




Hazmat Resources, Inc., and associates; FMCSA Consulting, LLC owned by David Voisey; K. L. Drury Consulting owned by Lee Drury; NJP Engineering owned by Nick Paulick; and Container Technologies owned by Tom Rogers, are thankful for the opportunity to offer current information and refreshers on some (not so current) information. We are wishing everyone a prosperous 2023 and hope everyone is operating safely. Remember knowledge and information are power; know what is required, and practice continuous learning.

### **Tank Wash Facilities – Buyers Beware “Everything is OK until it is NOT OK”**

Sometimes cargo tank cleaning facilities (tank washes) will disassemble internal valves, pressure relief devices and other components that make up part of the cargo tank wall. These components are then reassembled and reinstalled. Performing this work meets the definition of maintenance as defined in 49 CFR § 180.413(c)(1) which states: “Maintenance or replacement of piping, valves, hoses, or fittings. After each repair, maintenance or replacement of a pipe, valve, hose, or fitting on a cargo tank, that component must be installed in accordance with the provisions of the applicable specification before the cargo tank is returned to service. (1) After maintenance or replacement that does not involve welding on the cargo tank wall, **the repaired or replaced piping, valve, hose, or fitting must be tested for leaks. This requirement is met when the piping, valve, hose, or fitting is tested after installation in accordance with § 180.407(h)(1) (EMPHASIS ADDED).** A hose may be tested before or after installation on the cargo tank. Ensure that your tank wash facility has a CT number, their hazmat employees are properly trained and qualified to perform a leak test of the components they reinstalled on the cargo tank wall as part of the maintenance function. Just a reminder, **the Owner is always responsible** and most of the time there is incomplete or no paperwork from these facilities certifying components are leak tight. Verify the facility you are using has a CT number by clicking on this link:  
[https://safer.fmcsa.dot.gov/mcs150t/pkg\\_ct\\_public.prc\\_ct\\_public\\_search](https://safer.fmcsa.dot.gov/mcs150t/pkg_ct_public.prc_ct_public_search).

### **CSA Intervention –The DOT’s calling card that says, “we’re here to help you”**

The DOT’s new term for “We are here to help you is: We will evaluate your compliance program. It is called an “Intervention.” Interventions may be triggered in a number of ways. The most common type of intervention is when one or more CSA scores are in Alert “” status. This intervention can be nothing more than a letter focusing on the carrier’s specific issues, or it may be a full-blown review, (Audit). If the carrier’s CSA scores in Crash Indicator and Hours of Service are in Alert status, chances are pretty good you are going to be selected for intervention. If an employee files a written complaint, chances are you are going to be put on the list for intervention. All the rules and regulations published by DOT have created a paper tiger and they will look at the paperwork and make the determination of your state of compliance. Make sure your paperwork is right every single day before it goes in the file. Once it is in the file chances are it will never be looked at again and DOT investigators know this. Better to do it right the first time. Here are just a few examples of the paperwork DOT will request. It starts out something like the following:

#### **U.S. DOT/FMCSA Documentation Request for Investigation**

Dear “Name of Entity”:

The Federal Motor Carrier Safety Administration (FMCSA) is an Agency within the U.S. Department of Transportation whose primary mission is to reduce crashes, injuries, and fatalities involving large trucks and buses. To help motor carriers like you comply with important safety regulations, FMCSA has a suite of intervention tools that evaluate why safety problems occur, recommend solutions, encourage corrective action, and, if necessary, **invoke penalties** for carriers failing to comply. The list below is a partial list.

- |                                     |                                                           |                                                                                              |
|-------------------------------------|-----------------------------------------------------------|----------------------------------------------------------------------------------------------|
| 1. Insurance                        | 7. Drug and Alcohol Information                           | 11. The CSA Basics                                                                           |
| a. MCS 90                           | a. Pre employment prior to use                            | a. Crashes – Police reports                                                                  |
| b. Adequate levels                  | b. Clearinghouse Information                              | b. Maintenance – Roadside inspections                                                        |
| 2. Equipment List                   | c. Drug & Alcohol Policy                                  | c. HazMat – Roadside inspections                                                             |
| a. Tractors & Trailers              | d. Evidence reasonable suspicion training for supervisors | d. Unsafe Driving – Roadside Inspections and corrective action taken. Policies, etc.         |
| b. From roadside inspection data    | 8. Maintenance Files                                      | e. HOS – Roadside violations/Upload of ELD data                                              |
| 3. Employee (Drivers) List          | e. Year, Make, Serial #, tire size                        | f. Controlled Substance/Alcohol                                                              |
| a. From roadside inspection data    | 10. Hazardous Materials                                   | g. Driver Fitness – DQ Files                                                                 |
| 4. Gross Revenue – Fine calculation | a. HM Registration/Safety Permit                          | 12. Cargo tank U1A/COC, most recent test, all repairs, certification of passive system, etc. |
| 5. Tax ID Number                    | b. Shipping Papers                                        |                                                                                              |
| 6. Driver Qualification Files       | c. HM Incident Reports                                    |                                                                                              |
| a. From roadside inspection data    |                                                           |                                                                                              |

Imagine, you are the transportation director for your company. You think all your processes are in full compliance, however, your CSA scores keep getting worse. Why? You ask your managers if all their procedures, paperwork, etc. are being done correctly. All respond that everything is perfect. Then, you receive a letter from FMCSA asking for all the documents listed above, (1-12). Not only do they ask for the associated paperwork for 1-12, but they also want 1-12 for about 20% of all tractors, trailers, and drivers. This is the “OH-Sierra” moment. Imagine how many man-hours will be used to search, review, (correct?) and upload all the above to the “Portal.” Cumbersome would be putting it lightly. Then your boss calls & asks what is going on? What is all this costing us. Didn’t you know there were problems?! Make sure your paperwork is right every single day before it goes in the file!

