



TEAMSTERS Safety & Health **FACTS**

Safety and Health Department, International Brotherhood of Teamsters
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HAZMAT BACKGROUND CHECKS – WAIVER PROCESS

Applicants who wish to obtain, renew, or transfer a Hazardous Materials Endorsement (HME) onto their state-issued Commercial Driver's License (CDL) but 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.

The waiver process described below is designed to permit applicants who are disqualified from holding an HME to demonstrate that they are rehabilitated and no longer pose a security threat. Individuals convicted of treason, sedition, espionage, or a crime of terrorism are **not** eligible for a waiver from TSA.

Drivers may seek a waiver from the TSA if:

- ◆ They were convicted within the preceding seven years for a disqualifying offense (see the IBT Safety and Health Department fact sheet, Hazmat Background Checks - Disqualifying Crimes);
- ◆ They were released from incarceration within the preceding five years for a disqualifying offense;
- ◆ They were found not guilty by reason of insanity for a disqualifying offense; or
- ◆ They were found to be mentally incompetent or were committed involuntarily to a mental institution.

Please Note: Current Hazmat drivers who fall into one of the categories above must immediately surrender their HME to the State Department of Motor Vehicles.

Waiver requests must be submitted in writing (typed or legibly written) and must include **all** of the following information:

- ◆ Full name

- ◆ Home address
- ◆ Phone number
- ◆ Date of birth
- ◆ Place of birth (city, state, country)
- ◆ Social Security Number or Alien Registration Number
- ◆ Driver's License Number and issuing State
- ◆ A thorough explanation of the circumstances of the disqualifying offense(s) and any factors you believe are mitigating

In addition, a waiver requestor **must** submit supporting documentation, including at least one of the following:

- ◆ Official court documents that show the disposition of the applicant's case;
- ◆ Official proof of restitution, if applicable;
- ◆ Official paperwork demonstrating the applicant's completion of all terms of his or her sentence (time served, probation, community service, etc.), if applicable;
- ◆ A letter from the applicant's probation officer and/or a certificate of completion from a rehabilitation program, if applicable;
- ◆ A letter of reference from the applicant's current supervisor on company letterhead;
- ◆ Any awards, recognition, or performance appraisals the applicant has received in the past three years that demonstrate his or her competency or commitment to transportation safety and security; and
- ◆ Any other information the applicant believes would aid TSA in making a determination on his or her eligibility for a waiver.

TSA *strongly* encourages the waiver applicant to provide as much of this information as possible.

If an applicant was involuntarily committed to a mental institution, or declared mentally incompetent, TSA will consider one or more of the following:

- ◆ Official court documents showing that he or she is no longer mentally incompetent; and/or
- ◆ A letter on official letterhead indicating that he or she is no longer subject to involuntary commitment and treatment.

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

Drivers and operators with general questions about the USA PATRIOT Act should 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>.