



DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2024-0200]

Drug and Alcohol Clearinghouse Requirements; Driver Qualification Requirements: Waste Management Holdings, Inc.; Application for Exemptions

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition; grant in part and deny in part application for exemptions.

SUMMARY: FMCSA announces its decision to grant in part and deny in part the exemption application from Waste Management Holdings, Inc. (WM) for a period of two years. FMCSA grants WM's request for limited relief from certain driver qualification requirements to allow WM to use the exception for a "single-employer driver" when it transfers drivers among affiliates. FMCSA also grants a limited exemption from the requirement for the driver to undergo controlled substances testing when being transferred among affiliates if the driver has participated in a WM random controlled substances testing pool for any WM-affiliated employer for the previous 12 months. Finally, FMCSA grants an exemption to allow WM to conduct a limited, rather than full, Clearinghouse query when transferring drivers among affiliates. FMCSA denies WM's request for broad exemptions from the pre-employment controlled substance testing and Clearinghouse requirements. FMCSA concludes that the exemptions will likely achieve a level of safety equivalent to or greater than the level of safety that would be achieved absent the exemptions.

DATES: This exemption is effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER] and expires May 13, 2028.

FOR FURTHER INFORMATION CONTACT: Ms. Pearlie Robinson, Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards, FMCSA; 1200

New Jersey Avenue S.E., Washington, DC 20590-0001; (202) 366-4225;

pearlie.robinson@dot.gov. If you have questions on viewing or submitting material to the docket, contact Dockets Operations at (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Viewing Comments and Documents

To view comments, go to www.regulations.gov, insert the docket number “FMCSA-2024-0200” in the keyword box, and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, click “Browse Comments.”

To view documents mentioned in this notice as being available in the docket, go to www.regulations.gov, insert the docket number “FMCSA-2024-0200” in the keyword box, click “Search,” and chose the document to review.

If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue, S.E., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the Federal Register (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant’s safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to,

or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the Federal Register (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision(s) from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reasons for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Background

Current Regulatory Requirements

Under 49 CFR 391.21(a), no person shall operate a commercial motor vehicle (CMV) unless they have completed and provided to their employing motor carrier an application for employment that meets the requirements of section 391.21(b). Under 49 CFR 391.23, the hiring motor carrier must make specified investigations and inquiries, to include contacting previous employers, reviewing motor vehicle records from States where a driver-applicant was licensed, and obtaining a copy of the driver's medical examiner certificate. Under 49 CFR 391.23(e), if the driver was employed in a safety-sensitive function that required alcohol and controlled substance testing specified by 49 CFR part 40 within the previous three years, the hiring motor carrier must investigate the driver's DOT drug and alcohol program compliance.

Motor carriers must also retain certain paperwork in the driver qualification file, pursuant to 49 CFR 391.51. The file must include the driver's application for employment; information relating to the driver's motor vehicle record received from the driver's licensing authority; the driver's certificate of road test or equivalent; the driver's medical examiner certificate and supplemental documentation, if any; the driver's Skills Performance Evaluation certificate or exemption documentation, if applicable; and verification of the medical examiner's listing on the National Registry of Certified Medical Examiners.

Under 49 CFR 391.65, a motor carrier may employ a driver who is not a "single-employer driver," as defined in 49 CFR 390.5T, of that motor carrier without complying with the

generally applicable driver qualification file requirements in Part 391, if the driver is a single-employer driver for another motor carrier and the other motor carrier certifies that the driver is fully qualified to drive a CMV in a written statement. A “single-employer driver” is defined in 49 CFR 390.5T as “a driver who, in any period of 7 consecutive days, is employed or used as a driver solely by a single motor carrier.” In practice, this means that a motor carrier may use the exception in 49 CFR 391.65 if the motor carrier does not employ the driver for more than 6 consecutive days.

In addition to the requirements in 49 CFR part 391, for drivers subject to FMCSA’s drug and alcohol use and testing program requirements in 49 CFR part 382, an employer must also administer a pre-employment test for controlled substances prior to the first time a driver performs a safety-sensitive function for the employer (49 CFR 382.301(a)), unless the driver is eligible for an exception under 49 CFR 382.301(b). This exception applies if the driver has participated in a controlled substances testing program within the previous 30 days and either was tested for controlled substances within the past six months or participated in the random controlled substances testing program for the previous 12 months. The employer must ensure that no prior employer has records of a controlled substances violation within the previous six months.

The hiring employer must also conduct a full pre-employment query of FMCSA’s Drug and Alcohol Clearinghouse, as required by 49 CFR 382.413(b) and 382.701(a). An employer must obtain the driver’s specific consent, provided electronically through the Clearinghouse, prior to the release of detailed information in response to the full query.

Applicant’s Request

On August 22, 2024, the Agency requested public comment on WM’s exemption request (89 FR 68024). The details of WM’s request can be found in that notice and will not be repeated here, as the information has not changed.

IV. Public Comments

The Agency received 15 comments: 11 in support, three in opposition, and one taking no position either for or against granting the exemptions. WM also responded to one comment that opposed the exemptions.

Of the 11 comments in support of granting the exemptions, four were from trucking companies or associations (Bridgeway Connects Inc., National Waste Recycling Association (NWRA), Pennsylvania Motor Truck Association, and Western States Trucking Association (WSTA)), and seven were from individuals.

Comments in support of the exemption supported increased efficiency. Bridgeway Connects Inc. commented, “This process enhances efficiency but also ensures consistent Safety and Compliance with regulatory requirements across the entire fleet.” WSTA noted that its member companies with multiple divisions under separate U.S. DOT numbers typically conduct driver related safety management through a centralized office. NWRA supported WM’s request because it would “implement a more streamlined process for operations by allowing WM drivers to transfer between operating authorities under the company’s umbrella without having to complete mandated paperwork as if these drivers are an outside employee.”

An individual commenter, Wayne Gilbert, stated that he was an FMCSA-trained state safety investigator for over 7 years and is currently employed as a WM driver safety trainer at one of their two training centers. Mr. Gilbert supported the exemption, writing, “At the training center, I have trained drivers from across the country. It does not matter which USDOT number (state/site) they came from, all drivers are held to the same [driver qualification] file and the same [drug and alcohol] standards across the nation.”

Two individuals, Gene Hullette and Carl Wolf, and one company, AWM Associates, LLC (AWM), opposed the exemption. Mr. Hullette said, “[T]he administrative burden they claim is due to [WM’s] own self-created inefficiencies in that they are one corporate entity having 83 different DOT identities, which by the way, seems questionable to me upon the surface anyway why they are structured that way.” Similarly, Mr. Wolf asked FMCSA to “deny

this attempt to abuse our regulations” and questioned why any company would need over 80 USDOT numbers.

AWM reviewed the safety record of each WM entity and provided the research in an attached spreadsheet. AWM noted, “Regardless of other entities being granted a waiver, WM’s ad hoc network and multiple DOT numbers, some with Conditional safety ratings for decades indicates that WM has allowed some safety management programs to slide.” AWM also identified a number of violations for failure of WM affiliate drivers to be medically qualified and to have a valid commercial driver’s license (CDL) and noted that drivers without a required CDL would not have received a required pre-employment drug and alcohol test. In addition, AWM noted that 16 affiliates are registered as intrastate-only carriers.

WM responded to AWM’s comments and explained that many of the Conditional safety ratings were in place prior to its acquisition of the subject entities and that WM had no hand in the issues that led to the imposition of the ratings. WM noted that “FMCSA has acknowledged many times, including in its pending Advanced Notice of Proposed Rulemaking on Safety Fitness Determinations (Docket No. FMCSA-2022-0003), a safety rating ‘is a snapshot of a company’s safety performance at the time of the investigation.’”

V. FMCSA Decision

FMCSA has evaluated WM’s application for exemption and the public comments and based on its analysis, grants an exemption to allow WM to use the exception for a “single-employer driver” in 49 CFR 391.65 for drivers who are transferred among WM affiliates for periods longer than six days. FMCSA believes this exemption will likely achieve a level of safety equivalent to or greater than the level of safety achieved by complying with the regulations because WM remains responsible for complying with the driver qualification file requirements and for maintaining the required documentation.

FMCSA denies WM’s request for a blanket exemption from the pre-employment testing requirements in 49 CFR 382.301(a). The drug and alcohol testing requirements in part 382 serve

several essential safety functions, including deterring substance misuse, identifying impaired drivers before they operate a CMV, removing unsafe drivers from service, and ensuring that drivers who test positive are subject to appropriate evaluation and treatment. WM, however, may use the exception in 49 CFR 382.301(b) if the driver has participated in a WM controlled substances testing program that meets the requirements of 49 CFR part 382 within the previous 30 days and, while participating in that program, either was tested for controlled substances within the past six months (from the date of the transfer from one WM affiliate to another) or participated in a WM random controlled substances testing program for *any* WM-affiliated employer for the previous 12 months. FMCSA agrees with WM that this practice meets the spirit of the existing exception in 49 CFR 382.301(b) because any driver who qualifies for this exception will have either been tested for controlled substances within the previous six months or will have been enrolled in a WM random controlled substances testing program for the previous 12 months.

FMCSA also denies the request for a broad exemption from the pre-employment Clearinghouse query requirements in 49 CFR 382.701(a) for the same reason the Agency denied the blanket exemption from the pre-employment testing requirements in 49 CFR 382.301(a). However, FMCSA is granting an exemption from 49 CFR 382.701(a)(2) to allow WM to conduct a limited query, rather than a full query, to satisfy the requirements of 49 CFR 382.701(a) when transferring a driver from one affiliate to another. If the limited query reveals that information about the driver exists in the Clearinghouse, the driver is not permitted to perform safety-sensitive functions unless and until a full query subsequently shows that the driver is not prohibited from operating a CMV. As WM notes in its application, FMCSA granted a similar exemption from 49 CFR 382.701(a)(2) to DISA Entertainment Compliance Solutions (90 FR 21541, May 20, 2025). FMCSA believes that granting those limited exemptions to 49 CFR part 382 will likely achieve an equivalent level of safety because WM remains responsible

for ensuring that its drivers undergo pre-employment testing and for ensuring that no information exists in the Clearinghouse about a driver when the driver is transferred among affiliates.

FMCSA reviewed the safety records of each affiliate carrier and acknowledges AWM's concerns regarding the safety records of some carriers. Under the terms and conditions of the exemption, should any affiliate carrier receive a final Unsatisfactory safety rating, the exemption is automatically rescinded as to all affiliates. FMCSA notes that the exemption does not relieve WM from the requirement to ensure all drivers are qualified under 49 CFR 391.11, nor does it relieve WM from the required inquiries and investigations under 49 CFR part 391. The exemption also does not relieve WM from the requirement to ensure all drivers are compliant with 49 CFR part 382. Lastly, FMCSA is limiting the exemption to two years to allow FMCSA to monitor any potential safety impacts of the exemption.

VI. Exemptions Decision

A. Grant of Exemptions

FMCSA grants an exemption from the "seven consecutive day" requirement in the definition of "Single-employer driver" in 49 CFR 390.5T such that WM may use the exception in 49 CFR 391.65 when it transfers a driver from one WM affiliate to another WM affiliate for a period of seven or more days. FMCSA also grants an exemption from 49 CFR 382.301(b)(2)(ii) to allow WM to use the exception in 49 CFR 382.301(b) when a driver is being transferred from one WM affiliate to another WM affiliate, as long as the driver was continuously enrolled in any WM random controlled substances testing pool continuously for at least the previous 12 months. Finally, FMCSA grants an exemption from 49 CFR 382.701(a)(2) to allow WM to conduct a limited query of the Clearinghouse when transferring a driver from one WM affiliate to another WM affiliate, rather than conducting a full pre-employment query. If the limited query indicates that information about the driver exists in the Clearinghouse, the driver is not permitted to perform safety-sensitive functions unless and until a full query subsequently shows that the driver is not prohibited from operating a CMV.

B. Applicability of Exemptions

The exemptions apply to WM, the 83 WM affiliate motor carriers listed in the appendix to this notice, and the drivers employed by WM and its affiliates.

C. Terms and Conditions

1. WM and its affiliated motor carriers must comply with all other applicable FMCSRs (49 CFR parts 350-399).
2. WM and its affiliated motor carriers must ensure that no employee drives a CMV until he or she is qualified to drive a CMV under 49 CFR 391.11.
3. WM and its affiliated motor carriers must ensure that no driver subject to 49 CFR part 382 operates a CMV when he or she is not compliant with the requirements in part 382.
4. All affiliated motor carriers must be enrolled in, and actively participating in, WM's Employment Screening Program and its licensing monitoring system.
5. If any affiliated motor carrier receives a final Unsatisfactory safety rating from FMCSA, the exemptions as to all affiliates are automatically rescinded.
6. WM and its affiliated motor carriers may be investigated to evaluate compliance with the terms and conditions of this exemption, in addition to compliance with the FMCSRs.
7. Upon request, WM must provide to FMCSA:
 - a) The number of limited pre-employment queries conducted under this exemption; and
 - b) The number of driver transfers performed among affiliates under this exemption.
8. WM shall, at FMCSA's request, provide additional data and information and shall meet with FMCSA to answer questions regarding data and information provided under this exemption.

D. Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with these exemptions with respect to a firm or person operating under the exemptions.

E. Termination

FMCSA does not believe WM’s affiliated motor carriers covered by these exemptions will experience any deterioration of their safety records. FMCSA will immediately take steps to revoke the exemptions if: (1) motor carriers operating under the exemptions fail to comply with the terms and conditions of the exemptions; (2) the exemptions result in a lower level of safety than was maintained before the exemptions were granted; or (3) continuation of the exemptions would not be consistent with the goals and objectives of Title 49, chapter 313 or section 31136. The exemptions are automatically terminated if any affiliated motor carrier receives a final Unsatisfactory safety rating.

Derek Barrs,
Administrator.

Appendix: Waste Management Holdings List of 83 Motor Carriers

	Motor Carrier	DOT No.	Street Address	City, State, Zip Code
1	Reno Disposal Co	17157	1394 E Commercial Row	Reno, NV 89512
2	Waste Management of Kentucky LLC	92061	7501 Grade Lane	Louisville, KY 40219
3	Waste Management of Wisconsin Inc	150683	W132 N10487 Grant Drive	Germantown, WI 53022
4	Chemical Waste Management Inc	157567	7170 John Brannon Road	Sulphur, LA 70665
5	Waste Away Group Inc.	193891	700 Clow Road	Birmingham, AL 35217
6	Waste Management Collection & Recycling Inc	216875	17700 Indian Street	Moreno Valley, CA 92551
7	GI Industries Inc	216910	195 W Los Angeles	Simi Valley, CA 93065
8	Waste Management Recycle America LLC	225628	9590 Clay Road	Houston, TX 77080
9	Waste Management of Delaware Inc	231232	300 Harvey Drive	Wilmington, DE 19804
10	Waste Management of Iowa Inc	232638	315 43 rd Street SW	Mason City, IA 50401

11	Waste Management of NY LLC	237060	100 Ransier Drive	West Seneca, NY 14224
12	Waste Management of Missouri Inc	263893	220 Aurora	St Louis, MO 63147
13	Waste Management of Mississippi Inc	268831	1450 Country Club Drive	Jackson, MS 39209
14	Deffenbaugh Industries Inc	271225	2601 Midwest Drive	Kansas City, KS 66111
15	Waste Management of New Hampshire Inc	281653	15 Taylor Avenue	Rochester, NH 03839
16	Waste Management of Rhode Island Inc	286550	1610 Pontiac Avenue	Cranston, RI 02920
17	Waste Management of Illinois Inc	289606	700 E Butterfield Road	Lombard, IL 60148
18	Waste Management of Oklahoma Inc	293260	3824 W Reno Avenue	Oklahoma City, OK 73107
19	Waste Management of Maine Inc	297498	2000 Forest Avenue	Portland, ME 04103-1004
20	Waste Management of Minnesota Inc	308623	W132N10487 Grant Drive	Germantown, WI 53022
21	Waste Management of Massachusetts Inc	316373	26 Patriot PL Ste 300	Foxboro, MA 02035-3304
22	Waste Management of Ohio Inc	332596	1006 W Walnut Street	Canal Winchester, OH 43110
23	Waste Management of Nebraska Inc	334402	13505 N 216 th Street	Bennington, NE 68007
24	Waste Management of Maryland Inc	334445	3545 Fairfield Road	Baltimore, MD 21226
25	Waste Management of Virginia Inc	334446	3016 Yadkin N Road	Chesapeake, VA 23323-2206
26	Waste Management of South Carolina Inc	334449	390 Innovation Way	Wellford, SC 29385
27	Waste Management of Carolinas Inc	334451	2712 Lowell Road	Gaston, NC 28054
28	Waste Management of West Virginia Inc	335239	1488 Dawson Drive	Bridgeport, WV 26330
29	Waste Management of Pennsylvania Inc	344050	197 Swamp Creek Road	Gilbertsville, PA 19525
30	Waste Management of Leon County	357001	11990 SR 82	Fort Myers, FL 33913
31	Waste Management of New Mexico Inc	364545	402 Industrial Park Loop	Rio Rancho, NM 87124
32	City Disposal Systems Inc	364781	11990 SR 82	Fort Myers, FL 33913

33	USA Waste of California Inc	375375	9081 Tujunga Avenue	Sun Valley, CA 91352
34	WM of Kansas Inc	376492	3611 NW 16 th Street	Topeka, KS 66618
35	Waste Management of Idaho-Sandpoint	380096	825 Kootena Cutoff Road	Ponderay, ID 83864
36	Greenstar Mid America LLC	380449	5610 East Houston Street	San Antonio, TX 78220
37	Waste Management of Texas, Inc.	386083	3623 Wilson Road	Humble, TX 77396
38	Waste Management of Colorado, Inc	388132	5500 S Quebec St., Suite 250	Greenwood Village, CO 80111
39	Waste Management of Utah Inc	389289	8652 South 4000 West	West Jordan, UT 84088-5425
40	TX NewCO LLC	405569	2708 West 7 th Street	Texarkana, TX 75501
41	Waste Management of LA LLC	418853	2685 Gause Boulevard West	Slidell, LA70460
42	Waste Management of New Jersey, Inc	446050	208 Patterson Avenue	Trenton, NJ 08610
43	Waste Management of Tennessee	448609	1428 Antioch Pke	Nashville, TN 37013
44	Waste Management of Arkansas	464828	2900 West 68 th Street	Little Rock, AR 72209
45	Waste Management of Michigan, Inc	486983	48797 Alpha Drive	Wixom, MI 48393
46	Waste Management of Iowa, Inc	501287	201 SE 18 th Street	Des Moines, IA 50317
47	Waste Management of Oregon	535166	7227 NE 55 th Avenue	Portland, OR 97218-1215
48	Chemical Waste Management of the NW	611580	17629 Cedar Springs Lane	Arlington, OR 97812
49	Grenstar LLC	644856	178 Durkee Road NE	Cleveland, TN 37323
50	WM Transport of Indiana LLC	649935	2920 E US 52	Morristown, IN 46161
51	Greenstar Patterson LLC	649935	59-85 Florida Avenue	Patterson, NJ 07503
52	Advanced Disposal Services Solid Waste Southeast, Inc	817559	1800 N Military Trail Suite 201	Boca Raton, FL 33431
53	Waste Management of Arizona Inc	827166	222 South Mill Avenue	Tempe, AZ 85281
54	Harris Sanitation, Inc	834365	7382 Talona Drive	West Melbourne, FL 32904

55	Waste Management of Florida	856351	1800 N Military Trail Suite 201	Boca Raton, FL 33431
56	Advanced Disposal Services Solid Waste Midwest, LLC	887804	W132N10487 Grant Drive	Germantown, WI 53022
57	Georgia Waste Systems Inc	913435	208 Prep Phillips Drive	Augusta, GA 30901
58	Chemical Waste Management, Inc	985468	36964 Alabama Highway 17	Emelle, AL 35459-0055
59	RAA Trucking LLC	997647	1001 Fannin	Houston, TX 77002
60	Deffenbaugh Recycling Company LLC	1010315	2404 88 th Street	Kansas City, KS 66111
61	Elk River Landfill Registrant, Inc	1153523	22460 Hwy 169 NW	Elk River, MN 55330
62	Waste Management	1175653	910 West Baraga Avenue	Marquette, MI 49855
63	Waste Management of Georgia, Inc	1244109	8029 Speedway Boulevard	Hardeeville, SC 29927
64	Waste Management National Services, Inc	1527340	720 East Butterfield Road	Lombard, IL 60148
65	Waste Management of Londonderry, Inc	1704642	26 Liberty Drive	Londonderry, NH 03053
66	WM Lampracker, Inc	1846707	221 N 48 th Avenue Suite B2	Phoenix, AZ 85043
67	Waste Management of Washington, Inc	1967746	720 4 th Avenue Suite 400	Kirkland, WA 98034
68	WM Curbside, LLC	2089958	10633 Ruchti Road	South Gate, CA 90280
69	Waste Management of Nevada, Inc	2123311	100 Vassar Street	Reno, NV 89502
70	Waste Management of South Dakota, Inc	2395615	2221 E Rice Street	Sioux Falls, SD 57103
71	Waste Management of North Dakota, Inc	2395639	7007 15 th Street NW	Bismarck, ND 58503
72	L&K Group Holdings LLC	2460381	26873 Metcalf	Louisburg, KS 66053
73	Waste Management National Transportation Services, Inc	2552725	610 Bennett Road	Homer, GA 30547
74	Burney Disposal Inc	2745465	37484 B Cornaz Drive	Burney, CA 96013
75	Valley Garbage & Rubbish Company, Inc	2831532	1850 West Betteravia Road	Santa Maria, CA 93455
76	Waste Management of California Inc	2831542	2141 Oceanside Boulevard	Oceanside, CA 92054

77	Looney Bins, Inc	2831599	2424 East Olympia Boulevard	Los Angeles, CA 90021
78	Cal Sierra Disposal	2831758	14959 Camage Avenue	Sonora, CA 94603
79	Waste Management of Alameda County, Inc	2831765	172 98 th Avenue	Oakland, CA 94603
80	Modesto Garbage Co, Inc	2938674	730 Industry Way	Atwater, CA 95301
81	Capital Sanitation, Inc	3250192	1392 Commercial Row	Reno, NV 89512
82	CGS Leasing, Inc	4188174	3726 E State Road 64	Winslow, IN 47598
83	Winters Bros Hauling of Long Island LLC	2483208	120 Nancy Street	West Babylon, NY 11704

[FR Doc. 2026-09469 Filed: 5/12/2026 8:45 am; Publication Date: 5/13/2026]