



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

Sep 24, 2019

Mr. Michael DeJong
Director General
Multi-modal and Road Safety Programs Directorate
Transport Canada
Place de Ville, Tower C, 12th Floor
330 Sparks Street
Ottawa, Ontario, Canada
K1A 0N5

Dear Mr. DeJong:

Thank you for your September 9, 2019, letter regarding the medical standards for operators of commercial motor vehicles (CMVs). As noted in your letter, Canada and the United States of America are parties to a December 1998 agreement 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, on March 26, 2019, the Federal Motor Carrier Safety Administration (FMCSA) 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, 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 determined the respective medical standards for commercial drivers with insulin-treated diabetes are equivalent.

The FMCSA acknowledges your September 9, 2019, letter confirming that Transport Canada and the provincial/territorial members of the Canadian Council of Motor Transport Administrators (CCMTA) 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 in the Canadian National Safety Code (NSC) Standard 6 – Determining

Driver Fitness in Canada. In the letter, Transport Canada and CCMTA also determined that the respective medical standards for commercial drivers with insulin-treated diabetes are now equivalent.

Therefore, in accordance with the provision of the 1998 agreement, the FMCSA concurs with Transport Canada's proposal 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. Both agencies will endeavor to amend any domestic regulation in conformity with this new determination.

Transport Canada and FMCSA agree that since 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 respective standards will also be qualified to operate in the other country.

Accordingly, the prohibition on cross-border operations for commercial drivers with insulin-treated diabetes mellitus is removed effective as of the date of this letter. This letter and the September 9, 2019 letter from Transport Canada constitute an understanding between our Governments and forms the amendment of the 1998 agreement as set out above.

The remaining provisions of the agreement are not affected by this amendment.

I look forward to continued cooperation between the United States and Canada in working towards improvements in commercial vehicle safety. Should you have any questions regarding this matter, please contact Bryan Price, Chief of the FMCSA North American Borders Division, by phone at (202) 680-4831, or by email at bryan.price@dot.gov.

Sincerely,



Raymond P. Martinez
Administrator