



**Federal Motor Carrier
Safety Administration**

**1200 New Jersey Ave. SE
Washington, D.C. 20590**

November 23, 2021

**NOTICE OF ENFORCEMENT DISCRETION DETERMINATION REGARDING
CANADIAN MOTOR CARRIERS AND DRIVERS PROVIDING DIRECT ASSISTANCE
TO THE FLOODING AND LANDSLIDES EMERGENCY IN BRITISH COLUMBIA**

This is a Notice that the Federal Motor Carrier Safety Administration (FMCSA) has exercised agency discretion and determined not to enforce 49 CFR Parts 360 and 365, 49 CFR § 387.19, and, due to prohibitions on mandatory drug testing under Canadian law for drivers that normally operate within Canada, Subparts A and C through G of 49 CFR Part 382, against those Canadian motor carriers and drivers operating in the United States exclusively to provide direct assistance to emergency relief efforts pursuant to Regional Emergency Declaration 2021-010 issued November 23, 2021, including any future amendments or extensions or limitations to that Declaration. This Notice will automatically expire upon the termination or expiration of Regional Emergency Declaration 2021-010, including any future extensions, but may be terminated sooner at FMCSA's discretion.

This Notice:

1. Acknowledges the emergency conditions in British Columbia, Canada creating a need for immediate emergency services and transportation of essential goods, supplies, and equipment from Canada to other points in Canada through the United States in order to bypass closed roads and areas in Canada cut-off by flooding and landslides as set forth in Regional Emergency Declaration 2021-010;
2. Considers the interests of public safety and the immediate need for emergency relief;
3. Only applies to Canadian motor carriers and drivers providing direct assistance to the flooding and landslides emergency in British Columbia, Canada, who are providing emergency services or transportation of essential goods, supplies, and equipment

from Canada to other points in Canada through the United States in accordance with, and subject to the conditions, restrictions, and limitations of, Regional Emergency Declaration 2021-010; and

4. Creates no individual rights of action and establishes no precedent for future determinations.

Meera Joshi
Deputy Administrator
Federal Motor Carrier Safety Administration