

On January 18, 2011, President Obama signed [Executive Order 13563](#), *Improving Regulation and Regulatory Review*, instructing agencies to retrospectively review their rules to identify outmoded, ineffective, and excessively burdensome requirements. In light of a recent [news article](#) detailing some of the economic effects of the Department of Transportation’s restrictive driver qualification regulations, now is the perfect time for DOT to revisit outdated rules preventing Type 1 diabetics from driving trucks across state lines.

According to the article, regulations issued by DOT’s Federal Motor Carrier Safety Administration (FMCSA), including driver qualification regulations, pose obstacles to trucking companies looking to hire new drivers. Concerned with the safety of the road, FMCSA prevents a number of people from qualifying for a commercial motor vehicle (CMV) license due to physical inability to perform trucking duties. While some of the conditions listed by FMCSA still prevent able-bodied trucking, medical advances have made it possible for some regulated groups to be eligible absent FMCSA rules.

A 42-year-old rule prohibits Type 1 diabetics from driving trucks, despite recent medical advances

An example of this is a 1970 FMCSA [regulation](#) prohibiting people with Type 1 diabetes from driving commercial motor vehicles in interstate commerce, despite incredible medical advances in the intervening 42 years. Since the definition of “commercial motor vehicle” includes company cars, any vehicle seating 16 passengers or more, taxis, and trucks, this prevents diabetics from engaging in many commercial activities that require crossing state lines. Additionally, many states base their licensing requirements off of federal standards, making driving a commercial vehicle (including taxis and school buses) in intrastate commerce illegal for diabetics as well. As of 2003, insulin-treated diabetics can obtain a [two-year waiver](#) from the rule by providing regulators with quarterly reports from an endocrinologist, reporting to the DOT any low blood sugar incidents within two days of occurrence, and publishing a [detailed medical record](#) in the Federal Register.

The rule was meant to address the dangers of driving a motor vehicle during a potential onset of low blood sugar (hypoglycemia), which can lead to loss of consciousness. [Medical advancements](#) since 1970 have made blood sugar management [much more possible](#) for insulin-dependent diabetics. Diabetics through the 1980s were still using insulin extracted from cows and pigs, which had higher rates of impurity, and required mixing before use; these have been replaced with artificially synthesized insulins which exactly mirror human insulin. New glucometers enable diabetics to effectively monitor blood sugar and the onset of hypoglycemia.

According to FMCSA’s Health and Safety Specialist, recent [data collected](#) over the span of three years indicated that diabetics with driving waivers now “were not any less safe than the drivers



in the General Estimates System (GES).” Given the advances in medical technology since FMCSA’s 1970 regulation that have negated the need for this rule, diabetics are unnecessarily being kept out of the market for commercial motor vehicle drivers. This is inconsistent with another aspect of the President’s Executive Order, encouraging agencies to consider the “equity, human dignity, fairness, and distributive impacts” of their rules. Excluding an entire group of people from a profession due to a treatable, non-contagious condition is insufficiently responsive to equity, human dignity, and fairness.

This November, which President Obama has declared as [National Diabetes Month](#), is the perfect opportunity for the Department of Transportation to retrospectively review its outdated rules preventing Type 1 diabetics from driving commercial motor vehicles.

