



U.S. Department  
of Transportation

**Federal Motor Carrier  
Safety Administration**

# Memorandum

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  
Attn. 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 (Attachment A). Where CVSA requirements do not exist, this policy establishes initial and maintenance of certification requirements for employees performing inspections, investigations, and safety audits (Attachment B).

## 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 Attachments A and B, 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 C and D).

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](mailto:dee.williams@dot.gov).

- Attachment A: CVSA Operational Policy 4 - Inspector Training and Certification (as periodically amended)
- Attachment B: 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 C: Acknowledgement of Initial Certification Completion and Maintenance Requirement
- Attachment D: Employee Certification Status