



AMERICAN TRUCKING ASSOCIATIONS

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HAZMAT REAUTHORIZATION

SECURITY BACKGROUND CHECKS

The American Trucking Associations (ATA) supports a risk-based approach to background checks of drivers that transport hazardous materials. This risk-based approach would require the Department of Homeland Security to work with the Department of Transportation to identify a subset of hazardous materials that are “security sensitive” (*i.e.*, capable of being used as a weapon of mass destruction). Individuals that transport security sensitive hazardous materials would undergo a fingerprint-based background check and obtain a Transportation Worker Identification Credential (TWIC) as evidence of their fitness to transport these materials. The Transportation Security Administration (TSA) should continue to perform name-based background checks for drivers seeking to obtain or renew their hazardous materials endorsements to their commercial drivers licenses. Redundant security background checks and duplicative security credentials, which are a significant financial burden upon drivers, must be eliminated to ensure that the TWIC is the only security credential required for transportation workers.

OSHA’S OVERLAPPING JURISDICTION

ATA supports a modification to the joint regulatory authority that OSHA and DOT exercise with respect to the transportation of hazardous materials. This overlapping jurisdiction erodes the regulatory uniformity necessary for the safe and efficient transportation of hazardous materials and makes it difficult to train drivers that must perform their duties in multiple jurisdictions. ATA supports a solution that would require the Secretary of Labor to identify any gaps in the hazardous materials regulations that create an unsafe condition for employees and require the Secretary of Transportation to address those gaps.

UNIFORM PERMITTING PROGRAM

There are more than 40 separate state hazardous materials permitting programs. Compliance with these separate programs is an enormous administrative burden for the interstate trucking industry. ATA supports the implementation of the “Uniform Program,” which is currently administered by seven states (*i.e.*, IL, MI, MN, NV, OH, OK, and WV). The Uniform Program is a “base state” permitting program that ensures participating states will continue to collect the revenue they have come to rely upon under their individual permitting programs. Congress should provide funds to help states convert their programs to the Uniform Program and then select a date certain whereby separate state permitting programs are preempted.

EQUITABLE ENFORCEMENT

The hazardous materials regulations (HMRs) consist of more than 500 pages of regulatory text that varies depending upon the types and quantities of materials being transported. Compliance with many of these regulations rests with the offeror of the materials, who must properly classify the material, select appropriate packaging, mark and label the package and prepare a compliant hazardous materials shipping paper. Because most violations of the HMRs are discovered during roadside inspections, drivers and motor carriers frequently receive citations for violations of the HMRs that they cannot reasonably be expected to discover. To address this inequity, Congress should distinguish between functions that are normally performed by a shipper and functions that are the responsibility of the carrier and clarify that a carrier is not responsible for violations that result from pre-transportation functions performed by another person, unless the carrier has actual knowledge of the violation. Carriers would continue to be responsible for compliance with the HMRs for activities that they perform (placarding, load securement, segregation, etc.).

Good stuff.

