

**Questions and Answers: Certification Policy for Employees Who Perform
Inspections, Investigations, and Safety Audits
Revised: October 2017**

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: How many cargo tank inspections need to be completed for re-certification?

A5: Eight specification cargo tank inspections, as defined in Operational Policy 4, must be conducted annually for cargo tank re-certification.

Q6a: If an FMCSA employee has not completed the certification requirements for a Level 1 inspection, can they still conduct Level 3 inspections?

A6a: 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.

Q6b: Do non-Federal personnel performing only terminal investigations and audits, and who do not have the authority to perform Level I inspections at roadside, have to maintain Level I certification in order to maintain certification to perform investigations and audits? Is there any relief for these investigators to be able to perform Level V inspections in lieu of the required Level I's?

A6b: In order to allow for these non-Federal investigators to obtain and maintain their certification to perform investigations and audits, the policy at section IV.C. and D. is amended to allow the following: *For non-FMCSA employees, be certified to conduct driver/vehicle inspections to the highest level required by the employing entity.*

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

A7a: Off-site safety audits will count towards an auditor's maintenance of certification. However, an auditor who is not trained to conduct off-site safety audits may not conduct them. **Safety auditor maintenance of certification requires a minimum of 24 safety audits, of which up to 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.

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: How many supervised and unsupervised inspections are required to achieve initial certification to conduct Level 1 inspections?

A9: Thirty-two (32) CVSA Level I inspections must be conducted under the supervision of a certified inspector and signed by the certified inspector within 6 months of graduation from the academy to satisfy the *initial training* requirements. In addition, for the maintenance of inspections an additional 32 inspections must be conducted by the new inspector/investigator

within the current performance year, although this number may be prorated dependant on the completion date of the 32 inspections that make up the initial training requirement.

For example, an FMCSA investigator graduates from the Academy by the end of March. The 32 inspections under the supervision of a certified inspector must be completed within 6 months. In this case, our example assumes that the initial 32 inspections took the full 6 months, and were completed by the end of September. That leaves 8 months remaining in the certification/performance year (the certification / performance year ends May 31). Therefore, based on the chart below, a minimum of 21 independent inspections are required in this example for the individual to complete initial certification and satisfy maintenance of certification requirements.

FMCSA Certification Chart Number of CVSA Level I Inspections Required for Certification	
The Month Initial 32 Completed Under Supervision Is:	Number of Independent inspections required:
May	0/32 the next year
June	29
July	27
August	24
September	21
October	19
November	16
December	13
January	11
February	8
March	5
April	3

As another example using the chart above, if the FMCSA investigator graduates from the Academy in March, and completes the initial 32 inspections under supervision in less than 6 months, for example in June, the investigator would need to complete a minimum of 29 independent inspections before the end of May of the next year.

Q9a: Does the same schedule for completion of inspections apply to those needed for specialized certifications, such as Passenger Carrier, Hazardous Materials and Cargo Tank?

A10a: Yes. After completion of a specialized course, the inspector must complete the requisite number of inspections with an inspector certified in the specialty within 6 months of completing the specialized course. Then, for the purpose of maintenance of certification, the requisite

number of inspections will need to be completed during the remainder of the current certification / performance period. However, due to the minimal number of inspections needed for maintenance of certification, combined with the ability to combine inspections (eg: conduct a Level 1 inspection on a cargo tank transporting placarded hazardous materials, which counts towards maintenance of Level 1, Hazmat and Cargo Tank certifications), prorating is allowed for the specialized certifications only if the months in which the initial certifications are completed are February, March or April, per the chart in Q9.

Example 1: An inspector / investigator completes the Passenger Carrier course prior to end of July. The initial 8 inspections needed for certification need to be completed prior to the end of January. The inspector would need to complete 8 additional inspections in his / her own name prior to the end of the performance / certification period, which is the end of May.

Example 2: An inspector / investigator completes the Passenger Carrier course prior to the end of September. The initial 8 inspections needed for certification need to be completed prior to the end of March. The inspector would need to complete the 5 additional inspections in his / her own name prior to the end of the performance period, which is the end of May.

Note: For Hazardous Materials and Cargo Tanks, initial certification requires the conduct of 16 inspections each, while maintenance of certification requires 8 each. Therefore, Passenger Carrier, Hazardous Materials and Cargo Tank maintenance of certification immediately following initial certification all follow the prorated schedule as stated above.

Q10: What is the date of the CVSA Operational Policy 4 - Training and Certification of Inspectors, in use at this time?

A10: At this time, FMCSA has adopted CVSAs' Operational Policy 4 – Inspector Training and Certification, revised September 17, 2017. 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: The requirements apply to anyone completing classroom training. The initial certification requirements must be completed with the certified inspector within 6 months. The additional 32

inspections must also be conducted under their own name within the current certification / performance period, and at a minimum, as prorated per the chart in Q9c.

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 and as prorated per the chart in Q9c , 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 staff 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.