



## AMERICAN TRUCKING ASSOCIATIONS

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**Bill Graves**  
President and Chief Executive Officer

May 8, 2014

Administrator Anne S. Ferro  
Federal Motor Carrier Safety Administrator  
1200 New Jersey Ave  
Washington, DC 20590

Dear Administrator Ferro,

The purpose of this letter is to request a reasonable delay of the National Registry of Certified Medical Examiners (NRCME). As you know, in 2008 the American Trucking Associations (ATA) convened a Safety Task Force to identify initiatives with the potential to significantly improve highway safety. Not surprisingly, the task force unanimously agreed to support the creation of the NRCME as a way to better ensure that drivers are medically qualified to operate commercial motor vehicles. This support, however, has always hinged on sufficient availability of medical examiners with adequate geographic coverage to serve the needs of our large and dispersed industry.

In recent months, ATA staff has been working closely with FMCSA staff to help identify geographic areas that may lack sufficient coverage to accommodate the drivers that reside there. To do this, we have coordinated with ATA's state trucking association affiliates who have provided meaningful feedback. Last month, ATA delivered the results of this analysis. We found there are wide swaths of rural areas either without available medical examiners or which are severely underserved. A summary of this analysis is attached.

As the deadline for the National Registry of Certified Medical Examiners quickly approaches, many ATA members are growing very concerned about the unavailability of certified examiners to qualify their drivers. FMCSA has indicated that it anticipates between 20,000 and 23,000 medical examiners will be necessary to meet the initial demand for certifications in 2014. Unfortunately, less than 15,000 medical examiners have joined the registry with only a few weeks before the May 21<sup>st</sup> deadline. Given the current certification rate, the expectation is that an inadequate number of medical examiners will be trained and certified by the time drivers are restricted to using only those certified by FMCSA. Not only will the registry lack sufficient number of examiners in sum, but the system will be hindered by the inadequate geographic coverage.

Good stuff.



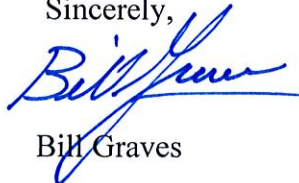
FMCSA faced a similar dilemma in January 2014, just a few months ago. As the deadline after which drivers would no longer be able to use their medical cards to prove medical qualification during roadside inspections neared, FMCSA concluded that because just a few states were not fully prepared to implement the stipulated requirements, a one year delay was prudent. At the time, FMCSA “reluctantly concluded” that “the agency cannot be certain that all CDL holders and their employers will be able to demonstrate or verify, respectively, that the driver is medical certified in compliance with the FMCSRs.”<sup>1</sup> We respectfully ask that FMCSA use the same caution as we collectively approach the deadline for the NRCME. It is clear that the NRCME will not be sufficiently populated by May 21<sup>st</sup> to be confident that all CDL holders will be reasonably able to receive medically certification. To this end, ATA requests a six month delay to the impending deadline to provide adequate opportunity to populate the NRCME.

FMCSA’s current predicament bears a resemblance to recent acknowledgements by President Obama that implementation of the Affordable Care Act (ACA) required flexibility of previously set deadlines. In announcing delays to ACA enrollment deadlines, the President said “this was an example of, administratively, us making sure that we’re smoothing out this transition giving people the opportunity to get right with the law.” He continued by recognizing there “are going to be circumstances in which people are trying to do the right thing and it may take a little bit of time.”<sup>2</sup>

Professional drivers, and their motor carrier employers, are committed to “doing the right thing.” Without an adequate supply of medical examiners appropriately dispersed around the country, however, drivers and motor carriers may be unable to fully comply without excessive expense and costly delays.

Thank you for your consideration of this request. I look forward to your response.

Sincerely,



Bill Graves

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<sup>1</sup> 79 Federal Register 9, 2378, Tuesday, January 14, 2014

<sup>2</sup> Press Conference by President Obama and President Hollande of France, East Room, White House, Feb. 11, 2014.

<http://www.whitehouse.gov/photos-and-video/video/2014/02/11/president-obama-holds-press-conference-president-hollande-france#transcript>