

ALERT

ACWA/Joint Powers Insurance Authority, 5620 Birdcage Street, Suite 200, Citrus Heights, CA 95610-7632, (800) 231-5742

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Transportation Security Laws Hazmat Threat Assessment Program

Background Checks Now Required for Hazmat Truck Drivers

As part of its Hazmat Threat Assessment Program, the Transportation Security Administration (TSA) now requires the collection of biographical information and fingerprints from applicants who wish to obtain a new Hazardous Materials Endorsement (HME) on their state-issued Commercial Driver's License (CDL). This requirement became effective for new HME applicants on January 31, 2005. Individuals who wish to renew or transfer an existing HME may begin submitting biographical information and fingerprints with their HME application as early as March 31, 2005, but this information will be required as of May 31, 2005.

<http://www.tsa.gov/public/display?content=0900051980028ee5>.

This program *does not* apply to applicants for or holders of a CDL who do not wish to hold an HME.

The [USA PATRIOT Act](#) (PDF 848KB) requires all commercial drivers who transport hazardous materials to undergo a security threat assessment. The TSA implemented the Hazmat Threat Assessment Program, which involves a criminal history records check, an immigration check, and an intelligence-related check on HME applicants, to meet this requirement.

Under the rules governing the Hazmat Threat Assessment Program, an applicant will be disqualified from holding an HME if they:

- Have been convicted or found not guilty by reason of insanity in a military or civilian court for any of the permanently disqualifying crimes;
- Have been convicted or found not guilty by reason of insanity in a military or civilian court within the past seven years for a felony on the list of disqualifying crimes;
- Have been released from prison within the past five years for any of the disqualifying crimes;
- Are currently under want, warrant or indictment for a felony on the list of disqualifying crimes; or
- Have been declared mentally incompetent or involuntarily committed to a mental institution.

To see the list of felonies considered to be disqualifying offenses under the rule governing the Hazmat Threat Assessment Program, please visit the [Disqualifying Crimes](#) page.

Please Note: Any current Hazmat driver who has a disqualifying offense prohibiting the holding of a HME *must immediately surrender* the HME to the State Department of Motor Vehicles.

Waiver and Appeal Process

Individuals who undergo a TSA security threat assessment and receive notification that they are disqualified from holding an HME may appeal TSA's determination, or under some circumstances, request a waiver.

For more information on the waiver process, please visit the [Hazmat Waiver Guidelines](#) page, which outlines how individuals who have been disqualified but still believe they should be able to hold an HME may submit a request for a waiver from the TSA.

Additional information on the waiver and appeal process, as well as answers to many frequently asked questions regarding the Hazmat Threat Assessment Program, can be found on the [Frequently Asked Questions](#) page.

Rules Governing the Hazmat Threat Assessment Program

Below are Final Rules, Interim Final Rules, amendments and exemptions regarding the execution of the Hazmat Threat Assessment Program.

- [May 5, 2003 Final Rule - 49 CFR Parts 1570 and 1572](#) (PDF 188 KB)
- [November 7, 2003 Amended Interim Final Rule - 49 CFR Part 1572, Amendment No. 1572-2](#) (PDF 64 KB)
- [April 6, 2004 Amended Interim Final Rule - 49 CFR Part 1572, Amendment No. 1572-3](#) (PDF 73 KB)
- [July 22, 2004 Exemption Notice](#) (PDF 848 KB)
- [November 10, 2004 Exemption Notice](#) (PDF 31 KB)
- [November 24, 2004 Process Interim Final Rule](#) (PDF 69 KB)

Information for the States

State Points of Contact and Homeland Security Representatives involved with the TSA's Hazmat Threat Assessment Program are encouraged to visit the [State Declarations and Information](#) page, which includes content about State Declarations, as well as answers to frequently asked questions.

Additional Resources

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

Drivers and operators with questions about the Patriot Act may contact TSA at: [PATRIOT Act Questions](#) (patriotact@dhs.gov)

Other contact information:

TSA Media Contact – (571) 227-2829

TSA Contact Center – (866) 289-9673

Federal Motor Carrier Safety Administration (FMCSA) Media Contact – (202) 366-8810

Research and Special Programs Administration (RSPA) Media Contact – (202) 366-4831