

# NEW REGULATION FOR THE TRANSPORT OF HAZARDOUS MATERIALS AND WASTE

DECEMBER 2023

## EXECUTIVE SUMMARY:

- The Official Mexican Standard NOM-002-SCT-SEMAR-ARTF/2023 is an update of NOM-002-SCT/2011, and establishes a new list to identify hazardous materials and waste.
- It also establishes the instructions for transporting and packaging hazardous materials and waste.



The Mexican Official Norm NOM-002-SCT-SEMAR-ARTF/2023 (“NOM-002”) requires all individuals involved in the transportation of hazardous materials and waste by land, air, and/or sea to take the necessary measures to prevent environmental damage.

NOM-002 is an update of the NOM-002-SCT/2011, “*List of the most commonly transported hazardous substances and materials*”, published in the Official Gazette of the Federation on January 27, 2012.

Under this new NOM-002, the Ministry of Infrastructure, Communications, and Transportation, along with the Ministry of the Navy, determined which substances and in what quantities are considered hazardous for

transportation, with the purpose of enhancing the safety of communication routes. Additionally, an official way to transport these substances and materials by land, air, and/or sea was established.

Transportation under normal conditions of substances and objects that may explode, react dangerously, produce a flame, or emit dangerous heat is prohibited, as well as those that emit toxic, corrosive, or flammable gases or vapors, unless expressly exempted in NOM-002.

Likewise, the Federal Civil Aviation and Railroad Transportation Agencies are now competent authorities to supervise compliance with NOM-002.

### WHAT SHOULD I DO?

Referencing the NOM-002 list, it must be determined what type and quantity of hazardous materials and wastes shall be transported. Depending on the quantity and type of material, the instructions and guidelines that must be followed to transport them safely by land, air, or sea will be determined.

If any of the materials are not considered in the NOM-002 list, one must ensure that the transport of said material is not prohibited; for example, hazardous waste cannot be transported by air. If a substance is not listed in NOM-002, and its transportation is not prohibited, this means that this substance is outside the scope of the application of the regulation. A prior evaluation by an accredited testing laboratory is required to determine hazardous characteristics.

### WHAT DO WE SUGGEST?

To avoid any impact, the provisions of NOM 002 must be complied with, as well as other regulations regarding the management of hazardous substances and waste. In particular, recognize the substances and quantities considered dangerous, and ensure transportation conditions meet regulation requirements.

It is important to know that the management of hazardous substances and waste involves a "chain" where all parties must fulfill their obligations. In the specific case of hazardous waste, there is a shared (solidary) responsibility between the generator, transporter, and final disposal center in the event that poor management ends up affecting the environment or the life, health, and/or property of third parties. Proper substance management and handling compliance is strongly recommended to avoid environmental or third-party risks.



**Vicente Grau**

Partner

Mexico City

+52 55 5279 5466

[vgrau@s-s.mx](mailto:vgrau@s-s.mx)



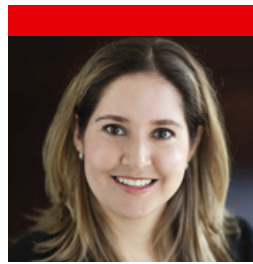
**Heriberto Garza**

Partner

Monterrey

+52 81 8133 6010

[hgarza@s-s.mx](mailto:hgarza@s-s.mx)



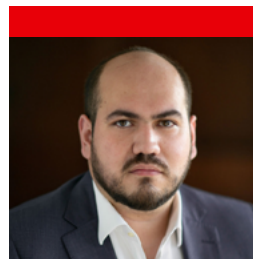
**Claudia Rodríguez**

Partner

Mexico City

+52 55 5279 5408

[crodriguez@s-s.mx](mailto:crodriguez@s-s.mx)



**David González Vega**

Associate

Mexico City

+52 55 5279 5456

[david.gonzalez@s-s.mx](mailto:david.gonzalez@s-s.mx)

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