



U.S. Department
of Transportation

Memorandum

**Federal Motor Carrier
Safety Administration**

Subject: **ACTION:** Certification Policy for Employees Who Perform Inspections, Investigations, and Safety Audits

Date:

DEC 29 2015

From: William A. Quade
Associate Administrator for Enforcement

Reply to
Attm. of:

MC-ECS-2016-003

To: All FMCSA Staff and MCSAP Partners

PURPOSE

This memorandum updates the operational procedures for certification of Federal Motor Carrier Safety Administration (FMCSA) employees and non-FMCSA employees. This includes inspectors, investigators, and auditors who are funded through the Motor Carrier Safety Assistance Program (MCSAP), and other non-FMCSA employees who enforce Federal commercial statutes and regulations, and /or upload data into FMCSA information systems. As required by Section 211 of the Motor Carrier Safety Improvement Act (MCSIA) of 1999, certification is required for all motor carrier safety auditors, including private contractors, who conduct safety inspection audits and reviews. In addition, as required by Section 5202 of the Fixing America's Surface Transportation (FAST) Act of 2015, this policy also adopts the roadside inspectors certification standards as developed and maintained by the Commercial Vehicle Safety Alliance (CVSA) Operational Policy 4 - Inspector Training and Certification. Where CVSA requirements do not exist, this policy establishes initial and maintenance of certification requirements for employees performing inspections, investigations, and safety audits (Attachment A).

BACKGROUND

On March 19, 2002, FMCSA published an Interim Final Rule to meet the requirements of Section 211 of MCSIA. Section 211 requires that all persons performing driver/vehicle inspections, safety audits, and investigations after June 17, 2002, be qualified and certified to do so. The rule requires the maintenance of certification for persons performing these activities.

Since then, FMCSA has issued several certification policies that were very specific. As the responsibility of the Agency has grown, and the program has evolved, this has created the need for the policy to incorporate a broader scope of certification requirements than in previous policies.

CANCELLATION

This policy supersedes the policy titled, "Certification for Conducting Compliance Reviews, Safety Audits and Level I and/or V Inspections" (MC-ECE-2012-0011) issued November 13, 2012, and all previous guidance issued on certification requirements.

POLICY

General Certification Requirements

Any individual conducting a roadside inspection that will be uploaded into the Motor Carrier Management Information System (MCMIS) must meet the requirements of CVSA's Operational Policy 4 - Inspector Training and Certification. Where CVSA requirements do not exist, this policy establishes certification requirements for employees who perform inspections, investigations, and safety audits.

Procedures detailed in CVSA Operational Policy 4 and Attachment A, as applicable, must be followed for the Initial Certification Period, Maintenance of Certification Period, and the Decertification and Recertification processes of Safety Inspectors, Safety Investigators, New Entrant Safety Auditors, Commercial Enforcement Specialists, Safety Investigators who perform Cargo Tank Facility Reviews, and other employees who maintain certification.

The certification cycles remain unchanged.

FMCSA Employees

For FMCSA employees, certification is a mandatory condition of continued employment for Safety Inspectors, Safety Investigators, and Safety Auditors. The certification cycle aligns with the employee performance appraisal cycle - June 1 through May 31 each year.

Supervisors of FMCSA Safety Inspectors, Safety Investigators, and Safety Auditors must document the employee's Initial Certification Period, Maintenance of Certification Period, and the Decertification and Recertification processes using the Employee Certification Status Forms (Refer to Attachments B and C).

Until such time as FMCSA establishes annual in-service training, as required by CVSA's Operational Policy 4 - Inspector Training and Certification, or until June 1, 2018, whichever occurs first, FMCSA inspectors are excepted from this provision.

Non-FMCSA Employees

For MCSAP or other State or local government employees, the initial certification and the maintenance of annual certification, decertification, and recertification are managed by the Lead MCSAP agency.

For agencies under Memoranda of Agreement (MOA) for consumer protection reviews, the initial certification, maintenance of annual certification, decertification, and recertification requirements must comply with the MOA.

Non-FMCSA employees are also required to meet these requirements for initial and maintenance of certification, decertification, and recertification. The performance cycle for these employees must be consistent within the respective State or local agency (i.e., non-FMCSA agencies may base their certification on either their fiscal, performance, or calendar year, but may not vary by employee).

MCSAP agencies must certify in their Commercial Vehicle Safety Plans (CVSP) or other grant application that their employees and subgrantees conducting driver/vehicle inspections, investigations, or safety audits meet the certification requirements.

Non-FMCSA supervisors will continue to use documentation for these certification processes established by their respective agency.

Contractors

Requirements for contractors who conduct an activity that requires certification will be addressed in the individual contract and in accordance with this policy. Contractors must certify, in the company's Annual Summary Report that contract employees conducting driver/vehicle inspections, investigations, and/or safety audits meet the certification requirements. The contractor is responsible for maintaining records documenting compliance with certification requirements.

IMPLEMENTATION DATE

This memorandum is effective June 1, 2016.

This information should be shared with MCSAP partners, contractors, and any others conducting inspections, investigations, or safety audits uploaded into MCMIS.

Should you have any questions or need additional information, please contact Dee Williams, Chief, Compliance Division at (202) 366-1812 or via e-mail at dee.williams@dot.gov.

- Attachment: CVSA Operational Policy 4 -Inspector Training and Certification (as periodically amended)
- Attachment A: Certification of Safety Inspectors, Safety Investigators, New Entrant Safety Auditors, Commercial Enforcement Specialists, Safety Investigators who Perform Cargo Tank Facility Reviews, and Other Employees who Maintain Certification
- Attachment B: Acknowledgement of Initial Certification Completion and Maintenance Requirement
- Attachment C: Employee Certification Status



Operational Policy

North American Standard Inspection Program

Operational Policy 4 Inspector Training and Certification

Revised: April 29, 2021

General

The Commercial Vehicle Safety Alliance (CVSA) is the official body responsible for the development and distribution of the North American Standard Part A (Driver); Part B (Vehicle); Passenger Carrier Vehicle; Cargo Tank; Hazardous Materials/Dangerous Goods Inspection and Other Bulk Packagings Inspection training programs provided to the Alliance membership. Additionally, it is the responsibility of the Alliance to ensure that inspectors performing inspections and/or affixing CVSA decals are certified under a training program approved by the Alliance. Used in this section, “approved” means a training package developed by or for the Alliance, or an individual jurisdiction training program submitted to and having been found to meet or exceed the standard curriculum by the Alliance.

Currently, the following is the responsibility of jurisdictions requiring training as these are the only approved training programs:

- In the United States, the jurisdiction must contact the Federal Motor Carrier Safety Administration (FMCSA) National Training Center for scheduling of courses and examination re-tests.
- In Canada, the jurisdiction must contact their local CVSA jurisdictional administrator for scheduling of courses and examination re-tests.
- In Mexico, the jurisdiction must contact their local CVSA jurisdictional administrator for scheduling of courses and examination re-tests.

Individuals/agencies seeking approval for training must contact the appropriate jurisdictional representative responsible for training coordination. If the jurisdictional representative receives a training request from an outside jurisdiction, he/she must ensure approval/permission has been granted by that individual’s/agency’s appropriate jurisdictional representative responsible for training coordination.

NORTH AMERICAN STANDARD INSPECTION COURSES AND INSPECTOR MINIMUM CERTIFICATION REQUIREMENTS

Definitions

Certified Inspector – Means an inspector who maintains a Certificate of Proficiency authorizing them to conduct CVSA North American Standard Inspections for the specific discipline.

Challenge – Means to take a written examination to demonstrate proficiency when an inspector has allowed their certification to lapse by not maintaining the certification for that discipline as provided in

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this Operational Policy. An inspector can challenge the examination for each specific discipline **one** time. An unsuccessful challenge of an examination for an inspector will require the inspector to complete the applicable approved CVSA inspection course(s) and pass the written exams with a score of 80% or higher.

Re-Test – Means to take a written examination to demonstrate proficiency when an inspector has not successfully passed the written examination with a score of 80% or higher in combination with completing the applicable CVSA-approved North American Standard Inspection course. The inspector may re-test one time to pass the written examination with a score of 80% or higher. Not achieving a successful re-test would require completing the CVSA-approved North American Standard Inspection course and passing the written examination with a score of 80% or higher.

Declared Emergency – An emergency situation that has been declared by a federal, state, provincial, territorial or local government authority that removes an inspector from the responsibility or ability to conduct inspections. This includes, but is not limited to fire, flood, drought, pestilence, famine, disease, hurricanes, tornadoes, etc.

Level I Certification

In order to conduct North American Standard Level I Inspections, an inspector shall:

- Complete the CVSA-approved North American Standard Part A and Part B Inspection Courses and pass the CVSA-approved written exams with a score of 80% or higher on each exam. If an inspector fails the initial Part A and/or Part B test(s), they are eligible to take one re-test of both Part A and Part B. It is encouraged, but not required, that the North American Standard Part A and Part B training be broken into two parts with a period of on-the-job training to be performed by the inspector trainee between each part.
- In addition to the training and testing requirements above, the inspector trainee must complete at least **32** North American Standard Level I Inspections with a certified inspector, who will evaluate the trainee inspector for knowledge of the regulations, proficiency in the inspection process and documentation of violations. These inspections should be completed as soon as practicable, but no later than **six months** after passing both exams. Agencies that have additional classroom training elements immediately following the exam may have the six-month time frame begin after all the classroom training is completed.

NOTE: The initial **32** inspections for the trainee should be conducted and documented by the trainee in the presence of the training inspector. The inspection shall contain the name and identification number of both the trainee and the certified inspector on the report. Inspections must be signed off by a certified inspector. The trainee is not certified to complete and sign off on Level I Inspections independently until they have successfully completed the **32** inspections with a certified inspector. Inspections completed during this phase will not count toward the new inspector's maintenance of certification.

Inspectors who successfully complete this training are qualified to receive a Certificate of Proficiency authorizing them to conduct CVSA North American Standard Level I through V Inspections, and to apply CVSA decals to commercial motor vehicles passing North American Standard Levels I and V Inspections.

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Level II Certification

In order to conduct North American Standard Level II Inspections, an inspector shall:

- Complete the CVSA-approved North American Standard Part A and Part B Inspection Courses and pass the CVSA-approved written exams with a score of 80% or higher on each exam. If an inspector fails the initial Part A and/or Part B test(s), they are eligible to take one re-test of both Part A and Part B.
- In addition to the training and testing requirements above, the inspector must complete at least **32** North American Standard Level I or II Inspections with a certified inspector, who will evaluate the trainee inspector for knowledge of the regulations, proficiency in the inspection process and documentation of violations. These inspections should be completed as soon as practicable, but no later than **six months** after passing the exams. Agencies that have additional classroom training elements immediately following the exam may have the six-month time frame begin after all the classroom training is completed.

NOTE: The initial **32** inspections for the trainee should be conducted and documented by the trainee in the presence of the training inspector. The inspection shall contain the name and identification number of both the trainee and the certified inspector on the report. Inspections must be signed off by a certified inspector. The trainee is not certified to complete and sign off on Level II Inspections independently until they have successfully completed the **32** inspections with a certified inspector. Inspections completed during this phase will not count toward the new inspector's maintenance of certification.

If a Level II Inspector desires to be upgraded to a Level I Inspector, the inspector must challenge the Part B test and complete 32 Level I Inspections as per the policy described in the Level I Certification.

Inspectors who successfully complete this training are qualified to receive a Certificate of Proficiency authorizing them to conduct CVSA North American Standard Level II and Level III Inspections. Level IV Inspections may be conducted if the inspection includes a specific component identified in the Level II Inspection Procedure.

Level III Certification

In order to conduct North American Standard Level III Inspections, an inspector shall:

- Complete the CVSA-approved North American Standard Part A Inspection Course and pass the CVSA-approved written exam with a score of 80% or higher. If an inspector fails the initial test, there may be one re-test.
- In addition to the training and testing requirements above, the inspector trainee must complete at least **32** North American Standard Level III Inspections with a certified inspector, who will evaluate the trainee inspector for knowledge of the regulations, proficiency in the inspection process and documentation of violations. These inspections should be completed as soon as practicable, but no later than **six months** after passing the exam. Agencies that have additional classroom training elements immediately following the exam may have the six-month time frame begin after all the classroom training is completed.

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NOTE: The initial **32** inspections for the trainee should be conducted and documented by the trainee in the presence of the training inspector. The inspection shall contain the name and identification number of both the trainee and the certified inspector on the report. Inspections must be signed off by a certified inspector. The trainee is not certified to complete and sign off on Level III Inspections independently until they have successfully completed the **32** inspections with a certified inspector. Inspections completed during this phase will not count toward the new inspector's maintenance of certification.

Inspectors who successfully complete this training are qualified to receive a Certificate of Proficiency authorizing them to conduct CVSA North American Standard Level III Inspections. Level IV Inspections may be conducted if the inspection includes specific items identified in the Level III Inspection Procedure.

Level V Certification

In order to conduct North American Standard Inspection Level V Inspections, an inspector shall:

- Complete the CVSA-approved North American Standard Part B Inspection Course and pass the CVSA-approved written exam with a score of 80% or higher. If an inspector fails the initial test, there may be one re-test.
- In addition to the training and testing requirements above, the inspector trainee must complete at least **32** North American Standard Level V Inspections with a certified inspector, who will evaluate the trainee inspector for knowledge of the regulations, proficiency in the inspection process and documentation of violations. These inspections should be completed as soon as practicable, but no later than **six months** after passing the exam. Agencies that have additional classroom training elements immediately following the exam may have the six-month time frame begin after all the classroom training is completed.

NOTE: The initial **32** inspections for the trainee should be conducted and documented by the trainee in the presence of the training inspector. The inspection shall contain the name and identification number of both the trainee and the certified inspector on the report. Inspections must be signed off by a certified inspector. The trainee is not certified to complete and sign off on Level V Inspections independently until they have successfully completed the **32** inspections with a certified inspector. Inspections completed during this phase will not count toward the new inspector's maintenance of certification.

Inspectors who successfully complete this training are qualified to receive a Certificate of Proficiency authorizing them to conduct CVSA North American Standard Level V Inspections and apply CVSA decals to commercial motor vehicles passing a North American Standard Level V Inspection. Level IV Inspections may be conducted if the inspection includes a specific component identified in the Level V Inspection Procedure.

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Hazardous Materials/Dangerous Goods Inspection Certification

Prerequisite: Inspectors shall hold a Certificate of Proficiency to conduct North American Standard Levels I, II or V Inspections.

In order to conduct inspections involving hazardous materials/dangerous goods, the inspector shall:

- Complete a CVSA-approved North American Standard Hazardous Material/Dangerous Goods Inspection Course and pass the CVSA-approved written exam with a score of 80% or higher. If an inspector fails the initial test, there may be one re-test.
- In addition to the training and testing requirements above, the inspector trainee must complete at least **16** North American Standard Hazardous Materials/Dangerous Goods Inspections on non-bulk quantities with a certified inspector who will evaluate the trainee inspector for knowledge of the regulations, proficiency in the inspection process and documentation of violations. These inspections should be completed as soon as practicable, but no later than **six months** after passing the written exam. Inspections conducted for initial certification cannot be combined.

NOTE: The initial **16** inspections for the trainee should be conducted and documented by the trainee in the presence of the training inspector. The inspection shall contain the name and identification number of both the trainee and the certified inspector on the report. Inspections must be signed off by a certified inspector. The trainee is not certified to complete and sign off on Hazardous Materials/Dangerous Goods Inspections independently until they have successfully completed the **16** inspections with a certified inspector. Inspections completed during this phase will not count toward the new inspector's maintenance of certification.

Inspectors who successfully complete this training are qualified to receive a Certificate of Proficiency authorizing them to conduct CVSA North American Standard Hazardous Materials/ Dangerous Goods Inspections.

Cargo Tank Inspection Certification

Prerequisites: Inspectors shall hold a Certificate of Proficiency to conduct North American Standard Levels I, II or V and North American Standard Hazardous Materials/Dangerous Goods Inspections.

In order to conduct North American Standard Cargo Tank Inspections, the inspector shall:

- Complete a CVSA-approved North American Standard Cargo Tank Inspection Course and pass the CVSA-approved written exam with a score of 80% or higher. If an inspector fails the initial test, there may be one re-test.
- In addition to the training and testing requirements above, the inspector trainee must complete at least **16** North American Standard Cargo Tank Inspections (transporting hazardous materials/dangerous goods or residue last contained) with a certified inspector who will evaluate the inspector trainee on a specification cargo tank or DOT-SP cargo tank (specification cargo tanks are not limited to DOT or MC series tanks but also may include CGA, ASME,

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TC or other cargo tanks built to specification codes), for knowledge of the regulations, proficiency in the inspection process and documentation of violations. These inspections should be completed as soon as practicable, but no later than **six months** after passing the written exam. Inspections conducted for initial certification cannot be combined.

NOTE: The initial **16** inspections for the trainee should be conducted and documented by the trainee in the presence of the training inspector. The inspection shall contain the name and identification number of both the trainee and the certified inspector on the report. Inspections must be signed off by a certified inspector. The trainee is not certified to complete and sign off on Cargo Tank Inspections independently until they have successfully completed the **16** inspections with a certified inspector. Inspections completed during this phase will not count toward the new inspector's maintenance of certification.

Inspectors who successfully complete this training are qualified to receive a Certificate of Proficiency authorizing them to conduct North American Standard Cargo Tank Inspections and to apply CVSA decals to commercial motor vehicles passing the North American Standard Level I and Level V Inspections.

Other Bulk Packaging Inspection Certification

Prerequisite: Inspectors shall hold a Certificate of Proficiency to conduct North American Standard Levels I, II or V and North American Standard Hazardous Materials/Dangerous Goods Inspections.

In order to successfully complete the North American Standard Other Bulk Packaging Inspections Course, an inspector shall:

- Complete the CVSA-approved North American Standard Other Bulk Packaging Inspection Course and pass the CVSA-approved written exam with a score of 80% or higher. If an inspector fails the initial test, there may be one re-test.

Inspectors who successfully complete this training are qualified to receive a Certificate of Proficiency. In addition, inspectors who successfully complete this training are not required to complete any certification inspections and no "General Maintenance of Certification" applies to the North American Standard Other Bulk Packaging Inspections certification.

Passenger Carrier Vehicle Inspection Certification

Prerequisite: Inspectors shall hold a Certificate of Proficiency to conduct North American Standard Level I or Level V Inspections.

In order to conduct North American Standard Passenger Carrier Vehicle Inspections, the inspector shall:

- Complete a CVSA-approved North American Standard Passenger Carrier Vehicle Inspection Course and pass the CVSA-approved exam with a score of 80% or higher. If an inspector fails the initial test, there may be one re-test.

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- In addition to the training and testing requirements above, the inspector trainee must complete at least **eight** North American Standard Level I and/or Level V Inspections on passenger carrier commercial vehicles with a certified inspector who will evaluate the inspector trainee for knowledge of the regulations, proficiency in the inspection process and documentation of violations. These inspections should be completed as soon as practicable, but no later than **six months** after passing the written exam. Inspections conducted for initial certification cannot be combined.

NOTE: The initial **eight** inspections for the trainee should be conducted and documented by the trainee in the presence of the training inspector. The inspection shall contain the name and identification number of both the trainee and the certified inspector on the report. Inspections must be signed off by a certified inspector. The trainee is not certified to complete and sign off on Passenger Carrier Vehicle Inspections independently until they have successfully completed the **eight** inspections with a certified inspector. Inspections completed during this phase will not count toward the new inspector's maintenance of certification.

Inspectors who successfully complete this training are qualified to receive a Certificate of Proficiency authorizing them to conduct CVSA North American Standard Level I through V Inspections and to apply CVSA decals to commercial motor vehicles passing the North American Standard Level I and Level V Passenger Carrier Vehicle Inspections.

Passenger Carrier Vehicle Inspection inspector candidates seeking North American Standard Level V inspector certification are limited to conducting North American Standard Passenger Carrier Vehicle Level V Inspections.

North American Standard Level VI Inspection for Transuranic Waste and Highway Route Controlled Quantities (HRCQ) of Radioactive Material Certification

Prerequisite: Inspectors shall hold a Certificate of Proficiency to conduct North American Standard Level I Inspections and North American Standard Hazardous Materials/Dangerous Goods Inspections.

In order to conduct North American Standard Level VI Inspections for Transuranic Waste and Highway Route Controlled Quantities (HRCQ) of Radioactive Material, the inspector shall:

- Complete the CVSA approved North American Standard Level VI Inspection for Transuranic Waste and Highway Route Controlled Quantities (HRCQ) of Radioactive Material Inspection Course, including the actual vehicle inspection and radiological surveys.
- Pass the CVSA-approved written exam with a score of 90% or higher. If an inspector fails the initial test, there may be one re-test. A re-test will only be permitted when an inspector scores between 85-89%.

Inspectors who successfully complete this training are qualified to receive a Certificate of Proficiency authorizing them to conduct North American Standard Level VI Inspections for Transuranic Waste and Highway Route Controlled Quantities (HRCQ) of Radioactive Material.

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Performance-Based Brake Tester (PBBT) Qualification

Prerequisite: No prerequisite required.

In order to conduct brake inspections with a performance-based brake tester (PBBT), the operator shall:

- Complete a CVSA-approved North American Standard Inspection PBBT Test Procedures and Guidelines for Use in Enforcement Course and pass the CVSA-approved exam with a score of 80% or higher. If a student fails the initial test, there may be one re-test.
- In addition to the training or testing requirements above, the operator trainee must complete at least **eight** tests with a PBBT under the supervision of a PBBT-certified operator who will evaluate the operator trainee for knowledge of the regulations and proficiency in the PBBT process. These inspections should be completed as soon as practicable, but no later than **six months** after passing the written exam.

Operators who successfully complete this training are qualified to utilize a PBBT.

All Initial Certifications – Declared Emergency Situation Extension

In the case of a declared emergency, when an inspector is not able to conduct inspections and the **six-month** time frame for completing the initial number of inspections for the applicable certification lapses, the inspector may be provided an extension at the discretion of the lead agency. This extension shall be no longer than **six months**. If the declared emergency lasts beyond the **six-month** extension, the inspector must attend the applicable course(s), pass all required exams and complete all the required inspections. Jurisdictions are responsible for ensuring proficiency once the initial inspections are completed.

STANDARDS FOR MAINTAINING INSPECTOR CERTIFICATION

General Maintenance of Certification

Maintenance standards set forth in this policy for all levels and types of inspections shall be considered minimum standards for member jurisdictions. Member jurisdictions may impose more stringent requirements.

Member jurisdictions shall track the maintenance of inspector certification annually. The annual period may be based upon a calendar year, federal fiscal year, state/provincial/territorial fiscal year, inspector anniversary date or another date that is convenient to the member jurisdiction. The number of annual inspections required to maintain certification may be prorated to allow jurisdictions to track all certified inspectors on the same anniversary date.

Example: The jurisdiction tracks maintenance of certification by calendar year. A new employee begins his certification inspections and completes 32 North American Standard (NAS) Level I inspections with a certified inspector (completing five inspections in December and completing the remaining 27 inspections by the end of February). The inspector is now certified then required to do a minimum of 27 more

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inspections in that 12-month period to maintain certification. The jurisdiction may prorate the 12-month's period maintenance requirement of 32 inspections (2.66 per month) for the remainder of the 12-month period to bring this inspector into line with the same anniversary date of all other inspectors in that jurisdiction.

Additionally, if an inspector completes his certification from the previous 12-month period with a **three-month** extension granted into the following 12-month period, then those inspections completed during the extension period shall not count toward the new 12-month period certification.

Inspections encompassing more than one criterion may count toward maintenance of more than one type of inspection, according to the criteria for each type of inspection listed below. Examples are included in this Operational Policy, "Reference Chart for Calculating Annual Certification." In all cases, inspections shall be conducted according to the applicable standards set for the various levels and types of inspections. Any type or level of hazardous materials/dangerous goods inspection requires the vehicle to be transporting hazardous materials/dangerous goods at the time of the inspection.

To qualify for "General Maintenance of Certification," an inspector may not use an inspection performed by an inspection team if another team member takes credit for the same inspection.

To maintain certification, a certified inspector shall attend minimum in-service/refresher training covering inspection of drivers and vehicles; North American Standard Out-of-Service Criteria; inspection of hazardous materials/dangerous goods, inspection of cargo tanks, other bulk package inspections and passenger carrier vehicle inspections as applicable, annually. In addition, CVSA recommends that inspectors attend training based on specific needs identified by supervisory personnel through review of inspection documents.

North American Standard Inspections – Levels I through V

To maintain certification to conduct North American Standard Level I through Level V Inspections, an inspector shall, in addition to the "General Maintenance of Certification" section of Operational Policy 4, perform a minimum of **32** North American Standard Inspections of the inspector's highest certified level annually. It is strongly encouraged that inspectors complete **eight** inspections per quarter for which the inspector alone takes credit.

Hazardous Materials/Dangerous Goods Inspection

To maintain certification to conduct North American Standard Hazardous Materials/Dangerous Goods Inspections, an inspector shall, in addition to the "General Maintenance of Certification" section of Operational Policy 4, perform a minimum of **eight** North American Standard Level I, II or V Inspections annually on vehicles containing bulk and/or non-bulk quantities of hazardous materials/dangerous goods.

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Cargo Tank Inspection

As of Sept. 19, 2007, to maintain certification to conduct North American Standard Cargo Tank Inspections, at least **eight** inspections shall be conducted on vehicles transporting hazardous materials/dangerous goods in bulk quantities in specification cargo tanks or DOT-SP cargo tanks (specification cargo tanks are not limited to DOT or MC series tanks but also may include CGA, ASME, TC or other cargo tanks built to specification codes).

- Eligible Cargo Tank Inspections shall be Levels I, II and V Inspections only.

Additionally, inspectors shall be required to maintain certification to conduct North American Standard Hazardous Materials/Dangerous Goods Inspections.

Passenger Carrier Vehicle Inspection

To maintain certification to conduct North American Standard Passenger Carrier Vehicle Level I and V Inspections, an inspector shall, in addition to the “General Maintenance of Certification” section of Operational Policy 4, perform a minimum of **eight** Level I and/or V North American Passenger Carrier Vehicle Inspections annually, for which the inspector alone takes credit.

North American Standard Level VI Inspections for Transuranic Waste and Highway Route Controlled Quantities (HRCQ) of Radioactive Material

This Operational Policy is not intended to override any member jurisdiction statutory requirement, governor order, state rule or other mandate currently in place or future enactment of statutes, orders, rules and other mandates to conduct Level VI Inspections of vehicles and drivers transporting Transuranic Waste or Highway Route Controlled Quantities of Radioactive Material. Certified Level VI inspectors must abide by the requirements placed upon them by their jurisdiction and agency using CVSA Policy as a guideline for the completion of Level VI Inspections.

To maintain certification to conduct North American Standard Level VI Inspections for Transuranic Waste and Highway Route Controlled Quantities (HRCQ) of Radioactive Material, an inspector must:

- Successfully complete the Level VI re-certification course (eight hours minimum) within a **24-month** period of passing the inspector’s initial North American Standard Level VI Inspection Course, or, the inspector’s last Level VI re-certification training as applicable (For example: A Level VI-certified inspector completes an **eight-hour** re-certification course in March 2009 and therefore must complete another **eight-hour** re-certification course by no later than the end of March 2011 and so on).
- Maintain certification to conduct North American Standard Level I Inspections and North American Standard Hazardous Materials/Dangerous Goods Inspections.

In cases of declared emergencies where an inspector is not able to complete the re-certification training within the **24-month** timeframe, the inspector may be provided an extension at the discretion of the agency. This extension shall be no more than **three months** beyond the end of the declared emergency applicable to that jurisdiction.

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Performance-Based Brake Tester (PBBT)

To maintain qualification to utilize a PBBT during a brake inspection, an operator must achieve one of the following:

- Successfully complete a PBBT refresher course (four hours minimum) within two years after initial qualification or de-qualification.
- Perform a minimum of **eight** performance-based brake tests annually using a PBBT for which the operator alone takes credit.

In cases of declared emergencies where an inspector is not able to complete the PBBT refresher course within the two-year timeframe or perform the minimum of eight performance-based brake tests within the **12-month** timeframe, the inspector may be provided an extension at the discretion of the agency. This extension shall be no more than **three months** beyond the end of the declared emergency applicable to that jurisdiction to either complete a PBBT refresher course or conduct the remainder of the necessary performance-based brake tests.

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REFERENCE CHART FOR TRACKING ANNUAL CERTIFICATION

Example #	Level of Inspections						HM/ DG*	Cargo Tank	Pass. Vehicle
	I	II	III	IV	V	VI			
1	1								
2		1							
3					1				
4	1						1	1	
5	1								1
6	1								1
7	1						1		
8	1					1	1		
9	1								
10				1					
11		1					1		
12	1						1		
13	1					1	1		
14	1								
15					1		1	1	
16	1						1		
17			1						
18	1								
19	1						1	1	
20					1		1	1	
21		1					1	1	
22	1						1	1	
Totals	14	3	1	1	3	2	12	6	2

* An inspection of a vehicle transporting hazardous materials/dangerous goods at a minimum includes the inspection of the items listed in the North American Standard Hazardous Materials/Dangerous Goods Inspection Procedure.

NOTE: If an example relates to a Level I and a Level V inspection was performed the credit is given for the Level V.

Example #1:

A Level I Inspection conducted on a five-axle truck-tractor and semi-trailer vehicle combination.

Example #2:

A Level II Inspection conducted on a three-axle dump truck.

Example #3:

A Level V Inspection conducted on a five-axle truck-tractor and semi-trailer vehicle combination.



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Example #4:

A Level I Inspection on a five-axle truck-tractor and semi-trailer vehicle combination. The semi-trailer is a specification DOT/TC 406 cargo tank hauling UN1203 (gasoline) and is inspected by an inspector who is a hazardous materials/dangerous goods certified inspector who also holds a cargo tank inspector certification.

Example #5:

A Level I Inspection on a two-axle school bus. NOTE: Inspections of this type count toward inspector certification and the maintenance of certification, even though Part 390. 3(f) exempts school bus operations from the FMCSRs.

Example #6:

A Level I Inspection on a three-axle motorcoach.

Example #7:

A Level I Inspection on a five-axle truck-tractor and semi-trailer vehicle combination. The semi-trailer is hauling IBCs, containing hazardous materials/dangerous goods.

Example #8:

A Level VI Inspection on a five-axle truck-tractor and semi-trailer vehicle combination. The semi-trailer is hauling a highway route-controlled quantity. NOTE: Typically, these are non-bulk packages.

Example #9:

A Level I Inspection on a five-axle truck-tractor and semi-trailer vehicle combination. The semi-trailer is a non-specification cargo tank hauling milk.

Example #10:

A Level IV Inspection on a five-axle truck-tractor and semi-trailer vehicle combination during Operation Airbrake.

Example #11:

A Level II Inspection on a five-axle truck-tractor and semi-trailer vehicle combination. The semi-trailer is a non-specification cargo tank hauling UN 1993 (fuel oil).

Example #12:

A Level I Inspection on a five-axle truck-tractor and semi-trailer vehicle combination. The semi-trailer is hauling IBCs containing hazardous materials/dangerous goods and non-bulk packages containing hazardous materials/dangerous goods.

Example #13:

A Level VI Inspection on a five- axle truck-tractor and semi-trailer vehicle combination. The semi-trailer is hauling one or more TRUPACT II containers.

Example #14:

A Level I Inspection on a five-axle truck-tractor and semi-trailer vehicle combination. The semi-trailer is a specification cargo tank hauling hazardous materials/dangerous goods; however, the inspection is performed by an inspector who is a non-cargo tank and non-hazardous materials/dangerous goods certified inspector.

Operational Policy 4

Inspector Training and Certification

Example #15:

A Level V Inspection on a five-axle truck-tractor and semi-trailer vehicle combination. The semi-trailer is a specification DOT/TC 406 cargo tank hauling UN1203 (gasoline).

Example #16:

A Level I Inspection on a five-axle truck-tractor and semi-trailer vehicle combination. The semi-trailer is a specification cargo tank hauling hazardous materials/dangerous goods and is inspected by a hazardous materials/dangerous goods certified inspector with no cargo tank inspector certification.

Example #17:

A Level III Inspection on a five-axle truck-tractor and semi-trailer combination. The semi-trailer is a specification cargo tank hauling hazardous materials/dangerous goods.

Example #18:

A Level I Inspection on a commercial motor vehicle. The CMV is transporting automobiles/equipment and the automobiles/equipment contain fuel in their fuel tanks.

Example #19:

A Level I Inspection on a five-axle truck-tractor and semi-trailer combination. The semi-trailer is a (Compressed Gas Association) CGA/TC 341 cargo tank hauling UN1977 (nitrogen, refrigerated liquid) and is inspected by an inspector who is a hazardous materials/dangerous goods certified inspector who also holds a cargo tank inspector certification.

Example #20:

A Level V Inspection on a five-axle truck-tractor and semi-trailer combination. The semi-trailer is a MC/TC 331 cargo tank containing UN1075 liquefied petroleum gas and is inspected by an inspector who is a hazardous materials/dangerous goods certified inspector who also holds a cargo tank inspector certification.

Example #21:

A Level II Inspection on a five-axle truck-tractor and semi-trailer combination. The semi-trailer is a non-DOT specification cargo tank meeting and marked in conformance with the edition of Section VIII of the ASME Code in effect when it was fabricated and manufactured prior to Jan. 1, 1981, and being used exclusively in intra-state commerce containing UN1075 liquefied petroleum gas (see 173. 315(k)) and is inspected by an inspector who is a hazardous materials/dangerous goods certified inspector who also holds a cargo tank inspector certification.

Example #22:

A Level I Inspection on a five-axle truck-tractor and semi-trailer combination. The semi-trailer is a non-DOT specification cargo tank meeting all the requirements of a current and valid DOT-SP (special permit) or Canadian/Mexico equivalent) and is inspected by an inspector who is a hazardous materials/dangerous goods certified inspector who also holds a cargo tank inspector certification.

Operational Policy 4

Inspector Training and Certification

STANDARDS FOR INSPECTOR DECERTIFICATION/DISQUALIFICATION/WAIVERS

All Certifications, Except Level VI Certification and PBBT Qualification

In the event that an agency identifies inspectors who have failed to maintain certification for a given certification period, that agency shall notify the inspector that he/she shall cease inspection activities until they are recertified by methods identified in this policy.

- If an inspector does not perform the minimum number of inspections within the certification period (12 months), the inspector allows a certification/qualification to lapse or fails to successfully demonstrate proficiency in conducting inspections, the inspector shall be decertified.
- Failing any exam or failing to successfully demonstrate proficiency in the specific course material requires the inspector to successfully re-test or repeat the course that was failed. A successful re-test of any certification exam is achievement of at least the minimum passing grade established in this Operational Policy.

Inspectors who have not maintained certification because of illness, injury or other special circumstance may be granted an extension of time, beyond the annual deadline, to achieve certification. The extension will be no longer than three months beyond the annual certification deadline. The certification may be accomplished by performing the required inspections necessary to achieve certification. Refresher training in regulatory or policy changes will be conducted as needed.

In cases of declared emergencies where an inspector is not able to conduct inspections and the **three-month** extension for completing the annual number of inspections for the applicable certification lapses, the inspector may be provided an extension at the discretion of the lead agency. This extension shall be no more than **three months** beyond the end of the declared emergency applicable to that jurisdiction. Refresher training in regulatory or policy changes will be conducted as needed.

Inspectors whose return to duty is beyond the **three-month** extension will be required to challenge and pass the required certification exams. Additionally, the inspector shall complete the specified number of inspections with a certified inspector, for each discipline. These inspections should be completed as soon as practicable, but no later than **six months** after passing the written exam(s). Inspections may be overlapped to fulfill the requirements of multiple disciplines with a single inspection. Refresher training in regulatory or policy changes will be conducted as needed.

At any time, a de-certified inspector may regain certification, by challenging the applicable exam(s) for the certification(s) sought, except for the North American Standard Level VI Inspection certification or PBBT qualification. A successful challenge is when the inspector achieves the passing grade established in this Operational Policy for the applicable exam(s) taken. Additionally, the inspector shall complete the specified number of inspections with a certified inspector, for each discipline. These inspections should be completed as soon as practicable, but no later than **six months** after passing the written exam(s). Inspections may be overlapped to fulfill the requirements of multiple disciplines with a single inspection. In cases where the inspector challenges the applicable exam(s) and is unsuccessful, the inspector shall take all applicable courses to regain certification.

Operational Policy 4

Inspector Training and Certification

Level VI Certifications

Any Level VI inspector that fails to complete the certification maintenance requirements will be decertified from conducting Level VI Inspections by the director of the North American Standard Level VI Inspection Program. To become re-certified, the inspector shall attend and successfully complete the CVSA-approved North American Standard Level VI Inspection for Transuranic Waste and Highway Route Controlled Quantities (HRCQ) of Radioactive Material Inspection Course.

All Level VI inspection recertification training must be conducted by a current CVSA national Level VI instructor or an instructor that has attended a CVSA Level VI Train-the-Trainer Course within 24 months prior to conducting required training. Training records identifying the location of the training, attendees and the date of training must be forwarded to the director of the North American Standard Level VI Inspection Program immediately upon completion of the required recertification training.

Member jurisdictions may elect to break the training into shorter segments and present the required recertification training on a more frequent basis; however, the content of the training must cover specific content identified by the director of the North American Standard Level VI Inspection Program. Member jurisdictions may add training elements deemed necessary or appropriate to address their needs.

PBBT Qualification

Any PBBT qualified operator that fails to complete the qualification maintenance requirements as of Oct. 1, 2019, must not operate a PBBT. To requalify, the operator shall attend and successfully complete the CVSA-approved North American Standard Inspection PBBT Test Procedures and Guidelines for Use in Enforcement Course.

Waivers

Upon request, any jurisdiction may request from the CVSA Board of Directors a waiver from certain requirements of Operational Policy 4.

The jurisdiction must justify to the CVSA Board of Directors the reason for the waiver. The board may set conditions on the approval of the waiver.

CERTIFICATION OF SAFETY INSPECTORS, SAFETY INVESTIGATORS, NEW ENTRANT SAFETY AUDITORS, COMMERCIAL ENFORCEMENT SPECIALISTS SAFETY INVESTIGATORS WHO PERFORM CARGO TANK FACILITY REVIEWS, AND OTHER EMPLOYEES WHO MAINTAIN CERTIFICATION

I. Initial Certification

Personnel subject to certification must complete the requirements for initial certification within 12 months including, as applicable:

- 1) Graduation from the FMCSA Academy; OR
- 2) Completion of the FMCSA North American Standard Level I, General Hazardous Materials, and Investigative Safety Analysis courses; OR
- 3) Completion of the classroom portion of a training session specific to the certification(s) sought

Completing the initial requirements could bridge performance years. Initial certification requirements completed after the beginning of the performance year would also count towards that year's requirement for maintenance of certification.

For example: A FMCSA employee graduates from the Safety Investigator Academy on April 1, 2017. The employee has 12 months from that date, or until March 31, 2018, to fulfill the field portion of the certification. Inspections and/or investigations conducted during the time period of June 1, 2017 through March 31, 2018, will count for both, initial certification and the recertification inspections and investigations for that performance year that would conclude on May 31, 2018.

Specialized certifications are only required for certain FMCSA employees, designated at the discretion of the supervisor, and based on the safety concerns and needs of the Division Office. Specialized proficiency driver/vehicle inspection certifications in the Commercial Vehicle Safety Alliance's (CVSA) Operational Policy 4 - Inspector Training and Certification include: Advanced Level I, Hazardous Materials/Transportation of Dangerous Goods, Cargo Tank, Other Bulk Packaging, Passenger Vehicle, North American Standard Level VI, and Performance-Based Brake Testing (PBBT) Inspections. Specialized investigation and audit certifications addressed in this attachment also include: Safety Investigators, New Entrant Safety Auditors, Commercial Enforcement Specialists, and Safety Investigators who perform Cargo Tank Facility Reviews. For specialized activities not described in this policy, the Regional Field Administrator will determine certification requirements.

II. Maintenance of Certification

To maintain certification, each person must meet the maintenance requirements annually.

For FMCSA employees, supervisors must document, in conjunction with the end-of-cycle performance appraisal process, the completion of the certification requirements. Supervisors will use Attachments B – Acknowledgement of Initial Certification Completion and Maintenance Requirement, and C – Employee Certification Status to document certification. Supervisors are advised to routinely monitor Gotham and other activity tracking systems to ensure that the minimum employee performance requirements are met. In addition, to encourage consistent data quality and skill maintenance, it is suggested that supervisors promote the completion of assignments evenly throughout the performance year.

Non-FMCSA entities must follow their agency's policies and procedures for documentation of certification requirements.

III. Documentation of Certification

Once initial certification is successfully completed, the individual has through the end of the employee performance appraisal cycle to complete all necessary requirements to maintain certifications.

Any initial certification activity conducted during a performance year counts toward the annual maintenance certification.

IV. Certification Processes

A. Certification to Conduct Level I, II, III, IV or V Driver/Vehicle Inspections

FMCSA employees are certified to conduct Level I driver/vehicle inspections. This certifies employees to also conduct Level II, III, IV, and V driver/vehicle inspections.

Initial Certification: The employee must meet the certification requirements specified in the CVSA Operational Policy 4 - Inspector Training and Certification (See Attachment A) except:

- FMCSA employees may not challenge the test to meet any of the initial certification requirements;
- FMCSA employees must successfully complete and pass academy curriculum established by the National Training Center (NTC).
- Successfully complete at least 32 North American Standard Level I Inspections with a certified inspector, field-training officer, or coach who will evaluate the inspector for knowledge of the regulations and proficiency in the inspection process. These inspections should be completed as soon as practicable, but no later than six months after passing the written exam(s).

Maintenance of Certification: To maintain certification, employees must meet the certification requirements specified in the CVSA Operational Policy 4 - Inspector Training and Certification, except:

- Until such time as FMCSA establishes annual in-service training, as required by CVSA Operational Policy 4, or until June 1, 2018, whichever occurs first, FMCSA inspectors are excepted from this provision.

B. Certification to Conduct Specialized Proficiency Driver/Vehicle Inspections

Initial Certification: The inspector must meet the certification requirements specified in the CVSA Operational Policy 4 - Inspector Training and Certification (See Attachment A), except:

- FMCSA employees obtaining the Passenger Vehicle Inspection certification must conduct at least 4 of the 8 North American Standard Level I passenger vehicle inspections on motorcoaches.

Maintenance of Certifications: To maintain each of the specialized inspection certifications, inspectors must meet the certification requirements specified in the CVSA Operational Policy 4 Inspector Training and Certification, except:

- FMCSA employees maintaining Passenger Vehicle Inspection certification must conduct at least 4 of the 8 North American Standard Level I and/or Level V passenger vehicle inspections on motorcoaches.

C. Certification to Conduct Safety Audits

Initial Certification:

- Either be currently certified to conduct investigations; or successfully complete North American Standard Part A and Part B, General Hazardous Materials, and the New Entrant Safety Auditor course, including any pre- and/or post-training requirements;
- Successfully complete a minimum of 24 safety audits, with a person certified to conduct safety audits; and
- Be certified to conduct Level I driver/vehicle inspections.
 - **For non-FMCSA employees, be certified to conduct driver/vehicle inspections to the highest level required by the employing entity.**

Maintenance of Certification:

- Successfully complete any required in-service or refresher training;
- Either successfully complete a minimum of 24 safety audits of which a minimum of 6 must be onsite safety audits; or must meet the certification standards to conduct comprehensive investigations; and
- Maintain Level 1 driver/vehicle inspection certification.

- **For non-FMCSA employees, be certified to conduct driver/vehicle inspections to the highest level required by the employing entity.**

D. Certification to Conduct Investigations

The certification to conduct investigations includes the certification to conduct comprehensive investigations, onsite focused investigations, and offsite investigations.

Initial Certification:

- Successfully complete the FMCSA Safety Investigator Academy, including any pre- and/or post-Academy training requirements; or for non-FMCSA employees successfully complete the North American Standard Part A and Part B, General Hazardous Materials; and, Investigative Safety Analysis courses, including any pre- and/or post training requirements;
- Successfully complete a minimum of 6 comprehensive investigations with a person certified to conduct compliance investigations; and
- Be certified to conduct Level I driver/vehicle inspections.
 - **For non-FMCSA employees, be certified to conduct driver/vehicle inspections to the highest level required by the employing entity.**

Maintenance of Certification:

- Successfully complete any required in-service or other training;
- Successfully complete a minimum of 6 investigations of which 3 must be comprehensive; and
- Maintain Level I Inspection certification.
 - **For non-FMCSA employees, be certified to conduct driver/vehicle inspections to the highest level required by the employing entity.**

E. Certification to Conduct Commercial Enforcement Investigations

The following criteria must be met to conduct Commercial Enforcement Investigations and Consumer Protection Reviews. A Commercial Enforcement Investigation is an investigation of the commercial regulations.

Initial Certification:

FMCSA Employees must:

- Successfully complete the Household Goods (HHG)/Commercial Enforcement Basic Course;
- Successfully complete 3 reviews of compliance with the commercial regulations with a person certified to conduct Commercial Enforcement Investigations; and
- Be certified to conduct investigations.

Non-FMCSA Employees from agencies with MOAs with FMCSA must:

- Successfully complete the HHG/Commercial Enforcement Basic Course and successful completion of the Supplemental Course for State HHG Enforcement Partners;

- Successfully complete 3 reviews of compliance with the commercial regulations with a person certified to conduct Commercial Enforcement Investigations; and
- Be certified to conduct investigations.

Additional Certification Requirements for Commercial Enforcement Specialists:

FMCSA employees designated in their position description or performance plan as Commercial Enforcement Specialists and who are dedicated full time to commercial enforcement must complete the Commercial Enforcement Investigation Certifications and meet these additional requirements:

Initial Certification:

- Successfully complete two courses relating to leadership and/or the leading of teams and groups; and
- Successfully complete 12 reviews of compliance with the commercial regulations.

Maintenance of Certification:

- Maintain investigations certification to include 3 reviews of compliance with the commercial regulations.

F. Certification to Conduct Cargo Tank Facility Reviews

Initial Certification:

- Successfully complete the NTC Cargo Tank Facility Review Course;
- Successfully complete a minimum of 3 cargo tank facility reviews with a person who is certified to conduct cargo tank facility reviews;
- Be certified to conduct investigations; and
- Be certified to conduct Cargo Tank and HM driver/vehicle inspections.

Maintenance of Certification:

- Conduct a minimum of 3 cargo tank facility reviews;
- Maintain Cargo Tank and HM driver/vehicle inspection certification; and
- Maintain investigation certification.

V. Decertification Process

Inspectors, Investigators, and Auditors who are certified in accordance with this policy will be decertified if he or she fails to meet any of the established requirements for maintenance of certification within the applicable time period. For example, except in cases where initial certifications span more than one certification year, if a FMCSA employee certified to conduct investigations fails to conduct the required minimum of 6 investigations by May 31, he or she is decertified to conduct investigations on June 1.

However, a person who is decertified from any one certification area may continue to perform functions of the remaining certification areas, if that person meets the certification requirements for those areas. For example, a person certified to conduct investigations fails to conduct the required 6 investigations, but completes 24 safety audits during the 12-month performance

appraisal period, this individual would lose certification to conduct investigations, but retain certification to conduct safety audits.

Decertification for driver/vehicle inspections will follow the procedures specified in CVSA's Operational Policy 4 - Inspector Training and Certification.

An FMCSA employee who becomes decertified and whose position requires certification will be provided no more than 180 days, from the date of decertification, to obtain recertification, unless the appropriate training course(s) are not available or the employee obtains a waiver, as described below in VI: Temporary Waiver Process. Employees, whose position descriptions require certification, but who fail to obtain recertification within 180 days from the date of decertification, and who are not reassigned to another position, are subject at the discretion of the Agency to demotion, removal, and/or termination.

FMCSA employees who become decertified, but whose position does not require certification may request recertification at any time.

VI. Temporary Waiver Process

FMCSA Employees:

At the discretion of the Agency, a waiver will only be granted to a person who was previously certified and subsequently became decertified due to reasons beyond his or her control.

For example, an employee who was certified to conduct Level I driver/vehicle inspections, but failed to complete the required minimum of 32 Level I driver/vehicle inspections due to a management-directed temporary assignment, medical condition, or National Guard or Military Reserves duty is eligible to apply for a waiver. A person who was certified, but failed to maintain certification because of an employee-related disciplinary action, is not eligible for a waiver.

Waiver applications should be done in advance of becoming decertified. Generally, a waiver may be granted for up to 12 months. Except in extraordinary cases, and at the discretion of the Agency, no waiver shall be granted in excess of the period of time needed to meet the certification requirements.

If an employee wishes to request additional time beyond the approved waiver period, he or she must reapply prior to the expiration of the waiver period.

Waiver requests must be made in writing by the employee's supervisor. The Associate Administrator for Field Operations is the Deciding Official in all field certification waiver requests.

Any request for a waiver under this policy that is based on medical issues must include original copies of documentation from a medical or healthcare practitioner, signed in ink and on the medical practitioner's letterhead, providing the following information:

- 1) Employee's name;

- 2) The medical condition that precludes the employee from conducting certification requirements;
- 3) How the above medical condition precludes the employee from conducting certification requirements;
- 4) Beginning and ending dates of the above medical condition and prognosis for recovery;
- 5) The date(s) the employee was treated or examined for the above medical condition; and
- 6) The physician's or medical practitioner's name, address, and phone number.

The documentation must be sufficient in detail so that:

- 1) The supervisor and Deciding Official can understand the medical basis for the request, and, if necessary, the information can be provided to a physician for his or her advice; and
- 2) The information can be used to determine whether any reasonable accommodation can be taken to facilitate the completion certification requirements.

The supervisor or Deciding Official may request additional medical or other documentation (e.g., National Guard or Military Reserve Duty orders). The Deciding Official will advise the employee, in writing, of the decision on the waiver request.

If, however, a waiver is not granted or the waiver period expires, the FMCSA employee must meet the recertification requirements within 180 days of the initial date of decertification.

The supervisors of FMCSA Safety Inspectors, Safety Investigators, New Entrant Safety Auditors, Commercial Enforcement Specialists, and Safety Investigators who perform Cargo Tank Facility Reviews, and other employees who maintain certifications must document the employee's Initial Certification Period, Maintenance of Certification Period, and the Decertification and Recertification processes using the Employee Certification Status Forms. (Refer to Attachments B and C)

Non-FMCSA Employees:

Non-FMCSA employees may apply for an extension of time to achieve driver/vehicle inspection certification as specified in the CVSA Operational Policy 4 - Inspector Training and Certification Policy. The waiver request must be made to the State's MCSAP Lead Agency Head, or designee.

Non-FMCSA employees may request a waiver from all other certifications through FMCSA by following the same steps listed above for FMCSA employees. The request for waiver should be submitted to the Division Administrator or his/her designee of the State in which the Non-FMCSA employee is employed. In these cases, the DA or designee is the Deciding Official.

VII. Recertification Process

An FMCSA employee who is decertified may request recertification. The request must be made to the employee's supervisor. Before granting a recertification request, it is the responsibility of the supervisor to determine that the employee has satisfactorily completed the recertification requirements. Recertification is only necessary in the functional area in which the employee was decertified. For example, if an employee was decertified in conducting investigations because he or she did not complete the required minimum of 6 investigations, but the employee did successfully complete the requirements to maintain Level 1 driver/vehicle inspection certification, the employee would only be required to be recertified to conduct investigations.

Non-FMCSA employees funded through MCSAP and/or who upload data into FMCSA systems, must make the request for recertification to the State MCSAP Lead Agency Head, or designee.

In order for a person to be recertified in driver/vehicle inspections or specialized proficiency driver/vehicle inspections they must meet the recertification requirements specified in the CVSA Operational Policy 4 - Inspector Training and Certification Policy, except:

- FMCSA Safety Auditors and Safety Investigators may count Level V inspections toward the 32 Level I inspections required for recertification when the Level V inspections are conducted during an audit or investigation; and
- FMCSA employees seeking Passenger Vehicle Inspection recertification must conduct at least 4 of the 8 North American Standard Level I and/or Level V passenger vehicle inspections on motorcoaches.

In order for a person to be recertified in the following functions, that person must:

A. Safety Audits:

- Either complete the recertification requirements to conduct comprehensive investigations; or
- Successfully complete the FMCSA New Entrant Safety Auditor and General Hazardous Materials courses, including any pre- and/or post-training requirements; or successfully "pass the course final examinations (test) with a minimum score of 80% without taking the class;
- Successfully complete a minimum of 24 safety audits, with a person certified to conduct safety audits; and
- Be certified to conduct Level I driver/vehicle inspections.

B. Investigations:

- Successfully complete the FMCSA Investigative Safety Analysis, North American Standard Parts A and Part B, and General Hazardous Materials courses, including any pre- and/or post-training requirements; **or** successfully pass the course final examinations with a minimum score of 80% without taking the class;
- Successfully complete a minimum of 6 investigations with a person certified to conduct investigations; and
- Be certified to conduct Level I driver/vehicle inspections.

C. Cargo Tank Facility Reviews:

- Successfully complete the FMCSA Cargo Tank Facility Review course, including any pre- or post-training requirements; **or** successfully pass the course final examination with a minimum score of 80% without taking the class;
- Conduct a minimum of 3 cargo tank facility reviews with a person certified to conduct cargo tank facility reviews;
- Be certified to conduct Cargo Tank driver/vehicle inspections; and
- Be certified to conduct Hazardous Materials driver/vehicle inspections.

D. Commercial Enforcement Investigations

- Successfully complete the Household Goods/Commercial Enforcement Basic Course; and
- Conduct a minimum of 3 commercial enforcement investigations with a person certified to conduct commercial enforcement investigations.

Attachment A Amended
August 2021

U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

Subject: Acknowledgement of Initial Certification
Completion and Maintenance Requirement

Date:

From: XXXXXX XXXXXX
Employee Supervisor
XXXXXXX Division

In Reply Refer To:

To: Employee Name

To ensure that all personnel have the proper training and experience to perform the inspection and investigation activities, the Federal Motor Carrier Safety Administration (FMCSA) requires certification for any individual conducting driver/vehicle inspections, investigations, new entrant safety audits, commercial enforcement investigations, and cargo tank facility reviews.

This is to inform you that as a result of satisfactory completion of the initial certification requirements, you are currently certified to conduct (*insert either Level I driver/vehicle inspections, investigations, and/or safety audits*). This initial certification will expire on May 31, 20XX. Starting on June 1, 20XX, and every subsequent 12-month performance appraisal cycle thereafter, you must maintain certification consistent with FMCSA requirements.

Certification is a mandatory condition for continued employment for FMCSA Safety Inspectors, Safety Investigators, New Entrant Safety Auditors, Commercial Enforcement Specialists, Safety Investigators who perform Cargo Tank Facility Reviews, and other personnel who maintain certification. Failure to maintain your certification may result in termination of your employment with FMCSA.

Should you have any additional questions, please contact your immediate supervisor within X days.

Acknowledgement

I acknowledge receipt of this memorandum. I understand that: 1) certification consistent with FMCSA requirements is a mandatory condition for continued employment; and 2) failure to maintain certification may result in termination of my employment with FMCSA.

Acknowledgement: _____

Name

Date

ATTACHMENT C

Employee Certification Status

Employee Name:

Position:

Office:

This form is used to document the initial certification, maintenance of certification, decertification, and recertification of the listed employee for purposes of driver/vehicle inspections, investigations, new entrant safety audits, commercial enforcement investigations, and cargo tank facility reviews.

1. Initial Certification Period: This must be completed no later than the last day of the next performance cycle. Completing the initial requirements below could bridge performance years. Initial certification requirements completed after the beginning of the performance year would also count towards that year's requirement for maintenance of certification.

The employee's initial certification is effective as of _____.
The employee is certified for the period _____ through _____
_____ to conduct:

- Level I, II, III, IV, and V Driver/Vehicle Inspections;
- Level I, II, and V Hazardous Materials Driver/Vehicle Inspections;
- Level I, II, and V Cargo Tank Driver/Vehicle Inspections;
- Level I, II, and V Other Bulk Package Inspections;
- Level I, II, and V Passenger Carrying Vehicle Driver/Vehicle Inspections;
- Level VI Highway Route Controlled Quantities (HRCQ) of Radioactive Material: RAM inspections;
- Onsite Safety Audits;
- Offsite Safety Audits;
- Investigations;
- Commercial Enforcement Investigations;
- Cargo Tank Facility Reviews;

2. Maintenance of Certification Period: This must be updated each 12-month performance cycle to reflect the current certification period (e.g. after initial certification, maintenance of certification, or recertification, if decertified).

The employee is certified for the period _____ through _____ to conduct:

- Level I, II, III, IV, and V Driver/Vehicle Inspections;
- Level I, II, and V Hazardous Materials Driver/Vehicle Inspections;
- Level I, II, and V Cargo Tank Driver/Vehicle Inspections;
- Level I, II, and V Other Bulk Package Inspections;
- Level I, II, and V Passenger Carrying Vehicle Driver/Vehicle Inspections;
- Level VI HRCQ RAM inspections;
- Onsite Safety Audits;
- Offsite Safety Audits;
- Investigations;
- Commercial Enforcement Investigations;
- Cargo Tank Facility Reviews;

3. Decertification: Taking into account any waivers granted, the employee has not completed the requirements for maintenance of certification during the performance period in Number 2 (Maintenance of Certification Period) above and is currently not certified to conduct:

- Level I, II, III, IV, and V Driver/Vehicle Inspections;
- Level I, II, and V Hazardous Materials Driver/Vehicle Inspections;
- Level I, II, and V Cargo Tank Driver/Vehicle Inspections;
- Level I, II, and V Other Bulk Package Inspections;
- Level I, II, and V Passenger Carrying Vehicle Driver/Vehicle Inspections;
- Level VI HRCQ RAM inspections;

Onsite Safety Audits;

Offsite Safety Audits;

Investigations;

Commercial Enforcement Investigations;

Cargo Tank Facility Reviews;

4. Recertification: The employee has has not completed the requirements for recertification during the period in Number 2 (Maintenance of Certification Period) above and is is not currently certified to conduct:

Level I, II, III, IV, and V Driver/Vehicle Inspections;

Level I, II, and V Hazardous Materials Driver/Vehicle Inspections;

Level I, II, and V Cargo Tank Driver/Vehicle Inspections;

Level I, II, and V Other Bulk Package Inspections;

Level I, II, and V Passenger Carrying Vehicle Driver/Vehicle Inspections;

Level VI HRCQ RAM inspections;

Onsite Safety Audits;

Offsite Safety Audits;

Investigations;

Commercial Enforcement Investigations;

Cargo Tank Facility Reviews;

If applicable, the new certification period will be documented in Number 1, above. If the employee is not recertified, a plan of action must be determined by the supervisor as soon as practicable.

Employee Signature

Supervisor Signature

Date

Date