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REGULATORY UPDATE PANEL
2012 ALLIANCE OF HAZARDOUS MATERIALS PROFESSIONALS
HILTON ANCHORAGE, ANCHORAGE, AK
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Thank you and good morning everyone. “Moving people and products safely and efficiently” is our top priority at the Department of Transportation and among each of our Agencies across all the modes. It’s also been my motto over the 30 plus years of working with first responders, policy makers, the business community, and concerned citizens on transportation safety.

The Federal Motor Carrier Safety Administration is grateful to be part of this conference given our shared interest in the safe movement of hazmat on our nation’s highways. Helping to lead this effort at FMCSA is our respected and knowledgeable Chief of our Hazardous Materials Division – Paul Bomgartner. Also here is the Division Administrator of our Alaska state division, Tracey Lewellyn.

I am glad to provide -- for some an update and for others an introduction -- to FMCSA, our mission, core principles, and some of our key policies – present and forthcoming. Twelve years ago, in a bipartisan act of Congress, FMCSA was established for one purpose: reducing truck and bus crashes and saving lives.

The good news is: truck and bus-related fatalities dropped 26 percent between 2006 and 2010. The bad news is: nearly 4,000 people are killed and over 100,000 others injured in truck and bus crashes every year. We have a lot more work to do. And I am here to ask for your partnership because safety is everybody’s business – and because, believe it or not, we know we don’t have all the answers.

Safety isn’t just the right thing to do – it’s also a business and financial issue. Simply put: crashes cost lives and they cost money.

- In 2010 alone, commercial vehicle crashes cost nearly \$58 Billion, including medical, insurance, lost wages and productivity, clogged roadways, and infrastructure damage.
- Who pays for it? Businesses and consumers alike.

With the trucking industry growing, it's more important than ever to invest in safe operations – especially when it comes to hazmat movements. It's just good business.

We know that most truck companies and drivers understand this and choose to operate safely. Our job is to identify and intervene with ones that don't. That is why our safety-first mission is driven by 3 core principles:

1. Raising the safety bar to enter the industry
2. Maintaining high safety standards to remain active in the industry
3. Removing high-risk carriers, drivers and vehicles from operating

Most of our employees are out on the front lines – not in the nation's capital – as our boots on the ground in every state working side by side thousands of state and local law enforcement officers dedicated to commercial vehicle safety. Together, each year we conduct more than 3.5 million roadside inspections, 38,000 new entrant safety audits, and 16,000 compliance reviews.

Given hazmat's prevalence in the marketplace, and given that there really is little margin for error when it comes to hazmat on our highways, hazmat carriers are a high priority for our safety inspections.

Compliance Safety Accountability

The cornerstone of our enforcement effort is a program known as CSA, short for Compliance, Safety, Accountability. CSA is a safety performance measurement system that analyzes inspection and crash data to help us identify and focus our limited resources on the most at-risk companies.

CSA is a 3-part program – It’s a system, a process and a rule.

1. The system is the Safety Measurement System or SMS which uses all inspection and crash data to give priority to high-risk or noncompliant carriers for inspection.
2. The process refers to the range of intervention tools we use to reach and engage more carriers in understanding their compliance and safety performance; it’s a process that gets at the WHY a pattern of violations is occurring, not just the WHAT.
3. Finally, the rule refers to the **Safety Fitness Determination** rulemaking that would replace today’s lengthy Compliance Review, which by law is the only way to determine a company’s safety rating and in its place use analysis and data from the Safety Measurement System. We will propose this rule early next year.

Safety Measurement System

In particular, I’d like to bring to your attention our Safety Measurement System. SMS uses a motor carrier’s data from roadside inspections, including all safety-based violations, state-reported crashes, and the Federal motor carrier census, to quantify performance in several BASICs – short for Behavior Analysis and Safety Improvement Categories.

These BASICs include:

- Unsafe Driving (speeding, reckless driving, inattention)
- Fatigued Driving (fatigued, non-compliance with HOS)
- Driver Fitness (lack of training, experience, medical qualifications)
- Controlled Substances and Alcohol
- Vehicle Maintenance
- Cargo-Related, including cargo securement problems and hazmat handling
- Crash Indicator, which evaluates a carrier’s crash history

In the spirit of our commitment to continually improving CSA and the Safety Measurement System, we recently announced several enhancements that largely came from stakeholder input and our own analysis of the first year of CSA.

In December, four improvements will go into effect to:

- Strengthen the Vehicle Maintenance BASIC by incorporating cargo and load securement violations from today's Cargo-Related BASIC.
- Change the Cargo-Related BASIC to the Hazardous Materials Compliance BASIC to better identify hazmat carriers and hazmat-related safety and compliance problems. This BASIC will only be available to carriers and enforcement in December of this year and to the public in December 2013.
- Remove 1 to 5 mph speeding violations, and
- Change the name of the Fatigued Driving BASIC to the Hours-of-Service BASIC.

I encourage you to go to FMCSA's website to look at our CSA page for the full list of changes and a lengthy list of Frequently Asked Questions.

Besides CSA, FMCSA has been raising the safety bar with numerous rulemakings to address:

- driver fatigue,
- distracted driving, including a ban on texting and hand-held cell phone use, and
- driver health and wellness.

Additionally, I want to bring to your attention our Pre-Employment Screening Program to help motor carriers make better informed hiring decisions by providing electronic access to a driver's crash and inspection history. It is a great resource for employers that can be found on our website.

Looking Ahead

We are also moving forward with the safety agenda set forth by our new federal highway reauthorization program known as MAP-21 along with other initiatives that are in the works to protect the safety of truck drivers and all motorists.

National Registry

- We issued a rule earlier this year that set baseline training and testing standards for medical professionals who perform driver physicals.
- We also created a **National Registry of Certified Medical Examiners web site** (nrcme.fmcsa.dot.gov). By May 21, 2014, all medical examiners must be registered in this system.
- Medical practitioners will be required to complete a training course and pass an examination to prove they understand FMCSA's medical standards.

Sleep Apnea

- Research has found that drivers with severe sleep apnea are found to be more than 4 times likely to be involved in a severe crash in the seven-year period than drivers who did not have sleep apnea.
- And, drivers with a Body Mass Index of 35 or greater are likely to have sleep apnea.
- FMCSA's Motor Carrier Safety Advisory Committee and our Medical Review Board met earlier this year to provide joint recommendations for guidance for medical examiners regarding drivers with obstructive sleep apnea or OSA. We are reviewing these recommendations and expect to publish draft guidance for public comment later this year.
- In the meantime, I encourage you to visit our Sleep Apnea spotlight page on the FMCSA web site with tools and resources for drivers and carriers.

Drug and Alcohol Testing

- Later this year, FMCSA plans to issue a notice of proposed rulemaking to establish a clearinghouse to track commercial drivers' positive drug and alcohol tests and refusals.

MAP 21

The new 2-year federal surface transportation program known as MAP-21 – short for Moving Ahead for Progress in the 21st Century – was signed into law this summer. It instructs FMCSA to pursue numerous commercial vehicle safety initiatives. Among them:

- Conducting a new rulemaking on electronic logging devices;
- Setting a deadline for establishing a new drug and alcohol clearinghouse for truck drivers;
- Developing a system to notify carriers of changes in their employees' driving status;
- Establishing new registration requirements to identify carriers that try to “reincarnate” themselves after having been put Out of Service; and
- Requiring us to shorten the timeline to complete safety audits of new carriers.

While much of the hazmat oversight falls under PHMSA’s jurisdiction, MAP-21 gives FMCSA the responsibility to study the **Hazardous Materials Safety Permit Program** to determine if improvements can be made.

Education and Outreach

In addition to our ongoing enforcement and public policy efforts, much of our work is about education and outreach to all of our stakeholders. We are eager to work with industry to make everyone knows the rules of the road and to assist carriers and drivers with compliance.

Among resources available to you are:

- Our FMCSA website: www.fmcsa.gov
- Our new Facebook page
- Our Cargo Tank Rollover Prevention training video that FMCSA, PHMSA and some industry partners produced in 2010. This training video covers the four approaches to reducing cargo tank truck rollovers: vehicle design and performance, load effects, highway factors, and driver factors. In fact, we’ve just posted the video on our Facebook page and you can also access the video by visiting our website: www.fmcsa.dot.gov and typing “truck rollover video” in the search bar.

Conclusion

On behalf of FMCSA's 1,100 employees across the nation, thank you for this opportunity to share with you ways that we are tackling our safety-first mission, and the critical need for the safe delivery of hazmat on our highways every delivery. We have a presence in every state and welcome you to call on us if we can assist in any way. Thank you.

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