

## **History of the Agricultural & Food Transporters Conference American Trucking Associations**

**By: Joel "Bud" Wallace, Past Chairman**

The Agricultural and Food Transporters Conference grew out of the Agricultural Transporters Conference operating in California.

In 1993, it became apparent that the federal government was taking a much stronger hand in regulating the trucking industry. Prior to 1993, the states generally set the standards and regulations for intrastate agricultural transportation. However, federal regulations were swiftly encroaching on the state regulations.

Several past presidents of the California Trucking Association believed that an organization, such as a conference within the American Trucking Associations, would help to more effectively address the needs of agricultural transporters. This group felt an urgent need to find an advocate, with a strong national voice, that would fight to solve issues of importance to agricultural and food transporters. After discussions with the Farm Bureau, the League of Food Processors and the Truckload Carriers Association, the California Trucking Association group decided to approach ATA. Many agricultural transportation companies and others in California had previously been members of ATA but had dropped memberships in the 1980s.

Interest in forming a national organization for "ag haulers" originated in California due to the concern about specific problems, which would have occurred during the peak harvest season if the federal hours of service (HOS) regulations for truck drivers were implemented as then had been proposed. Federal government transportation officials had advised California that it must adhere to the federal rules or lose Motor Carrier Safety Assistance Program funding (estimated at \$5 million annually). California rules were more liberal than those of the federal government. Imposing the 70-hour rule on drivers during the harvest season would have severely affected trucking and agricultural operations. A 24-hour restart provision was proposed to resolve the problem. The California commercial ag haulers sought affiliation with ATA to gain advocacy assistance with this and other vital issues affecting the industry.

Discussions with ATA began in February 1995 when a group of California commercial agricultural carriers met with ATA officials at a California Trucking Association meeting. At that meeting, they explored the option to form an Agricultural Transporters Conference, as an independent conference, within the ATA federation, representing the interests of agricultural, products of preservation, livestock and natural resources haulers.

Following the February 1995 meeting, Thomas J. Donohue, president and CEO of ATA, met with a group of motor carriers in California who were interested in forming an Agricultural Transporters Conference in ATA. Donohue supported the proposal, and a steering committee meeting to implement the formation of the conference was set for June 7, 1995, in Denver, Colo. ATA was represented at that meeting by Donohue and Paul Stalknecht, senior vice president for federation relations. Joel "Bud" Wallace, Wallace Transport, in California, was elected chairman of the steering committee.

At the steering committee meeting, ATA agreed to create the following draft documents, pertaining to the formation of the conference:

1. Bylaws;
2. Memorandum of Understanding between ATA and the Ag Transporters Conference; and
3. Services and Supply Agreement between ATA and the Ag Transporters Conference.

At the steering committee meeting, ATA President Tom Donohue addressed the HOS issue and other matters of importance to the agricultural transporters. He reported on the numerous obstacles confronting the industry in seeking modifications to the HOS rules. He reported ATA was working on the issue and attempting to identify a legislative solution that would remove the complexities associated with existing rules and one that was "easy to understand and sell" to Congress, federal regulators and the industry.

An organizational meeting for the proposed conference was held Sept. 27, 1995, in Dallas, Texas. The 12 founding member companies attending were: Inland Fruit Company, Kings County Truck Lines, Lester Coggins Trucking Company, Ed Rocha Livestock Transportation, Inc., Rodriguez Trucking Transportation, Inc., Cherokee Freight Lines, Sward Trucking, Inc., J.C. Trucking, Inc., Teresi Trucking, Inc., Wallace Transport, Walpole, Inc. and VY Truck Line.

At that meeting, Bud Wallace, Wallace Transport in Planada, Calif., was elected the first chairman of the Agricultural Transporters Conference, and Tom Donohue addressed the group on efforts in Congress regarding the hours of service agricultural exemptions and other issues.

In November 1995, ATA, working with ATC members, secured enactment of the agricultural exemption to the federal HOS regulations, in Section 345 of the National Highway Designation Act of 1995. Enactment of this key piece of federal legislation was essential to the agricultural transportation industry and one of the basic reasons for the formation of the ATC.

In October 1995, the ATA Executive Committee approved the Bylaws of the Agricultural Transporters Conference to operate within ATA. The Conference held its first Board of Directors Meeting in Chicago on Oct. 29, 1995. ATA President Thomas Donohue, in keeping with the ATC Bylaws, designated Paul Stalknecht, ATA senior vice president, as the ATA staff contact for the Conference, while the Conference sought to hire an executive director. The Conference adopted a dues structure for the organization's members in addition to ATA dues, as all ATC members were required to be ATA members.

On Jan. 6, 1996, Kent Van Amberg was hired as executive director of the ATC. He was part of the ATA Federation Relations Department, which managed ATA's affiliated conferences.

In 1998, Charles "Shorty" Whittington of Indiana was elected Conference chairman succeeding Bud Wallace. Mr. Whittington became active in AFTC in 1995, when American Trucking Associations Senior Vice President Paul Stalknecht recommended he join the Conference to enhance his membership benefits in the American Trucking Associations. Also, in 1998, Fletcher Hall, was selected as Executive Director to replace Kent Van Amberg, who had resigned.

In March 1999, a meeting of ATA officials and ATC officials was held in San Francisco to discuss the decision of the ATC to endorse the Wren Report Plan on the reorganization of ATA and to adopt the new ATA dues schedule. ATC agreed to immediately adopt the new ATA dues schedule for all ATC membership classifications, thus becoming the first and only Conference to adopt the Wren Report Plan. The separate dues schedule, previously required for ATC members, was eliminated.

As a part of the 1999 ATA reorganization, and after a substantial reduction in the staff of the Federation Relations Division, the ATC was relocated structurally within ATA's Safety and Operations Department.

In 2000, the Conference was instrumental in making sure the agricultural exemption to federal HOS regulations was retained, unchanged, in the new HOS rules. ATC was able to secure the support of the Secretary of Agriculture in this effort.

In 2001, ATC held its first legislative meeting in Washington, D.C., at the ATA Capitol Hill office. During that meeting, the Conference made its first Legislative Award to Congressman Richard Pombo of California. Since then, individuals of high repute in dealing with issues of importance to agriculture have been recognized by the Conference.

In 2003, the Conference changed the name of the organization to the Agricultural and Food Transporters Conference (AFTC) to reflect the structure of the trucking industry and the regulation of agricultural and food transporters post September 11.

In 2004, in partnership with the U.S. Department of Agriculture (USDA), AFTC developed and implemented the first voluntary security guidelines for the transportation of agricultural commodities and food utilizing \$115,000 funding from USDA. Two publications, the *USDA/AFTC Guide for Security Practices in Transporting Agricultural and Food Commodities* and the *AFTC Resources Directory for Security Practices in the Transportation of Agricultural and Food Commodities*, were published. These transportation security tools have won wide acclaim from the federal government and the private sector. During 2003 and 2004, AFTC also worked extensively with the USDA to secure reasonable security regulations in the transportation of food, as a result of the Bioterrorism Act of 2002.

In October 2004, AFTC Chairman Shorty Whittington, after serving six years as chairman of the conference, was elected a vice chairman of ATA. In December 2004, the AFTC Board of Directors elected Greg Owen of Ability Tri-Modal Distributors in Long Beach, Calif., as its new Conference Chairman.

In 2005, the agricultural exemption to HOS was made a part of permanent law by insertion of a provision in the highway reauthorization bill, Public Law 109-59, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (commonly referred to as SAFETEA-LU). This accomplishment had the effect of taking away the discretion of the U.S. Department of Transportation regarding whether to continue the exemption.

In October 2006, Greg Owen was elected to the position of Chairman of ATA political action committee, Truck PAC. Subsequently, David Schroyer of Schroyer Inc. in Celina, Ohio was elected as Chairman of AFTC.

In October 2007, Shorty Whittington was elected to the position of ATA First Vice Chairman and thus in line to take over the helm as ATA Chairman in October 2008. Also, in 2007, Russell Laird was selected as Executive Director to replace Fletcher Hall, who retired.

In 2008, AFTC made strides on several important issues. AFTC led a coalition of several groups to prevent the implementation of onerous load securement regulations, especially as applied to baled hay, fruits, and vegetables in California. The development of the renewable fuels industry brought significant business to agricultural trucking in the form of feedstocks to processing plants as well as byproducts from plants such as dried distillers grain to be used as livestock feed. Significant future growth is also projected for the cellulosic ethanol industry so AFTC has worked to support government initiatives to assist the continued growth of the industry. Repeated outbreaks of foodborne illness lead to increased scrutiny on all aspects of the food production and distribution chain so AFTC has worked to monitor food safety legislative and regulatory proposals regarding their potential affect on transportation. Actions of animal rights groups have lead to increased scrutiny of livestock production and transportation so AFTC has worked to educate government agencies and other industry groups regarding the role of livestock transportation.

The officers serving AFTC for 2009 were: Rick Yost, Chairman, Bill Patterson, First Vice Chairman, John Whittington, Second Vice Chairman, and Tom Lee, Secretary.

AFTC worked hard in 2009 to defend flexible work hours during agricultural seasons.

AFTC spent a lot of effort educating farm organizations about the importance of the Ag HOS exemption leading up to the transportation reauthorization bill debate so that they can help us defend it. That effort really paid off in the form of a letter of support sent to Congress, cosigned by a total of 50 agricultural organizations. That letter showed substantial support and a strong signal to any member of Congress considering an amendment to abolish the exemption that they would face a very tough fight.

In April AFTC rolled out an effort to educate the agricultural industry about the importance of safe trucking operations during busy seasons. AFTC published the "Manager's Guide to Safe Trucking During Agricultural Planting and Harvest Season." This guide is designed to help the agricultural industry maintain safe operations under challenging operating conditions. AFTC made a substantial effort to spread the message about our safety promotion effort in the agricultural industry by working with a coalition of over 30 different agricultural organizations to promote it in their communications vehicles, such as newsletters to their membership.

Following the release of a study by the Commercial Vehicle Safety Alliance (CVSA) alleging safety issues in agricultural trucking operations ATA hired an independent consultant to write a good critique pointing out the fallacies of CVSA's arguments.

The officers serving AFTC for 2010 are: Rick Yost, Chairman, John Whittington, First Vice Chairman, Tom Lee, Second Vice Chairman, and Mike Miller, Secretary.

In 2011, AFTC experienced a number of changes at both the staff and leadership levels. Russell Laird stepped down as Executive Director early in the year, and Jon Samson was then selected as the new Executive Director in October. In the same month, Rick Yost stepped down as the AFTC Chairman, and John Whittington of Grammer Industries took over at the helm. Tom Lee became the First Vice Chairman, and Mike Miller became the Second Vice Chairman. After consulting the AFTC bylaws, Samson then moved into the Secretary role.

In June 2012, Congress passed the Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21), which included an AFTC effort to extend the air mileage within the ag exemption to the HOS from 100 to 150 air miles. The language also included the warehouse/distribution point for farm supplies and eliminated the reference to interstate commerce. AFTC also led the charge to modify broker bond/subcontracting language that would prohibit carriers from subcontracting with one another. We were successful in the reinsertion of language that keeps the practice in place, but contradicting language in another section was also included. Interpretation has been left up to FMCSA on whether subcontracting without a broker is legal.

In July 2013, FMCSA made several changes to the hours of service rules following a suit from public citizen. One change of note was the addition of a mandatory 30 minute rest break during the first 8 hours of on duty time. AFTC, and several livestock groups, petitioned FMCSA for an exemption for those hauling livestock. FMCSA granted a 90 day waiver to get everyone through the summer of 2013. Following the waiver, in early 2014, we requested and were granted a one year exemption, followed by a two year exemption for 2015. During the most recent highway bill, the FAST act, AFTC was able to secure language that made the exemption permanent.

In February 2014, the Food and Drug Administration (FDA) issued a proposed rule on the Sanitary Transportation of Human and Animal Food (STF), part of the broader Food Safety Modernization Act (FSMA) signed into law in January 2011. AFTC compiled a working group which now consists of over 75 association and companies to educate FDA on the transportation of food throughout the supply chain. After many meetings with the food supply chain industry and FDA, 240+ comments were submitted further explain the industry by the July 31 deadline. FDA wanted to base the STF on the 2005 sanitary transportation of food act and industry best

practices, but fell short in the initial proposal by requirements unnecessary burdensome regulations on training and recordkeeping. However, due the communication of the working group with FDA and the comments submitted, the final rule (published April 6, 2016) made drastic changes that provided the needed flexibility to the industry. The majority of the rule places the responsibility on the shipper, and the carrier is responsible for carrier out those requirements set forth. AFTC has been working diligently with groups around the U.S. to update them on the rule and urge carriers to discuss the changes with their shipper customers to alleviate any confusion.

In November 2015, AFTC finally wrapped up a request to FMCSA requesting an exception for specialty ag products from the general cargo securement rules. The exception, in the works since 2007, would provide alternative tie down methods for bins, boxes, tubs, etc., that have already been proven to better secure the cargo. The request was made with FMCSA's input, but has been delayed due to other requirement set forth by the FAST act. We anticipate the exception to move forward during the fall or winter of 2016.

In December 2015, AFTC submitted a formal request to FMCSA to remove an incorrect section of guidance that was misinterpreting the HOS ag exemption. The section stated an answer that poultry and poultry feed were not included in the exemption. AFTC, and other livestock organizations, submitted the request for removal citing the current law and FMCSA responded by promptly removing it from their website.

The AFTC has grown from the original 12 founding members in 1995 to nearly 450 commercial agricultural and food transporters throughout the nation. The conference continues to represent the interests of its members before government, in the private sector and among other trade associations.

\* Originally written by Bud Wallace – Updated by staff - Last Updated 5/25/16