

SAN ANTONIO
TEXAS

**AFTC SPRING
BOARD MEETING**



MONDAY, MAY 20TH | 11:00 – 12:15



CONFERENCE: AGRICULTURAL AND FOOD TRANSPORTERS

CHAIR Brian Hitchcock, MBH Trucking, LLC. Webberville, MI
VICE CHAIR Debra Stone, McKee Foods Transportation LLC. Collegedale, TN
ATA STAFF Jon Samson, Executive Director 703-838-7955

AGENDA

Meeting Date: Monday, May 20th
Time: 11:00am – 12:15 PM
Place: San Antonio, TX

1. Welcome & Introductions
2. Antitrust Guideline Review
3. AFTC Business Meeting
 - a) Approval of minutes from fall board meeting
4. Issue Updates
 - a) Estate Tax & Tax Relief for American Families and Workers
 - b) Farm Bill – issues and timing
 - c) Environmental/CARB update (Mike Tunnell?)
 - d) Labor/IC update (Nathan Mehrens)
 - e) Cargo Securement exception extension
 - i. Legislative effort to make permanent
 - f) Ag exemption to HOS refresher
5. Hill Update (Will Sehested)
6. New or Other Business
 - a) Effort to shift ammonia from non-poisonous to poisonous gas

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

The Board met virtually on December 7, 2023. Chairman Mike Miller presided over the meeting. The meeting was called to order and anti-trust guidelines were reviewed. Conference members, guests and ATA staff introduced themselves (via Teams sign-in). A quorum having been established, the minutes from the Spring Board meeting were approved. The committee proceeded with the remainder of its agenda.

Tax – David Bauer provided an update on the potential for a proposed tax package. He mentioned as the year goes on the prospect of a tax package moving was slim. He updated the group on the status of the federal excise tax repeal. A strong coalition has been assembled and we are confident to have movement on the proposal when the tax package is taken up. Samson gave a quick update on the estate tax repeal. The ag groups continue to push for full repeal and hope to do that during the same tax package debate.

Farm Bill – Samson gave a quick update on the proposed farm bill. Unfortunately, there was not a lot of substance to report. The hangups seem to be the nutrition title and the conservation funding title, but the committees are confident that a deal can be made and that we'll see draft bills soon.

Environment/CARB – Mike Tunnel provided an update on the GHG phase 3 and CARB initiatives. There are ongoing concerns about how these, coupled with the EV truck push, will impact costs in the near future. There will be a lot of continued movement this Spring.

Supply Chain Efforts – IMCC Exec Director, Jon Eisen, provided an update on the chassis choice lawsuit decision as well as work being done to place the burden of detention and demurrage charges onto the shippers. The case is ongoing as it is awaiting decisions on several roadblocks provided by the shippers. And through discussions with the FMC, we are hearing the detention and demurrage rule is going to be very beneficial for us.

Labor/IC - Nathan Mehrens, ATA's Vice President for Workforce Policy provided an update on USDOL's rulemaking on independent contractor status under the Fair Labor Standards Act. He gave an overview of the history of this issue, what USDOL is planning to do, and what ATA is and has done to counter USDOL's actions. He also gave an update on other governmental actions on independent contractor issues including actions by the National Labor Relations Board and USDOT.

Capitol Hill Update – Will Sehestedt provided a view into the political landscape for 2024. He overviewed the concerns around raising the debt limit and the impact that it will have on legislation such as the farm bill and the appropriations process. He noted how difficult the environment will be for next year considering the current landscape, and the fact that it is a presidential election year.

Other Issues – The time has come for Chairman Miller to step down and for Mr. Hitchcock to move into that position. Debra Stone graciously moved into the Vice Chair role. We thanked Mike for his several years of service!

Having exhausted the time available, the chairman entertained a motion to adjourn at 4:30 pm.

Respectfully submitted,
Jon Samson - AFTC Executive Director

.....
(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. RES.

Recognizing the importance of stepped-up basis under section 1014 of the Internal Revenue Code of 1986 in preserving family-owned farms and small businesses.

IN THE HOUSE OF REPRESENTATIVES

Mr. MANN submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Recognizing the importance of stepped-up basis under section 1014 of the Internal Revenue Code of 1986 in preserving family-owned farms and small businesses.

Whereas the stepped-up basis under section 1014 of the Internal Revenue Code of 1986 allows recipients of inherited assets such as land, equipment, or buildings to adjust the cost basis of the asset to reflect its fair market value;

Whereas 98 percent of farms are family owned according to the Department of Agriculture, and 19 percent of all businesses are family owned according to the Small Business Administration;

Whereas a study conducted by the Economic Research Service of the Department of Agriculture determined that 66 percent of all midsized farms would see an increased tax liability if the stepped-up basis were eliminated;

Whereas the stepped-up basis is a crucial component of many family farms and small business succession plans; and

Whereas the elimination of the stepped-up basis would threaten the ability of farmers, ranchers, agribusinesses, and small business owners to make generational transfers of their operations: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) supports the preservation of the stepped-up
3 basis;

4 (2) opposes any efforts to impose new taxes on
5 family farms or small businesses; and

6 (3) recognizes the importance of generational
7 transfers of farm and family-owned business oper-
8 ations.

April 8, 2024

The Honorable Chuck Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

Dear Majority Leader Schumer and Minority Leader McConnell,

On behalf of farmers, ranchers, growers, landowners, and American workers throughout the food and agriculture industry, we write today to urge you to support H.R. 7024, the Tax Relief for American Families and Workers Act and to bring this important legislation to the floor for an immediate vote. As you know, this legislation passed the House of Representatives with broad bipartisan support and is awaiting action in the Senate.

This legislation is critically important to the entire American food and agriculture industry. As detailed in the 2024 Feeding the Economy report, American food and agriculture directly supports nearly 24 million jobs (over 15% of U.S. employment) and is responsible for more than \$9.6 trillion of the country's economic activity – 20% of total U.S. output.

This legislation is especially important for America's farmers, ranchers, growers, and landowners. With low commodity prices, America's agricultural producers are struggling to make ends meet. Unfortunately, they are also facing a series of tax increases as provisions in the Tax Cuts and Jobs Act (TCJA) have either already expired or are set to expire at the end of 2025.

Ninety-eight percent of farms and ranches in this country are operated as pass-through businesses, meaning the business income passes through the business entity and is reported on the individual business owner's tax returns. Unfortunately, many of the individual tax reform provisions that were changed to help pass-throughs in TCJA have either already expired or are set to expire at the end of 2025. We support making all these expiring provisions permanent.

In the interim, we must immediately restore the already expired and slimmed-down business provisions to help these families and to stimulate economic growth.

Bonus depreciation incentivizes businesses to make capital expenditures and frees up cash to allow the business to re-invest in their business to grow and create jobs, which in turn creates economic growth. This provision became even more important to farmers, ranchers, growers, and landowners after the TCJA for two reasons: first, with its expanded application to used property; second, due to the removal of personal property as property eligible for a tax-free Section 1031 like-kind exchange. Agriculture is a capital-intensive business. Without the ability to fully deduct equipment purchases, farmers, ranchers, growers, and landowners are facing tax increases on their 2023, and 2024 tax returns.

Raising the maximum deduction level for Sec. 179 expensing would also be helpful in those instances where it makes more sense for producers to utilize this provision, especially given the inflationary pressures the agriculture sector has been dealing with on the equipment side.

We also urge you to pass this legislation to remove the TCJA requirement that research and development costs must be capitalized and amortized over five years rather than being deducted in the year in which they are incurred. This is hurting many feedyards, biofuels companies, and food processing companies that rely on research and development to improve efficiency and compete with foreign businesses. This provision has artificially increased the taxable income of these companies, leaving many with massively increased tax bills, without the income necessary to make those tax payments.

Finally, we also support the provisions in H.R.7024 that restore the treatment of business income under 163(j). While most production agriculture falls under the revenue threshold for the small business exemption under 163(j), there are an increasing number of operations whose gross receipts push them above the threshold. Qualified farming businesses may elect out of the limitation, but the election requires making an irrevocable decision in an unpredictable industry given the cyclical nature of farm income and requires losing favorable depreciation and bonus depreciation provisions. These considerations can present serious challenges to a production agriculture operation trying to stabilize its farm income year-over-year.

These problems must be addressed this year. Producers and businesses throughout the food and agriculture industry are facing tax increases today and cannot wait a year or more for relief.

We ask that you take up this important legislation immediately and pass it through the Senate to provide much needed assistance to America's farmers, ranchers, growers, landowners, and all workers in the food and agriculture supply chain.

Sincerely,

American Farm Bureau Federation
National Cattlemen's Beef Association
Agricultural and Food Transporters Conference of ATA
Almond Alliance
AmericanHort
American Coalition for Ethanol
American Sheep Industry Association
American Soybean Association
American Sugarbeet Growers Association
Forest Landowners Association
International Fresh Produce Association
Livestock Marketing Association
National Association of Wheat Growers
National Corn Growers Association
National Cotton Council
National Council of Farmer Cooperatives
National Confectioners Association
National Grain and Feed Association

National Grange
National Milk Producers Federation
National Pecan Federation
National Pork Producers Council
National Potato Council
National Sorghum Producers
National Turkey Federation
Public Lands Council
Renewable Fuels Association
United Egg Producers
US Rice Producers Association
US Sweet Potato Council
U.S. Apple Association
U.S. Peanut Federation
USA Rice
Western Growers

Passed House (01/31/2024)

Tax Relief for American Families and Workers Act of 2024

TITLE I--TAX RELIEF FOR WORKING FAMILIES

This title modifies the calculation of the refundable portion of the child tax credit to require the multiplication of the credit amount in calendar years 2023-2025 by the number of qualifying children. The maximum refundable amount per child of such credit is increased to \$1,800 in 2023, \$1,900 in 2024, and \$2,000 in 2025, with an inflation adjustment beginning after 2023.

The title allows taxpayers to elect in 2024 and 2025 to use prior year earned income in calculating their earned income tax credit

TITLE II--AMERICAN INNOVATION AND GROWTH

This title allows taxpayers to delay the date on which they must begin deducting their domestic research or experimental research costs over a five-year period until 2026. Taxpayers may therefore expense such costs incurred between 2022-2026.

The title extends the allowance for depreciation, amortization, or depletion in determining the limitation of the business interest deduction. It also extends 100% bonus depreciation and increases the limitations on expensing of depreciable business assets.

TITLE III--INCREASING GLOBAL COMPETITIVENESS

Subtitle A--United States-Taiwan Expedited Double-Tax Relief Act

United States-Taiwan Expedited Double-Tax Relief Act

This subtitle sets forth special rules for the taxation of certain residents of Taiwan, including rules for the reduction of withholding taxes, the application of permanent establishment rules, the treatment of income from employment, and the determination of Taiwanese residency, including rules for dual residents.

Subtitle B--United States-Taiwan Tax Agreement Authorization Act

United States-Taiwan Tax Agreement Authorization Act

This subtitle grants the President authority to negotiate and enter into a U.S.-Taiwan tax agreement after the tax provisions of this title are enacted and effective.

TITLE IV--ASSISTANCE FOR DISASTER-IMPACTED COMMUNITIES

Federal Disaster Tax Relief Act of 2024

This title excludes from gross income, for income tax purposes, compensation for losses or damages due to certain wildfires. It applies only to payments received by a taxpayer after 2019 and before 2026.

The title also excludes payment for compensation for losses or damages from the derailment of a train in East Palestine, Ohio, on February 3, 2023.

TITLE V--MORE AFFORDABLE HOUSING

This title increases the low-income housing tax credit ceiling to 12.5% for calendar years 2023-2025. It also lowers the bond-financing threshold to 30% for projects financed by bonds issued before 2026.

TITLE VI--TAX ADMINISTRATION AND ELIMINATING FRAUD

This title increases the threshold for reporting income earned by an independent contractor from \$600 to \$1,000, with an adjustment to the increased amount for inflation.

The title increases penalties for aiding and abetting the understatement of tax liability with respect to the COVID-related employee retention tax credit.



HOUSE COMMITTEE ON AGRICULTURE

THE 2024 FARM BILL

Title I: Commodities. Aids farmers in managing risk and provides assistance following precipitous declines in commodity prices. Through the reauthorization and enhancement of commodity, marketing loan, sugar, dairy, and disaster programs, producers are provided some certainty in times of unpredictability.

- Increases support for the Price Loss Coverage (PLC) and Agriculture Risk Coverage (ARC) programs to account for persistent inflation and rising costs of production.
- Provides authority to expand base acres to include producers who currently cannot participate in ARC/PLC.
- Modernizes marketing loans and sugar policy.
- Bolsters dairy programs to continue providing vital assistance.
- Enhances standing disaster programs and expands eligibility for assistance.

Title II: Conservation. Provides farmers, ranchers, and growers with financial and technical assistance to address a variety of natural resource concerns such as soil health and erosion, water quality and quantity, and wildlife habitat. The 2024 farm bill continues to support our proven system of voluntary, incentive-based, and locally led conservation through various improvements.

- Provides historic investment in Title II by reallocating IRA conservation dollars and expands covered conservation practices.
- Protects and enhances working lands conservation programs like the Environmental Quality Incentives Program (EQIP) and the Conservation Stewardship Program (CSP) while promoting precision agriculture.
- Includes common-sense easement reforms and protects working forest lands through the newly authorized Forest Conservation Easement Program (FCEP).
- Streamlines and improves program administration for the Regional Conservation Partnership Program (RCPP), the Technical Service Provider Program (TSP), and P.L. 566.
- Modernizes the Conservation Reserve Program (CRP) by incentivizing enrollment of marginal lands and emphasizing state partnerships.
- Reauthorizes and funds successful programs such as the Feral Swine Eradication Program and the Voluntary Public Access and Habitat Incentive Program (VPA-HIP).
- Emphasizes science, technology, and innovation, including within the conservation practice standards establishment and review processes.

Title III: Trade. Agriculture is the backbone to most of the world's economies, and robust promotion programs not only create market access, but protect our agricultural interests and act as a catalyst for innovation and economic growth. By expanding the reach and impact of the Market Access Program (MAP) and Foreign Market Development (FMD) program, the 2024 farm bill will mitigate global food insecurity while providing U.S. producers new markets, improving local economies, and lessening the damage of this Administration's ineffective trade agenda.

- Substantially increases funding for MAP/FMD.
- Prioritizes U.S. commodities rather than unlimited market-based assistance.
- Balances the authorities of USAID with those of USDA.
- Lessens the bureaucracy associated with programs meant to respond to immediate crises.
- Addresses trade barriers and infrastructure deficiencies.
- Fosters education partnerships to ensure developing countries can benefit from our nation's advanced research and developing technologies.

Title IV: Nutrition. Supports access to families formerly disallowed to receive benefits, refocuses work programs to support upward mobility, invests in and modernizes food distribution programs to create parity with urban programming, promotes program integrity and State accountability, and advances policies related to healthy eating, healthy behaviors, and healthy outcomes.

- Provides additional financial resources across multiple programs that have successfully benefited tribal communities, seniors, and households pursuing healthier options.
- Offers significant opportunities for individuals to remain on their current career pathways without choosing between SNAP and employment.
- Creates new access for participants either formerly disallowed or beholden to arcane restriction.
- Corrects egregious Executive branch overreach and disallows future unelected bureaucrats from arbitrarily increasing or decimating SNAP benefits.
- Creates a stronger, more sustainable connection between health and federal feeding programs.
- Holds USDA and States accountable to the generosity of the American taxpayer.

Title V: Credit. Our nation's producers borrow more capital in a single harvest season than most Americans do in their entire lives. Interest rates have exploded under the Biden Administration, resulting in skyrocketing borrowing costs which fall especially hard on our nation's younger, less established producers. Programs within the credit title are instrumental in helping producers both start and maintain their operations.

- Enhances financing options for producers who are unable to obtain credit from a commercial lender.
- Provides resources to new, young, beginning, and veteran farmers in their transition to farming and ranching.
- Protects and enhances the ability of commercial lenders to provide rural America with a reliable source of credit and capital.



Title VI: Rural Development. Programs offered by the USDA's Rural Development play a vital role in enhancing rural life and fostering economic growth. The 2024 farm bill continues the long history of bipartisan support for rural development initiatives and implements important improvements to ensure a robust rural economy.

- Strengthens broadband connectivity to rural communities.
- Improves precision agriculture practices and increasing accessibility of precision agriculture services.
- Protects access to health care in rural America.
- Enhances efforts to meet the childcare demands of rural areas.
- Addresses existing workforce challenges within rural communities to effectively meet their needs.
- Encourages private capital investments in rural communities.
- Streamlines the permitting process for Rural Development projects.

Title VII: Research, Extension, and Related Matters. Keeps American agriculture at the forefront of innovation and productivity through cutting-edge research and supports the nation's land-grant and non-land-grant colleges of agriculture.

- Supports the modernization of agricultural research facilities by providing funding for the Research Facilities Act.
- Increases funding for the Specialty Crop Research Initiative.
- Allocates funding for research and development of mechanization and automation technologies for the specialty crop industry.
- Maintains funding for the Emergency Citrus Disease Research and Extension Program.
- Provides continued funding for scholarships for students at 1890 institutions.
- Promotes interagency coordination to further agricultural research at other Federal agencies.

Title VIII: Forestry. Promotes active forest management through incentivizing public-private partnerships creating new market opportunities and revitalizing rural communities while reducing wildfire risk and improving forest health to ensure healthy and productive Federal, State, Tribal and private forests.

- Incentivizes active forest management through public-private partnerships by expanding existing authorities like the Good Neighbor Authority and the Stewardship End Result Contracting.
- Creates new and enhances existing market opportunities for forest products, including existing and new data sources and tools, investing in innovative wood products, and expanding the use of biochar.
- Revitalizes rural communities and forest health through cross-boundary authorities.
- Simplifies environmental process requirements, while ensuring environmental protection by building upon the success of categorical exclusions and other streamlined authorities.



Title IX: Energy. Increases access to energy system and efficiency updates for farmers, ranchers, and rural small businesses while encouraging growth and innovation for biofuels, bioproducts, and related feedstocks.

- Allow for critical cost and energy savings by increasing access to the Rural Energy for America Program (REAP).
- Streamlines program delivery and enhances program integrity for biobased market programs and biofuels and bioproducts development programs like the BioPreferred Program and the Biorefinery, Renewable Chemical, and Biobased Product Manufacturing Assistance Program.
- Protects investments in higher blends infrastructure.
- Requires the Administration to study the impacts of solar installations on prime, unique, or statewide or locally important farmland.

Title X: Horticulture, Marketing, and Regulatory Reform. Critical investments to enhance the competitiveness of specialty crops and protect plant health. Delivers commonsense regulatory reforms necessary to relieve American farmers and ranchers from overregulation by the Biden Administration.

- Provides additional funding for the Specialty Crop Block Grant Program and directs program administrators to consult with specialty crop producers when setting priorities for the program.
- Increases funding for plant pest and disease management to further safeguard American agriculture and natural resources.
- Maintains funding for the Local Agriculture Market Program and improves program delivery through simplified applications.
- Continues support for organic production through the National Organic Program, Organic Production and Market Data Initiative, and National Organic Certification Cost-Share Program.

Title XI: Crop Insurance. Agricultural producers are greatly affected by numerous factors outside of their control, ranging from extreme weather to geopolitical instability. Crop insurance – a vital risk management tool – is available to help producers manage the unique risks of farming and is delivered through an effective public-private partnership in which the Federal government shares in the cost of the premiums, which would otherwise be unaffordable for most farmers.

- Expands premium assistance for beginning and veteran farmers.
- Directs research and development of new policies and establishes an advisory committee for more robust engagement with specialty crop producers.
- Enhances certain coverage options to reduce the need for unbudgeted ad hoc disaster assistance.
- Bolsters the private sector delivery system.



Title XII: Miscellaneous. Brings together provisions related to livestock health and management, foreign animal disease preparedness, young and beginning farmers, and other key areas. Directs additional resources towards the three-legged stool to protect the entire livestock and poultry industry in the U.S. from foreign animal diseases.

- Provides guidance documents and other resources for small and very small meat and poultry processing facilities.
- Allows livestock auction owners to invest in packing facilities, subject to capacity limitations.
- Directs the Secretary of Agriculture to work in consultation with the U.S. Trade Representative to negotiate animal disease regionalization agreements with our trading partners.
- Enhances protections for dogs covered under the Animal Welfare Act (AWA).
- Clarifies that states and local governments cannot impose a condition or standard on the production of covered livestock unless the livestock is physically located within such state or local government.
- Requires the Secretary to conduct regular assessments to identify risks and security vulnerabilities to the food and agriculture critical infrastructure sector.
- Reforms certain reporting requirements under the Agriculture and Foreign Investment Disclosure Act (AFIDA) to ensure accuracy and transparency of data on farmland owned by foreign persons or entities.





The Rural Prosperity and Food Security Act

Keeping Farmers Farming, Families Fed, and Rural Communities Strong:

- **Makes investments to strengthen the farm safety net;** supports beginning, underserved, and small farmers and ranchers; and focuses assistance on the farmers with dirt under their fingernails and not billionaire and foreign investors.
- **Helps families working hard to make ends meet** by investing in nutrition assistance that puts food on the table, increasing access to fruits and vegetables, and supporting people on their path to self-sufficiency while cracking down on bad actors.
- **Improves the quality of life in rural communities** by improving rural health care, childcare, and education; creating-good paying jobs; expanding access to high-speed internet; and lowering costs for families and businesses.

A Strong, Bipartisan Path Forward:

- **The Rural Prosperity and Food Security Act contains more than 100 bipartisan bills** to keep farmers farming, families fed, and rural communities strong.
- **Senate Democrats are showing leadership by putting forward a bill that reflects bipartisan priorities** and meets the needs of farmers, families, and communities.
- Unfortunately, Republicans are pursuing the same, failed strategy in the House from 2013 and 2018 of playing politics with food assistance and splitting the Farm Bill coalition. **Senate Democrats have a proposal that holds together the broad coalition** of farmers, nutrition and hunger advocates, conservationists, and the climate community that has always been the foundation of a successful, bipartisan Farm Bill.

Building on Historic Progress:

- **The Rural Prosperity and Food Security Act builds on the historic progress** we have made for rural communities, families, and farmers in addressing the climate crisis in the *Infrastructure Investment and Jobs Act*, *the Inflation Reduction Act*, *the American Rescue Plan*, and others.

- **Ensures that SNAP reflects the realities of how Americans buy and prepare food** by continuing the 5-year re-evaluation to the TFP included in the bipartisan 2018 Farm Bill.
- **Keeps kids fed by building on significant investments to end childhood hunger** through appropriations bills, the *American Rescue Plan*, *Access to Baby Formula Act*, *Keep Kids Fed Act*, *Families First Coronavirus Response Act* and *CARES Act*.
- **Brings the historic investment in climate-smart agriculture from the IRA into the Farm Bill** to address the climate crisis now and into the future.
- **Doubles down on our commitment to rural prosperity** by investing in quality of life, lowering costs, and growing the rural economy.

The Next Steps:

- **Any successful Farm Bill will require the bipartisan support** of our Republican colleagues and partners in the House. We hope that this will spur Republicans to return to the negotiating table in good faith and join us in reaching a bipartisan compromise that can be signed into law by the end of the year. Our farmers and ranchers need the certainty of a five-year Farm Bill.

The Rural Prosperity and Food Security Act Summary

The Rural Prosperity and Food Security Act focuses on keeping farmers farming, families fed, and rural communities strong. It includes over 100 bipartisan bills and keeps the successful Farm Bill coalition together so that a bill can get across the legislative finish line in 2024.

Keeping Farmers Farming:

- **Builds on a successful, market-based approach** that provides support to farmers when disasters outside of their control strike and focuses assistance on the farmers with dirt under their fingernails and not billionaire and foreign investors.
- **Improves crop insurance** by making the most common, area-based, crop insurance more affordable while preserving access to commodity price support programs.
- **Improves Whole Farm and Micro Farm** insurance policies.
- **Provides certainty to farmers** by making payments under the Price Loss Coverage (PLC) program and the Agriculture Risk Coverage (ARC) more likely to trigger and improves emergency disaster assistance. Under the bill, all major covered commodities will see at least a 5% increase in reference prices during the 2024 Farm Bill, with many seeing 10-15% increases.
- **Supports beginning farmers** by providing premium discounts on crop insurance and new opportunities to access commodity programs, improving access to credit, supporting education and training for the next generation of agriculture professionals, and creating a new program to support agriculture programs at community colleges around the country.
- **Builds the groundwork for an agriculture research moonshot** by fostering public-private partnerships through investments in the Foundation for Food and Agriculture Research (FFAR), strengthening USDA's research programs, and investing in land-grant universities.
- **Permanently funds student scholarships at 1890 Institutions** and upholds our commitment to students in 1994 Tribal colleges and minority-serving institutions.
- **Strengthens support for specialty crops** by including the first ever specialty crops crop insurance subtitle, ensuring that specialty crop farmers have a voice in policy decisions, accelerating the development of new technology by boosting research investments, and expanding support for the successful Specialty Crop Block Grant program.

- **Supports trade programs** that build on a \$1.2 billion investment outside the bill secured by Chairwoman Stabenow and Ranking Member Boozman that will effectively double USDA funding to develop new markets for American agriculture over the next 5 years.
- **Supports small farms** by creating an Office of Small Farms to advance small farm policy and sets aside dedicated funding for popular, voluntary conservation practices.
- **Recognizes the importance and growth of urban agriculture** by providing technical assistance, new funding opportunities, and better access to USDA programs.
- **Invests in the connection between farmers and the community** by cultivating regional food systems through public-private partnerships, promoting local agriculture, and supporting value-added production.
- **Protects producers, consumers, and the economy** from devastating animal disease by increasing funding for early detection, rapid response, and recovery from animal disease outbreaks, including Highly Pathogenic Avian Influenza (HPAI).
- **Builds on the successful Dairy Margin Coverage** safety net to help dairy farmers protect against milk price drops or high feed costs.
- **Promotes competition for American livestock producers** by expanding options for processing and ensuring fair competition practices in the marketplace.
- **Supports growth in the organic agriculture industry**, protects the integrity of the organic seal, and expands technical assistance and market opportunities for existing organic farmers and those just getting into the business.
- **Strengthens the Farm and Ranch Stress Assistance Network** to support farmer mental health and manage stress as they navigate one of the riskiest businesses in the world.
- **Backs American farmers' ability to use common names** like parmesan and bologna for marketing products sold around the world.
- **Supports American farmers** by continuing to provide American grown food to address growing rates of global hunger.

Keeping Families Fed:

- **Helps millions of Americans make ends meet by continuing the 5-year update to the Thrifty Food Plan (TFP)** included in the bipartisan 2018 Farm Bill, which helps ensure that nutrition assistance reflects the realities of how Americans buy and prepare food.
- **Cracks down on bad actors** to strengthen the integrity of nutrition assistance without jeopardizing food access.
- **Removes the lifetime ban on nutrition assistance for individuals convicted of a drug related felony**, ensuring that people who have paid their debt to society can access the Supplemental Nutrition Assistance Program (SNAP) and build pathways to self-sufficiency.
- **Establishes a path for residents of Puerto Rico** – who are American citizens – to participate in SNAP after more than 40 years of being excluded from the program.
- **Improves access to nutrition assistance** for college students, military families, and seniors.
- **Increases access to fruits and vegetables** by expanding the Gus Schumacher Nutrition Incentive Program (double-up bucks) and Produce Prescriptions.
- **Increases funding for food banks** and makes the Farm to Food Bank program permanent, improves access to Kosher, Halal, and culturally relevant food, increases procurement of fruits and vegetables, and provides food procurement flexibility for geographically isolated states and territories.
- **Supports people on their path to finding long-term, sustainable jobs** by improving the SNAP Employment and Training Program.
- **Increases funding for nutrition education**, providing the tools and information people need to eat healthier meals, and improving SNAP training for health care professionals.
- **Explores allowing hot foods** like rotisserie chicken to be purchased with SNAP benefits.

Keeping Rural Communities Strong:

- **Improves quality of life for rural families** by improving rural health care.
- **Takes a new, comprehensive approach to address rural childcare** needs by prioritizing projects that address the availability, quality, and cost of childcare in rural communities.

- **Equips rural communities to lead public-private partnerships** through a new Rural Partnership Program and builds on the success of the Biden Administration's Rural Partners Network.
- **Invests in growing the middle class and creating good-paying jobs** in rural America by supporting manufacturing, entrepreneurship, small businesses, and rural cooperatives.
- **Creates good-paying jobs in the bioeconomy** by promoting home-grown biofuels including sustainable aviation fuel that are critical to strengthening energy security at home and supporting biobased innovation through the development of new renewable chemicals, biobased plastics, and other products.
- **Recognizes the value of workers in our food system** and gives them a seat at the table when decisions are being made at USDA.
- **Lowers energy costs and generates new sources of income** while reducing carbon emissions that contribute to the climate crisis by supporting renewable energy and energy efficiency.
- **Expands access to high-speed internet** by strengthening the popular and bipartisan ReConnect Program.
- **Supports and grows local and regional food systems** and increases access to local products from local farmers to keep money in the local economy.
- **Makes critical investments in public water and wastewater systems** that rural communities across the country rely on and addresses emerging contaminants like PFAS.
- **Recognizes Tribal communities** in every title of the bill with more than 50 provisions that improve tribal access to USDA programs and resources.
- **Supports timber innovation** and American wood products, markets, and energy.
- **Strengthens our regional food supply chain** by providing financing opportunities for food and agriculture businesses to invest in infrastructure for middle of supply chain operations.

Protecting Our Land, Air, and Water while confronting the Climate Crisis:

- **Brings all of the conservation funding from the Inflation Reduction Act into the Farm Bill and maintains its focus on addressing the climate crisis.** This funding will bolster the programs that put cash into farmers' pockets to put popular, voluntary conservation practices to work on farms and ranches. It also continues the historic investment in clean, renewable energy to tackle the climate crisis by reducing greenhouse gas emissions on and off the farm.

- **Permanently authorizes conservation programs for the first time** and increases access to climate-smart agriculture and conservation resources.
- **Makes addressing the climate crisis a specific goal** of the Regional Conservation Partnership Program for the first time.
- **Places a new focus on reducing methane**, a potent greenhouse gas, in the Environmental Quality Incentives Program and sets aside funding for small farms.
- **Improves the Conservation Stewardship Program** by adding a new focus on transitioning farmers to be more resilient to the changing climate, reducing greenhouse gases, and building soil health.
- **Leverages our forests as a key tool to address the climate crisis**, expands efforts to plant trees in communities across the country, and establishes the Office of Urban and Community Forestry to expand green spaces, mitigate stormwater runoff, and improve the quality of life in urban and suburban communities.
- **Addresses wildfire risk** through science-based restoration and increases the pace and scale of forest management to protect communities and vulnerable ecosystems from wildfire.
- **Designates over 100,000 acres of forest as wilderness** – the largest acreage ever protected in a Farm Bill.
- **Establishes climate hubs** to develop local tools and resources to address the climate crisis.

March 14, 2024

Ms. Sue Lawless
Acting Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, S.E., Suite 600
Washington, D.C. 20590

Dear Acting Administrator Lawless:

On behalf of the undersigned organizations, we request that the Agency extend the 5-year exemption from the cargo securement requirements at 49 CFR 393.102, 106, 110, and 114 for the transport of agricultural products, set to expire on April 15, 2024. We are requesting this extension after successful use of the exemption over the previous decade. The Federal Motor Carrier Safety Administration (FMCSA) performed testing and evaluation of various methods utilized in securing a wide variety of agricultural products for transport that occurred in 2007 and 2008, and subsequently granted the exemption. Many cargo securement methods were tested including those used to secure plastic and wood bins, large fiberglass tubs, and hay and cotton bales. The study with FMCSA was a collaborative effort with the California Highway Patrol (CHP), California Department of Food and Agriculture, California Trucking Association and several of our carrier members. As a result, FMCSA prepared a report documenting the agricultural commodity cargo securement testing that was performed.

For years, Agricultural haulers in California have utilized annual exemptions granted by the CHP to continue to allow the use of previously existing cargo securement methods for hauling agricultural products. The California annual exemptions were granted because the strict application of the cargo securement requirements that FMCSA identified in a Final Rule in 2002 and became effective in 2004 would have resulted in a less secure agricultural commodity cargo securement environment.

Here were our specific responses to the information requests contained in § 381.310:

- (b) The “class of persons” covered by the proposed exemption would be all commercial motor vehicle operators nationwide who are transporting agricultural commodities described in the attachment in response to (C)(5) below.

- (b)(1) Individual contact information for the associations making this request is contained below.
- (b)(2) The associations (below), on behalf of motor carriers involved in the transport of agricultural commodities utilizing wood and plastic boxes and bins, tubs, hay straw, and cotton bales.
- (b)(3) The associations (below), on behalf of motor carriers involved in the transport of agricultural commodities.
- (c)(1) The proposed agricultural commodity cargo securement regulations would not meet some of the cargo securement requirements under 49 CFR 393.102, 106, 110, and 114. The reason for the requested variances is because these agricultural commodities are “grouped” into larger singular “units” and these larger grouped units of cargo behave differently when tested to the performance requirements under 49 CFR 393.102.
- (c)(2) We are requesting a temporary exemption from 49 CFR at 49 CFR 393.102, 106, 110, and 114 for the transport of agricultural products. A 5 year temporary exemption is requested while our industry requests a permanent change to the Federal Motor Carrier Safety Regulations to add an agricultural commodity section to the cargo securement requirements.
- (c)(3) All drivers and commercial motor vehicle operators who transport agricultural commodities described in the attached document or who may in the future hauling these types of agricultural products are impacted
- (c)(4) This temporary exemption will provide an increased level of safety as the alternate cargo securement methods in the attachment require more cargo securement than is currently required under the California exemptions the industry has been operating under for the past few years.
- (c)(5) See Attachment for specific cargo securement requirements for each box/bin/tub scenario and commodity type. These requirements will provide an increased level of safety and these securement techniques have been tested by the Volpe National Transportation Systems Center in cooperation with FMCSA and the California Highway Patrol.
- (c)(6) Without the proposed temporary exemption, carriers would be required to comply with the general cargo securement regulations which would result in less secure transport of agricultural commodities and would result in substantial and unnecessary costs to the industry

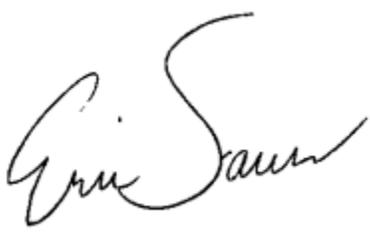
For all of these reasons, on behalf of our nation's agricultural haulers, our organizations respectfully requests that FMCSA extend commercial motor vehicles exemption from the requirements of 49 CFR 393.102, 106, 110, and 114 when utilizing the cargo securement techniques in that attachment. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Samson". The signature is fluid and cursive, with the first name "Jon" and last name "Samson" clearly distinguishable.

Jon Samson
Executive Director
Agricultural & Food Transporters Conference of ATA
(703) 838-7955

On Behalf of –

A handwritten signature in black ink, appearing to read "Eric Sauer". The signature is fluid and cursive, with the first name "Eric" and last name "Sauer" clearly distinguishable. A vertical line is drawn to the right of the signature.

Eric Sauer
California Trucking Association
(916) 373-3562

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



December 18, 2020

The Honorable Wiley Deck
Acting 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 Acting Administrator Deck,

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 Interim Final Rule (IFR) focused on the current definition of an agricultural commodity as it relates to the hours of service (HOS) rules.

First of all, we want to thank you and the staff at FMCSA for issuing the IFR on the agriculture commodity definition. We also thank you all for taking in the industry feedback and providing a near final product. Upon release of the IFR we believe clarity is needed in three specific areas:

- 1) Feed Ingredients - Animal feed continues to be included under the definition, but animal feed ingredients were not specifically mentioned. As is the case with farm supplies (fertilizer, seed, etc.) role in the growing of crops, the importance of feed ingredients in the manufacturing of rations has a similarly important relationship regarding its supply chain logistics. In order to ensure animals are fed, it is important that the feed ingredients are also readily available, availability that is supported by the exemption from the HOS rules. Presently, our understanding is that ag haulers for purposes of the agricultural exemption assume feed ingredients are considered feed, and since feed can be processed or non-processed, it is an outlier within the agricultural exemption. It is within reason to assume the interim rule's definition of non-processed commodities does not apply to feed. We would like clarification that feed includes feed ingredients and if it is best clarified in the rule or in supporting guidance. For the clarification, we recommend clarifying that animal feed means animal food and animal food ingredients to be consistent with other agricultural regulation terminology,

specifically the Food and Drug Administration's rules for animal food.

- 2) Non-Processed Animal Byproducts – I know we have historically considered milk, eggs, etc. as products which fall under the commodity definition, but it is not explicitly clear. Considering the goal of this language is to clarify the definition, is it necessary to make it clearer that the products listed above? Perhaps we can include language that only allows byproducts from animals if the animal continues to live after providing this commodity. I know there is also concern that rendered product may not be included, although it is an important byproduct in animal feed, including pet food.
- 3) Oceanic animals - Under the aquatic animals section there has been some concern that due to the language, certain commodities such as lobster would not be included. FMCSA's mention of all live animals leads me to believe that products that are "caught" would also be covered. Hence, we will submit that "caught" should be included in the harvest, cultivated, grown section of the livestock change.

On behalf of the AFTC, I would like to thank FMCSA for providing additional opportunity for comment on the agricultural commodity definition. 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 additional comments are reasonable and accurate. Again, thank you for taking into account our comments and we look forward to working with you as this process is finalized.

Best Regards,

Jon Samson
Executive Director
Agricultural and Food Transporters Conference of ATA

Moving Forward in 2024

 Taki Darakos Testimony before House T&I Highways Subcommittee on Challenges of Electrification

 FHWA GHG Performance Measures CRA

 EPA GHG Phase 3 CRA

 Competing Farm Bill Proposals

 FET Repeal and Energy Tax Extenders

 Young Driver Apprenticeship Pilot Program win in FY2024 Appropriations

February 6, 2024

Dear Senators and Congressmen:

Thank you for your commitment to conducting oversight of the Infrastructure Investment and Jobs Act (IIJA). To that end, the undersigned organizations support congressional efforts to halt the greenhouse gas performance measure regulation finalized Nov. 23 by the Federal Highway Administration (FHWA).

The IIJA represents the most significant infusion of investment in the nation's infrastructure since the development of the Interstate Highway System in the mid-1950's. The robust, stable funding levels that the IIJA includes are already making a meaningful impact in rebuilding America's transportation systems. Our organizations supported investments made in the IIJA, which include programs dedicated to carbon reduction and infrastructure resilience. However, regulatory overreach outside the bounds of the IIJA has the potential to limit improvements to our infrastructure.

Congress debated authorizing the U.S. Department of Transportation to establish a greenhouse gas performance measure, but it was ultimately excluded from the 2021 law, due to the provision's lack of sufficient congressional support. While a previous administration considered establishing a similar greenhouse gas performance rule, the agency later determined that the rule exceeded its statutory authority as specified under 23 U.S.C. 150(c)(2)(C) and furthermore was not required by law. To be clear, the statutory language around performance measures has not changed since the 2012 enactment of MAP-21.

We believe FHWA lacks the statutory authority to create a greenhouse gas performance measure, and therefore, support any and all congressional efforts to block this rule's implementation.

Sincerely,

Associated General Contractors of America
American Road & Transportation Builders Association
Agricultural Retailers Association
American Bus Association
American Coal Ash Association
American Concrete Pavement Association
American Concrete Pipe Association
American Concrete Pumping Association
American Council of Engineering Companies
American Farm Bureau
American Highway Users Alliance
American Pipeline Contractors Association

American Sheep Industry Association
American Trucking Associations
Associated Equipment Distributors
Association of Equipment Manufacturers
Concrete Reinforcing Steel Institute
National Aquaculture Association
National Asphalt Pavement Association
National Association of Manufacturers
National Association of Wholesaler-Distributors
National Cattlemen's Beef Association
National Grain and Feed Association
National Limousine Association
National Pork Producers Council
National Precast Concrete Association
National Ready Mixed Concrete Association
National Stone, Sand & Gravel Association
National Utility Contractors Association
Owner-Operator Independent Drivers Association
Portland Cement Association
Power & Communication Contractors Association
Precast/Prestressed Concrete Institute
Rural & Agriculture Council of America
Transportation Intermediaries Association
United Motorcoach Association
USA Rice
U.S. Cattlemen's Association
U.S. Chamber of Commerce
Water and Sewer Distributors of America