TSA's HSSM-SAI guidance will also now include one additional Class 7 substance (uranium hexafluoride in a placarded quantity), which the U.S. DOT also includes under HM232F. HSSM Appendix "A" will also be changed to reflect the new U.S. DOT term "large bulk quantity" in lieu of the previously used term "single bulk packaging." "Large bulk quantity" is defined as a quantity greater than 3,000 kg (6,614 pounds) for solids or 3,000 liters (792 gallons) for liquids and gases in a single packaging such as a cargo tank motor vehicle, portable tank, tank car, or other bulk container.

TSA will continue to monitor the use and effectiveness of Security Action Items and continue to revise them as circumstances warrant. TSA encourages affected industry and Federal agencies to provide feedback on the SAI or other Highway and Motor Carrier Division initiatives at their website, [highwaysecurity@dhs.gov](mailto:highwaysecurity@dhs.gov).

Questions may be directed to Mr. David Cooper, Section Chief for Highway Risk Reduction, OSPIE Surface Division, Transportation Security Administration, 601 S. 12th Street, (TSA-28), Arlington, VA 20598-6028.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'JPS', followed by a long horizontal flourish.

John P. Sammon  
Assistant Administrator  
Office of Security Policy and Industry Engagement

Attachment: Appendix B–List of Tier 1 Highway Security-Sensitive Materials (Tier 1 HSSM) and Tier 2 Highway Security-Sensitive Materials (Tier 2 HSSM) with related Security Action Items (rev dated 08/02/2012).

**Appendix B –  
List of Tier 1 Highway Security-Sensitive Materials (Tier 1 HSSM) and  
Tier 2 Highway Security-Sensitive Materials (Tier 2 HSSM)  
with Corresponding Security Action Items**

The list of Highway Security Sensitive Materials (HSSM) was prepared by the TSA Office of Security Policy and Industry Engagement

DOT Hazard Class (see 49 CFR 171.8 for definitions of these hazard classes)	Threshold Quantity (unless otherwise noted see 49 CFR 171.8 for definitions)	HS SM		General Security				Personnel Security			Un- Author Access		En-Route Security													
		Tier		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
		1	2																							
Division 1.1 Division 1.2 Division 1.3 Explosives	Any quantity	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Division 1.4 Division 1.5 Division 1.6 Explosives	Placarded quantity		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X								
Division 2.1 Flammable Gases (for def, see 49 CFR 173.115 and 173.116)	A large bulk quantity*		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X								
Division 2.2 Non- Flammable Gas (also meeting the definition of a material poisonous by inhalation <sup>i</sup> )	A large bulk quantity of materials with an oxidizer subsidiary <sup>ii</sup>	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Division 2.2 Non- Flammable Gas	A large bulk quantity of materials with an oxidizer subsidiary		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X								

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DOT Hazard Class (see 49 CFR 171.8 for definitions of these hazard classes)	Threshold Quantity (unless otherwise noted see 49 CFR 171.8 for definitions)	HS SM		General Security				Personnel Security			Un- Author Access		En-Route Security													
		Tier		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
		1	2																							
Division 2.3 Toxic (Poison) Gas	Any quantity	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Class 3 Flammable Liquids	PGI and II in a large bulk quantity; placarded quantity desensitized explosives		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X								
Class 3 Flammable Liquids (also meeting the definition of a material poisonous by inhalation <sup>iii</sup> )	PGI and II in a large bulk quantity; placarded quantity desensitized explosives	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Division 4.1 Flammable Solids (Desensitized Explosives)	Placarded quantity desensitized explosives		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X								
Division 4.2 Spontaneously Combustible Material	PGI and II in a large bulk quantity		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X								

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DOT Hazard Class (see 49 CFR 171.8 for definitions of these hazard classes)	Threshold Quantity (unless otherwise noted see 49 CFR 171.8 for definitions)	HS SM		General Security				Personnel Security			Un- Author Access		En-Route Security													
		Tier		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
		1	2																							
Division 4.3 Dangerous When Wet Material	Any quantity		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X								
Division 5.1 Oxidizer	Division 5.1 materials in PG I and II, and PG III perchlorates, ammonium nitrate fertilizers, or ammonium nitrate emulsions or suspensions or gels in a large bulk quantity		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X								
Division 5.2 Organic Peroxide	Any quantity of Organic peroxide, Type B, liquid or solid, temperature controlled		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X								
Division 6.1 Poisonous Materials	A large bulk quantity of a material that is not PIH		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X								
Division 6.1 Poisonous Materials (also meeting the definition of a material poisonous by inhalation <sup>iv</sup> )	Any quantity PIH	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Division 6.2 Infectious substances	CDC or USDA list of select agents		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X								

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DOT Hazard Class (see 49 CFR 171.8 for definitions of these hazard classes)	Threshold Quantity (unless otherwise noted see 49 CFR 171.8 for definitions)	HS SM		General Security				Personnel Security			Un- Author Access		En-Route Security													
		Tier		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
		1	2																							
Class 7 Radioactive Materials, (10 CFR part 110, Appendix P, Category 1 materials)	IAEA Categories 1 & 2; HRCQ; known radionuclides in forms listed as RAM-QC by NRC; or a quantity of uranium hexafluoride requiring placarding under Sec. 172.505(b)	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Class 8 Corrosive Materials	PG I in a large bulk quantity		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X								
Class 8 Corrosive Materials (also meeting the definition of a materials poisonous by inhalation <sup>v</sup> )	PG I in a large bulk quantity	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Class 9	Not Subject																									
Class ORM-D	Not Subject																									

\*A “large bulk quantity” is defined as a quantity greater than 3,000 kg (6,614 pounds) for solids or 3,000 liters (792 gallons) for liquids and gases in a single packaging such as a cargo tank motor vehicle, portable tank, tank car, or other bulk container.

## List of Security Action Items

### General Security:

- 1) Security Assessment and Security Plan Requirements.
- 2) Awareness of Industry Security Practices.
- 3) Inventory Control Process.
- 4) Business and Security Critical Information

### Personnel Security:

- 5) Possession of a Valid Commercial Drivers License – Hazardous Materials Endorsement.
- 6) Background Checks for Highway Transportation Sector Hazmat Employees other than Motor Vehicle Drivers with a Valid CDL with HME.
- 7) Security Awareness Training for Hazmat Employees.

### Unauthorized Access:

- 8) Access Control System for Drivers.
- 9) Access Control System for Facilities Incidental to Transport.

### En-Route Security:

- 10) Establish Communications Plan.
- 11) Establish Appropriate Vehicle Security Program.
- 12) Establish Appropriate Cargo Security Program.
- 13) Implement a Seal/Lock Control Program.
- 14) High Alert Level Protocols.
- 15) Establish Security Inspection Policy and Procedures.
- 16) Establish Reporting Policy and Procedures.
- 17) Shipment Pre-Planning, Advance Notice of Arrival, and Receipt of Confirmation Procedures.

- 18) Preplanning Routes.
- 19) Security for Trips Exceeding Driver Hours of Service.
- 20) Dedicated Truck.
- 21) Tractor Activation Capability.
- 22) Panic Button Capability.
- 23) Tractor and Trailer Tracking Systems

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- <sup>i</sup> See 49 CFR 171.8 for the definition of materials poisonous by inhalation  
<sup>ii</sup> See 49 CFR 171.8 for the definition of subsidiary hazard  
<sup>iii</sup> See 49 CFR 171.8 for the definition of materials poisonous by inhalation  
<sup>iv</sup> See 49 CFR 171.8 for the definition of materials poisonous by inhalation  
<sup>v</sup> See 49 CFR 171.8 for the definition of materials poisonous by inhalation