

AFTC SPRING VIRTUAL BOARD MEETING



**Monday, May 18
3:00 - 4:30pm**



CONFERENCE: AGRICULTURAL AND FOOD TRANSPORTERS

CHAIR Mike Miller, Miller Trucking, Ltd. La Crosse, KS 785-222-3170
VICE CHAIR Brian Hitchcock, MBH Trucking, LLC. Webberville, MI 517-521-2124
ATA STAFF Jon Samson, Executive Director 703-838-7955

AGENDA

Meeting Date: Monday, May 18th
Time: 3:00 PM – 4:30 PM EST
Place: [Virtual Meeting – link attached](#)

1. Welcome & Self- Introductions
 2. Antitrust Guideline Review
 3. AFTC Business Meeting (Tab 1)
 - a) Approval of Minutes from Fall Board Meeting
 4. Issue Updates
 - a) HOS (Tab 2)
 1. NPRM
 2. Ag Commodity Definition
 3. COVID-19 response
 4. Revisit AFTC HOS position
 - b) Food safety/waste (Tab 3)
 - i. Perishable food waste response to COVID-19
 1. Farm to fork working group
 - ii. Issues impacting industry?
 - c) Highway/Infrastructure bill (Tab 4)
 - i. Hill overview (Cathy Evans)
 - ii. Ag definition, planting & harvest designation elimination
 - iii. Drive Safe w/FFA support
 - iv. Funding – ATA/AFBF joint letter
 1. AFTC/Ag work to defeat truck only VMT
 - d) Hemp transport (Tab 5)
 - i. ATA staff update – Abigail Potter
 5. New or Other Business
 - a) FFA partnership update, Ag tax, CA TRU support
- Adjourn Meeting

American Trucking Associations ANTITRUST GUIDELINES

All ATA meetings are held in strict compliance with federal and state antitrust laws and ATA's antitrust compliance policies, which prohibit exchanging information among competitors about purchase or sales prices, refusals to deal with customers or suppliers, dividing up markets or customers, tying the sale of one product to another, and other topics that might infringe upon antitrust regulations.

For the Diesel Fuel Strategies Workshop, June 19, 2008, the following specific additional guidelines apply:

No discussion about fuel surcharges, including the need for them, possible methodologies to calculate them, or specific levels.

No discussion about prices to be charged to shippers or other customers, relating to fuel or otherwise.

No discussion about specific suppliers of fuel or operators of truck stops.

No discussion of specific companies' plans for responding to higher fuel costs. General ideas about strategies may be discussed.

No agreement or invitations to agree on any of these topics.

These rules apply not only in the general sessions, but also during informal discussions in hallways and at lunch or coffee breaks. ATA staff will monitor the meeting, but for the protection of all attendees it is vital that everyone keep these rules in mind throughout the workshop.

To minimize the possibility of antitrust problems, the following guidelines should be followed at all meetings of ATA boards and committees and all ATA-sponsored conventions, trade shows, training seminars, best-practices discussions, conferences, colloquiums, and task force and working group sessions.

Procedures for Meetings

1. Meetings should be held only when there are proper items of substance to be discussed which justify a meeting.
2. In advance of every meeting, a notice of meeting, along with an agenda, should be sent to each member of the group. The agenda should be specific and such broad topics as "marketing practices" should be avoided. An ATA Law Department attorney must review all agendas before they are sent to meeting participants.
3. Participants at the meeting should adhere strictly to the agenda. In general, subjects not included on the agenda should not be considered at the meeting.
4. If a member brings up a subject of doubtful legality for discussion at a meeting, he or she should be told immediately the subject is not a proper one for discussion. The ATA staff representative or any member present who is aware of the legal implications of a discussion of the subject should attempt to halt the discussion. If the subjects of prices, costs, or other competitive practices are raised by others at the meeting, you must disassociate yourself unequivocally from the discussion. If necessary, you must leave or halt the meeting.
5. Minutes of all meetings should be kept by ATA. An ATA Law Department attorney should review draft meeting minutes before they are distributed to meeting participants. Minutes should summarize accurately the actions taken at meetings, if any. Minutes should not contain comments made by particular meeting participants because of the potential for incompleteness or inaccuracy in attempting to report precise remarks.
6. An ATA attorney or other staff member should attend all meetings. During any discussion between meeting participants that occur outside the formal meeting, the guidelines contained in the next section – "Topics to Avoid at Meetings" – must be followed.

(over)

7. Members should not be coerced in any way into taking part in ATA activities.
8. It is essential that members cooperate with ATA counsel, particularly when counsel has ruled adversely about a particular activity or topic of discussion.

Topics to Avoid at Meetings

The following topics are some of the main ones that should not be discussed at meetings attended by ATA members or staff, including meetings or other gatherings sponsored by organizations independent of ATA:

1. Current or future prices of competitors.
2. Matters related to prices, such as discounts, credit terms, profit levels, or volume of production or service.
3. Wage and salary rates, equipment prices, or other actual costs of individual companies, since these costs are an element of price.
4. Dividing up, allocating, or rationalizing markets, bids, geographic areas, types of business, or customers among competitors.
5. Refusals to deal with suppliers, customers, or other competitors. For example, if a group of motor carriers were to agree to boycott a supplier of diesel fuel for the purpose of forcing that supplier to lower its prices, such an agreement could run afoul of the antitrust laws. Critiques of supplier products or customer practices can also raise the danger of being construed as an unlawful group boycott, and should be conducted only after consultation with counsel. Such discussions may be permissible where efficiencies will be achieved through the exchange of ideas and where precautions are taken to avoid the inference of an agreement to deal with suppliers or customers only on certain terms.

“Best Practices” Discussions

The following guidelines should be applied to any “best practices” discussion:

1. All industry practices discussed should involve an attempt to reduce costs or realize some other efficiency. Discussions should be limited to what is reasonably necessary to accomplish these legitimate goals.
2. As in other areas of ATA activity, price and other competitively sensitive terms of trade should not be discussed in the “best practices” context. Specific present or future competitive plans and strategies of individual companies should not be discussed. Nor should specific customer information or specific companies’ costs.
3. In discussing “best practices,” no agreement should be reached to use a particular practice, to deal with suppliers or customers on particular terms, or to exclude a member or other competitor for using a different practice.
4. To the extent possible, technical personnel of member companies, rather than marketing personnel, should be used to conduct “best practices” discussions.
5. Prior to a “best practices” discussion, an agenda should be prepared and reviewed by counsel. Minutes should be kept of all meetings at which “best practices” are discussed. Should questions arise about the propriety of a “best practices” discussion, the discussion should be discontinued until counsel can be consulted.

If you have questions, please call the ATA Law Department at (703) 838-1865.



REPORT OF THE AGRICULTURAL AND FOOD TRANSPORTERS CONFERENCE OF AMERICAN TRUCKING ASSOCIATIONS

CHAIRMAN: Tom Lee, Empire Warehouse, Inc. Denver, CO 303-776-9500
VICE CHAIRMAN: Mike Miller, Miller Trucking, Ltd. La Crosse, KS
ATA STAFF LIASON: Jon Samson, Executive Director, 703-838-7955

The Board met in San Diego, CA on October 6, 2019. Chairman Tom Lee presided over the meeting. The meeting was called to order and anti-trust guidelines were reviewed. Committee members, guests and ATA staff introduced themselves. A quorum having been established, the minutes from the previous committee meeting were approved. The committee proceeded with the remainder of its agenda.

New Board Members – Nominated and approved at May's meeting, three new members were recognized and welcomed to the Board: (Jose Ortega – Foster Farms, Scott Willert – America's Service Line, John Penizotto, Rypos Inc.). In addition, Don Dondanville was approved to replace Check Segrest with McLeod Software.

HOS NPRM – After much discussion, the Board made a motion to support FMCSA's proposed change to the split-duty provision allowing a driver to take up to a 3hr break during the course of the 14 hr on duty clock extending that period for the length of the break. The Board also chose to support the split sleeper birth proposal (7&3) and redistribute the daily driver concept as a potential replacement to the short haul exemption. AFTC plans to submit comments in support of all three positions.

FFA – Mark Poeschl, CEO of the National FFA was introduced to the group and provided an overview of the great things happening within FFA and the excitement they have in working with ATA to provide a better understanding of trucking to their over 700,000 members. ATA will be exhibiting the image truck and simulator at FFA's annual meeting later this month.

Agriculture Definition ANPRM – AFTC worked with members and ag industry partners to provide a comprehensive definition of an agriculture commodity. The definition, supported by over 100 organizations, was submitted to FMCSA on September 27th.

Transportation of Hemp – Abigail Potter provided an update on changes defining hemp as a commodity in the 2018 Farm Bill and its impact on interstate transportation.

CARB Update – Mike Tunnel provided an update on CARB related issues happening in CA, specifically the work being done to require refrigerated trailers using docking stations at customer locations to run their reefer units.

Other issues – AFTC was recently informed that some cross dock facilities are being classified as warehouses requiring them to register as a food facility. This registration comes with a vast amount of additional regulations, regulations that a carrier of food should not be subject to. Lastly, the Board was updated to the status of the 10% axle weight tolerance issue. They were informed that the language was left out of recent transportation appropriations bill but is still being pursued.

Having exhausted the time available, the chairman entertained a motion to adjourn at 3:45 pm.

Respectfully submitted,
Jon Samson
AFTC Executive Director

Representing the agricultural and food transportation industry

October 21, 2019

The Honorable Raymond Martinez
Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, S.E., Suite 600
Washington, D.C. 20590

Re: Docket No FMCSA-2018-0248, Hours of Service of Drivers

Dear Administrator Martinez,

I write on behalf of the Agricultural and Food Transporters Conference (AFTC) of the American Trucking Associations (ATA) to express sincere appreciation for the opportunity to comment on the notice of proposed rulemaking (NPRM) focused on the hours of service (HOS) rules.

Statement of Interest

The Agricultural and Food Transporters Conference is the national organization representing motor carrier and allied members of the American Trucking Associations on critical issues affecting agricultural commodity and food transportation. Founded in 1995, AFTC's mission is to increase the safety, security, profitability and efficiency of transporters of agricultural commodities, food, forest products and natural resources; and to serve as the advocate for its members within the American Trucking Associations and before the government, other organizations and the public. AFTC works to ensure that its members operate in a strong and profitable business environment by helping shape legislation and regulations that impact the agricultural and food transportation industry.

Comments

In FMCSA's cost/benefit analysis of the proposed changes they rightly point out the rule would result in increased flexibility for drivers and a quantified reduction in costs for motor carriers. We agree and support the position that there are a number of other non-quantified cost savings to include increased flexibility resulting from the extension of the duty day and the air-mile radius for those operating under the short-haul exception; the increased options for drivers to respond to adverse driving conditions during the course of their duty period; and increased flexibility afforded to drivers, such as increased options with regard to on-duty and off-duty time resulting from changes to the sleeper-berth provisions, and the new split duty period provision.

It is an important point to raise that no provision within the NPRM would increase the maximum allowable driving time. The flexibilities in this proposal would allow drivers to shift their drive and work time to mitigate the impacts of certain variables (e.g., weather, traffic, detention times) and to take breaks without penalty when they need rest; flexibility that would have a positive impact on the driver's health.

Although AFTC is generally supportive of the NPRM as a whole, we have chosen to support the proposed changes to the split duty and split sleeper provisions and provide an alternative to the short haul exemption.

E. Split-Duty Period

PROPOSED CHANGE:

Would add a new option for one off duty break of at least 30 minutes, but not more than 3 hours, during the course of a driver's 14-hour "driving window" to extend that period for the length of the break, provided that drivers take at least 10 consecutive hours off duty at the end of the work shift

As mentioned above, it is important to point out that this change would not impact the 11 hour drive clock under the current HOS rules. The NPRM made mention of many beneficial uses, to include:

- Rest without the penalty of losing time in their driving window,
- Avoid traffic via waiting in a parking lot,
- Mitigate the effect on the 14-hour rule of long detention times by allowing driving later in the work shift,
- Minimize the effect on fatigue because drivers could use the voluntary pause to rest, offsetting any potential effect of driving later in the work shift.

After the electronic logging device (ELD) mandate went into effect it became clear that an increase in HOS flexibility was warranted. Allowing the 14 hour on duty clock to be paused for up to 3 hours is a reasonable proposal in providing that flexibility. Many carriers within the agriculture and food sectors spend a significant amount of time loading, unloading or waiting to do both, respectively. It is not uncommon for these carriers to run into their 14 hour on duty clock well before reaching their 11 hours of drive time. This proposal would allow them to pause their on duty clock during a long detention period, to wait out traffic in an urban area or any other unforeseen circumstance while on duty. In addition to making the on duty day more efficient, the proposal also notes the positive impact the break can provide the driver. It allows for a rest during stressful situations such as high traffic volumes or longer than normal wait times. We believe the changes to the split duty day, as proposed, would be of great benefit to our industry.

D. Sleeper Berth

PROPOSED CHANGE

Would modify the sleeper-berth requirements to allow drivers to take their required 10 hours off-duty in two periods, provided one off-duty period (whether in or out of the sleeper berth) is at least 2 hours long and the other involves at least 7 consecutive hours spent in the sleeper berth. Neither time period would count against the maximum 14-hour driving window.

AFTC has long advocated for more flexibility for the split sleeper birth. Although the 8/2 split is better than no split at all, we have believed that limiting the split to 2 hours was not enough time. We are in support of more flexibility, but are satisfied with the proposed 3/7 split as listed in the proposal.

A. Short-Haul Operations

PROPOSED CHANGE

Would extend the maximum duty period allowed under the short-haul exception available to certain CMV drivers from 12 hours to 14 hours. Would also extend, from a 100 to a 150 air-mile radius, the maximum distance in which drivers qualifying for the short-haul exception may operate.

AFTC developed a Daily Driver concept many years ago as an alternative to the short-haul exemption. We have modified and updated our position over the years and wanted to propose the following concept as an alternative to the current (or proposed) short haul exemption:

The Agricultural and Food Transporters Conference recommends that the Department of Transportation's (DOT) Federal Motor Carrier Safety Administration (FMCSA) adopt a special hours of service rule to meet the business needs of local and short haul truck drivers. These drivers operate from a home base, with regular schedules and are home each night. There is significant employer control and supervision of safety since the drivers report to and depart from an employers' facility each day. There exists, substantial evidence, in the U.S. DOT's proceedings to revise the hours of service proposal, demonstrating that these shorter haul truck drivers have a good safety record and that fatigue is not a safety problem.

This daily driver proposal builds upon the existing regulation which exempts home based drivers from driver log book requirements of 49.C.F.R. 395.8 and 395.11, a proposal based on the driver functioning in natural, commonsense settings, where they operate on a daily basis and on natural work-rest cycles. Moreover, while we recommend that no regulatory distinction be maintained between driving time within the total daily on-duty time of 14 hours, the nature of the work of these drivers results in a significant amount of their time being devoted to duties such as freight loading or unloading, securing and sealing loads, document preparation pre and post trip safety inspections, and stand-by at-customer's facilities. It is important to also emphasize that these are maximum hours of operation and these drivers often complete their tasks in advance of the allotted time.

Daily drivers generally work only five days in a seven day period, however on occasion, during seasonal peak periods; additional day(s) may be required. Therefore, it may be necessary to establish a maximum or aggregate duty time for the driver, who in any industry segment, qualifies as a daily driver under the definition contained in this proposal.

The daily driver concept modernizes the existing 100 mile air radius rule (short haul), which is a distance based regulation, since in reality, the activities in the daily work place

are time-based, time management sensitive, where fatigue management is critical. In many instances, many other necessary activities absorb more time in the workday than driving the truck.

The enforcement of the *daily driver proposal is simple. The burden of proof* is on the carrier and *the driver*. Those operating under the Daily Driver proposal will be required to use an electronic device documenting when they are on duty and how many miles they have driven so as not to exceed the maximum drive time referenced in the following proposed language:

Daily Driver specifics and proposed language

- 1) Modify current short haul regulations to allow a carrier to operate as he/she sees fit within a 14 hour window, while ensuring 10 hours of rest are taken at the end of 14 hours.
- 2) Carrier is exempted from 395.8 (records of on duty status) and 395.11 (supporting documents) when operating under the Daily Driver rule.
- 3) There would be no mileage restriction as long as the driver departs from and returns to the work reporting location and is released from work within 14 consecutive hours.
- 4) Driver allowed to operate any 6 out of 7 days, not to exceed 84 hours in a 7 day period.
- 5) The employer shall have to keep a record of the time and place where he/she reported for duty, the total number of hours worked, and the time he/she is released. These records must be retained for no less than 6 months.
- 6) The driver is required to use an electronic device documenting on duty time to ensure aggregate or maximum duty time is not exceeded.

On behalf of our AFTC members, I would like to thank FMCSA for providing the opportunity to comment on proposals that continue to provide us with needed flexibility to the HOS rules. We are happy to support much within the NPRM and are confident that our daily driver proposal would provide a positive alternative for the industry. Again, thank you for taking into account our comments and we look forward to working with you as this process continues forward.

Best Regards,



Jon Samson
Executive Director, AFTC

Representing the agricultural and food transportation industry

September 27, 2019

The Honorable Raymond Martinez
Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, S.E., Suite 600
Washington, D.C. 20590

Re: Docket No. FMCSA-2018-0348, Hours of Service of Drivers; Definition of Agricultural Commodity

Dear Administrator Martinez,

I write on behalf of the Agricultural and Food Transporters Conference (AFTC) of the American Trucking Associations (ATA), and other interested agricultural organizations, to express sincere appreciation for the opportunity to comment on the advanced notice of proposed rulemaking (ANPRM) focused on the current definition of an agricultural commodity as it relates to the hours of service (HOS) rules.

The current definition of an agricultural commodity, albeit vague, has worked well for the majority of the industry for many years. The vagueness has allowed the industry, the Agency and enforcement officials to interpret the definition broadly. As agriculture, and its supply chain, continue to evolve we have begun to realize that certain interpretations are not sufficient for inclusion of those ever evolving products and processes. Agricultural practices that took place 30, 40, 50 years ago have drastically changed and practices 30, 40, 50 years from now will undoubtedly follow a similar evolution. Moreover, the recent mandate of electronic logging devices (ELD) and the subsequent discussion around HOS flexibility provides us a great opportunity to address the agricultural commodity definition and ensure we not only have today's products and processes covered, but we write the definition in a way that the evolving industry will be covered 50 years from now. Our goal is to address the definition in such a way that it will not have to be addressed every 10 years, but rather be something that encompasses the broad spectrum of agriculture for many years to come.

Good stuff.



The idea of listing specific commodities would be a drastic mistake. The evolution of the industry mentioned above would deem the list outdated the moment it was printed. This task was undertaken by the now abolished Interstate Commerce Commission (ICC) in 1958.¹ This commodity composite list of exempt and non-exempt commodities provides 31 pages of products, some of which no longer exist. Our industry is changing so rapidly that we believe the listing of specific products would only cause additional confusion among all parties involved, especially within the enforcement community. Unfortunately the aforementioned list is referenced in several other sections under FMCSA's regulating authority. It is our request that the list of outdated commodities, from a commission which no longer exists, be replaced by the newly proposed definition.

As FMCSA is acutely aware, components of the agriculture industry work very closely with one another on a wide range of issues with transportation being one of those. We know and understand transportation's importance to agriculture and its significance to the entire supply chain. That being said, our respective industries have worked diligently over the past 60 days on a definition that would fully encompass the products and processes that span agriculture in its entirety. We are confident that the following definition would accomplish that goal:

Agricultural commodity and livestock are defined as:

- Any products planted or harvested for food, feed, fuel or fiber;
- Any non-human living animals (including fish, insects, and livestock as defined in Sec. 602 of the Emergency Livestock Feed Assistance Act of 1988 [7 U.S.C. 1471]) and the products thereof, to include, but not limited to milk, eggs, honey, etc.;
- Agricultural, raw forestry, aquacultural, horticultural and floricultural commodities; fruits, vegetables; and other agricultural products that are sensitive to temperature and climate and at the risk of perishing in transit;
- Animal feed (including ingredients);
- Products of preservation – products used during harvest or packing in final preparation for processing, including but not limited to bin, boxes, jars, cans, etc.;

We believe this definition sufficiently covers agricultural commodities, animals and products along those supply chains that support the movement of the products to ensure they are efficiently and safely transported. Below are further comments to questions posed in the ANPRM.

¹ Composite Commodity List. Federal Motor Carrier Safety Administration. Source: https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/Administrative_Ruling_119.pdf

Question 2. Should FMCSA define or otherwise clarify the term “non-processed,” as applied in the definition of “agricultural commodity?” If so, given the context of harvesting and planting seasons referenced in the applicable statute, how should that term be defined? Please provide examples of “non-processed” agricultural commodities that should be included and discuss the distinction between “processed” and “non-processed.”

Current changes in the interpretation of what constitutes the “source” of a commodity under the current HOS agricultural exemption show us the positive direction the Agency is moving in interpreting a non-processed agricultural commodity.² It is important to note that products “prepped” for further transport should be classified as non-processed or raw commodities. For example, melons harvested from a field and transported to a chilled warehouse to be cooled prior to further transportation are, and should continue to be, defined as non-processed. Dairy milk that is harvested and then moved to a terminal site prior to further transfer to a processing facility is, and should be, considered non-processed. These examples simply highlight the fact that raw commodities should be considered non-processed even if they have been handled, as long as their composition has not been altered.

Regarding the planting and harvesting season designation, there are only 17 states³ that don’t have a year round (Jan 1 – Dec 31) designation. We believe, for uniformity and to limit confusion, the planting and harvesting dates be made year round for all 50 states. In many northern US states, the designation has been set to omit the harshest of the winter months, a period of time when the strong majority of products covered under the exemption are not impacted. However, products such as live animals, and products from those animals (milk, eggs, etc.) continue to be moved as they are year round industries and become unnecessarily captured under “planting or harvesting”. There is current legislation⁴ that would fix this issue, but we believe FMCSA has the authority to make such a change and would be fully supported by industry.

Question 3. Would clarification or definition of other terms used in the definition of “agricultural commodity,” such as “food,” “feed,” or “fiber,” be helpful? Please provide recommendations and data to support your suggested definition.

We believe the terms listed would be helpful in crafting a more complete definition. These terms encompass a great deal of general and special commodities that are grown and harvested. However, there are other products that should be included but won’t fall within these terms. Our proposed definition would consist of these terms in addition to the inclusion of additional products and processes that should be included.

² Agriculture Exemption Diagrams. (2019). Federal Motor Carrier Safety Administration. Source: <https://www.fmcsa.dot.gov/hours-service/elds/agriculture-exemption-diagrams>

³ Manager’s Guide to Safe Trucking During Agricultural Planting and Harvest Season. (2009). American Trucking Associations. Source:

<https://www.trucking.org/ATA%20Docs/About/Organization/AFTC/Safe%20Trucking%20Guide.pdf>

⁴ Hours Act, H.R. 6178, 115th Congress (2018). <https://www.congress.gov/bill/115th-congress/house-bill/6178/text>

Question 4. Should the definition of "livestock" be revised to include aquatic animals in addition to live fish and crawfish? Please provide data to support your answer, such as how far aquatic animals are typically transported and why you believe the HOS exemption would be appropriate for the transportation of specific aquatic animals.

Live fish for human consumption were appropriately included in the initial livestock definition⁵, and the inclusion of all live fish is an appropriate addition. Live animals, including fish, are subject to the elements regardless of whether they are immediately destined for human consumption or are en route for another purpose. We believe it is important, and clearly stated in our definition, that all live animals are covered under the definition, and any subsequent definitions.

We are confident that questions 5, 6 and 7 were covered in the above answers. The definition of livestock should be modified to accommodate all live animals, and the listing of specific commodities/animals/products have been down a road that does not need to be traveled again. The inability to accurately list, track and enforce each commodity as it evolves over time is not only impossible, but terribly inefficient.⁶

Another inefficiency is the lack of uniformity between not only certain regulations, but their regulating agencies. We believe, that unless special circumstances warrant it, a definition of an agricultural product should be the same across industry, the federal government and the enforcement community. As referenced above, our respective groups work very closely together to ensure harmony in many rulemakings. We also work closely with our main regulating body, the US Department of Agriculture (USDA). Understanding that there are certain circumstances that specific products need be defined, we think it is important that our collective groups have a general definition to coalesce around. We are confident that we have put forward this definition, encompassing agriculture and minimizing confusion for all interest parties.

Question 11. Do you believe ambiguities in the current definition of the terms "agricultural commodity" or livestock," as applied to the HOS exemption in § 395.1(k)(1), impact highway safety? If so, how?

The HOS agricultural exemption was adopted in 1995. Since its adoption, there have been several modifications made to accommodate the evolution of the industry. We have included farm supplies as an important part of the supply chain movement of product, understanding that there is more that goes into planting a seed than just putting it into the ground. We made alterations after the adoption of the Chemical Facility Anti-

⁵ Emergency Livestock Feed Assistance Act of 1988, Pub. L. No. 115-334, 132 Stat. 4942 (2018). <https://uscode.house.gov/view.xhtml?path=/prelim@title7/chapter35A/subchapter5&edition=prelim>

⁶ Composite Commodity List. Federal Motor Carrier Safety Administration. Source: https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/Administrative_Ruling_119.pdf

Terrorism Standards (CFATS)⁷ following the attacks on September 11, 2001. As agriculture continues to grow, machinery gets larger and the need for product increases. It was important that we had flexibility within the supply chain to allow certain fertilizers a path to the retail facility, and ultimately the farm for its intended application. Most recently we were successful in extending the exempted air mileage radius from 100 to 150 air miles⁸ to ensure that the industry continues to enjoy the needed flexibility necessary to survive as it grows and consolidates.

We are nearing our 25th year under the exemption, and even with our continued evolution and growth, we are able to provide a safety record that we are very proud of. The clarification of the definition for agricultural commodities will not only sustain our exemplary safety record, but it will provide additional clarity for the industry, the Agency and the enforcement officials on the applicability of the exemption.

On behalf of the undersigned organizations, we would like to thank FMCSA for providing the opportunity to comment on the agricultural commodity definition. Over the last decade, FMCSA has done a great job of reaching out to and consulting with our respective industries, and for that we are thankful. As a sector we transport the most sensitive, perishable and diverse products in the world, and being able to have the understanding and first hand dialogue of the overseeing agency is essential. This is a very important topic and we believe it revolves around the definition itself. We are confident that our proposal is reasonable and accurate. Again, thank you for taking into account our comments and we look forward to working with you as this process continues forward.

Best Regards,



Jon Samson
Executive Director, AFTC

On Behalf of:

Agricultural Retailers Association
Agriculture Transportation Coalition

⁷ Chemical Facility Anti-Terrorism Standards. (2019). Department of Homeland Security. Source: <https://www.dhs.gov/cisa/chemical-facility-anti-terrorism-standards>

⁸ How can the MAP-21 "Transportation of Agricultural Commodities" exemptions be summarized?. (2014). Federal Motor Carrier Safety Administration. Source: <https://www.fmcsa.dot.gov/faq/how-can-map-21-%E2%80%9Ctransportation-agricultural-commodities%E2%80%9D-exemptions-be-summarized>

Agribusiness Association of Iowa
Alabama Cattlemen's Association
American Beekeeping Federation
American Farm Bureau Federation
American Honey Producers Association
American Soybean Association
California Cattlemen's Association
California Trucking Association
Chicken and Egg Association of Minnesota
Colorado Cattlemen's Association
Corn Refiners Association
Exotic Wildlife Association
Florida Cattlemen's Association
Florida Trucking Association
Forest Resources Association
Georgia Cattlemen's Association
Georgia Poultry Federation
Grain and Feed Association of Illinois
Growth Energy
Hawaii Cattlemen's Council
Illinois Beef Association
Illinois Trucking Association
Indiana Motor Truck Association
Institute of Shortening and Edible Oils
International Milk Haulers Association
Iowa Poultry Association
Kansas Agribusiness Retailers Association
Kansas Grain and Feed Association
Kansas Motor Carriers Association
Kentucky Cattlemen's Association
Livestock Marketing Association
Maine Motor Transport Association
Maryland Cattlemen's Association
Michigan Agri-Businesses Association
Michigan Bean Shippers
Minnesota Turkey Growers Association
Mississippi Cattlemen's Association
Mississippi Poultry Association
National Barley Growers Association
National Cattlemen's Beef Association

National Chicken Council
National Council of Farmer Cooperatives
National Farmers Union
National Grain and Feed Association
National Grange
National Milk Producers Federation
National Oilseed Processors Association
National Pork Producers Council
National Sunflower Association
National Turkey Federation
Nebraska Cattlemen's Association
Nebraska Grain and Feed Association
Nebraska Trucking Association
Nevada Trucking Association
New Mexico Cattle Growers' Association
New Mexico Wool Growers Inc.
Northeast Agribusiness and Feed Alliance
North American Meat Institute
North American Millers' Association
North American Renderers Association
North Carolina Cattlemen's Association
North Carolina Egg Association
North Dakota Grain Dealers Association
Ohio Agribusiness Association
Ohio Cattlemen's Association
Oklahoma Cattlemen's Association
Pennsylvania Cattlemen's Association
Plant California Alliance
Renew Kansas Biofuels Association
Rocky Mountain Agribusiness Association
South Carolina Trucking Association
South Dakota Agri-Business Association
South Dakota Association of Cooperatives
South Dakota Grain & Feed Association
South Texas Cotton & Grain Association
Texas Agricultural Cooperative Council
Texas Allied Poultry Association
Texas Broiler Council
Texas Cattle Feeders Association
Texas Cotton Association

Texas Egg Council
Texas Grain and Feed Association
Texas H.O.R.S.E.
Texas Independent Ginners Association
Texas Nursery & Landscape Association
Texas Poultry Federation
Texas Poultry Improvement Association
Texas Trucking Association
Texas Turkey Federation
The Fertilizer Institute
The Poultry Federation
United Dairymen of Arizona
U.S. Canola Association
U.S. Poultry & Egg Association
Virginia Cattlemen's Association
Vocational Agriculture Teachers Association of Texas
Washington Cattlemen's Association
Wisconsin Agri-Business Association

March 30, 2020

U.S. Governors
U.S. Lieutenant Governors
State Transportation Directors
State Agriculture Directors and Commissioners

Dear State Official:

RE: Harmonization of Increased Truck Weights on U.S. and Interstate Highways

The undersigned organizations thank you, your staff and your state's employees for the countless hours of work and dedication you are collectively contributing to address the unprecedented COVID-19 crisis.

The farmers, ranchers, food and beverage manufacturers, processors, package suppliers and agricultural product marketers that make up our memberships are dedicated to providing the safe, abundant and affordable food and feed required to ensure our country stays healthy and fed during this time.

We commend the many states that have increased truck weights on some highways within their jurisdictions. Increased truck weights improve the food industry's efficiency and capacity to deliver essential food, feed and key ingredients which sustain our food supply chain. This will become more critical if the availability of truck drivers is impacted adversely by COVID-19.

Congress has acted on the need for maintaining and enhancing truck capacity by including Section 22003 of the "Coronavirus Aid Relief, and Economic Security Act," signed into law last week, which expressly clarifies the U.S. Department of Transportation's authority to allow states to increase truck weight limits during the COVID-19 emergency.

Therefore, we respectfully ask that your state, if it has not already done so, increase truck weights on all U.S. highways and Federal Interstate Highways within its jurisdiction to a minimum of 88,000 pounds—while respecting bridge and posted seasonal or special road and/or local limitations.

Establishing a minimum truck weight limit of 88,000 pounds would ensure that a minimum harmonized weight exists across the country and help protect against essential shipments adhering to this common increase from being impeded at state borders.

Thank you in advance for your timely consideration of this request.

Sincerely,

Agricultural & Food Transporters Conference
Agricultural Retailers Association
Agriculture Transportation Coalition
AMCOT
American Bakers Association
American Beekeeping Federation

American Beverage Association
American Cotton Producers
American Cotton Shippers Association
American Farm Bureau Federation
American Frozen Food Institute
American Honey Producers Association
American Seed Trade Association
American Sheep Industry Association
American Soybean Association
American Sugar Alliance
Consumer Brands Association
Corn Refiners Association
Cotton Growers Warehouse Association
Cotton Warehouse Association of America
Cottonseed and Feed Association
Forest Resources Association
Growth Energy
Hardwood Federation
International Dairy Foods Association
Institute of Shortening and Edible Oils
Leather and Hide Council of America
Meat Import Council of America
National Alliance of Forest Owners
National Aquaculture Association
National Association of Wheat Growers
National Cattlemen's Beef Association
National Chicken Council
National Cotton Council
National Cotton Ginners Association
National Cottonseed Products Association
National Council of Textile Organizations
National Council of Farmer Cooperatives
National Farmers Union
National Grain and Feed Association
National Grange
National Milk Producers Federation
National Oilseed Processors Association
National Pasta Association
National Pork Producers Council
National Potato Council
National Sorghum Producers
National Turkey Federation
North American Meat Institute
North American Millers' Association
North American Renderers Association
Panhandle Peanut Growers Association
Pet Food Institute
Southwest Council of Agribusiness

Soy Transportation Coalition
The Fertilizer Institute
United Fresh Produce Association
USA Rice
U.S. Custom Harvesters, Inc.
U.S. Poultry & Egg Association
Western Growers Association
Western Peanut Growers Association

March 27, 2020

The Honorable Jim Mullen
Acting Administrator
Federal Motor Carrier Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, S.E., Suite 600
Washington, D.C. 20590

Dear Mr. Mullen:

The undersigned food and agricultural organizations appreciate the efforts of your team to protect our citizens and the U.S. economy during the COVID-19 outbreak.

Your prompt action to provide hours-of-service relief to motor carriers and truck drivers hauling livestock and a limited number of other agricultural products helped facilitate a near-term supply of those products.

However, the hours-of-service relief was insufficient to adequately encompass the major beginning and middle segments of the food and agricultural supply chain. Our member companies already are experiencing a tightening in trucking capacity and disruptions in truck transport in certain states and regions given state-imposed restrictions related to COVID-19. To address this situation, we strongly urge you to expand and extend the hours-of-service relief from *farm-to-fork*, specifically by including raw agricultural commodities, animal food and feed ingredients, processed agricultural commodities and farm supplies (such as seed, fertilizer and other agricultural products and chemicals needed by farmers to grow crops) to adequately preserve the resiliency of our nation's food supply during the pandemic.

The undersigned organizations, whose members consist of farmers, ranchers, agribusinesses, food companies and other related businesses that comprise the full food and agricultural supply chain continuum, know well the indispensable role that truck transportation serves in an efficiently functioning food and agricultural supply chain. Each sector of that chain is linked; when one segment is affected adversely, the ripple effects extend throughout the supply chain.

One such COVID-19 contingency for which our members are preparing is a contraction in truck driver availability. As previously noted, when one part of the agricultural and food supply chain is affected adversely, the effects ripple throughout the chain. Transportation of farm inputs, such as seed and fertilizer, constitute the critical first steps in the supply chain; spring is the busiest time of the planting season, which could coincide with the escalation of the COVID-19 outbreak. Farmers know that fertilizer availability can be reduced greatly when transportation systems are disrupted, such as last year when flooding on the inland river systems snarled the ability of barges to bring fertilizer up-river. Agricultural retailers and truck drivers came through by trucking fertilizer longer-than-normal distances to have product available for farmers' spring and early summer use.

In addition to COVID-19's impact, the pool of available drivers for the agricultural retail industry may be further disrupted by the appropriate prioritization of health clinics on essential/emergency patients rather than non-essential services such as providing alcohol and drug testing services for commercial driver's license safety-sensitive functions. To prevent this major economic and transportation supply logistical problem for agricultural retailers, we recommend that FMCSA grant temporary flexibility for the issuance of restricted agricultural commercial driver's licenses.

Transportation of raw agricultural commodities, such as grains and oilseeds, animal food and feed ingredients and processed agricultural commodities constitute other integral segments in the supply chain that require hours-of-service relief. Most raw agricultural commodities that are shipped distances greater than 500 miles are moved by via rail or barge. But for shipments under 500 miles, trucks are the predominant mode. While, the agricultural exemption to the hours-of-service rules provides flexibility for movements of less than 150-air miles, it provides no relief for longer movements.

Food processors, export facilities and animal feeding and pet food operations require a steady supply of raw agricultural commodities, animal food and feed ingredients, and they often are not located within 150-air miles of their shipping point. Historically, trucks have served as the transportation mode that provides surge capacity when disruption occurs within other transportation modes. As trucking capacity and the availability of drivers tightens due to COVID-19, the just-in-time deliveries to food processors, export facilities and animal operations are less likely to occur, which could result in significant supply disruptions.

Examples of routine truck deliveries in excess of 150 air-miles that could be curtailed include the following:

- Alfalfa hay from Kansas to dairies in the upper Midwest.

- Oilseed crops from western North Dakota to crushers in eastern North Dakota.

- Corn from eastern Kansas to cattle feedlots in western Kansas.

- Wheat from Arizona to export facilities in California.

- Corn and soybeans from eastern states to poultry feeders on the eastern shore of the Delmarva peninsula.

- Identity-preserved and/or organic grain to specialty end users (whose draw areas usually are larger than conventional end-users) throughout the country.

- Imported organic and specialty raw agricultural commodities and feed ingredients from ports to interior feed mills.

- Fertilizer from barge unloaders along the inland waterway system to agricultural retailers throughout the Midwest, Plains and Mid-South.

COVID-19 is challenging the nation in unimaginable ways. It is attacking the most essential component of our nation's economy, its workforce. While we hope our nation's freight transportation workforce is spared from COVID-19-related disruptions, it is prudent ***now*** for FMCSA to alleviate and manage the possibility of protracted and disruptive COVID-19 outbreaks

by extending hours-of-service relief from *farm-to-fork*, to include truck transport of raw agricultural commodities, animal food and feed ingredients, processed agricultural commodities and farm supplies, to help ensure continuity of operations for America's human and animal food supply participants as we work to maintain a wholesome, safe and affordable supply of agricultural products during and following the COVID-19 pandemic.

Thank you for considering our views, and for your help on this issue of great importance to U.S. food and agriculture.

National Grain and Feed Association

Copy: Governors of the States

April 7, 2020

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
Washington, DC 20510

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, DC 20515

The Honorable Chuck Schumer
Minority Leader
U.S. Senate
Washington, DC 20510

Dear Speaker Pelosi, Leader McConnell, Leader McCarthy, and Leader Schumer:

On behalf of the following businesses and associations, we write to inform you of a major problem that stands to impact our nation's ability to respond to the COVID-19 pandemic. To date, 27 states have closed their State Driver's License Agency (SDLAs). 23 SDLAs remain operational, but with only limited service offerings (limited locations, limited hours, appointment only, etc.). This is a critical problem because SDLAs need to remain open to test and issue Commercial Learner's Permits and Licenses (CDLs). Unless they remain open, or alternative steps are taken, no new commercial drivers will be licensed, and transportation demands cannot be met.

Already, industries that rely on CDL drivers have begun to note the adverse impact on their ability to source new drivers while at the same time facing increased shipping volume demands. Moreover, given that the duration of the pandemic is unknown, it is all the more important that action be taken immediately to maintain the supply chain's necessary resource: trained and licensed CDL drivers.

Federal Authorities Have Waived Countless Regulations, But More Action is Required

The Federal Motor Carrier Safety Administration (FMCSA) has already taken drastic steps that support the transportation industry by temporarily waiving various State-compliance provisions.¹ Likewise, recent Department of Homeland Security guidance deems as essential: "[w]orkers who support necessary credentialing, vetting and licensing operations for transportation workers."² But neither of these federal actions alone can require or compel a state to open its SDLA. In

¹ U.S. DEPARTMENT OF TRANSPORTATION, *Waiver in Response to the COVID-19 Emergency –For States, CDL Holders, CLP Holders, and Interstate Drivers Operating Commercial Motor Vehicles*, March 24, 2020 (available at <https://www.fmcsa.dot.gov/emergency/fmcsa-cdl-waiver-32420>); *Notice to State Drivers Licensing Agencies of the Federal Motor Carrier Safety Administration's Policy Regarding Effect of Actions during COVID-19 Emergency*, March 20, 2020 (available at <https://www.fmcsa.dot.gov/emergency/notice-state-drivers-licensing-agencies-federal-motor-carrier-safety-administrations>)

² U.S. DEPARTMENT OF HOMELAND SECURITY, CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY (CISA), *Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response*, March 19, 2020 available at: <https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce>.

states that have closed their SDLA, there is no training, testing, or licensing of new commercial drivers at the very time training and licensing is needed most: to respond and emerge from the COVID-19 hibernation.

We have sent a [letter](#) to all governors requesting immediate action to clarify state executive orders and decrees that Commercial Driver Training Schools (CDL Schools) and SDLAs must remain open. In that letter, we also recommend additional actions governors and states may take to maintain health safety protocols while enabling new drivers to get training and CDL licenses.

Establish Temporary Federal Authority Regarding CDL Licensing

The cumulative impact of SDLA closures requires bold action because our nation and our economy will continue to suffer without new commercial drivers. Therefore, we urge you to vest the Secretary of Transportation with temporary, concurrent authority to issue CDLs, or allow CDL Schools to do so. Each month, anywhere between 25,000-40,000 Americans are issued a Commercial Driver's License.³ These new drivers were critical to the supply chain before COVID-19 and are all the more so now. Congress has already responded with bold action by passing the COVID-19 Stimulus package. However, we believe additional bold action is necessary to ensure that our nation is able to produce new commercial drivers to help both in the short-term, but also move our nation's goods as we emerge from this hibernation.

The proposed [legislation](#) would grant the Secretary temporary authority (180 days or less) to administer CLP or CDL testing, or to approve certain designated entities (CDL schools, motor carrier training programs, unions, or other types) to conduct training and certify the knowledge and skills in lieu of issuing a CLP or CDL. It is needed because as SDLAs are closed (or will be closed), our nation will be hurting those directly responsible for moving 70% of America's freight.

We also believe that this legislation can quickly be implemented by the Department of Transportation and will, most importantly, maintain safety. This temporary federal authority would be a grant of concurrent authority to SDLAs, who may be shut down or severely impacted and are unable to keep up with the demand for commercial drivers.

We urge you to act on this important issue immediately.

Sincerely,

Trade Associations

Agribusiness Council of Indiana
Agricultural and Food Transporters Conference
Agricultural Retailers Association
American Bus Association
American Frozen Food Institute
Commercial Vehicle Training Association
Consumer Brands Association

³ Class A, B, or C Commercial Driver's License.

Florida Trucking Association
Global Cold Chain Alliance
International Foodservice Distributors Association
Kentucky Trucking Association
MN Crop Production Retailers
National Association of Publicly Funded Truck Driving Schools
National Cattlemen's Beef Association
National Pork Producers Council
Nebraska Trucking Association
Oklahoma Trucking Association
The Fertilizer Institute
Truck Renting and Leasing Association
Truckload Carriers Association
United Motorcoach Association
Women in Trucking
Wyoming Ag Business Association

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C.H. Robinson, Eden Prairie, MN
C.R. England, Salt Lake City, UT
CFI, Joplin, MO
Clean Harbors, Norwell, MA
Covenant Transport, Chattanooga, TN
CRST International, Cedar Rapids, IA
D. M. Bowman, Inc., Williamsport, MD
DOT Foods, Mt. Sterling, IL
EPES Transport System, Greensboro, NC
Exel, Westerville, OH
Fox River Fiber, DePere, WI
H. O. Wolding, Amherst, WI
Hogan Transports, Inc., Bridgeton, MO
Jelly Belly Candy Co., Fairfield, CA
Karl's Transport, Antigua, WI
Knight-Swift Transportation, Phoenix, AZ
Kraft Heinz Company, Chicago, IL
Level 2 Logistics/Estes Express, Richmond, VA
LRC-Shawano Paper Mill, Shawano, WI
LSB Industries, Oklahoma, OK
MACTac, Scranton, PA
Maverick Transportation, N. Little Rock, AR
May Trucking Company, Salem, OR
McElroy Truck Lines, Cuba, AL
Melton Truck Lines, Tulsa, OK
Merschman Seeds, West Point, IA

Midwest Paper Group, Combined, WI
MTR, Inc., Upper Marlboro, MD
NTB Trucking, Wyoming, MI
P&S Transportation, Elizabeth, NJ
Paschall Truck Lines, Murray, KY
Pilot Flying J, Knoxville, TN
Pixelle Specialty Solutions, Spring Grove, PA
Radiant Clipper, Woodbridge, IL
Reinhart Food Service, Richmond, VA
Reston Limo, Loudon County, VA
Roadtex LTL/SLG, Bridgetown, NJ
Roehl Transport, Marshfield, WI
Sapp Brothers, Omaha, NE
Schneider National, Green Bay, WI
Schreiber Foods, Fullerton, CA
Stevens Transport, Dallas, TX
Supreme Trucking Group, Dublin, CA
TA Petro Shopping Centers, Westlake, OH
TMC Transportation, Des Moines, IA
TransAm Trucking, Olathe, KS
Transland Trucking, Springfield, MO
Transport America, Eagan, MN
UPS, Atlanta, GA
US Xpress, Chattanooga, TN
Werner Enterprises, Omaha, NE
Yara North America, Inc., Tampa, FL

CDL Schools

160 Driving Academy, Evanston, IL
Advanced Career Institute, Visalia, CA
Affordable Truck Driver Training, Moulton, AL
All State Career School, Essington, MD
American Truck Schools, Redding, CA
American Truck Training, Inc., Oklahoma City, OK
Ancora Education, Augusta, TX
Apex CDL Institute, Kansas City, KS
ATDS Career Education, Elm Mott, TX
Berks Technical Institute, Wyomissing, PA
Black Wolf CDL Training Center, Bryan, TX
Bluegrass CDL Academy, Winchester, KY
Boyd Driving Academy, Birmingham, AL
C1 Truck Driver Training, Indianapolis, IN
California Truck Driving Academy, Santa Ana, CA
Canandaigua Driving School, Farmington, NY
Career Tech, LLC, Lakeland, FL

CC Training, Morton, DE
CDL Training and Consulting Services, Paducah, KY
CDL Xpress Truck Driving School, Indianapolis, IN
CDS Tractor Trailer Training, Woodford, VA
Center for Employment Education, Anchorage, AK
Coastal Truck Driving School, New Orleans, LA
Commercial Driver Training, West Babylon, NY
Commercial Vehicle Training Center, Watkins, CO
Continental Truck Driver Training, Dallas, TX
Delta Technical College, Hornlake, MS
Diesel Driving Academy, Shreveport, LA
Exel Driver Services, Henderson, CO
Fayetteville Technical Community College, Fayetteville, NC
Ferrari Driving School, Astoria, NY
Future Truckers of America, Asheboro, NC
Georgia Driving Academy, Conyers, GA
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Lancaster County Career & Technology Center, Willow Street, PA
Maverick Transportation, North Little Rock, AR
Midwest Technical Institute - Springfield, MO,
Millis Transfer, Cartersville, GA
Mississippi Truck Driving School, L.L.C., Hickory Flat, MI
MTC Truck Driver Training, Hazelwood, MO
Napier Truck Driver Training, Hamilton, OH
National Tractor Trailer School, Liverpool, NY
NETTTS, Quincy, MA
Northeast Technical Institute, Scarborough, ME
Ohio Business College, Middletown, MO
Pacific NW Professional Driving School, Tacoma, WA
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Roadmaster Drivers School, Tampa, FL
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Schneider National, Green Bay, WI
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Stevens Transport Truck Driving Schools, Dallas, TX
Suburban Truck Driving Schools, Romulus, MI

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Swift Driving Academy, Memphis, TN
Taylor Truck Driving Schools, Burlington, WA
Tennessee Truck Driving School, Louisville, TN
TMC Transportation, Des Moines, IA
Transtech, Newton, NC
Truck America Training of KY., LLC, Shepherdsville, KY
Truck Driver Institute, Christina, TN
Truck Driving Academy, Rancho Cordova, CA
United States Truck Driving School, Denver, CO
United Truck Driving School, Murfreesboro, TN
United Truck Driving School, San Diego, CA
Western Pacific Truck School, Stockton, CA
Western Truck School, West Sacramento, CA

Suppliers and Service Providers

Advanced Training Systems, St. Petersburg, FL
CDL Life, Shawnee, KS
CDL Marketing, Royal Oak, MI
Conversion Interactive Agency, Brentwood, TN
Driver IQ, Tulsa, OK
Fastport, Lowell, MA
ie Links, Phoenix, AZ
Instructional Technologies, Vancouver, WA
Lancer Insurance Company, Long Beach, NY
Mike Byrnes & Associates, Corpus Christi, TX
Paradigm Media Consultants, Fishers, IN
Paramount Capital Group, Conshohocken, PA
Partners Financial Services, Fenton, MO
Randall-Reilly Publishing, Tuscaloosa, AL
Tenstreet, LLC., Tulsa, OK
TextAim, Gilbert, AZ
Transportation Compliance Services USA, Biloxi, MI
Virage Simulation - US Operations, Port Orange, FL
WorkSTEPS, Houston, TX

April 7, 2020

The Honorable Lawrence J. Hogan, Jr.
Governor
State of Maryland
Chair
National Governors Association
444 North Capitol St., NW #267
Washington, DC 20001

The Honorable Andrew Cuomo
Governor
State of New York
Vice Chair
National Governors Association
444 North Capitol St, NW #267
Washington, DC 20001

Dear Governor Hogan and Governor Cuomo:

On behalf of the following businesses and associations, we write to you and all Governors, urging specific and immediate executive action to address a critical threat to our nation's ability to move medical supplies, food, and other freight. We specifically urge all Governors to:

- Clarify existing executive orders or decrees to ensure Commercial Driver License Training Schools (CDL Schools) and State Driver's License Agencies (SDLAs) are considered "essential services."
- Implement additional measures (as outlined below) so SDLAs can continue to test and license individuals while maintaining COVID-19 health safety protocols.

CDL Schools and SDLAs Are Essential Services

To date, many Governors have wisely used state executive orders or other decrees to deem transportation roles essential to the supply chain. However, we believe these same executive orders or decrees need to be clarified to designate CDL Schools and SDLAs as "essential services." CDL Schools and SDLAs must remain open (subject to COVID-19 safety protocols) in order to train, test, and license new commercial drivers, who will continue responding to our national crisis.¹

22 states have closed SDLAs. 28 SDLAs remain operational, but with limited service offerings (limited locations, limited hours, appointment only, etc.). Already, industries that rely on CDL drivers, have begun to note the adverse impact on their ability to source new drivers while at the same time facing increased shipping volume demands. Moreover, given that the duration of the pandemic is unknown, it is all the more important that action be taken immediately to maintain the supply chain's necessary resource: trained and licensed CDL drivers. Therefore, we urge you to take immediate action to clarify that CDL Schools and SDLAs are "essential services."

Additional State Action Needed

As you know, interstate commercial drivers are able to drive throughout the country. Therefore,

¹ See U.S. DEPARTMENT OF HOMELAND SECURITY, CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY (CISA), *Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response*, March 19, 2020 available at: <https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce> (recognizing that "employees supporting or enabling transportation functions" and "[w]orkers who support necessary credentialing, vetting and licensing operations for transportation workers," are essential workers).

individual state decisions to close SDLAs are impacting our entire nation's ability to train, test, and license drivers. We offer the following ideas for additional action as a means of ensuring that all states do their part to aid our national need for truck drivers while also ensuring adherence to COVID-19 safety protocols:

- Open designated SDLA locations with limited hours so students may obtain their CDL permits;
- Establish a temporary online CDL permit test;
- Allow SDLA employees to administer the CLP test to students at the school's location;
- Allow out of state students to take CDL skills exams in your state; or
- Issue temporary authority to accept a state licensed CDL school certificate in lieu of a CLP if state SDLAs are closed.

Our nation desperately needs to continue training and testing new professional CDL drivers. We urge all Governors to take immediate actions to clarify CDL Schools and SDLAs as "essential services" and to consider implementing the above actions to maintain our ability to train and license new professional CDL drivers, while maintaining COVID-19 health safety protocols.

Sincerely,

Trade Associations

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American Bus Association
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Fastport, Lowell, MA
ie Links, Phoenix, AZ
Instructional Technologies, Vancouver, WA
Lancer Insurance Company, Long Beach, NY

Mike Byrnes & Associates, Corpus Christi, TX
Paradigm Media Consultants, Fishers, IN
Paramount Capital Group, Conshohocken, PA
Partners Financial Services, Fenton, MO
Randall-Reilly Publishing, Tuscaloosa, AL
Tenstreet, LLC., Tulsa, OK
TextAim, Gilbert, AZ
Transportation Compliance Services USA, Biloxi, MI
Virage Simulation - US Operations, Port Orange, FL
WorkSTEPS, Houston, TX

Agricultural & Food Transporters Conference (AFTC)

Agricultural Hours of Service (HOS) Exemption

Generally, truck drivers are limited to a maximum of 11 driving hours per day, among other restrictions, which is recorded in a log book that must be presented to a law enforcement officer upon request. However, flexibility is needed during agricultural planting and harvest seasons since weather often dictates when products must be moved. The agricultural hours of service (Ag HOS) exemption allows truck drivers working in the agriculture industry the flexibility to meet the demands of nature.

The Ag HOS exemption is limited in several ways. These qualifications mean that the exemption is not a blanket federal exemption for all agricultural operations.

It is targeted to the transportation of raw agricultural commodities from the field to the first point of processing, the delivery of farm supplies from a wholesale/distribution point to the retail site or to the farm, or retail site to farm and the transportation of livestock and livestock feed.

Planting and harvest season is defined by each state according to local conditions.

It is limited to a 150 air mile radius of the farm, retail or wholesale/distribution point.

AFTC Position

AFTC actively supported: clarifying the movement of farm supplies from a wholesale/distribution point to the retailer or farm; removing the term “in the state” from the law, eliminating confusion over interstate movements and; extending the air mile radius from 100 to 150 miles. AFTC continues to actively support safe operations under the ag exemption and its importance in providing flexibility to agriculture during the busiest times of the year.

.....
(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R.

To amend the Motor Carrier Safety Improvement Act of 1999 to amend certain hours of service requirements for agricultural operations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. CRAIG introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Motor Carrier Safety Improvement Act of 1999 to amend certain hours of service requirements for agricultural operations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. HOURS OF SERVICE REQUIREMENTS FOR AGRI-**
4 **CULTURAL OPERATIONS.**

5 Section 229 of the Motor Carrier Safety Improve-
6 ment Act of 1999 (49 U.S.C. 31136 note) is amended—

7 (1) in subsection (a)(1)—

1 (A) in the matter preceding subparagraph
2 (A), by striking “during planting and harvest
3 periods, as determined by each State,”; and

4 (B) by amending subparagraph (A) to read
5 as follows:

6 “(A) drivers transporting agricultural com-
7 modities within a 150 air-mile radius from—

8 “(i) the source of the agricultural
9 commodities; or

10 “(ii) the destination of the agricul-
11 tural commodities;”; and

12 (2) in subsection (e)(8)—

13 (A) by striking “during the planting and
14 harvesting seasons within each State, as deter-
15 mined by the State,”; and

16 (B) by striking “at any time of the year”.

Perishable Food Waste Working Group

Agricultural & Food Transporters Conference of ATA (AFTC)
Agriculture Transportation Coalition (AgTC)
American Cotton Shippers Association (ACSA)
American Farm Bureau Federation (AFBF)
American Frozen Food Institute (AFFI)
American Horticulture
American Logistics Aid Network (ALAN)
American Seed Trade Association (ASTA)
Consumer Brands Association
Farm Credit Council (FCC)
Feeding America
FFA
Food Marketing Institute (FMI)
Food Shippers of America
Global Cold Chain Alliance (GCCA)
Green Plains Inc.
Growth Energy
Institute of Shortening and Edible Oils (ISEO)
Intermodal Motor Carriers Conference of ATA (IMCC)
International Dairy Foods Association (IDFA)
International Food Distributors Association (IFDA)
International Milk Haulers Association (IMHA)
Land O Lakes
Louis Dreyfus Company
Meat Importers Council of America (MICA)
National Association of State Departments of Agriculture (NASDA)
National Association of Wheat Growers (NAWG)
National Cattlemen's Beef Association (NCBA)
National Chicken Council (NCC)
National Corn Growers Association (NCGA)
National Cotton Council of America (NCC)
National Grain and Feed Association (NGFA)
National Milk Producers Federation (NMPF)
National Oilseed Processors Association (NOPA)
National Pork Producers Council (NPPC)
National Restaurant Association (NRA)
North American Export Grain Association (NAEGA)
North American Meat Institute (NAMI)
North American Renderers Association (NARA)
Our Strength/No Kid Hungry
Pet Food Institute (PFI)
Plains Cotton Cooperative Association (PCCA)
Produce Marketing Association (PMA)
The Fertilizer Institute (TFI)
Tyson Foods
United Fresh Produce Association

USA Rice Federation
US Meat Export Federation
US Poultry & Egg Association
US Wheat Associates
Western Growers Association (WGA)

USDA, FDA and FEMA



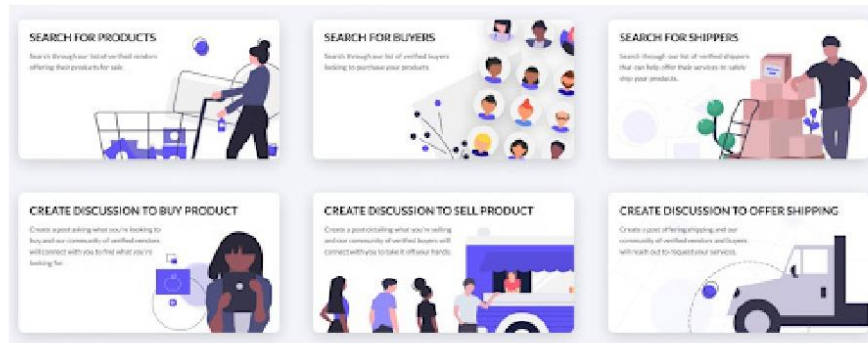
iTradeMarketplace Adapting to COVID-19



About iTradeMarketplace

What is iTradeMarketplace?

iTradeMarketplace brings buyers, suppliers, packaging companies, and industry associations together to bridge supply with demand in the food and beverage supply chain, foster new trading relationships, and build stronger supply chain resiliency now and for the future.



What are the benefits of iTradeMarketplace?

iTradeMarketplace builds lasting flexibility into your procurement processes by broadening your trading network. It provides robust search-by-commodity capability and direct communication between users so you can meet, negotiate, and start trading on the iTrade procurement platform.

Who can participate in iTradeMarketplace?

iTradeMarketplace is open to any company or industry association in the food and beverage supply chain. iTradeMarketplace allows buyers, suppliers, and logistics companies to work together to reduce food waste and build stronger connections.

Interested?

Email | marketplace@itradenetwork.com

Visit | <https://info.itradenetwork.com/itrademarketplace>

Visit us online for information, resources, and to create an account.

**Continued flexibility for those hauling agricultural and food products
(Samson)**

The Problem/Concern/Issue:

Having witnessed empty store shelves during the better part of the COVID-19 outbreak, it is important that we support those products that are being used to replenish those spaces. Thankfully we have the safest most efficient food supply in the world, but we now see that it can always be improved upon. Although we have sufficient product in the pipeline, the supply chain has found its limitations. We have found that increased flexibility allows the supply chain, in its entirety, to move more smoothly.

The Solution:

- Enact S. 2025, the Agricultural Trucking Relief Act:
 - The legislation further defines the definition of an agricultural commodity to include products previously left out: horticulture, aquaculture and floriculture, as well as an increased livestock and commodity definition.
 - This allows additional products in the agricultural hopper to take advantage of flexibilities current enjoyed by more traditional ag products.
- Eliminate the planting and harvesting designation for the HOS ag exemption 395.1(k)
 - Currently there are 17 states that have harvest or planting dates that are not year round. The 17 states that do have a more strict designation are restricting commodities like dairy and livestock from being able to utilize the exemption outside the designation.

*I would also like to provide input on workforce development (FFA), hazmat (electronic BOL) and infrastructure funding (AFBF)
The U.S.



NATIONAL
FFA ORGANIZATION

6060 FFA DRIVE
P.O. BOX 68960
INDIANAPOLIS, IN 46258-0960

P | 317-802-6060
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FFA.ORG

March 17, 2020

The Honorable Peter DeFazio
United States House of Representatives
2134 Rayburn Office Building
Washington, DC 20515

Dear Chairman DeFazio:

As the premier school-based, youth leadership and career preparation organization in the United States, the National FFA Organization, is pleased to support H.R.1374, the DRIVE-Safe Act. This important legislation would help alleviate the nationwide shortage of commercial drivers and provide career opportunities for many of the 700,000+ young people FFA serves.

Currently, 48 states allow drivers to obtain a commercial driver's license at age 18, but they are prohibited from driving in interstate commerce until they are 21. The DRIVE-Safe Act would create a two-step apprenticeship program to allow these younger drivers to enter the industry safely. Candidates would be accompanied in the cab by experienced drivers for a total of 400 hours of on-duty time with at least 240 hours of driving time. We know the value of apprenticeship programs at FFA. Work-based, experiential learning is at the heart of what FFA represents.

Our organization prioritizes workplace safety when engaged in our learning process. The DRIVE-Safe Act would require trucks used in the program to be outfitted with the latest safety technology including active braking collision mitigation systems, forward-facing event recording cameras, speed limiters set at 65 miles per hour or less and automatic or automatic manual transmissions. Combining these safety upgrades to equipment with guidance from experienced drivers, the candidates in this program would have the opportunity to increase the level of safety on our roads and highways.

The DRIVE-Safe Act will help our nation's freight continue to move while preserving and potentially improving safety on America's highway system. It will help fill desperately needed jobs and provide young men and women – including many in our membership – with the opportunity to enter a profession where they can earn an average of \$53,000 annually with full benefits.

For these reasons the National FFA Organization supports the DRIVE-Safe Act and we appreciate your consideration of H.R.1374.

Sincerely,

Mark Poeschl
Chief Executive Officer
National FFA Organization



April 1, 2020

The Honorable Chuck Grassley
Chairman
Committee on Finance
United States Senate
Washington, DC 20510

The Honorable Richard Neal
Chairman
Committee on Ways and Means
United States House of Representatives
Washington, DC 20515

The Honorable Ron Wyden
Ranking Member
Committee on Finance
United States Senate
Washington, DC 20510

The Honorable Kevin Brady
Ranking Member
Committee on Ways and Means
United States House of Representatives
Washington, DC 20515

Dear Chairmen Grassley and Neal and Ranking Members Wyden and Brady:

Despite the challenges and uncertainty caused by COVID-19 and its impact on the economy, American farmers and ranchers continue to provide our citizens with the safest, most efficient food supply in the world. This enormous task cannot be accomplished without the trucking companies and truck drivers who ensure crops, livestock and crucial food products reach the retailer and consumer safely and efficiently.

The integrity of our food supply chain relies on sound transportation infrastructure. Unfortunately, due primarily to lack of investment over several decades, America's infrastructure is in a dire state of rapid deterioration. Of particular concern is the surface transportation system which, according to the American Society of Civil Engineers (ASCE), faces a \$100 billion annual investment gap. ASCE reports that system deficiencies are causing GDP losses in excess of \$116 billion each year. These economic losses are expected to cost about one million jobs by 2025.

This situation is unsustainable. Further degradation of surface transportation efficiency threatens our nation's preeminent economic standing in the world and endangers the livelihood of farmers, ranchers and truck drivers employed in industries that depend on a well-maintained, reliable transportation system. It jeopardizes our food supply and the ability to move goods safely and efficiently to consumers. More than 70% of America's freight, worth \$10 trillion – including 80% of grain – is moved on the highway system.

Fortunately, a solution is at hand. The federal fuel tax, which has not been raised since 1993, must be adjusted to compensate for losses in buying power due to inflation and the real revenue reductions as a result of improved fuel efficiency. The current 18.4 cent gasoline tax has the same buying power today as a ten-cent gas tax in 1993, and new fuel efficiency standards could further reduce revenue to the Highway Trust Fund (HTF) by \$200 billion over the next two decades.

As Congress looks to “Phase Four” COVID-19 legislation that pivots from mitigation to recovery, infrastructure investment represents a significant strategic opportunity to generate powerful economic stimulus in the near-term while simultaneously laying a strong foundation for long-term growth. Investing in desperately needed highway projects across the country would put hundreds of thousands of Americans back to work helping revitalize the economy. Fully paid for up front, this policy would do so without adding a dime to a federal deficit that has exploded in recent weeks.

A confluence of factors protecting the consumer make this policy course more timely today than ever. Gas is selling at historically low prices. Compared to one year ago, Americans are paying about 60 cents per gallon less today for fuel. For every penny increase in the federal fuel user-fee, the average motorist would pay less than 10 cents per week. A slight increase to the fee, assessed at the wholesale terminal rack, is entirely offset by a small fraction of the federal rebate checks Americans received as a result of the Coronavirus Aid, Relief, and Economic Security Act. Moreover, well-maintained and responsibly funded surface transportation would save the average motorist an annual \$1,500 currently lost to wasted gas and time and vehicle damage caused by poor road conditions.

All Americans will benefit from a surface transportation system that ensures the continued safety and efficiency of our food supply. The federal fuel tax is the most fair, responsible and efficient user-fee based mechanism available to policymakers today. With virtually no administrative and overhead costs to administer, ninety-nine cents of every dollar collected is invested in transportation infrastructure, ensuring the smooth flow of goods. This sensible adjustment will generate enormous savings for the American people whom our farmers, ranchers and truckers proudly serve.

Sincerely,



Zippy Duvall
President
American Farm Bureau Federation



Chris Spear
President & CEO
American Trucking Associations

CC: Members of the Senate and House of Representatives

February 21, 2020

The Honorable Chuck Grassley
Chairman
U.S. Senate Committee on Finance
Washington, D.C. 20510

The Honorable Ron Wyden
Ranking Member
U.S. Senate Committee on Finance
Washington, D.C. 20510

Dear Chairman Grassley and Ranking Member Wyden:

The undersigned agricultural organizations support the inclusion of broad-based funding mechanisms in any forthcoming funding title associated with S.2302, the America's Transportation Infrastructure Act, passed by the Senate Environment and Public Works Committee in August 2019. Large volumes of commodities and agricultural products are transported from mostly rural areas to numerous origin-destination pairs before these goods reach domestic consumers and export customers. Because of this, a well-maintained, efficient and safe freight transportation system is vitally important to U.S. agriculture.

As you work to advance a surface transportation reauthorization bill, our organizations urge you to create a legislative package that includes funding supported by all road users. We caution against the use of funding, such as a truck-only vehicle miles tax, that would place a disproportionate share of the burden on freight transportation. For our respective agricultural organizations, a truck-only vehicle miles tax would increase truck transportation costs, leading to lower farmgate prices and reduced market share for U.S. agriculture versus our foreign competitors.

As the Finance Committee works to advance a surface transportation reauthorization bill, we urge you to include broad-based funding mechanisms to ensure all who benefit from the transportation system contribute fairly to upgrading and maintaining America's roads and bridges.

Thank you for your efforts on any forthcoming funding title associated with America's Transportation Infrastructure Act and we look forward to working with you as the legislation moves toward final enactment.

Sincerely,

National Associations

Agricultural and Food Transporters Conference
Agricultural Retailers Association
Agriculture Transportation Coalition
American Farm Bureau Federation
American Honey Producers Association
American Seed Trade Association
Americans for Modern Transportation
Corn Refiners Association
International Dairy Foods Association
Meat Import Council of America, Inc.
National Association of State Departments of Agriculture
National Association of Wheat Growers
National Corn Growers Association

National Council of Farmer Cooperatives
National Grain and Feed Association
National Industrial Transportation League
National Milk Producers Federation
National Oilseed Processors Association
National Potato Council
National Sorghum Producers
North American Millers' Association
North American Renderers Association
Pet Food Institute
Produce Marketing Association
Transportation Intermediaries Association
United Fresh Produce Association
United Potato Growers of America
USA Rice
Western Growers

State/Regional Associations

Agribusiness Association of Iowa
Agribusiness Council of Indiana
California Apple Commission
California Blueberry Association
California Blueberry Commission
California Fresh Fruit Association
California Grain and Feed Association
Empire State Potato Growers
Florida Fertilizer & Agrichemical Association
Grain and Feed Association of Illinois
Idaho Grower Shippers Association
Illinois Fertilizer & Chemical Association
Iowa Farm Bureau
Iowa Institute for Cooperatives
Iowa Seed Association
Kansas Agribusiness Retailers Association
Kansas Grain and Feed Association
Maine Potato Board
Michigan Agri-Business Association
Michigan Potato Growers, Inc.
Minnesota Crop Production Retailers
Minnesota Grain and Feed Association
Missouri Agribusiness Association
Nebraska Cattlemen
Nebraska Grain and Feed Association
North Carolina Potato Association
North Dakota Grain Dealers Association
Northeast Agribusiness and Feed Alliance
Ohio AgriBusiness Association
Oklahoma Grain and Feed Association

Olive Growers Council of California
Oregon Association of Nurseries
Oregon Dairy Farmers Association
Oregon Farm Bureau Federation
Oregon Seed Association
Oregon Women for Agriculture
PA Co-operative Potato Growers
Renew Kansas
Rocky Mountain Agribusiness Association
South Dakota Agri-Business Association
South Dakota Grain & Feed Association
Texas Ag Industries Association
Texas Citrus Mutual
Texas Grain and Feed Association
Texas International Produce Association
Washington State Potato Commission
Wisconsin Agri-Business Association
Wisconsin Potato & Vegetable Growers Association
Wyoming Farm Bureau

CC: Members of the Senate Finance Committee
Members of the Senate Committee on Environment and Public Works
Members of the Senate Committee on Commerce, Science, and Transportation
Members of the House Committee on Ways and Means
Members of the House Committee on Transportation and Infrastructure

Hemp Update

- USDA's Establishment of a Domestic Hemp Production Program Interim Final Rule (October 31, 2019)
- USDA's Announcement of Lab Registration and Disposal Enforcement Disposal Enforcement Discretion (February 27, 2020)
- Idaho's Hemp Transportation Executive Order (November 19, 2020)
 - Specific Transportation Documents Reduired: Idaho Hemp Bill of Lading, Idaho Hemp Driver Affirmation, and Idaho Hemp Testing Verification form.
- ATA's Involvement in the Consumer Protection Task Force with the National Industrial Hemp Council
- Continue to inform drivers of the risks of CBD use.



NATIONAL
FFA FOUNDATION



The National FFA Foundation and the American Trucking Associations (ATA) desire to develop a partnership that is mutually beneficial to both organizations. FFA strives to provide connections to career opportunities in all industries across the agriculture, food and natural resource value chain and is committed to providing opportunities for all members, as they graduate high school, technical or vocational school, or complete a degree from a higher education institution. This falls under one of the three guiding focus areas for the organization to provide Leadership Development and Career Preparation for FFA members.

ATA works toward the betterment of the transportation industry, including those who haul agriculture and food products. ATA focuses on ensuring business practices are safe and efficient, educating the public on how important transportation is within the supply chain, and undertakes continued efforts to bolster the positive image of the entire industry—efforts that will be furthered by partnering with FFA. The trucking and agricultural industries share many common goals and challenges; challenges that this partnership will bring awareness to and create long-term relationships.

Both FFA and ATA organizations are structured in a similar fashion, with the national level organization and supporting state associations: FFA State Associations and State Trucking Associations. At this time, state organizations from both entities are invited to engage in partnership conversations that include no less than a two-year partnership commitment, which will include the following partnership opportunities within each State FFA Association:

Example Engagement Opportunities (per year):

1. State Convention or Premier event with FFA member engagement
 - a. Coordinate booth, career fair, or high traffic location outside where a simulator can be positioned for students to explore.
2. Two events at schools or FFA-sponsored events in other regions within a state
 - a. Coordinate 75-100 students (FFA members and others from schools) to participate in state truck driving/technician competitions, Drive Safe or Share the Road programming and/or simulator experiences. (State Trucking Associations will incorporate facilitated sessions that shall not exceed 2 hours)

Visibility: Negotiated via states with assistance from national organizations, if requested.

Suggested for FFA:

1. Recognition on website (FFA State Associations to display State Trucking Associations logo or name according to donor levels)
2. Social media posts (include tags for each entity as they apply to engagement opportunities)
3. Co-produced press release regarding the partnership

Suggested for Trucking Associations:

1. Recognition on website (State FFA Association approved logo or name)
2. Social media posts tagging State FFA Association
3. Co-produced press release regarding the partnership

Overall Goal of Partnership

FFA and ATA aim to grow our partnership and continue to benefit both industries. As both organizations consider to the best way to leverage this partnership at the national level, the need and interest in engaging interested parties at the state level seems to be the next relevant step. The first step will be a pilot phase initiated with a limited number of states to ensure all parties are entering into a mutually beneficial partnership and to fine tune details prior to a full launch across all FFA states and territories.

The anticipated positive impact for both parties will far outweigh the financial investment (if a state-level partnership including funding results) involved by connecting companies with great, young talent; providing said talent with incredible insight into new career options; utilizing and sharing resources to enhance the respective industry images to bring meaningful value to the lives of our students and industry partners.

MAIL NAME	JOB TITLE	STA	CITY	STATE	OFFICE	EMAIL	WEB ADDRESS
Mr. Mark Colson	President & CEO	Alabama Trucking Association, Inc.	Montgomery	AL	(334) 834-3983	mcolson@alabamatrucking.org	www.alabamatrucking.org/
Mrs. Grace Ellis	Foundation - Development Officer	FFA	Montgomery		334-318-6871	gellis@alabamaffa.org	
Mr. Joe Michel	Interim Executive Director	Alaska Trucking Association, Inc.	Anchorage	AK	(907) 726-1149	ioe@aktrucks.org	www.aktrucks.org/servert/content/home
Mr. Kevin Fochs	Foundation - State FFA Director	FFA	Palmer		907-946-9499	kfochs@alaska.edu	http://www.alaskaffa.org/
Mr. Tony Bradley	President & CEO	Arizona Trucking Association	Tolleson	AZ	(602) 850-6000	tbradley@aztrucking.com	www.arizonatrucking.com/
Ms. Rochell Planty	Foundation - Director of Development	FFA	Scottsdale		623-205-0370	Rochell@azffafoundation.org	www.azffafoundation.org/
Ms. Shannon Newton	President	Arkansas Trucking Association	Little Rock	AR	(501) 372-3462	shannonnewton@arkansatrucking.com	www.arkansatrucking.com/
Mrs. Jennifer Cook	Foundation - Development Officer	FFA	Greenbrier		501-679-6312	jennifer.cook@arkansasffa.org	www.arkansasffa.org/foundation.aspx
Mr. Shawn Yadon	CEO	California Trucking Association	Sacramento	CA	(916) 373-3535	svadon@caltrux.org	www.caltrux.org/
Mr. Matt Patton	Foundation - Executive Director	FFA	Galt		209-744-1605	mtpatton@calteach.org	www.calaged.org/calffa-foundation
Mr. Greg Fulton	President	Colorado Motor Carriers Association	Denver	CO	(303) 433-3375	greg@cmca.com	www.cmca.com/
Mr. Don Thom	Foundation - Executive Director	FFA	Greeley		719-829-4483	dthom@coloradofoundation.org	
Mr. M. Lee Derrickson	Executive Director	Delaware Motor Transport Assoc. Inc.	Dover	DE	(302) 734-9400	lederrickson@delawaretrucking.org	www.delawaretrucking.org
Mr. Justin Bailey	Foundation - President	FFA	Dover		302-735-4019	jbailey1@gmail.com	www.delawareffa.org
Dr. Ken Armstrong	President & CEO	Florida Trucking Association, Inc.	Tallahassee	FL	(850) 222-9900	ken@fltrucking.org	www.fltrucking.org/
Ms. Scarlett Jackson	Lead Foundation Staff	FFA	Lake Wales		863-528-4866	scarlett.jackson@flaffa.org	www.flondaffoundation.org
Mr. Edward B. Crowell	President & CEO	Georgia Motor Trucking Association, Inc.	Marietta	GA	(770) 444-9771	ed@gmta.org	www.gmta.org/
Ms. Katrina Jones	Foundation - Director	FFA	Swainsboro		478-289-2555	kjones@qaaged.org	http://aged.ces.uga.edu
Mr. Gareth K. Sakakida	Managing Director	Hawaii Transportation Association	Honolulu	HI	(808) 833-6628	gareth@hawaii.org	www.hawaii.org/
Michael Barros	FFA Advisor	FFA	Honolulu			mbarros@hawaii102.k12.hi.us	www.hawaii102.org
Mr. Allen Hodges	Sales Representative	Idaho Trucking Association	Meridian	ID	(208) 342-3521	allenh@idtrucking.org	www.idtrucking.org/
Ms. Marcia Jedry	Foundation - Executive Director	FFA	Star		208-869-6594	mjedry@idffafoundation.org	www.idffafoundation.org
Mr. Matt Hart	Executive Director	Illinois Trucking Association, Inc.	Springfield	IL	(217) 789-6017	matt@iltrucking.org	www.iltrucking.org/
Ms. Mindy Bunselmeyer	Foundation - Assoc. Exec. Director	FFA	Springfield		217-753-3328	mbunselmeyer@illinoisffa.org	www.illinoisffa.org
Mr. Gary Langston	President & CEO	Indiana Motor Truck Association, Inc.	Indianapolis	IN	(317) 630-4682	gary@intruck.org	www.intruck.org/
Ms. Lisa Chaudion	Foundation - Executive Director	FFA	Trafalgar		317-878-4178	lchaudion@inffa.org	www.indianaffa.org
Ms. Brenda Neville, CAE	President & CEO	Iowa Motor Truck Association, Inc.	Des Moines	IA	(515) 244-5193	brenda@iowamotortruck.com	www.iowamotortruck.com/
Mr. Joshua Remington	Foundation - Executive Director	FFA	Ankeny		515-965-7370	joshua.remington@iowaffafoundation.org	www.iowaffafoundation.org
Mr. Thomas A. Whitaker	Executive Director	Kansas Motor Carriers Association	Topeka	KS	(785) 267-1641	towm@kmca.org	https://kansasmotorcarriersassociation
Mrs. Beth Gaines	Foundation - Executive Director	FFA	Manhattan		785-410-2576	beth.gaines@ksffa.org	www.ksffa.org
Mr. Rick Taylor	President & CEO	Kentucky Trucking Association, Inc.	Frankfort	KY	(502) 227-0848	rtaylor@kytrucking.net	www.kytrucking.net
Ms. Sheldon McKinney	Foundation - Executive Director	FFA	Flemingsburg		606-782-4620	sheldon.mckinney@kyffa.org	http://kyffa.org/index.php/foundation/
Mr. D. Chance McNeely	Executive Director	Louisiana Motor Transport Association, Inc.	Baton Rouge	LA	(225) 928-5682	chance.mcneely@louisianatrucking.com	www.lmta.la/
Mr. Jerry Boyce	Foundation - AgEd Specialist	FFA	Baton Rouge		225-278-6143	jboyce@laffa.org	http://www.la-ffa.org/?page_id=20
Mr. Brian Parke	President & CEO	Maine Motor Transport Association, Inc.	Augusta	ME	(207) 623-4128	bparke@mmta.com	www.mmta.com/
Mr. Doug Robertson	Foundation - State FFA Advisor	FFA	Augusta		207-624-6744	doug.robertson@maine.gov	http://www.maine.gov/doe/ffa/
Mr. Louis Campion	President & CEO	Maryland Motor Truck Association, Inc.	Columbia	MD	(410) 644-4600	lcampion@mmtanet.com	www.marylandmotortruck.org/
Dr. Ronald Seibel	Foundation - Executive Secretary	FFA	Adelphi		301-434-0323	ronaldseibel@verizon.net	
Mr. B. Michael Blashfield	Executive Director	Michigan Trucking Association, Inc.	Lansing	MI	(517) 321-1951	mblashfield@mitrucking.org	www.mitrucking.org/
Mr. Kyle Schaberg	Foundation - Asst Director of	FFA	East Lansing		517-432-2482	schabe23@msu.edu	
Mr. John Hausladen	President & CEO	Minnesota Trucking Association	Brooklyn Center	MN	(651) 646-7351	john@mntruck.org	www.mntruck.org/
Mrs. Val Aarsvold	Foundation - Executive Director	FFA	Plainview		507-534-0188	val.aarsvold@mnffafoundation.org	www.mnffafoundation.org
Mr. Hal Miller	President	Mississippi Trucking Association	Jackson	MS	(601) 354-0616	hal.miller@mstruck.org	www.mstruck.org/
Mr. Sammy Blossom	Foundation - President	FFA	Raymond		601-879-9188	sblossom2147@gmail.com	
Mr. Tom Crawford	President & CEO	Missouri Trucking Association	Jefferson City	MO	(573) 634-3388	tom@motruck.org	www.motruck.org/
Mr. Leon Busdieker	Foundation - State Director, AG ED,	FFA	Jefferson City		573-751-8466	leon.busdieker@desa.mo.gov	http://desa.mo.gov/divcareered/
Mr. Barry Stang	Executive V.P.	Motor Carriers of Montana	Helena	MT	(406) 442-6600	spook@mttrucking.org	www.mttrucking.org/
Miss Gwynn Simeniuk	Foundation - Executive Director	FFA	Bozeman		406-582-4118	foundation@montanaffa.org	www.montanaffa.org
Mr. Joseph Scutley	President	Motor Transport Association of CT, Inc.	Hartford	CT	(860) 520-4455	ioe@mtac.us	www.mtac.us/
Mr. Kent Grisham	President	Nebraska Trucking Association	Lincoln	NE	(402) 476-8504	kent@nebrucking.com	www.nebrucking.com/
Ms. Stacey Agnew	Foundation - Executive Director	FFA	Lincoln		402-472-5846	stacey@neffafoundation.org	http://neffafoundation.org
Mr. Paul J. Enos	CEO	Nevada Trucking Association	Reno	NV	(775) 673-6111	pie@nevadatrucking.com	nevadatrucking.com/
Mrs. Heather Dye	Foundation - State Executive Director	FFA	Sparks		775-353-3779	hdye@agri.nv.gov	www.nvaged.org
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Ms. Kacey Heidrich	Office Manager	North Dakota Motor Carriers Association				kacey@ndmca.org	

April 27, 2020

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Charles E. Schumer
Minority Leader
U.S. Senate
Washington, DC 20510

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, DC 20515

Dear Leader McConnell, Speaker Pelosi, Leader Schumer, and Leader McCarthy:

On behalf of our nation's family farmers and ranchers, the undersigned organizations write to express concern with the tremendous strain the Coronavirus Disease (COVID-19) has placed on American agriculture. While most of our members' business enterprises have been deemed essential amid state stay-at-home orders and national social distancing guidelines, we have not been immune to labor issues, financial hardships, or regulatory uncertainty in these unprecedented times. We are immensely grateful for your leadership to bolster our sector through the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the Paycheck Protection Program and Health Care Enhancement Act.

As you consider additional ways to minimize further disruption within the food, feed, fiber, fuel and other agricultural commodity supply chains, several issues remain with the Small Business Administration's (SBA) implementation of the Paycheck Protection Program (PPP) that has made it challenging for farmers and ranchers to participate. These barriers to entry explain why the agriculture, forestry, fishing, and hunting sectors combined received a meager 1.3 percent of the total approved funding and accounted for only 2.8 percent of approved PPP applications, according to SBA data. Additional funding for these critical programs is necessary and appreciated. However, several changes must be made for agriculture to fully participate in the SBA relief programs. We respectfully request your consideration the following:

Expedite Approval of Small Business Administration Applications for Rural Lenders

No agricultural commodity has been spared from downward price pressure in the wake of market shocks related to COVID-19. As a result, 2020 net farm income is expected to sharply decline as operating costs remain fixed and gross income falls. Expanded access to capital is crucial to ensure production agriculture can continue meeting retail grocery demand for millions of housebound Americans. However, most of agriculture's primary lenders—such as the Farm Credit System and rural community banks—have not historically administered SBA programs, which required them to submit applications to the SBA to become an eligible lender. Many have reported long delays in the approval process, which has held up the availability of capital for farmers and ranchers who need financing as quickly as possible. We ask that Congress continues applying pressure on SBA to process applications as expeditiously as possible so funds can be equitably distributed to rural America without further delay.

We applaud the newly established set-aside of SBA PPP funds for small size financial institutions; however, unlike commercial banks and credit unions, Farm Credit institutions are not eligible for this pool of funds. We believe it's important that Farm Credit have access to this

pool of funds and respectfully ask that this oversight be addressed in the next round of legislation.

Guidance for Agricultural Applicants

The SBA recently issued guidance that clarifies that sole proprietors who file a Schedule F to report net farm profit are eligible to participate in PPP. While we welcome this clarification, the natural disasters of 2019 left many farmers and ranchers with zero net profits to report on Schedule F, thus making them ineligible for PPP. We ask that profits from farm equipment trades and breeding livestock that are reported on Form 4797 and other IRS forms to determine annual profits be included in that calculation of income.

Define “Primary Place of Residence” in SBA Statute

Many agricultural commodities rely on foreign labor through temporary visa programs. Inconsistent interpretation of SBA regulations and underlying statutes has resulted in confusion about whether H-2A or H-2B wages are allowable uses of PPP dollars. The SBA released new FAQs, which include how lenders could interpret the definition for an employee’s “principal place of residence” for H-2A and H-2B workers. Unfortunately, this does not clarify if H-2A or H-2B wages qualify for PPP calculations. Instead the regulation offers factors to consider, some of which would indicate an H-2A worker’s principal residence is at the farm in the U.S., but some other factors would not qualify. We expect each lender to interpret these factors on a case-by-case basis, which unfortunately leaves the H-2A question at the status quo. We request that Primary Place of Residence be defined to clearly include H-2A guest workers, as many of these workers spend more than half the year in the United States.

Rent and Utilities

The CARES Act states that PPP funds can be used for rent and utilities. Farmers and ranchers pay rent on a variety of business-related items including equipment, land, and other items. We believe that rent is inclusive of rental payments for all business-related items and should be an includable expense. In addition, we believe that producers should be able to include a broad range of utilities for any business-related item, including but not limited to the utility cost of guest worker housing.

Eligibility Cap for Agriculture

Commercial and mid-sized agricultural operations are the backbone of the U.S. rural economy but many working families in rural America are being excluded from critical SBA emergency loan programs that could mean the difference between financial stability and financial ruin. Some of these family farms and downstream agricultural processing and merchandising entities employ over 500 individuals, which makes them ineligible to apply for much-needed capital available through SBA programs. Farms with more than 500 employees that did not qualify for loans under the SBA and find themselves with few/no borrowing options. Treasury Department restrictions make financial institutions like Farm Credit banks ineligible to participate in other lending programs like the Main Street Lending Program. Without access to financial capital, many businesses deemed essential, employing thousands of Americans around our country, could be forced to suspend operations or close entirely. A substantial increase in SBA’s eligibility cap for employees is essential for these family farms and agricultural processors to continue operating and paying their employees.

Authorize Agricultural Business Eligibility for Economic Injury Disaster Loans

We are grateful to Congress for clearly stating that agriculture enterprises are eligible for the Economic Injury Disaster Loan (EIDL) program. Extending this program to agriculture

enterprises provides many agricultural producers a critical source of financing to help preserve their businesses and protects the nation's food supply after this pandemic is over. We will follow up should concerns arise as the SBA implements agriculture enterprises eligibility.

Thank you for your consideration of these critical concerns. We applaud your leadership and commitment to farmers and ranchers. We stand ready to work with you as our nation meets this unique challenge.

Sincerely,

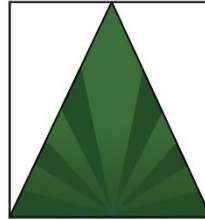
Agricultural & Food Transporters Conference of ATA	National Council of Agricultural Employers
Agricultural Retailers Association	National Council of Farmer Cooperatives
American Farm Bureau Federation	National Milk Producers Federation
American Farmland Trust	National Onion Association
American Horse Council	National Peach Council
American Mushroom Institute	National Pork Producers Council
American Quarter Horse Association	National Potato Council
American Sheep Industry Association	National Sorghum Producers
American Soybean Association	National Turkey Federation
American Sugar Alliance	Panhandle Peanut Growers Association
AmericanHort	Produce Marketing Association
Farm Credit Council	Public Lands Council
Livestock Marketing Association	Southwest Council of Agribusiness
National Association of State Departments of Agriculture	U.S. Apple Association
National Association of Wheat Growers	United Egg Producers
National Cattlemen's Beef Association	US Rice Producers Association
National Corn Growers Association	US Sweet Potato Council
National Cotton Council	USA Farmers
	Western Growers
	Western Peanut Growers Association

CC: White House Council to Re-open America
White House Coronavirus Task Force
The Honorable Sonny Perdue, Secretary, U.S. Department of Agriculture
The Honorable Steven T. Mnuchin, Secretary, Department of Treasury
The Honorable Jovita Carranza, Administrator, Small Business Administration
The Honorable Pat Roberts, Chairman, Senate Committee on Agriculture
The Honorable Debbie Stabenow, Ranking Member, Senate Committee on Agriculture
The Honorable Marco Rubio, Chairman, Senate Committee on Small Business
The Honorable Ben Cardin, Ranking Member, Senate Committee on Small Business
The Honorable Collin Peterson, Chairman, House Committee on Agriculture
The Honorable Michael Conaway, Ranking Member, House Committee on Agriculture
The Honorable Nydia Velazquez, Chairman, House Committee on Small Business
The Honorable Steve Chabot, Ranking Member, House Committee on Small Business



Strengthening the Voice of Business Since 2008

Los Angeles County Business Federation



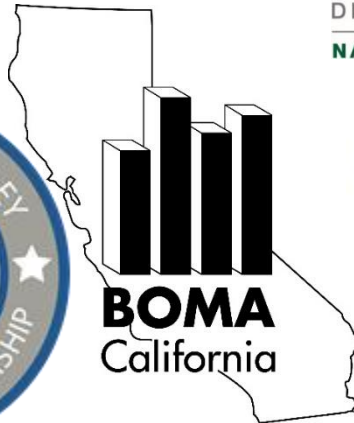
SIERRA PACIFIC WAREHOUSE GROUP



PACIFIC MOUNTAIN LOGISTICS est. 2009



COMMERCIAL REAL ESTATE DEVELOPMENT ASSOCIATION NAIOP OF CALIFORNIA



BOMA California



California Business Roundtable



InlandAction



MAJESTIC REALTY CO.



International Council of Shopping Centers



March 24, 2020

Mr. Richard Corey
Executive Officer
California Air Resources Board
P.O. Box 2815
Sacramento CA 95812

RE: Transport Refrigeration Unit Regulation

Dear Mr. Corey:

Given the unprecedented events related to the COVID-19 virus outbreak which are confronting the State of California and the nation, the undersigned organizations request an immediate pause to your agency's development of its Transport Refrigeration Unit Regulation. This pause will allow the companies affected by the proposed regulation to focus on ensuring the nation's supply chain provides essential goods like food, beverages and medicine to the residents of the state. Although the duration of this event is unknown, we believe a delay is warranted and appropriate.

As you are aware, draft regulatory language was first released on March 12, 2020 for a two-week comment period. Much has happened since this release including social distancing, school closures, work-from-home requirements, and stay-in-place orders. Operational impacts have been especially acute in the industry sectors subject to this regulation, including grocers, retailers, food distributors and refrigerated fleets.

While our organizations would like to continue to work with your staff on the development of the regulation, these efforts to minimize the spread of the virus are limiting our ability to provide additional information. For example, while we would like to have CARB staff visit cold storage warehouses to discuss how the proposed language would impact these facilities, it is simply not possible at this time. In addition, collecting and submitting data to support changes to the proposed language cannot be a priority at this time.

Finally, even when the extraordinary public health protection measures being enacted at this moment ease, it is widely believed that the precipitous drop in economic activity tied to these events will result in a prolonged recessionary period which will likely coincide with the rule's largest capital expenditures to achieve compliance.

The efforts to keep us safe, healthy and supplied are shared by government, private citizens and businesses alike. The members of our organizations will continue to do their part in these difficult times. In this current crisis, we ask for your help in allowing us to focus on supplying the State of California, together, by temporarily pausing rule development.

Respectfully,

California Trucking Association
American Trucking Associations

Agricultural and Food Transporters Conference
BOMA California
Britton Konynenburg Partners
California Business Roundtable
California Chamber of Commerce
California Food Producers
California Grocers Association
California Manufacturers & Technology Association
California Railroads
California Retailers Association
Glendora Chamber of Commerce
Inland Action
International Council of Shopping Centers
La Verne Chamber of Commerce
Los Angeles County Business Federation
Majestic Realty Co.
NAIOP of California
Pacific Merchant Shipping Association
Pacific Mountain Logistics
San Gabriel Valley Economic Partnership
Sierra Pacific Warehouse Group
Western Growers

Transporting Hemp

A Trap for the Unwary

by Brandon K. Wiseman, Scopelitis, Garvin, Light, Hanson & Feary



In December 2018, President Donald Trump signed the Agricultural Improvement Act of 2018, commonly known as

the 2018 Farm Bill, which, among other things, removed hemp and its derivatives from the list of illegal Schedule I controlled substances under the federal Controlled Substances Act. The bill also made it illegal for the states to prohibit the interstate transportation of hemp through their borders, provided the hemp is produced pursuant to either (1) a state regulatory plan approved by the U.S. Department of Agriculture or, (2) in the absence of any such plan, pursuant to the USDA's own hemp-production regulations. Unfortunately, what appeared to be a fairly straightforward directive to the states has been mired in controversy for the past year and has left some motor carriers and their drivers high and dry, if you'll pardon the pun.

The problem, of course, is the interplay between federal and state laws addressing the legality of hemp. Although hemp (assuming it has a THC content of 0.3 percent or less) is now a legal substance at the federal level, the states remain free to regulate its production or to ban it outright within their borders. The 2018 Farm Bill does not change that fact; rather, it merely prohibits the state from prohibiting the *interstate* movement of hemp within their borders, so long as the hemp is lawfully grown and destined for someplace else.

Shortly after the 2018 Farm Bill passed, some motor carriers began accepting shipments of interstate hemp for transport, only to

find themselves embroiled in legal battles with states like Idaho and Oklahoma, which impounded the shipments and arrested the drivers, claiming the interstate commerce preemption provision of the 2018 Farm Bill had not taken effect because no state regulatory plans had yet been approved by the USDA, nor had the USDA promulgated its own regulations. At the time, the states were technically correct — and a number of courts agreed with them — because (1) the bill's preemption provision only applies to shipments of hemp produced in accordance with state or federal regulatory plans approved by the USDA and (2) no such plans yet existed.

Things took a turn for the better in late October 2019, when the USDA published an Interim Final Rule, establishing a system by which states could develop and submit their own hemp-production regulatory plans to the USDA for approval, and implementing the USDA's own regulatory plan that will apply to producers in states that do not have their own plan and do not otherwise ban hemp outright. Over the past few months, several states (and some Native American tribes) have submitted plans that have been approved by the USDA, while many others remain under review.

Despite this favorable development, a great deal of caution is still warranted in determining whether or not to accept a shipment of hemp for transport. First and foremost, carriers must be assured that any hemp to be transported has been lawfully produced under either an approved state plan or under the USDA's regulations. To this end, carriers would be well-advised to seek out hemp-specific amendments to their customer agreements, wherein the customer would warrant that the hemp at issue has a THC content of 0.3 percent or less

and agree to provide a lot testing analysis proving that fact, which analysis should be carried with the shipment. Ideally, the customer would also agree to indemnify the carrier against any breaches of its warranties.

Second, carriers should independently confirm any hemp shipments are, in fact, legal in the origin and destination states, including, among other things, reviewing any applicable state regulatory plans, which are available on the USDA's dedicated hemp webpage. Carriers should pay particular attention to the laws of the destination state to ensure it does not prohibit hemp altogether. While the move may be an interstate one, the interstate nature of the load terminates at its destination, and if the hemp is treated as an illegal controlled substance in the destination state, it is easy to envision law enforcement claiming the carrier's possession and delivery within the state constitutes illegal distribution and/or trafficking.

As for states that merely fall along the interstate route, best practice dictates "taking their temperature" as well. While states cannot prohibit interstate hemp transport through their borders, the 2018 Farm Bill does not prevent states from putting conditions on such transportation. Thus, it would be in the carrier's best interest to at least summarily review hemp-related laws in all states along the interstate route to ensure their drivers will not encounter any enforcement issues along the way.

In sum, while the 2018 Farm Bill opened the door to the lawful transportation of hemp and its derivatives in interstate commerce, motor carriers should take affirmative steps to ensure that hemp they plan to haul was lawfully grown and is not banned in the state to which it is destined.