



THE AREA PORT OF CHAMPLAIN, NY
INFORMATION
NOTICE

Number: **06-FO-27**

Date: **August 10, 2006**

Subject: Implementation of TSA HAZMAT Requirements (SAFTEA-LU)

Distribution: Filers, importers, carriers and other interested parties

As part of its Hazmat Threat Assessment Program, the Transportation Security Administration (TSA) 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 wishing to renew or transfer an existing HME were required to submit biographical information and fingerprints beginning May 31, 2005.

On August 10, 2006, Public Law 109-59, "SAFETEA-LU" (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) will impose a background check requirement on commercial drivers licensed in Canada or Mexico seeking to enter the U.S. with hazardous materials (HAZMAT). Customs and Border Protection (CBP) and TSA have coordinated on an implementing regulation whereby TSA has determined that successful completion of CBP's Free and Secure Trade (FAST) background check and possession of a valid FAST card is deemed to be one method by which HME applicants from Canada and Mexico may demonstrate SAFETEA-LU compliance (no other methods have yet been identified by TSA). The new rule also replaces the TSA approved driver list for drivers transporting explosives from Canada with a FAST card requirement.

The regulatory change (49 CFR 1572.201) goes into effect on August 10, 2006 (See 71 FR 44874). CBP will be responsible for enforcing this requirement at the border. TSA and CBP have jointly agreed to institute the general approach described below to enforcement of this requirement. For example, exceptions may be made in instances where CBP or TSA believes that a potential threat to security, or a driver's behavior, warrants another enforcement approach.

Phase 1: CBP will institute a period of informed compliance from August 10 to November 13, 2006. This will allow CBP and TSA to perform outreach to the affected trade community to educate them regarding the requirements and provide sufficient time to register qualified drivers in the FAST program. CBP and TSA believe this approach should minimize disruption of border trade that is affected by this requirement.

Note: This Notice is provided for the convenience of the public, but due to the nature of this medium, only the latest printed version of a law, regulation or **Federal Register** notice should be considered official. Reliance on this information may *not* be considered exercise of reasonable care.

During this Phase 1 period, drivers licensed in Canada and Mexico who are transporting placarded hazardous materials, but who are not in compliance with this requirement of SAFETEA-LU will be provided with an informational notice advising them of this new rule. (See attachment #1.)

For Canadian explosives shipments the current procedures will remain in place during Phase 1 if the driver does not present a valid FAST card. In other words, the driver must:

- a) Be on the current approved list provided to each port by TSA; OR
- b) Present a valid FAST card.

Drivers that do not meet either criterion will not be permitted to transport HAZMAT into the United States under Phase 1.

Phase 2: Beginning November 13, 2006, CBP will initiate full enforcement of the new rule. Any driver licensed in Canada and Mexico who is transporting placarded hazardous materials, must be in compliance with this requirement of SAFETEA-LU before he/she may be permitted to transport HAZMAT into the United States.

You may access a FAST application on-line via the FAST link on the cbp.gov web sight. The Champlain area FAST Enrolment Center is open for information, interview appointments and walk-ins, based on a vetted FAST applications with the presentation of their conditional approval letter, Monday through Thursday 0800-1600. They can be contacted at 518-298-7950 during those hours. You may also contact a Cargo Supervisor regarding specific information on crossing the border during Phase 1 of this program at 518-298-8332, 7223, 8371 or 7225.



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