

Contractors Transportation Management Association (CTMA) Conference



The annual CTMA Conference was held May 21-24, 2018 in Santa Fe, New Mexico. Brad Scott represented the Atkins Training group and gave a presentation of questions and answers in regards to training and testing, records and retention (see below). The conference was well attended and there were many interesting presentations on days 2 & 3, as well as numerous vendor booths with information about their services. It was a great opportunity to network and get to know other people in the transportation industry. The conference will be held in Knoxville, Tennessee next May.

Training and Testing, Records and Retention

Q. Are employers required to retain either copies or originals of employee's certification exams?

Q. Is a written test required to complete the training certification process?

A. The answer to both of these questions is NO. The purpose of testing is to ensure the employee has been trained in their areas of responsibility and can perform their function in compliance with the HMR.

Q. Is a written hard copy certificate required by the DOT as proof of certification training?

A. No although it would satisfy the requirement. Any document that certifies the employees capability, whether it is

written or electronic, would meet the requirement.

Q. Who is responsible for creating and maintaining an employee's training records, the employee or the employer?

A. The employer is responsible for the current training and testing including the previous 3 years.

Q. Which of the following items is not required to be retained by the employer for the employees record: Employees most recent training completion date; Employees test score; Employees Name; A description, copy, or location of the training materials used to complete the employees certification; The name and address of the person providing the training; Certification that the employee has been both trained and tested.

A. The employees test score

Q. Can an employer provide their own training and testing? What about an individual?

A. The answer is Yes to both, if they meet all the requirements in 172.704 for General Awareness, Function Specific, Safety, and Security Awareness Training.

Q. Could a skill demonstration meet the requirements for testing?

A. Yes. No specific testing document is required.

Q. Is the employee required to pass the test? Who determines the "passing" criteria?

A. The regulations don't say exactly, but for a person to be certified, they must be able to successfully perform their assigned duties.

Q. If a hazmat employee gets a new job with a different employer, is the

previous employer required to provide evidence of previous relevant training?

A. An employer is required to maintain training records including the previous two years for the duration of the employee's employment and for 90 days after termination. A current record of relevant training could eliminate the need for the new employer to retrain the new employee in accordance the 172.704.

Q. If an employee is trained but not tested by an outside source, can the employer test and certify the employee? What documentation would be required?

A. Yes. Employees Name; Employees most recent training completion date; A description, copy, or location of the training materials used to complete the employee's certification; The name and address of the person providing the training; Certification that the employee has been both trained and tested.

Q. If a Special Permit is used, is specific training and testing required?

A. Yes. A Special Permit is an allowance by the DOT outside of the regulations and HazMat Employees must be trained and tested to the Special Permit.

Q. Can the DOT issue fines for non-compliance of Training Records?

A. Yes. Violations of any hazardous materials regulations, including training are subject to civil and criminal penalties as stated in the Hazardous Materials Transportation Act.

FMCSA Notice on the National Registry of Certified Medical Examiners

The Federal Motor Carrier Safety Administration (FMCSA) is ensuring the stability of the National Registry of Certified Medical Examiners (NRCME)



website, the security of the data, and the privacy of drivers and medical examiners. This is of paramount concern. There was an unsuccessful attempt by someone to compromise the NRCME website. It is conclusive that there was no personal information exposed.

Currently, there are several key features available on the National Registry. As of April 6, 2018, health care professionals wishing to become a certified medical examiner listed on the National Registry are able to register. FMCSA previously released a static look-up function allowing both State Driver's Licensing Agencies (SDLA) and employers to check the validity of medical cards. Additionally, in February 2018, FMCSA corrected erroneous e-mail notifications that were sent to certain medical examiners incorrectly stating that they would be removed based on out-of-date information.

There are more than 58,000 certified medical examiners on the National Registry that can continue to perform medical exams on commercial truck and bus drivers. These certified medical examiners can continue conducting physical qualification examinations and issue a paper Medical Examiner's Certificate (MEC), Form MCSA-5876 to qualified drivers. Medical examiners should segregate all examinations completed while the functionality was offline and be prepared to upload them to the National Registry system when it

is fully available, without penalties.

FMCSA and UDDOT will continue to work to address these issues as the website is brought fully back online.

For updates and status, visit the National Registry of Certified Medical Examiners website [here](#).

PHMSA Promotes Hazmat Accident Investigation Team Pilot Program

In our continuing efforts to improve safety, the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA)



has produced a [brochure](#) to promote its hazardous materials Accident Investigation Team (AIT) pilot program to hazmat and emergency first responder stakeholders. Fundamentally different from traditional PHMSA Hazardous Materials Regulations enforcement efforts, the one-year AIT pilot program was launched in October 2017 to develop a comprehensive investigative process for significant hazmat accidents and incidents. This process includes identifying contributing and root causes with the purpose of learning from past mistakes to enable forecasting and mitigation of future hazmat accidents.

PHMSA Collaborates with USPS to Promote Hazmat Safety Guidelines for Shipping Lithium Batteries



PHMSA Collaborates with USPS to Promote Hazmat Safety Guidelines for Shipping Lithium Batteries. In their continuing effort to improve safety, the U.S. Department of Transportation's (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) and the U.S. Postal Service (USPS) collaborated and today rolled out a set of safety guidelines for those wanting to mail lithium batteries. Persons wishing to ship lithium batteries and electronic devices containing lithium batteries should be aware that certain requirements must be met to ensure safety. Both agencies are responsible for enforcing the safety standards regarding the appropriate labeling and shipment of hazardous materials under PHMSA's Hazardous Materials Regulations for the safe transportation of lithium batteries in commerce. Contact for media: Patricia Klinger, (202) 366-4831. Go here for a copy of the safety guidelines: <https://www.phmsa.dot.gov/news/phmsa-collaborates-usps-promote-hazmat-safety-guidelines-shipping-lithium-batteries-0>

Latest Happenings in the Federal Register

ELD Exemption Sought for Small Businesses

On June 5, 2018 (83 FR 26140) the Federal Motor Carrier Safety Administration (FMCSA) announced that the Small Business in Transportation Coalition (SBTC) requested an exemption from the electronic logging device (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 (RODS). FMCSA requests public comment on SBTC's application for exemption. Comments must be received on or before July 5, 2018.



Use of CMVs for Personal Conveyance

On June 7, 2018 (83 FR 26377) the Federal Motor Carrier Safety Administration (FMCSA) issued regulatory guidance concerning previously proposed revisions to the regulatory guidance concerning driving a commercial motor vehicle (CMV) for personal use while off-duty, referred to as "personal conveyance." Over 380 comments were received in response to the draft guidance. This document provides revised guidance and addresses issues raised by commenters. This guidance applies to all CMV drivers required to record their hours of service (HOS) who are permitted by their carrier to use the vehicle for personal use. This guidance is applicable on June 7, 2018 and expires June 7, 2023.

Automated Driving Systems Public Meeting



On June 11, 2018 (83 FR 26942) the Federal Motor Carrier Safety Administration (FMCSA), announced a public listening session will take place on June 19, 2018, to solicit information on issues relating to the design, development, testing, and integration of Automated Driving Systems (ADS) equipped CMVs on our Nation's roadways. The listening session will provide interested parties with an opportunity to assist the Agency's future rulemaking efforts by sharing their views on the FMCSRs as they relate to the development and safe integration of ADS. It will also allow FMCSA to share with stakeholders the Agency's ADS strategy and open a channel for two-way communication. Attendees are encouraged to share any data or analysis on this topic with Agency representatives. The meeting will be held Tuesday, June 19, 2018, from 1:00 p.m. to 3:00 p.m., Eastern Daylight Time (EDT), at the University of Michigan's Mcity in Ann Arbor, Michigan. Research Auditorium, 2800 Plymouth Street, Bldg. 10, Ann Arbor, MI 48109. Use the following web address to RSVP and find additional information about this public meeting as it approaches: <https://fmcsaads.eventbrite.com/>. Information about this listening session can also be found at: <https://www.transportation.gov/AV>

National Registry for VA Medical Professionals Streamlined

On June 11, 2018 (83 FR 26846) the Federal Motor Carrier Safety Administration (FMCSA) amended the Federal Motor Carrier



Safety Regulations (FMCSRs) in a final rule to establish an alternative process for qualified advanced practice nurses, doctors of chiropractic, doctors of medicine, doctors of osteopathy, physician assistants, and other medical professionals who are employed in the VA and are licensed, certified, or registered in a State to perform physical examinations (qualified VA examiners) to be listed on the Agency's National Registry of Certified Medical Examiners, as required by the Fixing America's Surface Transportation (FAST) Act and the Jobs for Our Heroes Act. After successful completion of online training and testing developed by FMCSA, these qualified VA examiners will become certified VA medical examiners who can perform medical examinations of, and issue Medical Examiner's Certificates to, commercial motor vehicle operators who are military veterans enrolled in the VA health care system. This rule will reduce the costs for qualified VA examiners to be listed on the National Registry. This final rule is effective August 10, 2018. Petitions for Reconsideration of this final rule must be submitted to the FMCSA Administrator no later than July 11, 2018.

Latest Happenings in the Federal Register (cont.)

NRC Cyber Security



On May 15, 2018 (83 FR 22413) the U.S. Nuclear Regulatory Commission (NRC) discontinued the rulemaking activity that would have developed cyber security requirements for by-product materials licensees possessing risk-significant quantities of radioactive materials. The purpose of this action is to inform members of the public of the discontinuation of the rulemaking activity and to provide a brief discussion of the NRC's decision. The rulemaking activity will no longer be reported in the NRC's portion of the Unified Agenda of Regulatory and Deregulatory Actions (the Unified Agenda). As of May 15, 2018, the rulemaking activity discussed in this document is discontinued. However, the NRC staff determined that it would be prudent to issue an Information Notice (IN) to communicate effective practices for cyber security to by-product materials licensees possessing risk-significant quantities of radioactive material. The IN will provide licensees with a better understanding of contemporary cyber security issues and strategies to protect digital assets (e.g., computers, digital alarm systems), including those used to facilitate compliance with physical security requirements, such as those in 10 CFR part 37. The IN, which will reference existing cyber security guidance developed by the NRC's Office of Nuclear Reactor Regulation and other Federal agencies, will be issued later in 2018.

Alternative Practices for Asbestos Removal Requested

On April 25, 2018 (83 FR 18042) the Environmental Protection Agency (EPA) published a public notice and solicits comments on an alternative work practice (AWP) request under the Clean Air Act, to use new technology and work practices developed for removal and replacement of asbestos cement (A/C) pipe. In this action, EPA is soliciting comment on all aspects of this request for an AWP that, in order to be approved, should be at least environmentally equivalent to the existing work practices in the National Emission Standards for Hazardous Air Pollutants for Asbestos (Asbestos NESHAP), which applies to the removal and replacement of A/C pipe. Comments. The EPA must receive written comments on or before June 25, 2018.



Input Requested on Marking of CMVs



On April 4, 2018 (82 FR 17885) 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 on the burden associated with the marking regulations codified in 49 CFR 390.21, "Marking of Self-Propelled CMVs and Intermodal

Equipment." These regulations require marking of vehicles and intermodal equipment by motor carriers, freight forwarders and intermodal equipment providers (IEPs) engaging in interstate transportation. Comments must be received on or before June 25, 2018.

Electronic Documents Allowed



On April 16, 2018 (83 FR 16210) the Federal Motor Carrier Safety Administration (FMCSA) amended its regulations to allow the use of electronic records and signatures to satisfy FMCSA's regulatory requirements. These amendments permit the use of electronic methods to generate, certify, sign, maintain, or exchange records so long as the documents accurately reflect the required information and can be used for their intended purpose. This rule applies only to those documents that FMCSA's regulations obligate entities or individuals to retain; it does not apply to forms or other documents that must be submitted directly to FMCSA unless there are already procedures in place in the regulations for electronic submission to FMCSA. This rule partially implements the Government Paperwork Elimination Act (GPEA) and the Electronic Signatures in Global and National Commerce Act (E-SIGN). This final rule is effective June 15, 2018.

Latest Happenings in the Federal Register (cont.)

30-Minute Rest Break Exemption

On April 9, 2018 (83 FR 15221) the Federal Motor Carrier Safety Administration (FMCSA) announced its decision to grant the application of the National Tank Truck Carriers, Inc. (NTTC) and the Massachusetts Motor Transport Association, Inc. (MMTA) for an exemption from the requirement that drivers of commercial motor vehicles (CMVs) obtain a 30-minute rest break. The exemption is limited to CMV drivers engaged in the transportation of specified types of petroleum-based fuels who would otherwise have to observe the rest break when their duty day unexpectedly exceeds 12 hours. While the exemption will allow these drivers to operate beyond the 12th hour, they will still have to complete their duty day before the 14-hour limit by which most CMV drivers are governed. In addition, these drivers will be required to maintain an HOS log in accordance with 49 CFR part 395, as required of all CMV drivers who find during a duty day that they are not qualified for the 100 air-mile radius exception and have a copy of this exemption document in their possession while operating under the terms of the exemption and must present it to law enforcement officials upon request. The exemption is effective April 9, 2018 and expires on April 10, 2023.

Cameras for Review Mirrors?



On April 5, 2018 (83 FR 14716) the Federal Motor Carrier Safety Administration (FMCSA) requested public comment on an exemption application from Stoneridge, Inc. (Stoneridge) to allow motor carriers to operate commercial motor vehicles (CMVs) with the company's MirrorEye™ Camera Monitor System (CMS) installed as an alternative to the two rear-vision mirrors required by the Federal Motor Carrier Safety Regulations (FMCSRs). Stoneridge explained that it has developed, tested and manufactured the CMS to improve CMV safety by providing driver with an enhanced field of view around the cab of the truck. The company states that its MirrorEye™ CMS meets the performance requirements provided for conventional mirrors under the National Highway Traffic Safety Administration (NHTSA)'s standards which are cross-referenced by the FMCSRs. Stoneridge believes the exemption would maintain a level of safety that is equivalent to, or greater than, the level of safety achieved

without the exemption because CMS meets or exceeds the performance requirements for traditional mirrors.

Comments Requested on CLP Extension



On April 4, 2018 (83 FR 14545) the Federal Motor Carrier Safety Administration (FMCSA) announced its decision to renew the Oregon Department of Transportation's (ODOT) exemption from the commercial learner's permit (CLP) requirements in 49 CFR part 383. All State Driver's Licensing Agencies (SDLAs) are allowed to use this exemption at their discretion. The exemption will allow ODOT and participating SDLAs to extend to one year the 180-day timeline for the CLP from the date of issuance, without requiring the CLP holder to retake the general and endorsement knowledge tests. Under the exemption, an applicant wishing to have a new CLP after the previous one expires will be required to take all applicable tests before a new CLP is issued. The renewed exemption is from April 5, 2018 to April 5, 2019.



Class Schedule June 2018 – September 2018

| Course | Date | Location |
|---|--------------------|--------------------|
| Federal Motor Carrier Safety Regulations for Managers & Supervisors | June 19-20, 2018 | Richland, WA |
| Reasonable Suspicion Training for Supervisors | June 21, 2018 | Richland, WA |
| Hazardous Material General Awareness Transportation Training | June 26, 2018 | Richland, WA |
| Federal Motor Carrier Safety Regulations for Drivers | June 27, 2018 | Richland, WA |
| Basic Level Transportation Training – Module 1 – Basic Hazardous Material | July 9-10, 2018 | Richland, WA |
| Basic Level Transportation Training – Module 2 – Basic Hazardous Waste | July 11, 2018 | Richland, WA |
| Basic Level Transportation Training – Module 3 – Basic Radioactive Material | July 11-12, 2018 | Richland, WA |
| Advanced Mixed Waste Shipper Certification Training | July 16-19, 2018 | Richland, WA |
| Basic Level Transportation Training – Module 1 – Basic Hazardous Material | July 23-24, 2018 | Albuquerque, NM |
| Basic Level Transportation Training – Module 2 – Basic Hazardous Waste | July 25, 2018 | Albuquerque, NM |
| Basic Level Transportation Training – Module 3 – Basic Radioactive Material | July 25-26, 2018 | Albuquerque, NM |
| Hazardous Material General Awareness Transportation Training | July 25, 2018 | Richland, WA |
| Federal Motor Carrier Safety Regulations for Drivers | July 31, 2018 | Richland, WA |
| Load Securement for Drivers and Traffic Personnel | August 1, 2018 | Richland, WA |
| Hazardous Materials Drivers Training | August 2, 2018 | Richland, WA |
| Advanced Hazardous Material Shipper Certification Training | August 7-8, 2018 | Las Vegas, NV |
| Hazardous Material General Awareness Transportation Training | August 8, 2018 | Richland, WA |
| Explosives Training for Shippers | August 9, 2018 | Las Vegas, NV |
| Advanced Hazardous Material Shipper Certification Training | August 14-15, 2018 | Richland, WA |
| Explosives Training for Shippers | August 16, 2018 | Richland, WA |
| Advanced Hazardous Material Shipper Certification Training | August 21-22, 2018 | Albuquerque, NM |
| Explosives Training for Shippers | August 23, 2018 | Albuquerque, NM |
| Advanced Radioactive Material Shipper Certification Training | August 28-30, 2018 | Aiken, SC |
| Load Securement for Drivers and Traffic Personnel | August 30, 2018 | Richland, WA |
| Federal Motor Carrier Safety Regulations for Drivers | September 5, 2018 | Richland, WA |
| Hazardous Material General Awareness Transportation Training | September 6, 2018 | Richland, WA |
| Federal Motor Carrier Safety Regulations for Managers & Supervisors | Sept. 11-12, 2018 | Richland, WA |
| Advanced Hazardous Waste Shipper Certification Training | Sept. 11-13, 2018 | Las Vegas, NV |
| Advanced Radioactive Material Shipper Certification Training | Sept. 11-13, 2018 | West Homestead, PA |
| Reasonable Suspicion Training for Supervisors | Sept. 13, 2018 | Richland, WA |
| Advanced Hazardous Waste Shipper Certification Training | Sept. 18-20, 2018 | Richland, WA |
| Advanced Radioactive Material Shipper Certification Training | Sept. 18-20, 2018 | Las Vegas, NV |
| Advanced Hazardous Waste Shipper Certification Training | Sept. 25-27, 2018 | Albuquerque, NM |

Class dates and locations are subject to change