

# CDL Medical Certification in Washington

*Draft Final Report Presentation.....November 13, 2018*

# CDL Medical Certification Study

- Budget Proviso requires “assessment and recommendations” of possible methodologies to set standards for:
  - Potential exceptions to CDL medical certification requirements
  - Processes for evaluating CDL medical certification waiver requests
- Assessment performed by staff
- Today: draft final report presented to JTC for acceptance

# CDL Exemptions vs Exceptions vs Waivers

Exemptions	Exceptions	Waivers
<p>Class of drivers exempt from CDL requirements:</p> <ul style="list-style-type: none"><li>• Farmers within 150 miles of farm</li><li>• Police and Fire</li><li>• Non-commercial Recreational Vehicles</li><li>• Military</li></ul>	<p>Excepts class of drivers from medical certification.</p> <ul style="list-style-type: none"><li>• Federal Medical certification exceptions</li><li>• Individual states may adopt more stringent standards than FMCSA, i.e. not adopt exceptions. This is situation in Washington.</li></ul>	<p>Individual waiver of specific medical requirements if:</p> <ul style="list-style-type: none"><li>• “Based upon sound medical judgment combined with appropriate performance standards ensuring no adverse effect on safety.”</li><li>• Medical waiver applications evaluated and decided by:<ul style="list-style-type: none"><li>• <b>Interstate</b> hauling: FMCSA</li><li>• <b>Intrastate</b> hauling: DOL</li></ul></li></ul>

# Trucker Shortage

- Study goal: help reduce trucker shortage
- ATA estimate:
  - Current national long-haul trucker shortage = 36,500
  - Possible 2026 shortage = 174,000
- Changing medical certification requirements unlikely to have much affect on shortage:
  - Available exceptions mostly don't apply to long-haul truckers
  - Case-by-case waivers will not add many truckers even if significant increase could be safely granted.

# Causes of Trucker Shortage

- Driver qualification requirements: Medical certification is one of many requirements on drivers and on trucking companies
- Competition within industry:
  - Deregulation = more companies and relatively flat wages
  - Over 90% driver turnover rates
- Demographic shift: fewer younger drivers becoming long-haul truckers

# Quantifying Impact Elusive

- If medical certification standards changed, potential new truckers are persons who:
  - Want to be truckers
  - Don't meet medical certification requirements
  - Would qualify for an exception or a waiver
- Can't know that number, but we can surmise that it is small
- Most exceptions don't apply to long-haul truckers, so they would not increase supply of long-haul truckers.

Can't say how many, but we can say it wouldn't be many.

# Medical Certification Standards set by Feds

- Federal Standard for CDL medical fitness
  - Certification Registry – Doctors must qualify for federal registry
  - 14 Health categories must be certified as meeting federal standards
- State medical certification flexibility must stay within “tolerance guidelines”
  - State annually certifies CDL compliance with Feds
  - Changes to current state standard subject to federal review and approval process.

# Current Law in Washington

- All CDL holders driving commercial vehicles must meet federal medical certification standards.
  - Both in-state and between-state
    - Classification based on origin and destination of cargo
    - Airport shuttle example
  - No exceptions based on vehicle type
  - Individual waiver of specific medical requirement possible.



# When is Medical Certification Required?

Trucking over 26,000 lbs



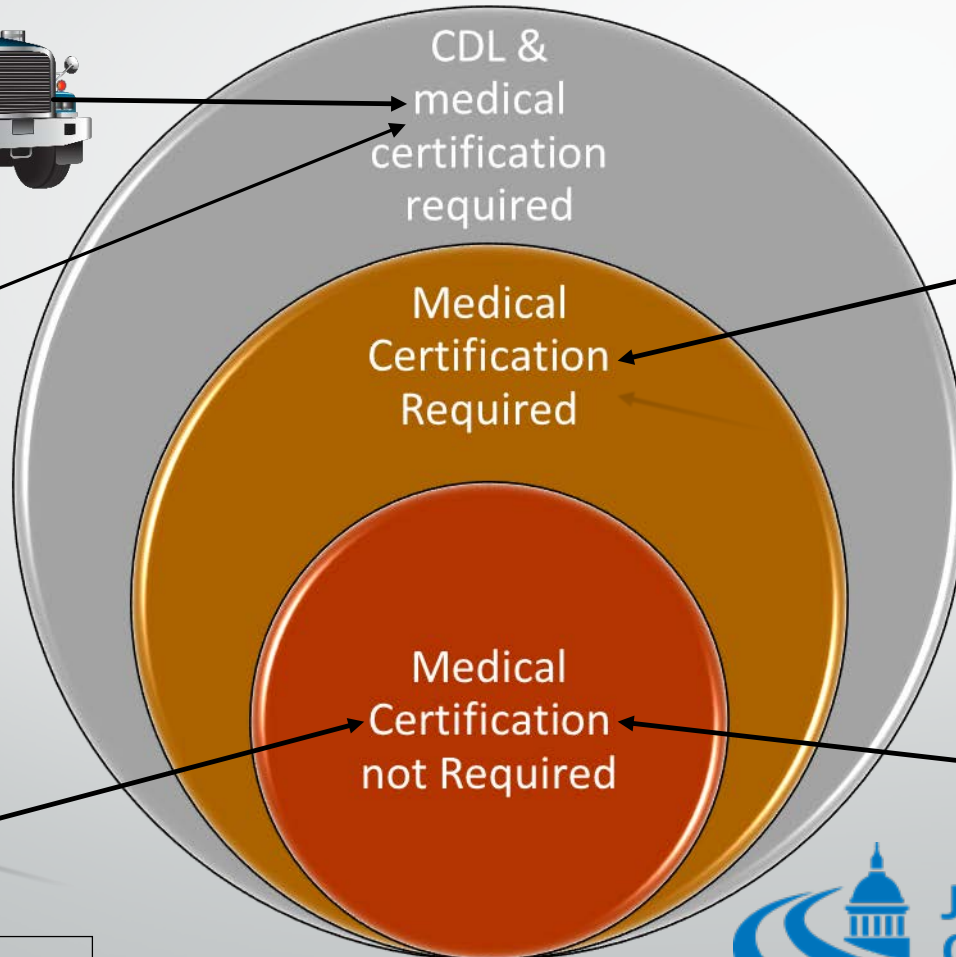
Between-State Trucking 10,001 -26,000 lbs



Trucking  
  
Hazardous  
Materials



In-State Trucking 10,001 -26,000 lbs



Trucking under 10,000 lbs



# Federal, State, or Local Government Truckers



# Custom Harvesters



- Existing law exempts many farm uses for farmer using their own vehicle.
- Custom harvesters harvest and transport crops for others. Farm exemptions don't apply because it is not the farmer's vehicle.

# Beekeepers



- Some Washington Beekeepers routinely use trucks over 26,000 lbs.
- Most bee trucking instate, though some is between states – i.e. California almond harvest.
- Adopting exception would:
  - Lower regulatory barriers
  - Allow bee-keepers and their employees to operate large trucks without medical certification

# Possible Effects of Adopting Exceptions

- Contacted other states about their experience with exceptions
  - 59% of responding States (19) allowed exceptions
  - Followed up with 8 states that allow exceptions.
- Increase number of drivers?
  - 26% average of total licenses in states surveyed were “excepted”.
  - Does not mean there would be that many more drivers in Washington
  - Substitution effect: incentive to move from private to public employment?
- Create a safety or enforcement issue?
  - Couldn’t statistically isolate potential safety effect.
  - None of the 8 states we followed up with identified a safety or enforcement issue.

# Allowing Exceptions Requires Legislation

- SHB 2696 (2018) disallowed exceptions:
  - All Washington CDL drivers must be medically certified (sec. 1, 3)
  - Essentially, Washington has no “excepted” license allowing driver to operate commercial vehicle over 26,000 lbs. without medical certification.
- New law takes effect April 30, 2019
- Authorizing exceptions requires amending provisions enacted in SHB 2696

# Options for Exceptions

- Introduce a bill directing DOL to:
  - a. Stop requiring medical certification for excepted in-state and interstate licenses for all federal authorized exceptions.
  - b. Stop requiring medical certification for excepted in-state and interstate licenses for some or all of the categories where it would have a practical effect:
    - Federal, state, and local drivers;
    - Bee-keepers transporting hives;
    - Custom harvesters.
  - c. Limit options a and b to in-state CDL drivers.
  - d. Take no action

# Waiver Research

- Issues:
  - Anecdote: Doctors don't want to sign off
  - Anecdotal caution: State waiver process quick – feds take about 6 months – don't make this take longer.
  - Possible impact of more stringent certification enforcement adopted in 2012
- New federal diabetes rule effective November 19, 2018
  - Original rules excluded drivers with insulin treated diabetes mellitus (ITDM)
  - FMCSA adopted standards to allow waivers for certain ITDM patients (1993)
  - New rule changes process by incorporating standards into certification process
- No longer requires individual waiver analysis for covered diabetes cases
  - Half of current Washington waivers are for diabetes
  - Could reasonably expect a reduction in waiver requests.



# States with Internal medical review

- Initial research showed 28% (9) of those responding had internal medical review
  - Contacted those states and asked follow-up questions
- All states with internal medical review use it to look at:
  - CDL medical certification waivers; and
  - Medical fitness of general driver population
- Most common structure is a board
  - The Boards adopt some medical waiver standards
    - Build on FMCSA standards – not a replacement
  - Most of the Boards consisted of 5 medical professionals with different required specializations (i.e. ophthalmology) for each position.
  - Could not determine comparable cost for CDL waiver process as Board's jurisdiction was much broader

# Options

- a. Introduce legislation establishing DOL medical review board to review CDL waiver requests.
- b. Direct further study on establishing a review board with jurisdiction over driver fitness for the general population and for CDL waivers.
- c. Take no action.

# Questions?

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