This report answers two common questions concerning the hazardous waste manifest:

- Is training required for persons who sign the manifest?
- If so, what training is required?
TRAINING EMPLOYEES TO SIGN THE MANIFEST

We sign our names all the time, but we rarely sign documents as important as the hazardous waste manifest.

To properly prepare employees for this responsibility, employers must provide appropriate training on hazardous waste and hazardous materials transport regulations.

To determine who needs training and what training to provide, we must look at the hazardous waste manifest through the lens of two regulatory agencies that govern hazardous waste storage and transport.
The Hazardous Waste Manifest is a dually regulated document.

**US DOT** regulates the transportation of hazardous materials—including hazardous waste. The Manifest is the shipping paper required by the Hazardous Materials Regulations (HMR) in 49 CFR 172 Subpart C.

**US EPA** regulates the management of hazardous waste from cradle-to-grave. The Hazardous Waste Manifest (EPA Form 8700-22/8700-22A) is used to track the movement of hazardous waste from one location to another.

When an employer allows an employee to sign the manifest, they must commit the resources to ensure that employees get the **necessary instruction** to perform their duties in full compliance with the applicable DOT and EPA regulations.
Because the manifest is dually regulated, two key definitions will inform your training decisions. The terms “hazmat employee” and “hazardous waste personnel” are used by US DOT and US EPA, respectively, to refer to employees who must be trained.

**KEY DEFINITION**

**HAZMAT EMPLOYEE**

In the United States, the Hazardous Materials Transportation Act requires training for each “hazmat employee” [HMTA §106(b)]. DOT requires recurrent training every three years.

The DOT defines hazmat employee in the Hazardous Materials Regulations or HMR.

A hazmat employee is defined as “a person (full-time, part-time, temporary, and self-employed) who, “in the course of such...employment directly affects hazardous materials transportation safety.” [49 CFR 171.8].

“In other words, a person who performs duties that are regulated under the HMR is considered to be a hazmat employee.” John Gale, US DOT

PHMSA Interpretations 00-0276 and 04-0087

**KEY DEFINITION**

**HAZARDOUS WASTE PERSONNEL**

The Resource Conservation and Recovery Act (RCRA) is the primary law that governs hazardous waste management in the United States. Under RCRA, hazardous waste “personnel” must be trained to perform their duties in a way that ensures compliance with Federal and State regulations. EPA requires annual re-training.

US EPA defines “personnel” in the RCRA regulations as "all persons who work at, or oversee the operations of, a hazardous waste facility, and whose actions or failure to act may result in noncompliance...” [40 CFR 260.10].

Each employee’s compliance responsibilities will differ based on the work he or she does. To determine who needs hazmat training and who needs RCRA training—and who needs both—we should consider three different types of employers—hazardous waste generators, transporters, and designated facilities (TSDFs).
WHO SIGNS THE MANIFEST?

A hazardous waste manifest requires **three signatures**—one each from the generator of the waste, the transporter, and the designated facility (e.g. a TSDF).

The hazmat and/or RCRA training required for each employee will differ depending on which of those three you are, and the employee’s hazardous waste-related responsibilities.

**THE GENERATOR**
A generator is any site whose action or process produces hazardous wastes listed in 40 CFR Part 261.

**THE TRANSPORTER**
Generally speaking, the transporter accepts hazardous waste from the generator and transports it to a facility for treatment, storage, and/or disposal.

**THE DESIGNATED FACILITY (i.e., the TSDF)**
Also called a Treatment, Storage, and Disposal Facility [TSDF], the designated facility treats, stores, and disposes of hazardous waste in a way that limits environmental impact.

Employees of these three entities all have different compliance responsibilities. To determine who needs training at each one, we must look at each of these three separately.
THE GENERATOR

IS HAZMAT TRAINING REQUIRED TO SIGN THE MANIFEST?

In transportation, most hazardous wastes are regulated as DOT hazardous materials. When a generator prepares to ship hazardous waste to a designated facility (e.g., a TSDF), the generator must comply with all applicable shipping requirements in the Hazardous Materials Regulations (HMR).

One of those requirements is that the shipment be accompanied by a shipping paper, [49 CFR 172.200(a)]. For hazardous waste shipments, the Manifest is the shipping paper, [49 CFR 172.205(h)].

The DOT rules for shipping papers require that the shipper sign a certification statement accompanied by a signature. The statement—found in box 15 of the Manifest—reads:

"I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations," [49 CFR 172.204(a)(2)].

In other words, the person who signs the manifest is certifying that all aspects of the shipment are in full compliance with the HMR. He or she is the most important person in the cycle of transportation because they have the final say that there are no problems with the shipment before it starts moving. To certify that everything is right and in compliance with the regulations, the person who signs the manifest must understand what “right” is.

The only conclusion, then, is that this person must have comprehensive training on how to classify, name, package, mark, label, placard, and document your hazardous waste shipments.

Hazmat training required? YES

Recommended:
Hazmat Ground Shipper Certification
The person who signs the hazardous waste manifest must know what he or she is signing. As EPA put it in the early days of RCRA: "the person signing the manifest certification should have firsthand knowledge of the information on the manifest." [Marcia Williams, EPA to William Crabtree, Faxback 11199, Nov. 28, 1986]

The certification statement that an employee signs when he or she signs the manifest references a statement found at 40 CFR 262.27(a), which reads:

"I have a program in place to reduce the volume and toxicity of the waste generated... and I have selected the practicable method of treatment, storage, or disposal..." [40 CFR 262.27(a)].*

It is reasonable to expect that the person who signs this statement knows that the statement is true. To know it’s true, the employee must receive RCRA training that covers at least:

- The hazardous waste identification and land disposal regulations; and
- How the site selects waste treatment methods and treatment facilities.

Both significantly affect which TSDF is appropriate for the waste on the manifest.

Depending on the employee’s responsibilities, job-specific training on how to fill out the manifest, manage documents, keep appropriate records, and deal with exception reporting may also be required.

**Note:** If the employee who signs the manifest has other hazardous waste duties (e.g., storage device management, inspections, etc.), their job specific training should cover those responsibilities too.

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**RCRA training required? YES**

**Recommended:**

RCRA Hazardous Waste Management
THE TRANSPORTER

IS HAZMAT TRAINING REQUIRED TO SIGN THE MANIFEST?
Not every hazmat shipping paper requires a carrier’s signature—but the Manifest does, (49 CFR 172.205(c)(2)).

Carrier personnel are subject to DOT’s hazmat training requirements whether or not they sign the manifest. Appropriate hazmat training for hazmat drivers includes at least hazmat general awareness, hazmat security awareness, and function-specific training that covers topics like safe loading and unloading, segregation, operation of the vehicle, and shipping paper management discussed in the carrier regulations in 49 CFR 174 and 177.

Hazmat training required? YES

Recommended:
Shipping Hazmat by Ground—Ops (Driver)

IS RCRA TRAINING REQUIRED TO SIGN THE MANIFEST?
Hazardous waste transporters are subject to US EPA regulations found in 40 CFR Part 263.

While there is no explicit RCRA training requirement for transporter personnel, reviewing the manifest regulations with drivers and/or rail operators is a best management practice. Employees who know the rules are better prepared to spot errors that can lead to releases in transit.

RCRA training required? NO
THE DESIGNATED FACILITY

IS HAZMAT TRAINING REQUIRED TO SIGN THE MANIFEST?

Not every hazmat shipping paper requires a signature from the receiving facility—but the manifest does, [49 CFR 172.205(h)].

For hazardous waste shipments, the designated facility is subject to signature and document management requirements in the HMR. That means an employee who signs the manifest on behalf of the designated facility is a hazmat employee and must be trained.

As a hazmat employee, he or she should receive general awareness and security awareness training, as well as instruction on the relevant manifest rules in 49 CFR 172.205.

Hazmat training required? YES

Recommended:
Hazardous Ground Shipper Certification

IS RCRA TRAINING REQUIRED TO SIGN THE MANIFEST?

Persons who sign the manifest on behalf of a designated facility (e.g., a TSDF) must receive initial and annual RCRA training. RCRA training helps ensure that employees complete their duties in compliance with the applicable TSDF rules, [40 CFR 264.16].

In addition to emergency response training required for TSDF personnel and training on the manifest requirements, an employee who signs the manifest may need additional RCRA training based on his or her job responsibilities.

RCRA training required? YES

Important!

If the employee who signs the manifest performs other regulated duties, the employee’s hazmat or hazardous waste training should cover those job functions too.

Other regulated jobs for typical TSDF personnel may include:
- Unloading vehicles
- Accepting waste shipments
- Responding to manifest discrepancies
- Manifest recordkeeping
- Hazardous waste reporting

Recommended:
Hazmat Ground Shipper Certification
The simple act of affixing your name and signature to a hazardous waste manifest is one of many jobs that trigger extensive, job-specific training requirements.

With few exceptions, the person who signs the hazardous waste manifest must receive DOT hazmat training required by the HMR and hazardous waste training required by the RCRA regulations. What that training covers, and how often it is provided, will depend on the type of facility and the employee’s job responsibilities.

There is no one right way to assign the job of signing the hazardous waste manifest. If your goal is to authorize every employee to sign a manifest, you must provide every employee with appropriate training. In some cases, it may be more efficient to authorize only individuals for whom the required training will provide the most benefit to your organization, such as compliance managers and supervisors.
MORE HAZMAT & RCRA TRAINING RESOURCES

HAZMAT TRAINING FAQ

RCRA TRAINING FAQ

Making the Switch to Hazardous Waste e-Manifests
Signing Shipping Papers in the COVID-19 Pandemic

HAZMAT & RCRA TRAINING OPTIONS

Get the reliable, up to date training to ensure compliance with the latest hazardous materials and hazardous waste regulations that impact your facility.

TOP HAZMAT COURSES
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Shipping Hazmat by Ground—Driver
Or, see the full catalog at Lion.com/Hazmat

TOP RCRA COURSES
RCRA Hazardous Waste Management (Initial)
RCRA Hazardous Waste Management (Refresher)
Or, see the full catalog at Lion.com/RCRA