



330 Sparks Street
Ottawa, Ontario
K1A 0N5

September 9, 2019

Mr. Ray Martinez
Administrator
Federal Motor Carrier Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Mr. Martinez,

This is in reference to a letter from your former Associate Administrator for Enforcement, William A. Quade, dated March 26, 2019, regarding the medical standards for operators of commercial motor vehicles (CMVs). As noted in the letter, Canada and the United States of America are parties to an agreement dated December 30, 1998 pursuant to our countries' obligations under the North American Free Trade Agreement for reciprocal recognition of medical fitness requirements for operators of CMVs. The agreement states that insulin-using diabetics from either country will not be qualified to operate in the other country.

In accordance with the provisions of the agreement, the letter provided notification to Transport Canada of a change in medical standards for operators of CMVs in the United States, for the purpose of reviewing and ensuring the continued equivalency of the standards in the two countries. As noted in the letter, on September 19, 2018, the Federal Motor Carrier Safety Administration (FMCSA) published a final rule that permits an individual with a stable insulin regimen and properly controlled insulin-treated diabetes mellitus to be qualified to operate a CMV in the United States, effective November 19, 2018. The letter also advised that FMCSA conducted a review of the provisions of its new medical standard for commercial drivers with insulin-treated diabetes mellitus and the corresponding provisions of Canadian National Safety Code (NSC) Standard 6 – Determining Driver Fitness in Canada, and FMCSA determined the respective medical standards for commercial drivers with insulin-treated diabetes are equivalent.

.../2

Transport Canada and the provincial/territorial members of the Canadian Council of Motor Transport Administrators subsequently conducted a similar review of the provisions of FMCSA's final rule with respect to the new medical standard in Part 391 of Title 49 of the Code of Federal Regulations for commercial drivers with insulin-treated diabetes mellitus and the corresponding provisions set out in the Canadian National Safety Code (NSC) Standard 6 – Determining Driver Fitness in Canada. Through this process it was determined that the respective medical standards for commercial drivers with insulin-treated diabetes are now equivalent.

Therefore, in accordance with the provision of the agreement, Transport Canada proposes to amend the agreement as follows. The language below will supersede the corresponding language from December 1998 that states that insulin-using diabetics from either country will not be qualified to operate in the other country, upon concurrence from the FMCSA. Both Canada and the United States will endeavor to amend any domestic regulation or standard in conformity with this new amendment.

Transport Canada and FMCSA agree that as of November 19, 2018, the standards in the Federal Motor Carrier Safety Regulations and the Canadian National Safety Code for commercial drivers with insulin-treated diabetes mellitus are equivalent. Commercial drivers with insulin-treated diabetes qualified to operate commercial motor vehicles under the standards of one country will also be qualified to operate such vehicles in the other country.

Concurrence with the proposed amendment to the agreement will remove the prohibition on cross-border operations of commercial motor vehicles for commercial drivers with insulin-treated diabetes mellitus effective upon the date of your response agreeing to this amendment. If the foregoing is acceptable to the Government of the United States, this letter and confirmatory reply letter constitute an understanding between our Governments and the amendment of the agreement as proposed.

In accordance with the terms of our respective 1998 letters, the remaining provisions of the agreement would not be affected by this amendment. I look forward to continued cooperation between the United States and Canada in working towards improvements in commercial vehicle safety.



Michael DeJong
Director General
Multi-Modal and Road Safety Programs