POLICY STATEMENT

The use of hazardous materials (e.g., laboratory chemicals, dry ice, radioactive materials, compressed gases, biological agents; equipment or instruments that contain hazardous materials, lithium batteries, and other rechargeable batteries) is an integral part of research and other operating units at the University of North Dakota (UND). At times, it is necessary to ship these materials to a colleague, another facility, back to the manufacturer, to a field site, or other similar locations. When shipped, hazardous materials and dangerous goods must be correctly classified, packaged, labeled, marked, and accompanied by appropriate paperwork.

The Department of Public Safety provides oversight, and coordinates training, shipping, and receiving of hazardous materials and dangerous goods for UND. All hazardous materials/dangerous goods must be shipped and transported safely, and in compliance with the rules and regulations of the United States Department of Transportation (USDOT), and other regulatory agencies. University personnel who ship hazardous materials and dangerous goods must be properly trained in accordance with 49 CFR 100-199 regulations. UND will conduct hazardous material shipping training on a bi-annual basis. Only properly trained University employees are allowed to ship or transport hazardous materials.

This policy applies to faculty and staff initiating or authorizing the shipment of hazardous materials, or otherwise having a role in the shipping of hazardous materials, as well as faculty and staff who transport hazardous materials or are responsible for hazardous materials storage (such as store room personnel).

REASON FOR POLICY

The shipment, transport, and receipt of hazardous materials and dangerous goods may pose potential environmental, public health, national security, and commercial risks, and as such, all hazardous materials and dangerous goods shipments must comply with the US Department of Transportation shipping regulations under 49 CFR § 100-199 and the guidelines established by the International Civil Aviation Organization (ICAO). To comply with shipping regulations, hazardous materials and dangerous goods must be properly classified, packaged, documented, and handled by trained employees. Failure to meet these requirements may result in delays, loss of research samples, and potential regulatory fines.
SCOPE OF POLICY

This policy applies to:

✓ President
✓ Vice Presidents
✓ Deans, Directors & Department Heads
✓ Area Managers & Supervisors
✓ Faculty
✓ Staff
✓ Students
✓ Others

WEB SITE REFERENCES

This policy: http://und.edu/finance-operations/_files/docs/6-22-transport-hazardous-materials.pdf
Policy Office: http://und.edu/finance-operations/policy-office.cfm
Vice President for Finance & Operations: http://und.edu/finance-operations/

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<td>International Air Transport Association (IATA)</td>
<td><a href="http://www.iata.org">www.iata.org</a></td>
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<tr>
<td>International Civil Aviation Organization (ICAO)</td>
<td><a href="http://www.icao.int">www.icao.int</a></td>
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<tr>
<td>Nuclear Regulatory Commission (NRC) 10 CFR</td>
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<td>Purpose and Use of Hazardous Materials Table 49 CFR § 172.101</td>
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<td>Transportation 49 CFR</td>
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CONTACTS

Specific questions should be directed to the following:

<table>
<thead>
<tr>
<th>Subject</th>
<th>Contact</th>
<th>Telephone</th>
<th>Office or Department E-Mail / Web Address</th>
</tr>
</thead>
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<tr>
<td>Policy Clarification</td>
<td>Department of Public Safety</td>
<td>(701) 777-3341</td>
<td><a href="http://und.edu/finance-operations/departement-of-public-safety.cfm">http://und.edu/finance-operations/departement-of-public-safety.cfm</a></td>
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<tr>
<td>Export Control</td>
<td>Export Control Officer</td>
<td>(701) 777-2049</td>
<td><a href="http://und.edu/research/resources/export-controls.cfm">http://und.edu/research/resources/export-controls.cfm</a></td>
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<td></td>
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<td>International: (352) 323-3500</td>
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### DEFINITIONS

<table>
<thead>
<tr>
<th>Term</th>
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<tbody>
<tr>
<td><strong>Authorized Shipper</strong></td>
<td>An employee who has been approved to ship hazardous materials or dangerous goods by the Office of Safety.</td>
</tr>
<tr>
<td><strong>Certified Packaging</strong></td>
<td>Packages designed and tested to fulfill the regulatory requirements for specific hazardous materials.</td>
</tr>
<tr>
<td><strong>Dangerous Goods</strong></td>
<td>Interchangeable with the term “hazardous materials” and mainly used in connection with air shipments of regulated materials.</td>
</tr>
<tr>
<td><strong>ECO</strong></td>
<td>Export Control Office</td>
</tr>
<tr>
<td><strong>Hazardous Material Employee</strong></td>
<td>A person who, in the course of full time, part time, or temporary employment, directly affects hazardous materials transportation safety. A person who loads, unloads, receives, handles, prepares (identifies, classifies hazardous materials, packages, marks, labels, or documents) hazardous materials packages, including the preparation of shipping papers, tenders hazardous materials into commerce, or who otherwise transports hazardous materials shipments.</td>
</tr>
<tr>
<td><strong>Hazardous Material Employer</strong></td>
<td>An employer (including a state agency) who employs or uses at least one hazardous materials employee on a full time, part time, or temporary basis, who transports hazardous materials in commerce; causes hazardous materials to be transported in commerce; or designs, manufactures, fabricates, inspects, marks, maintains, reconditions, repairs, or tests a package, container, or packaging component that is represented, marked, certified, or sold by that person as qualified for use in transporting hazardous materials in commerce.</td>
</tr>
<tr>
<td><strong>Hazardous Material Shippers</strong></td>
<td>An individual, corporation, company association, firm, partnership, society, joint stock company, or a government, state agency, tribe, or authority of a government or tribe that offers a hazardous material for transportation in commerce, or transports a hazardous material to support a commercial enterprise, other than the U.S. Postal Service. Hazardous material shippers identify, classify, package, mark, label, document, and/or tender a hazardous material into transportation.</td>
</tr>
<tr>
<td><strong>Hazardous Materials</strong></td>
<td>Substances or materials that the Secretary of Transportation has determined to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce. Examples of hazardous materials used on campus include, but are not limited to, laboratory reagents, pool chemicals, lubricating oils, paint, batteries, infectious substances, dry ice, and hazardous wastes. In this policy the term “hazardous materials” incorporates dangerous goods.</td>
</tr>
<tr>
<td><strong>Hazardous Materials Regulations</strong></td>
<td>Department of Transportation regulations governing the transportation of hazardous materials in commerce (within the jurisdiction of the United States, for shipments to, from, and through the United States) are found in 49 CFR 100-199. The movement of regulated materials within contiguous University property does not constitute a shipment in commerce.</td>
</tr>
<tr>
<td><strong>High Risk Material</strong></td>
<td>High risk materials include explosives, nano-materials, radioactive materials, materials poisonous by inhalation, bulk hazardous material shipments, select agents or toxics regulated by the Center for Disease Control &amp; Prevention,</td>
</tr>
</tbody>
</table>
the US Department of Agriculture, or a quantity of hazardous materials that requires placarding.

| **International Air Transport Association (IATA)** | The trade association for the world’s airlines that supports areas of aviation activity and helps formulate industry policy on critical aviation issues. This organization works closely with governments in the development of regulations governing air shipment of hazardous materials. |
| **International Civil Aviation Organization (ICAO)** | A United Nations specialized agency that works with global industry and aviation organizations to develop international standards and recommended practices (SARPs) which are then used in legally-binding national civil aviation regulations. |
| **Materials of Trade (MOT)** | Hazardous materials, other than hazardous waste, that are carried on a motor vehicle to directly support a principal business. Examples include landscaping, pest control, painting, plumbing, and welding. Employees handling materials of trade must have general knowledge of relevant regulations, quantity limitations, and packaging and labeling requirements. |
| **Regulated Materials** | Hazardous materials that pose an unreasonable risk when transported in commerce. Also known as materials “regulated for transportation.” |
| **Shipping** | The process whereby a hazardous materials employee identifies, classifies, packages, marks, labels, documents, and tenders the hazardous materials shipment to a transport carrier, e.g. FedEx. |
| **Transportation** | The movement of property or materials, including the loading, unloading, or storage incidental to that movement. |

**PRINCIPLES**

**OVERVIEW** – The use of hazardous materials (e.g., laboratory chemicals, dry ice, radioactive materials, compressed gases, biological agents, equipment or instruments that contain hazardous materials, and lithium batteries and other rechargeable batteries) is an integral part of research and other operating units at UND. At times, it is necessary to ship these materials to a colleague, another facility, back to the manufacturer, or to a field site. This shipment, transport, and receipt of hazardous materials and dangerous goods may pose potential environmental, public health, national security, and commercial risks, and as such, all hazardous materials and dangerous goods shipments must comply with the United States Department of Transportation (USDOT) shipping regulations under 49 CFR § 100-199 and the guidelines established by the ICAO.

To comply with shipping regulations, hazardous materials and dangerous goods must be properly classified, packaged, documented, and handled by trained employees. Failure to meet these requirements may result in delays, loss of research samples, and potential regulatory fines.

This policy applies to faculty and staff initiating or authorizing the shipment of hazardous materials or otherwise having a role in the shipping of hazardous materials, as well as faculty and staff who transport hazardous materials or are responsible for storage of hazardous materials (such as store room personnel). Students are authorized to ship or transport hazardous materials only with proper training, and only with the knowledge and approval of a University employee supervisor (such as a principal investigator or office manager) who has successfully completed hazardous materials transportation awareness level training or higher.

The Department of Public Safety provides oversight, and coordinates training, shipping and receiving of hazardous materials and dangerous goods for UND. All hazardous materials/dangerous goods must be shipped and transported safely and in compliance with the rules and regulations of the USDOT and other regulatory agencies. Only University personnel properly trained in accordance with 49 CFR 100-199 regulations are allowed to ship or transport hazardous materials and dangerous goods. This includes general awareness, function specific, security awareness, and potentially in-depth security training within 90 days of hire, and again every three years for ground shipments and two years for air shipments. Additionally, function specific training
must be tailored for each and every level and performance standard and type of responsibility. UND will conduct hazardous material shipping training on a bi-annual basis.

Any violations of this policy can result in discipline up to and including termination in accordance with UND Human Resources policies, in addition to the penalties identified in 49 CFR under which the hazardous materials in this policy are governed.

The North Dakota Risk Management Fund provides tort liability coverage for state employees up to $250,000 per person and $1,000,000 per occurrence. Liability to a third party (non-employee) includes bodily injury, personal injury, professional liability, errors and omissions, or property damage resulting from the premises or operations of the State, its agencies, employees, boards, commissions, or assigns.

PROCEDURES

The Office of Safety serves as a resource for employees designated to ship hazardous materials. It assists in determining if the material is hazardous and provides advice on proper packaging. Hazardous materials include hazardous substances, marine pollutants, elevated temperature materials, and materials designated as hazardous in the Hazardous Materials Table under 49 CFR §172.101. Additional examples include, but are not limited to, lithium batteries, flammable liquids (crude oil, acetone, bio-fuels), compressed gases, corrosives (acids), toxic, oxidizers, infectious, or radioactive materials.

The Office of Safety is responsible for monitoring UND department compliance for the transportation, shipment, and receipt of hazardous materials. Successful compliance with this policy is measured by periodic Office of Safety audits. The goal is 100 percent compliance of all audited hazardous materials shipments. The Office of Safety will report audit results to the UND’s Hazardous Material and Radiation Committee on a biannual basis.

Individuals needing to ship hazardous materials at UND have two options for shipping:

1. Through an authorized shipper, or
2. Through the Office of Safety.

Hazardous wastes are transported by contracted vendors.

Shipping Options

AUTHORIZED SHIPPER – Departments who frequently ship hazardous materials may have an authorized shipper(s) within their department. To become an authorized shipper individuals must:

1. Receive training (in accordance with the Training and Certification section of this document) from a training session that has been approved by the Office of Safety, and
2. After training has been completed, submit the Application to Ship Hazardous Materials form to be designated as an authorized shipper by the Office of Safety.

Departments with authorized shippers must provide the required packaging, marking and labeling materials, shipping papers, and system for maintaining shipping paperwork and other required documentation. Authorized shippers must determine if the material they are shipping is a hazardous material. Once a determination is made, the employee must package the material in conformance with USDOT regulations and IATA guidelines (ICAO requirements or IMDG code), complete the appropriate shipping papers, mark and label the package, and request a pickup of the material by Campus Postal Services or other shipping vendor.

Campus Postal Services must receive 24-hour notice of shipping request, and will inspect the packaging material and associated documents upon pickup to verify the shipment is completed in accordance with federal regulations. If shipping by other vendor (e.g., FedEx), the authorized shipper will be responsible for following applicable guidelines.
OFFICE OF SAFETY – The Office of Safety will function as the shipper for departments that do not have an authorized shipper available in their area.

To have the Office of Safety ship a hazardous material package, departments must complete a Hazardous Material Shipping Request form and submit the form to the Office of Safety five days prior to the shipment date. Departments are responsible for all costs associated with the hazardous material shipment.

Training and Certification

The Office of Safety provides a list of approved hazardous materials training vendors. Additional vendors may be approved upon request by the Office of Safety prior to training being completed.

All UND employees who may interact with hazardous materials must complete training approved by the Office of Safety within 90 days of hire and then every three years as appropriate to their level of responsibility. Training topics include, but are not limited to, general awareness, function specific activities, emergency response, personnel safety, and security awareness.

All UND employees who are authorized to ship (authorized shippers) hazardous materials must complete training approved by Office of Safety every three years for ground shipments and two years for air/international shipments appropriate to their level of responsibility. Training topics include, but are not limited to, general awareness, function specific, personnel safety, security awareness, and the appropriate shipping training required for their level of responsibility.

There are two levels of responsibility and training requirements:
1. Regular Hazardous Material employees, and
2. Office of Safety personnel, Campus Postal personnel, authorized shippers, and other supervisors/administrators.

Hazardous materials employees and authorized shipper applicants must provide certificates of completion of initial and refresher hazardous material training to the Office of Safety and maintain documentation of successful training completion in their department.

Supervisors (including principal investigators) who oversee operations involving the shipment and transportation of packages containing hazardous materials are to ensure that only properly trained individuals handle and ship hazardous materials.

Departments must keep records of trained employees that include the employee’s name, the most recent training date, a description of the training, copy or the location of the training materials used to meet the aforementioned training requirements, the name and address of the person/vendor who provided the training, certification that the employee has been trained as required, and results of the test or learning management exercise.

Document Retention

Departments that ship hazardous materials must establish and maintain files which include copies of all shipping papers and training records. Whenever shipping papers are required per regulation, hazardous materials shipping papers must be retained for at least 24 months after the date of shipment. Departments are required to maintain hazardous materials employees’ training records for three years or for 90 days after employment ends.

Documents for international shipments of hazardous material must be retained in accordance with U.S. export control laws and regulations and UND’s Policy and Compliance Program Manual for United States Export Control Laws and Regulations.

Departments are required to maintain a list of hazardous materials employees and provide this list to the Office of Safety or regulatory agency personnel upon request.
Separation and Segregation of Hazardous Materials

Departments involved in the shipping and transportation of regulated hazardous materials must ensure proper storage of these materials. Refer to 49 CFR Part 177, Subpart C, Segregation and Separation chart.

Self-Transport via Ground

The movement of hazardous materials by University employees, within University vehicle, for University business within the contiguous UND campus is not regulated per USDOT as a hazardous materials shipment, although training and safety precautions are still required (49 CFR 173.6). Transporting hazardous materials on public roads is prohibited unless it is in accordance with USDOT Materials of Trade regulations (see definition and contact the Office of Safety for compliance assistance), or by someone with a commercial driver’s license with a hazardous material endorsement in accordance with 49 CFR.

Domestic Shipments

Authorized shippers approved to ship domestically must have approval from the Office of Safety and are trained in accordance to 49 CFR 172.00 (USDOT). Training must be documented and completed every three years.

International Shipments

International shipments, whether imported or exported, may require permits and licensing authority. Shipping certain biological substances, for example, requires approval from the Centers for Disease Control and Prevention. For assistance with international shipments contact the Office of Safety with at least 20 working days’ notice.

To ship internationally, the authorized shipper must be approved by the Office of Safety to ship outside the US and have completed training on IATA Dangerous Goods Regulations. The training must be documented and completed every two years. Applicable international shipping requirements must be followed for international shipments of hazardous materials by air, land, or sea.

International shipments must also comply with UND’s Policy and Compliance Program Manual for United States Export Control Laws and Regulations. The policy regarding shipping and receiving requires all UND personnel shipping hazardous or dangerous materials outside the United States to evaluate, for export control purposes, all items and associated documentation which are intended to be sent to foreign destinations in coordination with the UND Export Control Office (ECO) and other appropriate offices.

It is critical that UND personnel engaged in shipping/receiving functions understand the scope of the proposed export, and have at their disposal all available information in the file (such as screening records and, where applicable, a copy of the export license) in which to make an independent judgment as to the compliance of the export. It is best practice for those engaged in the shipping/receiving activity to double check the terms and condition of a license against the ship-to instructions associated with a proposed export.

Prior to shipping any item, all export documentation including appropriate references to classification, value, licensing where applicable, license conditions, quantity, consignee, Schedule B number, and numerous other data points must be incorporated into all shipping documentation, including Automated Export Statement (AES) filing.

For export compliance related to the shipping/receiving function, contact the ECO.

Contact the Office of Safety with hazardous materials shipments that contain:

1. Infectious Substances – Shipments containing an infectious substance are strictly regulated. Exempt biological shipments via air may require specific packaging requirements as well.
2. Dry Ice – Shipments containing dry ice are regulated when transported by air or water. Quantity limits apply and vented packaging is required.
3. Any radiological (class 7 hazard) – Shipments must be shipped with approval from the University’s Radiation Safety Officer. Radiological shipments require at least five days’ notice.
4. Any other high risk material shipments.

Any other international hazardous material shipping concerns may be directed to the Office of Safety.

**BIOLOGICAL MATERIALS** – Individuals planning to export biological materials must work directly with the ECO to determine whether export control requirements are being met, and what, if any, special arrangements (including export licensing, destination control statements, end user agreements, and authorization from other government agencies regulating biological materials) must be affected pursuant to such transfers.

**Emergency Response Information**

Hazardous material shipments may require the use of a 24 hour emergency response telephone number. Shipments that require the use of a 24 hour emergency response telephone number must use a telephone number, via a contractor, approved by the Office of Safety, or the Office of Safety’s Emergency Response’s contact number available to authorized shippers. UND’s Hazardous Materials Emergency Response contractor is INFOTRAC, contract number 106357. (Contact information for INFOTRAC is located in the Contacts section of this document.)

**RESPONSIBILITIES**

| Authorized Shipper | ▪ Responsible for the proper handling, classification, packaging, labeling, and documentation of all hazardous material shipments within their purview.  
▪ Keep copies of every bill of lading (BOL) for hazardous material shipments sent for the previous two years.  
▪ Report every January and July to the Office of Safety the shipments they have sent and locations for the preceding six months. If they have not sent any hazardous material shipments in the previous six months, the authorized shipper must send notice reporting they have not shipped. |
|-------------------|----------------------------------------------------------------------------------------------------|
| Campus Postal Services | ▪ Provide pickup services for hazardous materials packages intended for shipment by Campus Postal Services by appropriately trained personnel.  
▪ Ensure hazardous materials packages processed through Campus Postal Services have been properly packaged, labeled, and marked.  
▪ Ensure all shipping documents are completed properly.  
▪ Reconcile shipper information with a list of authorized shippers from the Office of Safety.  
▪ Consult with the Office of Safety on areas of questions or concern. |
| Deans, Directors, and Departments Chairs | ▪ Develop and enforce internal procedures to comply with this policy document.  
▪ Support the Office of Safety or regulatory agency audits and investigations, and pay associated fines and penalties for any departmental compliance deficiencies. |
| Export Control | ▪ All UND personnel involved with shipping items outside the United States must:  
▪ Work with the ECO to evaluate, for export control purposes, all items (including documentation) which are intended to be sent to foreign destinations. This includes shipment of biological materials, which may be subject to export controls.  
▪ In the event of a shipment authorized by an export license, ensure that shipment is in compliance with the terms of the license, including: |
- Items shipped match the items listed on the license;
- Destination of shipment matches destination listed on the license;
- Recipient matches the end user listed on the license.
- Work with the ECO to prepare AES filing (or, if delegated to Freight Forwarder, ensure that it has been completed).
- When receiving controlled items into inventory, work with ECO to ensure that they are marked and stored in compliance with the relevant Technology Control Plan, as appropriate.
- Work with the ECO to conduct restricted party screening for all freight forwarders and end users of shipped items.
- Maintain all required export recordkeeping (shipment documentation, AES confirmations, correspondence regarding export control, correspondence from customs authorities, etc.).

### Hazardous Material Employee
- Responsible for the proper handling and documentation (if required) of all hazardous materials within their purview.
- Must attend required training.

### Hazardous Material Employer
- Departments containing hazmat employees must be aware of this policy and understand the contents within.
- Department heads are responsible for ensuring their hazmat employees are trained in accordance to this policy.

### MOT Transporter
- Qualified individuals self-transporting hazardous materials via ground must transport in accordance with the materials of trade (MOT) exemption. MOT transporters are required to be familiar with the MOT exemption prior to transporting hazardous materials under this exemption.

### Office of Safety
- Communicate the existence and core components of this policy to all campus units.
- Establish and communicate appropriate levels of training for hazardous materials employees.
- Provide or make available approved hazardous materials training.
- Provide technical guidance upon request to campus units in the shipment of hazardous materials.
- Maintain and update a campus hazardous materials shipping website.
- Maintain a list of persons who have completed hazardous materials shipment training.
- Maintain an emergency response telephone number available for use by authorized shippers (INFOTRAC).
- Conduct periodic audits for hazardous materials shipping compliance.
- Investigate hazardous materials shipping discrepancies and carrier-rejected shipments.
- Notify responsible parties of any hazardous materials shipping discrepancies or regulatory actions affecting their operations, and share lessons learned with other units as applicable.
- Report deficiencies to the appropriate regulatory agency as required.
- Provide shipping services for departments utilizing hazardous materials.
- Conduct biannual audit of authorized shippers and prepares a report for the Radiation and Hazardous Material Committee.

### Principal Investigators and Supervisors
- Ensure that all hazardous material employees obtain and maintain the appropriate level of documented training for their duties.
- Fund the costs of safe and compliant hazardous materials shipments.
- Ensure that all hazardous materials are identified, classified, packaged, and shipped safely and in accordance with the applicable shipping regulation.
- Request assistance from the Office of Safety if department personnel are not trained.
## FORMS

<table>
<thead>
<tr>
<th>Application to Ship Hazardous Materials (for authorized shippers)</th>
<th>Contact Office of Safety</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hazardous Material Shipping Request</td>
<td>Contact Office of Safety</td>
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<tr>
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<td><a href="http://und.edu/research/resources/export-controls-international-shipping.cfm">http://und.edu/research/resources/export-controls-international-shipping.cfm</a></td>
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## APPENDICES

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<th>Contact Office of Safety</th>
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## REVISION RECORD

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<tr>
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<td>Impact Statement Endorsed</td>
<td>President’s Cabinet</td>
</tr>
<tr>
<td>05/27/2014</td>
<td>Interim Approval</td>
<td>Signed by President Robert O. Kelley</td>
</tr>
<tr>
<td>12/01/2014</td>
<td>Policy Implementation</td>
<td>Signed by President Robert O. Kelley</td>
</tr>
</tbody>
</table>