

SAFE TRUCKERS ACT OF 2008

ISSUE:

One of the primary problems with the Hazardous Materials Endorsement (HME) Security Threat Assessment (STA) (i.e. the hazmat background check program) as in existence today is that it requires all 2.7 million hazmat-endorsed drivers, most of whom haul non-threatening hazardous materials such as paint, nail polish, and soda concentrate, to undergo a time-consuming, inconvenient and expensive fingerprint-based background check. This disincentive is eroding the industry's capacity to transport these non-threatening hazardous materials. More than a million shipments of hazardous materials occur every day in the U.S. Though the transportation of many hazardous materials requires placarding and special handling for safety purposes, the vast majority of these shipments do not represent a security risk.

Today, commercial drivers face multiple background checks and credentialing requirements:

- HME for hazmat
- Transportation Worker Identification Credential (TWIC) for ports facilities
- Air cargo and airport access
- Free and Secure Trade (FAST) program for border crossings
- Access to U.S. DOD facilities
- State and locally-administered programs (Florida Unified Port Access Card – FUPAC)

The cost to drivers of these separate STA and credentialing programs combined is more than \$400 in fees, plus costs associated with drivers' lost wages while traveling to and from enrollment centers, fuel costs, and the aggravation of providing fingerprints multiple times for each program.

ATA POSITION:

ATA supports one application/enrollment process, one fee, one security threat assessment, and a single credential that allows transportation workers to demonstrate compliance with multiple access control security requirements. ATA believes TWIC should be the one STA/one credential.

Key Elements of SAFE Truckers Act of 2008 that ATA supports:

- Narrows the list of Hazmat that require a fingerprint based background check Directs the Secretary of Homeland Security to establish a list of Security Sensitive Materials, in consultation with Secretaries of Transportation, and Health and Human Services, distinguishing between materials that could potentially be used as a weapon and those that are not attractive to a terrorist, (e.g., paint, adhesives, food additives);
- Establishes the TWIC as the STA – Drivers transporting Security Sensitive Materials required to have a TWIC; de-links the security threat assessment from the hazmat endorsement to a CDL (HME continues to be used to establish an individual's fitness to *safely* operate a commercial vehicle transporting hazmat);
- Transitions Period for HME Holders who Underwent Fingerprint-Based STA - Includes a transition period for drivers who have already undergone a STA under the present HME program before requiring them to get a TWIC;
- All HME Holders to Undergo Name-based Background Check – The legislation requires DHS to conduct name-based background checks against the Terrorist Watch list on all HME holders, which TSA already does, and should continue to do – at no charge.