

Carriers Beware – You Could Face Long-Term Suspension of C-TPAT Designation Unless Every U.S. Bound Trailer Has Certified Security Seal

CTA says a system of progressive discipline should be used, but until then carriers need to be diligent

(Ottawa: October 6, 2008) -- The Canadian Trucking Alliance (CTA) is warning all C-TPAT carriers that their designation as a secure, low-risk business could be lost for a considerable period of time for something as simple as not having a certified seal on every trailer entering the United States, which is a condition of C-TPAT membership. CTA has become aware of what may be a growing number of carriers who have found themselves in this situation without any prior warning.

On the one hand, the seal requirement seems simple enough, but in the real world, where there are different drivers, and different types of trailers, loaded at different customer premises, by different people, it is easy for things to fall through the cracks despite a carrier's best intentions. When C-TPAT shippers load a carrier's trailer, the shipper is supposed to be responsible for affixing the seal. If they don't and the driver doesn't catch it, the carrier is held responsible. And, the penalties can be severe – loss of C-TPAT status for one to five years as reported to CTA. Carriers may not even know they have a problem. Notification of suspension from C-TPAT arrives by mail to the carrier. But even then no explanation for the suspension is given.

"We do not dispute the fact that if you are going to be in the C-TPAT program you must abide by its rules; but a policy of one strike and you're out of the program for a year or more, without prior warning seems draconian. It's hard to rationalize that the penalties fit the crime in these cases," says David Bradley, CEO of Canadian Trucking Alliance.

"The vast majority of C-TPAT carriers are diligent in doing everything they reasonably can to ensure that every trailer heading southbound has a C-TPAT seal affixed. However, with so many trailers in service and so many customers and situations to deal with on any given day even the best management plans are not failsafe. Carriers cannot physically inspect every single trailer, or ensure that their drivers inspect every trailer, before departure from a shipper's premises, for example, but the carrier is the only party it seems that is held liable," he said.

CTA is hopeful that the US Customs and Border Protection agency (USCBP) which administers the C-TPAT program will be amenable to discussing a system of progressive discipline like those that exist for truck safety compliance, starting with warning letters for minor infractions and increasing penalties for continued non-compliance. The most severe penalties would be reserved for habitual non-compliance.

"The carrier may not even know it has a problem until it's too late," says Bradley. "Carriers don't want to lose their C-TPAT designation. Loss of the low-risk identifier for even a short period of time could be the death-knell of a company, especially if you are serving an industry like automotive."

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"If you got it, a truck brought it."