



Federal Regulatory Training Requirements Compliance Guide

RELEASE 199 – DECEMBER 2021

new & noteworthy

- **FMCSA Revises Rules for Controlled Substances and Alcohol Testing:** The U.S. Federal Motor Carrier Safety Administration (FMCSA) has amended its regulations to establish requirements for State Driver's Licensing Agencies (SDLAs) to access and use information obtained through the Drug and Alcohol Clearinghouse (DACH or Clearinghouse), an FMCSA-administered database containing driver-specific controlled substance (drug) and alcohol records. SDLAs must not issue, renew, upgrade, or transfer a commercial driver's license or commercial learner's permit, as applicable, for any individual prohibited under FMCSA's regulations from performing safety-sensitive functions, including driving a commercial motor vehicle, due to one or more drug and alcohol program violations. The amendments included a minor change to the general applicability of the rules to school bus operations. This rule became effective November 8, 2021.

Section I-13.2 was revised due to the amendments of this rule.

- **FMCSA Makes Technical Corrections to the Federal Motor Carrier Safety Regulations:** FMCSA has amended its regulations by making technical corrections throughout the Federal Motor Carrier Safety Regulations (FMCSRs). The amendments include minor changes to correct inadvertent errors and omissions, remove or update obsolete references, and improve the clarity and consistency of certain regulatory provisions. Additional amendments include nondiscretionary, ministerial changes that align regulatory requirements with underlying statutory authority. Finally, FMCSA added two new provisions for transparency relating to agency management and to FMCSA's rules of organization, procedures, and practice, and made corresponding changes to definitions, addresses, and employee titles throughout the regulations. This rule became effective October 14, 2021.

Sections I-11.96, I-13.2, I-13.4 and I-13.6 were revised due to the amendments of this rule.

highlights of this release

- The following index has been revised to update information and make minor corrections:
 - Tab D CFR Index
- The following sections have been revised to incorporate regulatory changes and make minor corrections:
 - I-11.96 49 CFR 380.609 Entry Level Driver Training
 - I-13.2 49 CFR 390.3 Commercial Motor Carriers

release notes

please review

- I-13.4 49 CFR 391.31 Commercial Motor Vehicle Drivers Road Test
- I-13.6 49 CFR 396.19 Vehicle Inspector Qualifications
- The following section has been revised to update resources and make minor corrections:
 - L-32 29 CFR 1928.21 Agricultural Operations—General

did you know?

- **OSHA Healthcare Emergency Temporary Standard:** The U.S. Occupational Safety and Health Administration (OSHA) issues an emergency temporary standard (ETS) only under limited circumstances. The agency must determine that workers are exposed to a grave danger from new hazards, or toxic substances or agents determined to be physically harmful, and that an ETS is needed to protect them. Once published in the Federal Register, an ETS takes effect immediately and remains in effect until replaced by a permanent standard. The ETS also serves as a proposal for a permanent standard and is subject to the usual notice and comment rulemaking procedure for adopting a permanent standard, except that it must be finalized within six months. Within 30 days following the federal publication, State Plan states are required to have an ETS that is at least effective as an ETS issued by federal OSHA.
- **DOT “Check the Box” Campaign:** The U.S. Department of Transportation (DOT) has initiated the “Check the Box” campaign, which is a program designed to help companies that ship hazardous materials by providing easy-to-understand information and guidance. The program offers general information to help shippers determine if they are shipping hazardous materials and to help them classify and package materials with correct hazard communication (e.g., marks, labels, and shipping documentation). The information is meant to provide an overview of the hazardous materials shipping process; it does not list all necessary requirements and is not a substitute for training or review of applicable regulations. The “Check the Box” web site, available at <https://www.transportation.gov/check-the-box>, provides additional resources for shippers, including fact sheets on common hazardous materials.



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