



TEAMSTERS **Safety &** **Health** **FACTS**

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HAZMAT DRIVER BACKGROUND CHECKS

On May 5, 2003, the Transportation Security Administration (TSA) and the U.S. Department of Transportation issued an interim final rule to secure the transport of hazardous materials, including explosives. The rule was finalized on November 24, 2004 and requires background checks on commercial drivers certified to transport hazardous materials (hazmat). TSA has already conducted name-based security threat assessments on all 2.7 million Hazmat drivers to determine whether any presented a potential terrorist threat. The final phase of implementation begins May 31, 2005 when drivers, who currently hold hazardous materials endorsements (HME) and wish to renew or transfer the HME, must undergo the fingerprint-based background check.

REGULATION REQUIREMENTS

- ◆ No State may issue or renew a hazardous materials endorsement, after May 31, 2005, for a CDL unless the State receives a Determination of No Security Threat from TSA. **
- ◆ Truck drivers applying for a new hazmat endorsement on their commercial drivers license (CDL), after January 31, 2005, will be asked to provide fingerprints for an FBI criminal background check.
- ◆ Truck drivers renewing or transferring a hazmat endorsement on their commercial drivers license (CDL) will be asked to provide fingerprints for an FBI criminal background check no earlier than March 31, 2005. **

****This means that if your hazardous materials endorsement is due for renewal after May 31, 2005 you may begin the background check process after March 31, 2005. If your current endorsement expires AFTER May 31, 2005 you must go through this background check process. It is recommended that you begin this process as soon as possible (but not before March 31, 2005).**

- ◆ Each State must notify each individual holding a hazardous materials endorsement issued by that State at least 60 days prior to the expiration date of the individual's endorsement. The notice must inform the individual that he or she will be subject to the security threat assessment as part of an application for renewal of the endorsement and that he or she may initiate the security threat assessment required by this section at any time after receiving the notice, but *no later than 30 days before* the expiration date of the individual's endorsement.
- ◆ If found disqualified, drivers are responsible for surrendering their hazmat endorsement.
- ◆ Drivers must renew their hazardous materials endorsement at least every five years – or sooner depending upon State requirements.

Please Note: TSA requires that any current Hazmat driver who has a disqualifying offense prohibiting the holding of a HME must immediately surrender the HME to the State Department of Motor Vehicles.

OTHER IMPORTANT INFORMATION

Application Process

TSA has selected a vendor to assist in the collection of applicant fingerprints and information for states that have elected to use a TSA agent for this purpose. Seventeen states have elected to complete these tasks using state resources. In either case, the drivers' fingerprints and biographical information will be forwarded to TSA for vetting.

TSA Agent States:

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Georgia, Hawaii, Idaho, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Dakota, Utah, Washington, West Virginia, and Wyoming.

Non-TSA Agent States:

Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Mississippi, New Mexico, New York, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, and Wisconsin. **These states have elected to collect/submit fingerprints, application data, and TSA/FBI fees themselves.**

Fees - TSA Agent States

The TSA established the following fees for HME applicants who submit fingerprints and applicant information to a TSA agent:

(1) Information Collection and Transmission Fee:	\$38.
(2) Threat Assessment Fee:	\$34.
(3) FBI Fee:	<u>\$22.</u>
Total Fees	\$94.

Fees - Non-TSA Agent States

States that have opted to not use a TSA agent and instead collect and transmit fingerprints and applicant information on their own, HME applicants will be required to pay:

(1) Information Collection and Transmission Fee (set by state)	unknown
(2) Threat Assessment Fee:	\$34.
(3) FBI Fee (determined by state):	<u>\$22 or 24.</u>
Total Fees	<u>Over \$56</u>

The States are allowed to charge a fee to cover the State's costs of collecting and transmitting fingerprints and applicant information. That fee may vary from State to State. Therefore the total can not be determined.

You will not lose your CDL

Only drivers applying for hazmat endorsements will be affected by this rule. If you are disqualified from holding a hazmat endorsement, you may continue to transport all non-hazardous cargo.

You can appeal or seek a waiver

Individuals who undergo a TSA security threat assessment and receive notification that they are disqualified from holding an HME may appeal TSA's determination. Individuals who have been convicted of certain criminal offenses or who have been declared mentally incompetent in the past may apply to the Transportation Security Administration (TSA) for a waiver.

For additional information on the appeal process see the IBT Safety and Health fact sheet, Hazmat Background Checks – Appeal Process, which outlines how individuals who have been disqualified but believe they were incorrectly disqualified, may appeal the Final Determination.

For more information on the waiver process see the IBT Safety and Health fact sheet Hazmat Background Checks – Waiver Process, which outlines how individuals who have been disqualified but still believe they should be able to hold an HME may submit a request for a waiver from the TSA.

Additional information on the Hazmat Threat Assessment Program can be found on the IBT Safety and Health fact sheet, Hazmat Background Checks - Frequently Asked Questions.

Online Applications

HME applicants in states not using TSA agents will need to contact their state licensing agency. Applicants in a TSA Agent state can submit applications and pay fees at **www.hazprints.com**. The Transportation Security Administration established this site as a hazardous materials endorsement application web site, with the intent of providing the quick and easy processing of Hazardous Materials Endorsement (HME) applications. Users of the site will be able to submit applications, pay for applications, and obtain directions to their nearest fingerprinting station operated by TSA agents.

Additional Resources

Drivers and operators with questions about the waiver or appeal process may contact TSA at: Hazmat Waiver and Appeal Questions (hazmatwaiver@dhs.gov)

Drivers and operators with questions about the Patriot Act may contact TSA at: PATRIOT Act Questions (patriotact@dhs.gov)

The information contained here is based on information provided by the U.S. Department of Homeland Security • Transportation Security Administration • <http://www.tsa.gov>.