

March 25, 2020

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

Dear Mr. Mullen:

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

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

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

A lot has changed since FMCSA released its emergency declaration granting hours-of-service relief. Importantly, the Department of Homeland Security (DHS) released "Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response." DHS identified the full food and agricultural supply chain as essential critical infrastructure workers that have a special responsibility to continue operations. The operations within the food and agricultural chain are closely linked and continuing operations requires timely shipping and receiving.

We urge FMCSA to extend the hours-of-service relief to include all food and agricultural critical infrastructure operations to ensure the viability of the food distribution system.

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

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

In addition to COVID-19's impact, the pool of available drivers may be further disrupted by the appropriate prioritization of health clinics on essential/emergency patients rather than non-essential services such as providing alcohol and drug testing services for commercial driver's license safety-sensitive functions. To prevent this major economic and transportation supply logistical problem, we recommend that FMSCA grant temporary flexibility for the issuance of restricted agricultural commercial driver's licenses. For example, if pre-employment drug tests are unavailable, allow employers to use reasonable suspicion to remove the driver from a safety sensitive position and require the pre-employment drug test to be performed when testing resources become available.

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

Food processors, animal feeding and pet food operations require a steady supply of raw and processed agricultural commodities, animal food and feed ingredients, and they often are not located within 150-air miles of their shipping point. Further, U.S. agricultural exports and by extension the agriculture supply chain depend upon the ability to efficiently transport agricultural products (food, farm, fiber) to international maritime export gateways, by truck, either to seaports or to rail ramps, both often well in excess of 150 miles from the origin farms, storage or processing facilities.

Historically, trucks have served as the transportation mode that provides surge capacity for longer movements when disruption occurs within other transportation modes. As trucking capacity and the availability of drivers tightens due to COVID-19, neither surge nor normal trucking capacity may be adequately available to provide the required just-in-time deliveries to animal feeding operations, food processing and manufacturing plants, distribution facilities,

export facilities and retail outlets, which could result in significant food chain supply disruptions.

Examples of routine truck deliveries in excess of 150 air-miles that would benefit from hours-of-service relief include the following:

- Alfalfa hay from Kansas to dairies in the upper Midwest.
- Oilseed crops from western North Dakota to crushers in eastern North Dakota.
- Corn from eastern Kansas to cattle feedlots in western Kansas.
- Wheat from Colorado to millers in Kansas.
- Corn and soybeans from eastern states to poultry feeders on the eastern shore of the Delmarva peninsula.
- Cottonseed from Texas to dairies in New Mexico.
- Potatoes, onions and processed potato products from Oregon, Utah, Washington and Idaho farms and processing plants, to seaports for export.
- Forage (hay, alfalfa, etc.) from farms and processing facilities to seaports for export.
- Identity-preserved and/or organic grain to specialty end users (whose draw areas usually are larger than conventional end-users) throughout the country.
- Imported organic and specialty raw agricultural commodities and feed ingredients from ports to interior feed mills.
- Fertilizer from barge unloaders along the inland waterway system to agricultural retailers throughout the Midwest, Plains and Mid-South.

COVID-19 is challenging the nation in unimaginable ways. It is attacking the most essential component of our nation's economy, its workforce. While we hope our nation's freight transportation workforce is spared from COVID-19-related disruptions, it is prudent ***now*** for FMCSA to alleviate and manage the possibility of protracted and disruptive COVID-19 outbreaks by extending hours-of-service relief from *farm-to-fork*, to include truck transport of raw and processed agricultural commodities, animal food and feed ingredients, processed food and food ingredients, honey bees and farm supplies, to help ensure continuity of operations for America's human and animal food supply participants as we work to maintain a wholesome, safe and affordable supply of agricultural products during and following the COVID-19 pandemic.

In addition, sanitary transportation is of paramount concern for the food industry and we urge FMCSA to communicate with the Department of Homeland Security and state governments that the continued availability of truck washouts is essential for the food and agricultural supply chain. We are aware of truck washouts that have ceased operations, and this will have a severe negative impact on the movement of many food products.

Further, we urge FMCSA to play a central role in communicating with state departments of transportation about the need to harmonize truck weight limits for the benefit of interstate commerce. The COVID-19 response by many states to temporarily increase their truck weight

limits is necessary and appreciated and will help ameliorate a portion of the loss in trucking capacity. But further benefits could be captured through a coordinated effort.

We believe these necessary emergency and temporary measures will help ensure there are no major disruptions in the supply chain and can be accomplished without adversely impacting transportation safety.

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

Agricultural & Food Transporters Conference

Agricultural Retailers Association

Agriculture Transportation Coalition

AMCOT

American Bakers Association

American Beekeeping Federation

American Cotton Producers

American Cotton Shippers Association

American Farm Bureau Federation

American Frozen Food Institute

American Honey Producers Association

American Pulse Association

American Seed Trade Association

American Soybean Association

Consumer Brands Association

Corn Refiners Association

Farm Credit Council

Growth Energy

Institute of Shortening and Edible Oils

International Dairy Foods Association

Leather and Hide Council of America

Livestock Marketing Association

Meat Import Council of America, Inc.

National Agricultural Aviation Association

National Association of Wheat Growers

National Barley Growers Association

National Cattlemen's Beef Association

National Chicken Council

National Corn Growers Association

National Cotton Council

National Cotton Ginners Association

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 Potato Council
National Sunflower Association
National Turkey Federation
North American Meat Institute
North American Millers' Association
North American Renderers Association
Pet Food Institute
Soy Transportation Coalition
The Fertilizer Institute
United Fresh Produce Association
USA Dry Pea & Lentil Council
USA Rice
U.S. Canola Association
U.S. Dry Bean Council
U.S. Pea and Lentil Trade Association
U.S. Poultry & Egg Association

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