



Time for an announced ELD deferral is now

Regular readers of this column will be fully aware of the PMTC's concerns on ELD timelines & our concerns over Transport Canada's refusal at this point to meaningfully address these concerns as the compliance deadline continues to approach at a rapid pace. The PMTC is not a lone voice in the woods here, as at least 5 other Canadian Transportation Industry associations have also raised similar concerns with TC, as well as our US counterparts, the National Private Truck Council. You may be asking, why write about this again? Fair question, and the answer is, this is an important topic, and as the deadlines have continued to approach, with no certified devices available, it WILL cause major chaos and disruption to the Canadian Transportation Industry, and it must be addressed in a timely fashion in order to avoid this.

To be clear, the PMTC has always been a strong supporter of ELD's, and were one of the first groups to encourage the adoption of 3rd party certification, so we are glad to see that FPInnovations was recently approved to be the first certification body of manufactured ELD's. This is good news, and we congratulate TC, The Standards Council of Canada and the Canadian Council of Motor Transport Administrators for their important roles in getting us to this point.

While the announcement of the first certification body is an important step, it was too long in coming, and we continue to have grave concerns about the timelines and have been expressing these concerns for quite sometime. In order to ensure we have a smooth transition and rollout, the PMTC believes a minimum 6 month enforcement deferral from the June 12th 2021 timeline would be appropriate, and would help Trucking companies and ELD providers alike to ensure they are not rushed into implementing ELD's into their fleets and that ELD providers are not placed at a competitive disadvantage of a first to market wins scenario. Our reasons for this are laid out below

- Industry consensus, especially for larger fleets, is it takes one year from the time you begin researching ELD devices until you have them fully implemented into your fleet. The steps include researching providers, purchasing, installation, and fully training all drivers, IT and operational staff. To rush this causes a chaotic rollout.
- Some have argued researching of devices could have begun well before a certification body was announced so when devices were approved that part of the implementation process for a carrier could be completed. The PMTC agrees with this approach. What we can not accept is the notion that a carrier, who may currently not have a device, or does have one that may not get approved, should be willing to purchase a device and begin implementing it into their fleet prior to being guaranteed it will be compliant. The only true way to ensure it will be compliant is to see it on the approved certified list. It is not industry's fault it took regulators almost 17 months to put a certification process in place, and they should not pay the price for this with an unreasonably short timeline.
- TC launched a regulation with the CG 2 posting on June 12th of 2019 with a requirement to comply with the law, that you must install an ELD that is on TC's approved list of providers, yet almost 17 months later, we have no certified devices on the list, and none are expected to be there until late 2020 or early 2021 at the earliest.
- On October 26th Transport Canada announced changes to the testing procedures that will be used to certify devices, which also required a change to the Technical Standard. These



changes hinder the ability for any ELD provider to submit for certification, as they will need to make programming changes to their devices.

- Many providers have publicly indicated they do not intend to submit for certification until early 2021, meaning it will be March or April before many devices land on the approved list, leaving carriers only 2 or 3 months to be ensured the device they have is compliant, and likely providing a very truncated list of suppliers to select from early on. Some ELD providers have also indicated they will not be submitting all of their models for certification, meaning some carriers will need to purchase different models than they currently have installed, even if they stay with the same supplier. Remember, an ELD supplier is not approved, but rather the device they submit is. If they have numerous different models, each one will need to be approved. Not all models will be submitted.
- Carriers who operate in the US had to install an FMCSA compliant device to comply with US regs by December of 2017. There are over 600 devices on the FMCSA approved list. It has been widely speculated that only 15 to 30 manufacturers of devices will be approved for Canada, meaning we will likely see over 500 current devices not approved for use in Canada. While we believe this is a good thing, as many of these devices would not be compliant if properly vetted, and one of the reasons the PMTC pushed for 3rd party certification in the first place, it will none the less still create a large problem for carriers. Not all of these suppliers and carriers are bad apples, and many believed they had a device that would be compliant. If these devices are not approved, or not even submitted, it will be early next year before a carrier is even aware of this, leaving them a very short time to research, remove and replace their device, through no fault of their own. These carriers will in fact be in worse shape than a fleet who choose to do nothing prior, as the decision was made by TC to remove the grandfather clause in the CG 2 posting, which the PMTC did oppose at the time. If these carriers find out in early 2021 that the device they are using is not approved in time, or submitted, they will need to research an approved device, from what will likely be a very short list, install it, train their fleet, turn it on, and then bring the truck back in to remove the currently installed device, in less than 6 months.
- With only one certification body in place, and many devices not expected to be submitted until 2021 for testing, we may see a significant backlog in the certification process, meaning motor carriers may not be able to select the ELD of their choice as a result of the device not completing the certification process before June 12th.

In addition to all the above points, I think it is fair to say COVID has placed undue stress and hardship on everyone, and redirected resources into dealing with the many issues that arose as a result. This only exasperates the issues we have raised. The PMTC, and many other associations who joined us in voicing their concerns to TC this past summer fail to see how providing an enforcement deferral of 6 months will place the public's safety in grave danger. We are not asking for an indefinite deferral, just a short deferral with a clearly defined end date to allow industry and suppliers sufficient time to transition. The current stage of the process we are at clearly does not allow for this to occur. If you share the PMTC's concerns, we encourage you to provide your concerns to TC by submitting your concerns in writing to mintc@tc.gc.ca