



A bold voice for transportation workers

July 6, 2015

Ms. Linda Phillips
Medical Programs Division
Federal Motor Carrier Safety Administration
Department of Transportation
1200 New Jersey Ave., SE
Washington, DC 20590

RE: **Qualifications of Drivers; Diabetes Standard
Notice of Proposed Rulemaking
Federal Motor Carrier Safety Administration
FMCSA-2005-23151
RIN 2126-AA95**

Dear Ms. Phillips:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I write in support of the Notice of Proposed Rulemaking (NPRM) on Qualifications for Commercial Motor Vehicle (CMV) Drivers; Diabetes Standard. By way of background, TTD consists of 32 affiliate unions representing workers in all modes of transportation, including those who are medically certified to operate a CMV. We therefore have a vested interest in this rulemaking.¹ In addition to the comments that follow, we endorse those separately filed by TTD affiliates, the Amalgamated Transit Union (ATU) and the Sheet Metal, Air, Rail Transportation Union – Transportation Division (SMART-TD).

TTD affiliates represent a diverse group of workers who maintain commercial drivers licenses (CDLs) for employment and are required by the Federal Motor Carrier Safety Administration (FMCSA) to be medically certified in order to operate a CMV. Some of these drivers live with insulin-treated diabetes mellitus (ITDM) and are currently subject to an unnecessary time-consuming and financially burdensome exemption process (49 CFR Part 381) in order to receive certification to drive a CMV. TTD has a history of supporting commonsense changes to alleviate this burden while ensuring that drivers with well-controlled ITDM are safe operators.² This rulemaking simplifies the certification process for these workers while maintaining safety, and we commend FMCSA for moving forward with this proposal.

¹ Attached is a complete list of TTD's 32 affiliate unions.

² In addition to other advocacy, TTD filed comments to FMCSA's ANPRM under this proceeding. 80 FR 25260, June 15, 2006.

Transportation Trades Department, AFL-CIO

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Edward Wytkind, President / Larry I. Willis, Secretary-Treasurer



Current regulations prohibit drivers with ITDM from operating a CMV unless they receive an exemption to prove they are healthy and fit to operate. But as FMCSA explains, evidence shows that drivers living with well-controlled ITDM are safe to operate CMVs, and DOT has a responsibility to ensure that drivers with ITDM are not subject to unnecessary additional burdens as a result of their condition. As such, this NPRM eliminates the exemption requirement and establishes physical qualification standards (proposed 49 CFR 391.46) for medically certifying operators with well-controlled ITDM.

Under the proposed standards, individuals with ITDM must be evaluated by a “treating clinician” who manages insulin treatments for individuals with diabetes mellitus. This clinician must determine that the driver has not had a recent severe diabetes episode and properly manages her/his condition. Such information must be provided to the medical examiner (ME) who is certifying the driver, and the ME must determine the driver is physically qualified to operate a CMV. These drivers must also monitor and maintain blood glucose records and provide them to the treating clinician who is evaluating the driver.

We support the requirement that a driver’s condition is evaluated by a physician who is knowledgeable of diabetes and familiar with managing and prescribing insulin treatment plans, as these physicians are best positioned to accurately assess the driver’s health. Given that MEs are ultimately responsible for certifying drivers, we request FMCSA to encourage discussion between MEs and treating clinicians to resolve any potential miscommunication or confusion that may occur so that fit drivers may begin working as quickly as possible.

This proposed policy will provide welcomed relief to drivers required by FMCSA to be medically certified as well as those subject to state certification standards. As the agency knows, states across the country maintain their own certification requirements applicable to drivers operating within the state’s borders. These drivers may also benefit from FMCSA’s policy change if their state updates existing medical standards to reflect this NPRM.

No one is more committed to maintaining a high level of safety in the CMV industry than those operating these vehicles, and FMCSA’s proposal embraces safety while supporting responsible drivers who manage their ITDM. We support this NPRM and appreciate the opportunity to comment. We hope FMCSA will take our comments into consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Wytkind', with a stylized, looping flourish at the end.

Edward Wytkind
President



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TTD MEMBER UNIONS

Air Line Pilots Association (**ALPA**)
Amalgamated Transit Union (**ATU**)
American Federation of Government Employees (**AFGE**)
American Federation of State, County and Municipal Employees (**AFSCME**)
American Federation of Teachers (**AFT**)
Association of Flight Attendants-CWA (**AFA-CWA**)
American Train Dispatchers Association (**ATDA**)
Brotherhood of Railroad Signalmen (**BRS**)
Communications Workers of America (**CWA**)
International Association of Fire Fighters (**IAFF**)
International Association of Machinists and Aerospace Workers (**IAM**)
International Brotherhood of Boilermakers, Iron Ship Builders,
Blacksmiths, Forgers and Helpers (**IBB**)
International Brotherhood of Electrical Workers (**IBEW**)
International Longshoremen's Association (**ILA**)
International Organization of Masters, Mates & Pilots, ILA (**MM&P**)
International Union of Operating Engineers (**IUOE**)
Laborers' International Union of North America (**LIUNA**)
Marine Engineers' Beneficial Association (**MEBA**)
National Air Traffic Controllers Association (**NATCA**)
National Association of Letter Carriers (**NALC**)
National Conference of Firemen and Oilers, SEIU (**NCFO, SEIU**)
National Federation of Public and Private Employees (**NFOPAPE**)
Office and Professional Employees International Union (**OPEIU**)
Professional Aviation Safety Specialists (**PASS**)
Sailors' Union of the Pacific (**SUP**)
Sheet Metal, Air, Rail and Transportation Workers (**SMART**)
SMART-Transportation Division
Transportation Communications Union/ IAM (**TCU**)
Transport Workers Union of America (**TWU**)
UNITE HERE!
United Mine Workers of America (**UMWA**)
United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service
Workers International Union (**USW**)

These 32 labor organizations are members of and represented by the TTD

