

# House overwhelmingly passes bill on sleep-apnea regs

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Companion measure has been introduced in Senate



*Untreated, sleep apnea can result in dangerously drowsy drivers.*

By a whopping bipartisan vote of [405 to 0](#), the U.S. House of Representatives yesterday passed a bill (H.R. 3095) that will require the [Federal Motor Carrier Safety Administration](#) (FMCSA) to follow its full rulemaking procedure—rather than merely furnish a “guidance”—when it addresses the issue of sleep apnea’s impact on commercial drivers.

Specifically, this bill does not mandate that FMCSA issue any policy or rule regarding sleep apnea. Rather, it requires that any sleep- apnea policy prepared by FMCSA take into account the resulting costs to the trucking industry and that it consider the best screening, testing, and treatment methods available.

It was remarkable, too, that despite the gridlock in Congress, the measure came to a vote only weeks after being introduced by Reps. Larry Bucshon (R-IN) and Daniel Lipinski (D-IL). What’s more, the legislation drew nearly 60 co-sponsors from both political parties.

Sens. Mark Warner (D-VA) and Roy Blunt (R-MO), who are respectively the chair and ranking member of the Senate subcommittee responsible for FMCSA oversight, have introduced a companion measure in the upper chamber.

“We're thrilled the House unanimously passed this important piece of legislation and we hope the Senate will soon follow suit so we can ensure the issue of sleep apnea testing and treatment is resolved through the regular rulemaking rather than hastily issued guidance,” remarked Bill Graves, president of the [American Trucking Assns.](#) (ATA).

“ATA believes that if the Federal Motor Carrier Safety Administration wants [to regulate sleep apnea](#), it should do so through the normal, established regulatory process rather than through informal guidance,” argued Graves. “The rulemaking process allows for medical experts, the regulated community, including professional drivers, to provide valuable data and input for the agency to consider in developing its regulations. A formal rulemaking will also require an analysis of the benefits and costs of regulating sleep apnea, an analysis not required for the issuance of guidance.”

Graves also pointed out that “there are more than 3-million professional truck drivers and the cost of screening, diagnosis and treatment for sleep apnea could easily exceed \$1 billion annually. Taking a step as potentially costly as that shouldn't be undertaken lightly and outside of the normal processes.”

“The best policy is for the agency to use the rulemaking process already in place rather than side-stepping it,” commented Todd Spencer, executive vp of [the Owner Operator Independent Driver Assn.](#) (OOIDA) “With the potential cost to trucking running north of \$1 billion without the proven safety improvement, guidance is not a practice we can support.

“We appreciate the support for the House bill,” he added, “and look forward to a smooth passage in the Senate.”

Sleep apnea— including the most common form, obstructive sleep apnea (OSA)-- is a breathing-related sleep disorder that causes brief interruptions of breathing during sleep. These pauses can last at least 10 seconds or more and can occur up to 400 times a night.

According to FMCSA, up to 28% of commercial driver's license (CDL) holders may have sleep apnea and that research indicates that, if left untreated, the condition places drivers at increased risk for motor-vehicle crashes.

That's because the pauses in breathing caused by sleep apnea can have serious and life-shortening consequences, according to the [American Sleep Apnea Assn.](#) These include high blood pressure, heart disease, stroke, diabetes, depression and motor-vehicle accidents caused by falling asleep at the wheel due to not having truly restful periods of sleep.

Sleep apnea [first appeared on the regulatory radar back in 2009](#), when the [National Transportation Safety Board](#) (NTSB) first advocated broadening sleep- disorder screening across all modes of transportation – road, rail, marine and air-- as part of

long-term effort to significantly reduce the negative effects of fatigue on vehicle operators.

At a conference devoted to sleep apnea's impact on trucking held the following spring, NTSB vice chair Christopher Hart noted that "last summer we recommended that all modes [of transportation] begin identifying people with high risk for sleep disorders and guide them to medical treatment.

"All transportation operations need to become more aware of OSA [obstructive sleep apnea]," he added. "The good news is that those suffering from sleep apnea can be treated and then return to work. But it's important that we find better ways to diagnose and treat such sleep disorders."