

CANADA-UNITED STATES REGULATORY COOPERATION COUNCIL (RCC)

Presentation to the Task Force on Vehicle Weights and Dimensions Policy

November 26, 2014



Overview

- I. Background: Beyond the Border vs Regulatory Cooperation Council
- II. Initial Regulatory Cooperation Council (RCC) Action Plan
- III. Current phase of RCC
- IV. Next Steps

2



Background: BTB vs RCC

- To preserve and strengthen close relationship between Canada and the United States, Prime Minister Stephen Harper and President Barack Obama announced the *Beyond the Border Declaration* and the *Canada-United States Regulatory Cooperation Council* on February 4, 2011.
- Both initiatives seek to deepen our partnership and enhance our security, prosperity and economic competitiveness while respecting each other's sovereignty.
- The *Beyond the Border Declaration* articulates a perimeter approach to security in which both countries work together to address threats at the earliest point possible – within, at, and away from our borders – while facilitating the lawful movement of people, goods, and services into our countries and across our shared border.

3



Background: BTB vs RCC

- Whereas the Beyond the Border aims to enhance security and economic competitiveness through measures taken at our shared perimeter and border, RCC aims to better align our regulatory approaches to protect health, safety, and the environment while supporting growth, investment, innovation and market openness.
- Some initiatives under the Beyond the Border action plan will complement the work of the Regulatory Cooperation Council and, indeed, could provide beneficial interim measures pending more fundamental regulatory solutions which may flow from the Regulatory Cooperation Council.

4



Initial RCC Action Plan

- The RCC's initial Action Plan (December 2012 – March 2014) was made up of 29 individual initiatives, 11 of which were Transport Canada's.
- The Initial Action Plan was intended to:
 - test bi-national Canada-U.S. cooperation through tangible examples
 - allow consideration of more systemic cooperation to avoid future misalignment
 - inform future work
- The Initial Action Plan was successful in:
 - building an understanding of how to achieve alignment on an ongoing basis
 - demonstrating the 'proof of concept' through individual initiatives
 - clarifying the various categories of benefits that can be realized
 - identifying barriers and challenges to closer cooperation

5



Current Phase of RCC

Joint RCC Forward Plan

- Began Fall 2013 – bi-national stakeholder consultations informed next steps
- Based on the stakeholders input, RCC findings through implementation of the initial initiatives, and discussions between the RCC and agencies on both sides of the border, the joint RCC Forward Plan (released August 29, 2014) outlines three key components of future work:

Department-to-Department Commitments & Work Plans

Commitments that outline objectives for cooperation in specific areas of regulatory activity over 3-5 year period, followed by technical Work Plans

Department-level Regulatory Partnerships

Common department-level cooperation elements

Exploring cross-cutting issues

Consider options to address challenges (e.g., information-sharing, funding collaboration, regulatory processes) to support regulatory cooperation

6



Current Phase of RCC

Department-to-Department Commitments and Work Plans

- Washington Event (Oct 7-8, 2014) – regulators and stakeholders discussed partnerships and technical work plans in support of the regulatory sector commitments outlined in the RCC Forward Plan
- Transport Canada's commitments are:
 - **U.S. Coast Guard/Transport Canada**
 - *Marine Safety and Security*
 - **U.S. Environmental Protection Agency/Transport Canada**
 - *Locomotive Emissions*
 - **U.S. Department of Transportation/Transport Canada**
 - *Connected Vehicles (see annex A)*
 - *Transportation of Dangerous Goods (see annex A)*
 - *Motor Vehicle Safety Standards (see annex A)*
 - *Rail Safety*
 - *Aviation Regulations*

7



Current Phase of RCC

Department-to-Department Commitments and Work Plans

- Work plans for RCC Action Plan Phase II have not been finalized yet. However, U.S. have some initiatives concerning stability control on trucks and electronic on board recorders (also known as electronic logging devices) for commercial motor carriers.
- Canada is in the initial stages of considering possible future regulatory actions to align with these initiatives.
- Regulatory actions will require consultation with stakeholders, including manufacturers, industry associations and the provinces and territories.

8



Current Phase of RCC

Regulatory Partnership Statements (RPSs)

- Bilateral arrangements will provide a formal framework for “ongoing and continuous” cooperation. RPSs to provide:
 - Senior governance between the agencies and related planning processes.
 - Structured opportunities for stakeholders to provide input, to inform strategies, identify priorities and discuss progress on the implementation of initiatives as appropriate
 - A mechanism for annual work plan development and updates and provide status updates on the progress off RCC initiatives
- Departments will have the discretion to determine the:
 - Scope of what the agreements cover, e.g., department-level or regulator-level
 - Design and structure (according to the above-mentioned three structure elements common to all)

9



Collaborative Initiatives

- Transition to permanent, ongoing regulatory cooperation (institutionalized)
- Strengthen bi-national regulatory planning, priority-setting processes and governance to ensure regulatory cooperation efforts are focused on areas of clear benefit to industry, consumers and/or regulators
- Establish value-added role for stakeholders in new processes
 - Stakeholders expected to present bi-national priorities and quantify benefits
- Deal with barriers in a definitive way by studying cross-cutting issues in greater depth (next slide)
- Report on progress through a regular RCC Newsletter (similar to Beyond the Border)

10



Collaborative Initiatives

Exploring Cross-Cutting Issues

In the context of new regulatory partnership arrangements, the Canadian RCC Secretariat and the U.S. Office of Information and Regulatory Affairs will actively explore greater collaboration in areas that may currently represent obstacles to regulatory cooperation:

- **Information sharing** – enforcement data, product submissions, etc.
- **Funding collaboration** – enable partners to send or receive funds, jointly contract 3rd parties, re-spend, etc.
- **Regulatory process** – seek opportunities within our respective regulatory processes to advance alignment
- **Regulatory policy** – further align regulatory policy and approaches to regulatory cooperation

11



Questions?

12



ANNEX A

Transport Canada's RCC Forward Plan Commitments

13



National Highway Traffic Safety Administration (U.S. Department of Transportation) / Transport Canada

Motor Vehicle Safety Standards: Transport Canada (TC) and the National Highway Traffic Safety Administration (NHTSA) will work to align new and updated light and heavy duty vehicle motor vehicle safety standards through new processes and protocols to facilitate joint work and partnership. This will be done through enhanced communication and insight on future safety needs to be addressed, coordination of standards development agendas, and collaboration at the earliest stages of the contemplation of new regulations by exchanging rulemaking priorities and identifying rulemaking initiatives of common interest. TC and NHTSA may undertake joint testing and research, joint and collaborative risk assessments, and exchange technical data and information to support future aligned standards development decisions in both countries. They will also consider how single test methodologies could be implemented in both countries. Initial regulatory alignment priorities will include side impact, ejection mitigation, and motorcycle brake systems.

U.S. Department of Transportation / Transport Canada

Connected Vehicles: TC and U.S. Department of Transportation will coordinate and collaborate on Vehicle-to-Vehicle (V2V) and Vehicle-to-Infrastructure (V2I) communications technology and applications development and implementation for light- and heavy-duty vehicles, including architecture and standards to support interoperable deployment. This will include, where appropriate, joint planning and priority-setting, collaborative research projects, as well as information exchanges to support analyses as well as architecture and standards development.

14



**Pipeline and Hazardous Materials Safety Administration (U.S. Department of Transportation)
/ Transport Canada**

Transportation of Dangerous Goods: Transport Canada and the U.S. Pipeline and Hazardous Material Safety Administration will strive to more closely align their regulatory regimes for the transportation of dangerous goods, including working to align national standards and regulations; sharing data, analyses and research; and synchronizing consultations with industry when feasible. Objectives include: aligning Canadian and U.S. placarding requirements; mutual recognition of United Nations standard pressure receptacles (UN cylinders); recognition of inspection under U.S. requirements for highway; alignment and mutual recognition of tank truck (cargo tank) standards, including vehicles used to transport bulk explosives and repair facilities; mutual recognition of conditions for One Time Movement Approvals; and explosives approvals. Furthermore, both parties will undertake an examination of each jurisdiction's Special Permits and Approvals regimes to identify possible opportunities for further harmonization. Lastly, rulemaking cooperation guidelines will be jointly developed to promote cooperation and greater efficiencies in the early stages of the rulemaking process.