

**Questions and Answers: Certification Policy for Employees Who Perform
Inspections, Investigations, and Safety Audits
June 2, 2016**

Q1: Why was the policy issued?

A1: The policy was issued to update the procedures for certification of Federal Motor Carrier Safety Administration (FMCSA) and non-FMCSA employees, including inspectors, investigators, and auditors who are funded through the Motor Carrier Safety Assistance Program (MCSAP) and/or who upload data into FMCSA information systems. In addition, the changes promote consistency between FMCSA and the Commercial Vehicle Safety Alliance (CVSA) certification requirements for inspectors.

Also, the Fixing America's Surface Transportation (FAST) Act requires FMCSA to adopt the roadside inspector's certification standards as developed and maintained by the CVSA Operational Policy 4 – Inspector Training and Certification. This policy is an interim measure and a rulemaking on certification may follow at a later date. This policy also addresses maintenance of certification, decertification, and recertification processes of Safety Inspectors, Safety Investigators, New Entrant Safety Auditors, Commercial Enforcement Specialists and other employees who maintain certification(s).

Q2: Does FMCSA have input into the changes to the CVSA Operational Policy 4 – Inspector Training and Certification?

A2: FMCSA representatives participate on various committees of CVSA and provide input and recommendations. In addition, the Associate Administrator for Enforcement is a member of the CVSA Executive Committee.

Q3: When is this policy effective?

A3: The policy became effective on June 1, 2016, for FMCSA employees, and at the beginning of the next certification cycle for non-FMCSA personnel. For example, if a State uses the calendar year for certification, this policy will go into effect on January 1, 2017.

Q4: Does FMCSA issue CVSA decals?

A4: Yes, the Office of Field Operations purchases CVSA decals for use by FMCSA inspectors and investigators who are certified to conduct vehicle inspections. Contact your Division Office for further information on obtaining CVSA decals prior to conducting roadside inspections.

Q5: Can you please verify how many cargo tank inspections need to be completed for re-certification?

A5: Eight cargo tank inspections must be conducted annually for cargo tank re-certification.

Q6: If an FMCSA employee has not completed the certification requirements for a Level 1 inspection, can they still conduct Level 3 inspections?

A6: No. FMCSA employees must be certified to conduct Level I inspections in order to conduct Level I, II, III, IV and V inspections. Non-Federal entities may elect to certify their inspectors to specific levels.

Q7a: How are offsite safety audits considered in this policy?

A7a: Off-site safety audits *will count* towards an auditor's certification. However, an auditor who is not trained to conduct off-site safety audits may not conduct them. **Safety auditor certification requires a minimum of 24 safety audits, of which 18 may be offsite safety audits.** Please review the Safety Audit Certification and Maintenance section in Attachment B, page 3, section IV paragraph C – Certification to Conduct Safety Audits.

Q7b: The maintenance certification standards for Safety Auditors include the following requirement:

- **Complete a minimum of 24 safety audits, of which 18 may be offsite site safety audits (if trained to conduct offsite safety audits), or complete 6 comprehensive/full investigations (if certified to conduct).**

However, to maintain certification for Investigations, an investigator must also complete a minimum of 6 investigations, of which only 3 must be comprehensive/full investigations. Why is there a difference in the maintenance of certification for Safety Auditors and Investigators with regards to the number and type of Investigations that can be used to satisfy the requirement?

A7b: There should be no difference. If the investigator is certified to conduct a comprehensive investigation then the investigator is certified to conduct a safety audit. Bullet two, as italicized below, under Maintenance of Certification for Safety Audits (Attachment B, page 3, section IV paragraph C) should read:

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.

This language will be corrected in the next version of the Electronic Field Operations Training Manual (eFOTM).

Q8: Waivers to the inspection certification have been available for Safety Investigators who have had physical limitations. Will these waivers still be available?

A8: Yes. At the discretion of the Agency, a waiver may be granted to a person who was previously certified and became decertified due reasons beyond his/her control.

Q9: FMCSA initial certification states that the inspectors who graduate from the academy will need to perform 32 inspections under supervision. Do those 32 inspections COUNT for that year's certification? For this to occur, the new inspector must sign the inspections in order to receive credit for the inspection. However, according to CVSA policy, and information from State partners, these initial 32 inspections are performed under the supervision of the CERTIFIED inspector, who signs the inspections, as the new person is not certified. Is it correct that the new inspector has to perform an additional 32 under their name?

A9: Yes. The first 32 inspections must be conducted under the supervision of a certified inspector and signed by the certified inspector. These count towards satisfying the requirements for *initial training*, but the inspector/investigator/auditor must conduct 32 additional inspections and sign those to meet the requirement for initial certification.

Q10: The policy references an out-of-date CVSA operational policy 4. There was a revision made April 16, 2015. Which one do we use?

A10: At this time, FMCSA has adopted CVSAs' Operational Policy 4 – Inspector Training and Certification, revised April 16, 2015. As CVSA updates Operational Policy 4, FMCSA will adopt the newest version and distribute accordingly.

Q11a: The policy adopts CVSA's inspector certification standards (Attachment A). Initial certification standards provided in Attachment A for Level I through V inspections, Hazardous Materials/Dangerous Goods inspections, Cargo Tank inspections, Other Bulk Packagings inspections, Passenger Vehicle inspections, and inspections using Performance-Based Brake Testing include the requirement to complete the required number of inspections as soon as practicable, but no later than 6 months after passing required training. However, initial certification standards provided in Attachment B include the requirement to complete the required number of inspections within 12 months after passing required training. I am trying to understand the relationship between the 6-month and 12-month timeframes and how they should be applied.

Who are the 6-month and 12-month timeframes for completing inspections to meet initial certification standards applicable to?

A11a: This requirement applies to anyone completing classroom training. The initial certification requirements must be completed with the certified inspector within the 6-month timeframe as stated. The additional 32 inspections must also be conducted without supervision within the 12-month period.

Q11b: Does the fact that we have adopted CVSA's certification standards require non-FMCSA and FMCSA employees to complete required inspections within 6 months of passing required training?

A11b: The 32 inspections that must be completed under a certified inspector must be completed within the first 6 months, while the additional 32 inspections must be completed within the 12-month certification period under the inspector/auditor/investigator's own name.

Q11c: Does the 6-month timeframe only apply to non-FMCSA employees?

A11c: No. CVSA Operational Policy 4 states that inspector trainees should complete the 32 inspections with a certified inspector as soon as possible, but not later than 6 months after completing the written exam (See: Page 2, CVSA Operational Policy 4).

Q12: Who exactly do the Maintenance of Certification standards apply to for Commercial Enforcement Investigations? Do they apply to anyone attempting to maintain the ability to conduct Commercial Enforcement investigations (including Commercial Enforcement Specialists) or just Commercial Enforcement Specialists?

A12: The standards apply to anyone attempting to maintain the ability to conduct Commercial Enforcement investigations.

Q13: CVSA's Operational Policy 4 – Inspector training & Certification, Revised April 16, 2015 (Attachment A, MC-ECS-2016-003), references an Advanced Level One inspection course that would grant a “certificate of proficiency” that provides an avenue to maintain certification without conducting 32 inspections each year. Can you tell me how I can get my folks trained in this class?

A13: NTC does not offer the Advanced Level One course, as the Agency does not consider this sufficient to maintain proficiency. As a result, all FMCSA employees and non-FMCSA employees including inspectors, investigators, and auditors who are funded through MCSAP and/or who upload data into FMCSA information systems must meet the requirements of the policy memorandum.