



Federal ELD Mandate comes into force June 12th, what does this mean for you?

The coming into force date of the Federal ELD Mandate of June 12th, 2021, has finally arrived. While the date may be significant from an optics standpoint, in all practicality, for carriers and vendors, the date really has no meaningful effect on industry operations at this point in time. With that being said, ignoring the regulation could be at your own peril.

How did we get here?

- The regulation was originally announced on June 12th of 2019, with a coming into force date of June 12th of 2021 for Federally regulated carriers, with a few exceptions.
<https://tc.canada.ca/en/road-transportation/electronic-logging-devices>
- To be compliant with the regulation, you must have an ELD installed that has been certified by an independent 3rd party and populated on Transport Canada's list of certified devices.
<https://tc.canada.ca/en/road-transportation/electronic-logging-devices/list-certified-electronic-logging-devices>
- As of today, no devices have been certified, making it impossible for the industry to comply with the regulation on the coming into force date. The reason for the delays in certification are many, and something I have touched on many times before, so I will not revisit them here.
- As a result, the CCMTA and their partner jurisdictions announced on May 5th, a progressive enforcement period, beginning with education and awareness only, with no penalties until at least June 12th of 2022. <https://www.ccmta.ca/web/default/files/PDF/ELD/ELDs%20-%20Messages%20for%20Industry%20-%20May%205%202021.pdf>
- As a result of the many delays in the certification process, the PMTC has been advocating for well over a year for an enforcement deferral to this regulation, to help protect the industry. The announcement from the CCMTA was welcomed from our members.

What does this mean?

The statements from the CCMTA and its member jurisdictions of a graduated enforcement period was appreciated and needed. The commitment of enforcing with no penalties until June of 2022 was an absolute necessity. While the statement was great, it is still ultimately the responsibility of each jurisdiction to decide how and when they will begin to enforce the regulation. To date, 10 of the 12 jurisdictions that have a roadway system connected to the rest of Canada have communicated to Industry their plans or way forward. We are still waiting for communications from New Brunswick and the Northwest Territories. (Please see a list of links at the bottom of this article for jurisdiction announcements)

- All announcements indicate their will be no fines or carrier points applied until at least June 12th of 2022.
- 2 jurisdictions to date, Manitoba and Alberta, are indicating the possibility of issuing warnings after December 31st of 2021.

The PMTC has expressed our concern and pushed back against the last point, as we feel any possibility of issuing warnings should not occur until at least 6 months after a fulsome list of devices has been approved and listed on TC's list of approved devices. Zero is obviously not a fulsome list, and industry needs at least 6 months to transition after an adequate list has been provided. We are advocating for education and awareness only, with no warnings, until at least June 12th of 2022. Carriers should not be issued warnings, when they did not have a reasonable option to comply with what they are being



warned about. We are ok with full enforcement as of June 12th of 2022, provided an adequate list of certified devices is available by December of this year.

So as a carrier, what do I do now?

As a carrier, who wants to ensure they are compliant with the Federal ELD Mandate, what can and should you do, to ensure you can comply with this mandate as soon as is reasonably possible?

First, before I get into my suggested recommendations, let's make one thing perfectly clear. As of June 12th, 2021, there will not be one single carrier in this country who is compliant with the Federal ELD Mandate, and not one truck in Canada, according to the definition of an ELD by Transport Canada, will have an ELD in it...., no matter what you may have heard spun from other sources. Not one Canadian Truck will have an ELD on June 12th according to our regulations. Any device that is not on Transport Canada's approved list of devices is considered an ERD, and since none are on that list, that is what every device is, which is not a compliant ELD. With this cleared up, and with this uncertainty, what reasonably should you do?

- Begin researching devices now. While this may sound counter to my previous messages, there are many different types of devices out there, with many different options, and researching and purchasing the right one for your fleets needs is a big time investment. Beginning that now can ensure you are ready to move forward once devices begin being populated on TC's list.
- If you already have a device, reach out to your current provider, and find out if the device you are using has been submitted. If not, ask if and when it will be. What will need to be done to make the device in your truck compliant? Over the air upgrade, brought in for a software upgrade, removed and replaced? Do not assume an over the air upgrade is going to make every device compliant. Ask the questions and find out what will be required of you.
- If signing a contract with a new supplier before they are on the approved list, ensure you have a clause in the contract that protects you if their device is not ultimately certified. Remember, you as the carrier are the one who will be fined and possibly placed out of service once enforcement of the regulation takes hold.
- Use this 12 months to ensure you are as ready as is possible to be compliant with the mandate by June 12th of 2022. Do not have another extension of the enforcement deferral in your business strategy. Is another extension possible? Who knows, but I would not want to bank on that. Prepare as best you can to ensure you are compliant and ready to go before the possibility of full enforcement is upon us.
- Train your drivers and operations once you have a compliant device installed. If operating an ERD now, once it has been upgraded to comply, it will not operate the same way. Retraining is going to be required. Reach out to your supplier and utilize their resources to help understand the training that will be needed. This goes for newly installed devices as well.

To be clear, the PMTC has always been in favour of ELD's, as well as the 3rd party certification of devices. The issues we have raised have never been against the regulation itself. We have simply been fighting for the industry best interests when it comes to ensuring we have adequate time to comply with the requirements of the regulation. If you wish to begin researching ELD providers, please feel free to reach back to the PMTC office. We have many reputable ELD suppliers in our membership we would be glad to recommend for you.

- ❖ British Columbia: https://cvse.ca/national_safety_code/bulletins/NSC-Bulletin-01-2021-ELDs-in-BC-2021May11.pdf



Private Motor Truck Council of Canada
Association Canadienne du Camionnage d'Entreprise



- ❖ Alberta: <https://www.alberta.ca/hours-of-service-and-fatigue-management.aspx#jumplinks-2>
- ❖ Saskatchewan: <https://www.saskatchewan.ca/business/transportation-and-road-construction/information-for-truckers-and-commercial-trucking-companies/electronic-logging-devices>
- ❖ <https://www.saskatchewan.ca/residents/transportation/highways/saskatchewan-highway-patrol/frequently-asked-questions>
- ❖ Manitoba: https://www.gov.mb.ca/mit/mcd/carriers_drivers/elogging.html#:~:text=The%20new%20regulation%20mandates%20all,operate%20strictly%20within%20Manitoba's%20boundaries.
- ❖ Ontario: <https://www.ontariocanada.com/registry/view.do?postingId=37547&language=en>
- ❖ Quebec: <https://saaq.gouv.qc.ca/en/transportation-goods/driver/eld/>
- ❖ Nova Scotia: <https://novascotia.ca/tran/trucking/eld.asp>
- ❖ NFLD: <https://www.gov.nl.ca/releases/2021/dgsnl/0602n02/>
- ❖ <https://www.gov.nl.ca/dgsnl/drivers/safetycode/electronic-logging-devices/>
- ❖ PEI: <https://www.princeedwardisland.ca/en/news/one-year-grace-period-for-switching-to-electronic-logging-devices-in-pe>
- ❖ Yukon: <https://yukon.ca/en/eld-requirements>

Yours Respectively

Mike Millian
President, Private Motor Truck Council of Canada
Cell# 519-932-0902