

## FMCSA Drug and Alcohol Clearinghouse Is Now Open for Registration

FMCSA has turned on the lights and opened the doors for registration for the Drug and Alcohol Clearinghouse. CDL drivers, employers, consortium/third-party administrators, medical review officers, and substance abuse professionals are encouraged to register early.

Effective January 6, 2020, all drug or alcohol violations must be reported to the Clearinghouse and employers must query the Clearinghouse for drug and alcohol violations as a preemployment background check, as well as annually (49 CFR 382, Subpart G). For the following three-years the employer must also make manual inquiries from previous employers as required by 49 CFR 382.413.

However, effective January 6, 2023 (after the program has been in place for three-years), employers will only need to use the Clearinghouse for previous employment drug and alcohol violations, unless a driver is still subject to the follow-up testing requirement. In that case, a manual inquiry from the previous employer will also be required.

Every employed CDL driver who is required to be in the DOT Drug and Alcohol Testing program must complete the registration process before they can respond to employer consent requests or access their driver record in the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse.

Accessing the Clearinghouse requires the creation of an account with login.gov, a shared service that offers secure online access to participating government systems, including the Clearinghouse. Here is a link that will assist the driver in the registration process:

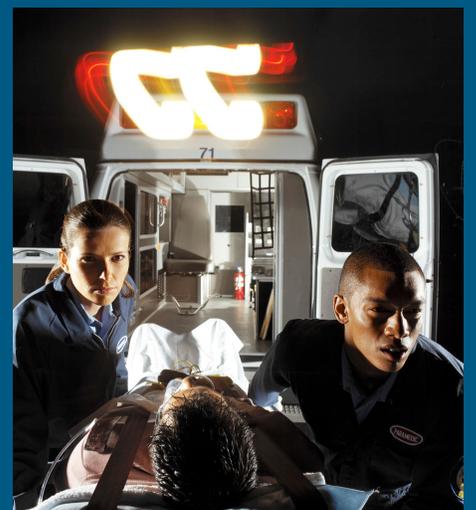
<https://clearinghouse.fmcsa.dot.gov/Resource/Index/Registration-Driver-Instructions>

CDL employers must also register with the Clearinghouse in order to conduct queries or report drug and alcohol program violations in the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse, which becomes mandatory on January 6, 2020. Once registered, the employer can designate a consortium/third-party administrator (C/TPA), as well as additional company employees, to serve as assistants to conduct queries and/or report violation information on the employer's behalf. Here is a link that will assist the employer in the registration process:

<https://clearinghouse.fmcsa.dot.gov/Resource/Index/Registration-Employer-Instructions>

Below is a link to FMCSA's Drug & Alcohol Clearinghouse main webpage that is very helpful and includes many FAQs on the subject as well as the links we listed above:

<https://clearinghouse.fmcsa.dot.gov/>



U.S. Department of Transportation  
Federal Motor Carrier Safety Administration

## Latest Happenings in the Federal Register

### No-Defect DVIRs for Passenger CMVs May Go Away



On November 12, 2019 (84 FR 60990) the Federal Motor Carrier Safety Administration (FMCSA), proposed to rescind the requirement that drivers of passenger-carrying commercial motor vehicles (CMVs) operating in interstate commerce, submit, and motor carriers retain, driver-vehicle inspection reports (DVIRs) when the driver has neither found nor been made aware of any vehicle defects or deficiencies (no-defect DVIRs).

This proposed rule would remove an information collection burden without adversely impacting safety. Currently, intermodal equipment providers and operators of all other CMVs other than passenger-carrying CMVs are not required to complete the DVIR if there are no defects to report.

You must submit comments on or before January 13, 2020. Comments sent to the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB) on the collection of information must be received by OMB on or before January 13, 2020.

### Record Keeping Requirement on Hazmat May be Extended

On November 7, 2019 (84 FR 60142) the Federal Motor Carrier Safety Administration (FMCSA) announced its plan to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for its

review and approval and invited public comment.

The FMCSA requests approval to revise and extend an existing ICR titled, "Hazardous Materials Safety Permits." This ICR requires companies holding permits to develop and implement communications plans that allow for the periodic tracking of the shipments. A record of the communications that includes the name of the driver, identification of the vehicle, permitted material(s) being transported, and the date, time and location of each contact may be kept by either the driver (e.g., recorded in the log book) or the company.

These records must be kept, either physically or electronically, for at least six months at the company's principal place of business or readily available to the employees at the company's principal place of business. This ICR is being revised only to the extent that the number of motor carriers with an active Hazardous Materials (HM) Safety Permit has decreased from 1,304 to 987. FMCSA must receive your comments on or before January 6, 2020.



### Cylinder Safety Notice by PHMSA

On November 1, 2019 (84 FR 58829) the Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a safety advisory notice to inform the public, industrial gas stakeholders, and relevant government officials of the risks associated with requalifying, filling, and transporting cylinders bearing the DOT specification markings "DOT 4E" or "DOT 4BA" that were produced by a company located in Thailand by the name of Metal Mate.

Metal Mate does not have an approval from PHMSA to manufacture cylinders to DOT specifications; therefore, cylinders marked with the Metal Mate name are not DOT specification cylinders. They must not be used to transport hazardous materials in commerce to, from, or within the United States, or on a United States-registered aircraft. These cylinders may not perform to the marked DOT performance standard and may not be safe for commercial transportation or consumer use. FOR FURTHER INFORMATION CONTACT: The Hazardous Materials Information Center, (202) 366-4488 or 1-800-467-4922; [infocntr@dot.gov](mailto:infocntr@dot.gov)

### Small Businesses Seek Reconsideration

On October 29, 2019 (84 FR 57932) the Federal Motor Carrier Safety Administration (FMCSA) announced that the Small Business in Transportation Coalition (SBTC) seeks reconsideration of its application for exemption from the electronic logging device (ELD) rule that was denied by the Agency on July 17, 2019. SBTC has resubmitted its application for exemption from the ELD requirements for all motor carriers with fewer than 50 employees, including, but not limited to, one-person private and for-hire owner-operators of commercial motor vehicles used in interstate commerce. SBTC believes that the exemption would not have any adverse impacts on operational safety as motor carriers and drivers would remain subject to the hours-of-service (HOS) regulations as well as the requirements to maintain paper records of duty status (RODs).

## DOT/FMCSA Proposes New System of Records

On October 22, 2019 (84 FR 56521) the Department of Transportation (DOT), Federal Motor Carrier Safety Administration (FMCSA) proposed a new system of records titled "Drug and Alcohol Clearinghouse (Clearinghouse)". This system of records allows FMCSA to collect and maintain records on commercial driver's license (CDL) and commercial learner's permit (CLP) holders who have received verified positive DOT drug or alcohol test results, refuse such testing, or otherwise violate FMCSA's drug and alcohol use prohibitions.



The Clearinghouse will collect and maintain records on the completion of substance abuse programs as part of the return-to-duty process and will collect and maintain drivers' consent to the release of information.

In addition, the Clearinghouse will collect and maintain records of queries of the system conducted by employers or service agents acting on their behalf, and State Driver Licensing Agencies (SDLAs). The information in this system will be used to enhance compliance with drug and alcohol use testing regulations by identifying CDL or CLP holders who have committed drug and alcohol violations that render them ineligible to operate a commercial motor vehicle (CMV).

This new system will be included in the DOT inventory of record systems. The system was effective November 21, 2019.

## FMCSA Makes Minor Corrections to Regs

On September 30, 2019 (84 FR 51427) the Federal Motor Carrier Safety Administration (FMCSA) amended its regulations by making technical corrections throughout the Federal Motor Carrier Safety Regulations.

The Agency made minor changes to correct inadvertent errors and omissions, remove or update obsolete references, and improve the clarity and consistency of certain regulatory provisions. The Agency also made nondiscretionary, ministerial changes that are statutorily mandated. These corrections were made effective September 30, 2019.

## HOS Suspended Language Now Removed

On September 12, 2019 (84 FR 48077) the Federal Motor Carrier Safety Administration (FMCSA) amended its hours-of-service (HOS) requirements applicable to drivers of property-carrying commercial motor vehicles (CMVs) to remove provisions requiring that a 34-hour restart include two periods between 1 a.m. and 5 a.m. and limiting use of a restart to once every 168 hours—provisions that were promulgated in December 2011.

In a series of Appropriations Acts, Congress suspended these provisions, pending completion of a naturalistic study comparing the effects of the restart provisions in effect under the 2011 rule versus provisions in effect prior to the 2011 rule's compliance date. The 2017 naturalistic study found no statistically significant benefits from the restart rule.

Pursuant to a 2017 Appropriations Act, the 2011 restart rules are void by operation of law. Although not in effect, the provisions remain in the Code of Federal Regulations (CFR), which could cause confusion for some stakeholders. This final rule was effective September 12, 2019.

### FMCSA Invites Children to Enter the Holiday Road Safety Art Contest

The Federal Motor Carrier Safety Administration (FMCSA) announced the Holiday Road Safety Art Contest, a coloring contest that encourages children in kindergarten through sixth grade (ages 5-12) to use their creativity and talent to raise awareness of how to stay safe on the roads. The winning artwork will best show how everyone who uses the roads has a role to play in safety. This includes big trucks and buses, cars, bicyclists and pedestrians.

Follow the link below for full information:

<https://www.fmcsa.dot.gov/OurRoadsArtContest>



## U.S. Department of Transportation Sponsors Capitol Christmas Tree During Journey Across the United States



*The U.S. Capitol Christmas Tree stopped in Georgetown, Texas on its way to the United States Capitol.*

The U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) today helped kick off the 2019 U.S. Capitol Christmas Tree's journey from its origin in Carson National Forest in New Mexico to the nation's capital. FMCSA's on-the-ground team conducted a full safety inspection of the commercial truck that will transport the 60-foot blue spruce to its destination at the United States Capitol.

"As this very special Christmas tree travels across America to the U. S. Capitol, the Federal Motor Carrier Safety Administration will partner with communities to emphasize safety, especially safely driving around trucks and buses during the holiday season," said U.S. Transportation Secretary Elaine L. Chao.

This year's Capitol Christmas Tree was harvested by the U.S. Forest Service in New Mexico's Carson National Forest and will be transported by large truck to the U.S. Capitol. The truck will stop for more than 25 Capitol Christmas Tree community events and celebrations in towns and cities across the United States before it delivers the tree in Washington, DC on November 24. FMCSA will be participating in-person at the whistle-stop events, conducting public outreach

to promote safe driving around trucks and buses.

"This cross-country trip is an excellent example of the critical role large vehicles play moving people and goods throughout our nation. FMCSA is excited to be part of this effort and we ask the public to do their part in sharing the road safely, especially during the high-traffic, busy holidays," said FMCSA Deputy Administrator Jim Mullen.

FMCSA is partnering with Choose Outdoors, a non-profit organization which works with the U.S. Forest Service to harvest and transport the Capitol Christmas Tree. The agency's goal is to raise awareness for passenger vehicle drivers, bicyclists, and pedestrians about the importance of sharing the road safely with large vehicles, particularly during the spike in travel around the holiday season. Commercial truck traffic increases in the last months of the year to accommodate holiday shipping. According to AAA, Americans are packing up for holiday road trips more than ever before, forecasting last December that more than 102 million Americans would travel for the holidays by car.

There are approximately 12.5 million commercial motor vehicles on America's roadways, and approximately 72% of fatalities in large truck crashes are occupants of other vehicles. FMCSA recommends drivers focus on safety by giving trucks and buses extra space for wide turns and extra distance to stop, being mindful of size differences, staying out of blind spots on large commercial vehicles, and never driving under the influence.

To learn more about sharing the roads safely with large trucks, visit:

[www.ShareTheRoadSafely.gov](http://www.ShareTheRoadSafely.gov)

## Hazardous Waste and DOT Determinations

When a shipper is responsible to ship Hazardous Waste, there are occasions when the details for identification are uncertain. We utilize scenarios in our training courses to point out the allowance that DOT provides in 49 CFR 172.101(c)(11). When "a material that is considered to be a hazardous waste or a sample of a material for which the hazard class is uncertain and must be determined by testing" the shipper may assign "a tentative proper shipping name, hazard class, identification number and packing group, if applicable, based on the shipper's tentative determination according to: (i) Defining criteria in this subchapter; (ii) The hazard precedence prescribed in §173.2a; (iii) The shippers knowledge of the material." For samples, there are further requirements in paragraph (iv) that also apply.

As quoted from this Letter of Interpretation [95-0211](#), the intent of this allowance was to "facilitate the movement of hazardous waste from a spill site or waste site by avoiding delays and costs associated with sending materials off-site for testing prior to their being shipped for disposal, with the understanding that a shipper would have sufficient information about the properties of a material (obtained through documentation or on-site testing) to make this tentative determination. It was not meant to apply to long-term operations..."

## Class Schedule December 2019 – March 2020

Course	Date	Location
Federal Motor Carrier Safety Regulations for Drivers	Dec. 3, 2019	Richland, WA
Load Securement for Drivers and Traffic Personnel	Dec. 10, 2019	Richland, WA
Advanced Radioactive Material Shipper Certification Training	Dec. 10-12, 2019	Richland, WA
Hazardous Material General Awareness Transportation Training	Dec. 16, 2019	Richland, WA
Basic Level Transportation Training – Mod 1 – Basic Hazardous Material	Jan. 6-7, 2020	Richland, WA
Basic Level Transportation Training – Mod 2 – Basic Hazardous Waste	Jan. 8, 2020	Richland, WA
Basic Level Transportation Training – Mod 3 – Basic Radioactive Material	Jan. 8-9, 2020	Richland, WA
IATA: Transportation of Dangerous Goods by Air Shipper Cert. Training	Jan. 7-9, 2020	Richland, WA
Basic Level Transportation Training – Mod 1 – Basic Hazardous Material	Jan. 13-14, 2020	Las Vegas, NV
Basic Level Transportation Training – Mod 2 – Basic Hazardous Waste	Jan. 15, 2020	Las Vegas, NV
Basic Level Transportation Training – Mod 3 – Basic Radioactive Material	Jan. 15-16, 2020	Las Vegas, NV
Hazardous Material General Awareness Transportation Training	Jan. 22, 2020	Richland, WA
Load Securement for Drivers and Traffic Personnel	Jan. 23, 2020	Richland, WA
Federal Motor Carrier Safety Regulations for Drivers	Jan. 28, 2020	Richland, WA
Basic Level Transportation Training – Mod 1 – Basic Hazardous Material	Jan. 27-28, 2020	Albuquerque, NM
Basic Level Transportation Training – Mod 2 – Basic Hazardous Waste	Jan. 29, 2020	Albuquerque, NM
Basic Level Transportation Training – Mod 3 – Basic Radioactive Material	Jan. 29-30, 2020	Albuquerque, NM
Explosives Training for Shippers	Feb. 3, 2020	Albuquerque, NM
Advanced Hazardous Material Shipper Certification Training	Feb. 4-5, 2020	Albuquerque, NM
Advanced Hazardous Waste Shipper Certification Training	Feb. 4-6, 2020	Albuquerque, NM
Explosives Training for Shippers	Feb. 10, 2020	Richland, WA
Advanced Hazardous Material Shipper Certification Training	Feb. 11-12, 2020	Richland, WA
Advanced Hazardous Waste Shipper Certification Training	Feb. 11-13, 2020	Richland, WA
IATA: Transportation of Dangerous Goods by Air Shipper Cert. Training	Feb. 11-13, 2020	Las Vegas, NV
Hazardous Material General Awareness Transportation Training	Feb. 12, 2020	Richland, WA
Load Securement for Drivers and Traffic Personnel	Feb. 18, 2020	Richland, WA
Federal Motor Carrier Safety Regulations for Drivers	Feb. 19, 2020	Richland, WA
Explosives Training for Shippers	Feb. 24, 2020	Las Vegas, NV
Advanced Hazardous Material Shipper Certification Training	Feb. 25-26, 2020	Las Vegas, NV
Advanced Hazardous Waste Shipper Certification Training	Feb. 25-27, 2020	Las Vegas, NV
Federal Motor Carrier Safety Regulations for Managers & Supervisors	Feb. 25-26, 2020	Richland, WA
Reasonable Suspicion Training for Supervisors	Feb. 27, 2020	Richland, WA

\*\*Class dates and locations are subject to change\*\*

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for course descriptions, pricing,  
 and registration forms.