Protests in Ottawa Over Vaccine Mandate and Potential Effects of the Mandate on the Trucking Industry in North America

February 9, 2022

Beginning on January 28, 2022, protestors convened in Ottawa to protest Canada's most recent COVID-19 vaccination mandate.[1] The protests come in response to Canada's enactment of a vaccination and testing requirement for individuals regularly traveling across the US-Canadian border. The mandate expressly includes truck drivers, and while unvaccinated Canadian truck drivers will not be denied entry into Canada from the United States, American truck drivers who are not vaccinated will be turned away by Canadian authorities.[2] The Canadian Trucking Alliance projects that this will cause a loss of between 12,000 and 16,000 cross-border drivers.[3] The United States recently adopted a similar COVID-19 vaccination mandate for truckers who need to cross through the northern and southern borders, which is largely expected to affect Mexican and Canadian truck drivers whose work requires moving back and forth between the United States, Canada, and Mexico.[4]

Both of these mandates come in the wake of the United States Supreme Court's stay of the Biden Administration's vaccine-or-test “emergency testing standard” on January 13, 2022, which the Office of Safety and Health Administration (OSHA) withdrew formally on January 25, 2022.[5] While OSHA'S withdrawal of the emergency testing standard in the United States may help keep the number of eligible drivers on the road more consistent, the cross-border vaccine mandates that remain in place likely will continue to frustrate supply chains.[6] More than 66% of the $511 billion of goods traded between the United States and Canada is transported by road.[7] With reciprocal truck driver vaccine mandates in place, industry groups from both countries expect to lose 10% of the cross border workforce, at a time where the industry is already short 18,000 drivers.[8] Other trucking industry experts expect the number of affected drivers to go even higher, with estimates of around 20,000 truckers being affected.[9] Many in the industry project that the shortages will have an overflow effect on the delivery of food, fuel, healthcare supplies, and other essential goods.[10] In fact, the implications of the vaccine mandates are already being felt. According to the head of one of Canada's largest supermarket chains, the cross-border trucking vaccine mandate is raising the cost of shipping fresh food.[11] While retailers have still been able to stock shelves, which was a challenge during the surge of the COVID-19 Omicron variant, transportation costs have increased due to the mandate,[12] and while Canada's transport minister asserted that the reciprocal cross-border mandates have had little impact on the volume of trucks entering the country to deliver goods, industry groups are reporting spikes in transportation costs of up to 50% to bring goods from the United States into Canada, as there is less capacity to move freight since the mandates were introduced.[13]

With new cases of the Omicron variant receding, it is unclear whether the Canadian and/or United States governments will repeal the mandate. MG+M's Transportation Practice Group continues to monitor these cross-border issues, and their anticipated impact on American and Canadian trucking industries.

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(Continued)

[1] Truckers News Staff, *Briefly: Canadian Truckers Protest Mandated Vaccinations*, TRUCKER NEWS (Jan. 24, 2022) [hereinafter *Briefly: Protest*].
[2] PUBLIC HEALTH AGENCY OF CANADA, REQUIREMENTS FOR TRUCKERS ENTERING CANADA IN EFFECT AS OF JANUARY 15, 2022, (2022).
[3] *Briefly: Protest, supra* note 1.
[4] Don Ronan, *Foreign Truckers Must be Vaccinated to Enter US Starting Jan 22*, TRANSPORT TOPICS (Jan. 20, 2022).
[5] Press Release, American Trucking Association, Sean McNally, ATA Applauds OSHA's Withdrawal of Vax-or-Test Emergency Temporary Standard (Jan. 25, 2022).
[6] Don Ronan, *Foreign Truckers Must be Vaccinated to Enter US Starting Jan 22*, TRANSPORT TOPICS (Jan. 20, 2022).
[7] Katherine Fung, *Truckers Warn Canada's Vaccine Mandate Will Affect 10 Percent of Cross Border Workforce*, NEWSWEEK (Jan. 10, 2022).
[8] *Id.*
[9] *Id.*
[10] *Id.*
[11] Derek Decloet, *Vaccine Rule Raises Food-Shipping Costs for Canadian Grocer Metro*, BLOOMBERG NEWS (Jan. 25, 2022).
[12] *Id.*
[13] Paul Vieira, *Canada Says Trucker Vaccine Mandate Hasn't Dented Border Crossings*, THE WALL STREET JOURNAL (Jan. 31, 2022).

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