

Via Email: soci@sen.parl.gc.ca

April 18, 2018

Standing Senate Committee on Social Affairs, Science and Technology
The Senate of Canada
Ottawa, Ontario
Canada, K1A 0A4

Dear Senators,

Re: Marijuana Legalization and Safety Sensitive Occupations

The Canadian Trucking Alliance (CTA) is a federation of the provincial trucking associations, representing a broad cross-section of the trucking industry with over 4500-member carriers. CTA members directly employ about 150,000 Canadians and are responsible for providing 70 percent of the country's road freight services. Overall, the trucking industry is responsible for creating over 400,000 direct jobs in Canada, 300,000 of which are truck drivers.

The Government of Canada has introduced legislation (C-45) to legalize the recreational use of marijuana. As this process moves, the Canadian Trucking Alliance (CTA) feels that we should not lose sight of the potential impact this could have on public and workplace safety.

Usage among the general population, as well as reports of drug impaired driving, has increased in Colorado and Washington since marijuana was legalized in those jurisdictions. And while some would downplay the potential impact of legalizing the recreational use of marijuana, CTA believes it will have a significant impact on society, the workplace and road safety.

Over the last 20 years most companies in our industry have proactively take steps to ensure drivers are fit for duty and not operating under the influence of alcohol or other drugs. It is standard industry practice for companies to adhere to strict zero-tolerance policies requiring drivers must be 100% sober while on the job.

In Canada, of all the fatally injured, legally impaired drivers only 0.7% were tractor-trailer drivers. This is 195% lower than the rate of passenger vehicle drivers and 178% lower than motorcycle drivers. As noted by the Traffic Injury Research Foundation (TIRF) in their most recent Road Safety Bulletin on large trucks, "large truck drivers involved in fatal crashes are seldom impaired by alcohol". MTO echoed this sentiment in its Ontario Road Safety Annual Report (ORSAR) by stating "[large truck operators] are less likely [compared to other drivers involved in the same crashes] to have been drinking or impaired by alcohol or drugs." Similarly, in Quebec, when comparing the number of offenses resulting in demerit points committed while driving a heavy vehicle or a road tractor we find the rate to be negligible, representing just 0.007% of all offences in 2015. In Alberta there were no casualty collisions recorded in 2015 which a tractor trailer driver was impaired by drugs.

Across the country, as a class, trucks are among the safest vehicles on the road. When it comes to impaired driving, the industry's experience is markedly better than the rest of the motoring population and CTA wants to keep it that way. After all, the trucking industry shares its workplace with the public.

Given the safety risks associated with alcohol and drug use (including marijuana), CTA supports a zero-tolerance approach when it comes to impaired driving. In turn, government also has a responsibility to provide employers clear direction on what is expected of workplaces – especially those that employ workers in safety sensitive positions – when it comes to drug and alcohol use. CTA suggests adopting a zero-tolerance policy for being under the influence of alcohol and drugs (including marijuana) while at work.

Furthermore, if the responsibility to manage this risk is to be downloaded onto employers, then it is imperative that employers be allowed to apply workplace measures to mitigate risk to employees and the public. This would include the allowance of comprehensive workplace testing policies like those required by the US Federal Motor Carrier Safety Administration (FMCSA). All Canadian trucking companies and truck drivers entering the United States are subject to US drug and alcohol testing laws which require pre-employment, random, reasonable suspicion, post-accident, and return-to-duty testing. They also include procedures for testing, frequency of tests,

and substances tested for. These rules have been in place since 1995 and are followed by all Canadian companies operating into the United States.

Since the introduction of the testing regime in the 1990s, the U.S. has virtually eliminated drug and alcohol concerns in the trucking industry. It is also worth noting the US rules do not differentiate between recreational and medical use when it comes to marijuana. CTA suggests Canada should not differentiate as well. Commercial drivers, and those in safety sensitive positions, should be held to the same sobriety standards regardless of whether the use was for recreational or medicinal purposes.

There is a provision in C-46 which essentially allows for random testing at roadside. Coupling this with a comprehensive workplace testing program for commercial drivers, including random testing, is both reasonable and necessary. As noted, the U.S. experience shows that comprehensive testing programs are a strong deterrent. If the Government of Canada is committed to keeping our roads safe, then it is necessary that employers in our sector have the tools they need to do their part.

Should you have any questions, please do not hesitate to contact myself or CTA's Jonathan Blackham (jonathan.blackham@cantruck.ca) directly.

Sincerely,



Stephen Laskowski
President

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