

June 15, 2021

The Honorable Maria Cantwell
Chairman, Committee on Commerce, Science, & Transportation
United States Senate
511 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Roger Wicker
Ranking Member, Committee on Commerce, Science, & Transportation
United States Senate
555 Dirksen Senate Office Building
Washington, D.C. 20510

RE: Support for Fischer-Tester Amendment

Dear Chairman Cantwell and Ranking Member Wicker:

The undersigned organizations strongly support the Fischer-Tester Amendment (Fischer_1) to the Surface Transportation Investment Act of 2021 which would modernize the agricultural exemption to the hours-of-service rules and provides much needed regulatory relief for farmers, ranchers and agricultural haulers. The Fischer-Tester amendment includes bipartisan language from S. 792, the Haulers of Agriculture and Livestock Safety (HAULS) Act of 2021.

The farmers, ranchers, food and beverage manufacturers, processors, package suppliers and agricultural product marketers that comprise our memberships are dedicated to providing the safe, abundant and affordable food, fiber and feed required to ensure our country stays healthy and fed. Since its inception in 1995, the agricultural exemption has been vitally important to the food and agriculture industry. Given the strong safety record of the U.S. agricultural trucking sector, Congress periodically has modified policies to enhance its usefulness to help ensure a more efficient and cost-effective freight transportation distribution system, but the exemption needs updating.

This amendment would make three important incremental changes to the agricultural exemption to hours-of-services rules [C.F.R. 49, sec. 395.1(k)] that we support and believe would help accommodate the seasonal spikes in transportation of food, fiber and other agricultural supplies:

The first would eliminate the “planting and harvesting periods” requirements to ensure uniformity within all states. Most states already have adopted a year-round agricultural exemption (Jan. 1 – Dec. 31) given the diverse range of crops and modern agricultural practices that result in truck movements throughout the year.

The second would provide a 150-air-mile exemption from hours-of-service regulations on the backend of hauls. This builds on the current exemption for the beginning of hauls at the “source” and simply would add the term “destination.” Originally, the front-end exemption was put in place to give farmers and ranchers extra time to safely and slowly navigate rural roads, which often are minimally maintained and have significantly slower travel speeds, so as not to penalize drivers operating safely in remote areas away from major highways, as well as to provide for proper animal welfare practices for livestock being transported. All of these concerns also exist at the destination of a haul. Destination feed yards and pastures often are in areas that are just as remote as source pastures and livestock auction markets. In addition, processing facilities typically have long lines and demand the same need for careful, slow animal handling. This language also would address the very real concern of those who come close to their destinations and then “run out of time,” while only being a short distance from their destination and are forced to stop, fully loaded with animals for a full 10 hours before completing their haul. This is impractical, illogical, and detrimental to livestock and agricultural haulers.

Finally, it would update the definition of an agricultural commodity for purposes of determining eligible freight for the agricultural exemption. We believe the following definition appropriately covers current agricultural products and allows for continued evolution of any agricultural commodities in the future:

Proposed Definition of an Agricultural Commodity

- Any nonprocessed product planted or harvested for food, feed, fuel, or fiber;
- Any nonhuman living animal, including fish, insects; and livestock (as defined in section 602 of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471)); and the nonprocessed products of any nonhuman living animal, including milk; eggs; and honey;
- Nonprocessed forestry, aquacultural, horticultural, and floricultural commodities;
- Fresh or minimally processed fruits and vegetables, including fruits and vegetables that are rinsed, cooled, cut, ripened, or otherwise minimally processed, as determined by the Secretary; and
- Animal feed, including the ingredients of animal feed.

We ask that you support the Fischer-Tester Amendment, as it will provide flexibility to our agricultural haulers during a time when it is needed the most, but also well into the future as these farmers, ranchers, and agricultural haulers continue to feed the U.S. and the world.

Thank you for your continued support for agriculture, and we hope you will support the Fischer-Tester Amendment.

Sincerely,

Agribusiness Association of Iowa
Agribusiness Council of Indiana
Agricultural and Food Transporters Conference of ATA

Agricultural Retailers Associations
Agriculture Transportation Coalition
Alabama Cattlemen's Association
Alabama Farmers Federation
American Beekeeping Federation
American Cotton Producers
American Farm Bureau Federation
American Feed Industry Association
American Forest and Paper Association
American Honey Producers Association
American Horse Council
American Quarter Horse Association
American Sheep Industry Association
American National CattleWomen, Inc.
American Soybean Association
America's Cotton Marketing Cooperatives
Arizona Cattle Feeders Association
Arizona Cattle Growers' Association
Arizona Farm Bureau Federation
Arkansas Cattlemen's Association
Arkansas Farm Bureau Federation
California Cattlemen's Association
California Farm Bureau Federation
California Grain and Feed Association
Catfish Farmers of Arkansas
Colorado Cattlemen's Association
Colorado Farm Bureau
Colorado Livestock Association
Connecticut Farm Bureau
Consumer Brands Association
Corn Refiners Association
Cotton Growers Warehouse Association
East Coast Shellfish Growers Association
Equipment Dealers Association
Far West Agribusiness Association
Florida Cattlemen's Association
Florida Farm Bureau Federation
Florida Fruit & Vegetable Association
Florida Tropical Fish Farms Association
Forest Resources Association
Georgia Cattlemen's Association
Georgia Farm Bureau
Grain and Feed Association of Illinois
Hardwood Federation
Hawaii Aquaculture and Aquaponics Association
Hawaii Cattlemen's Council

Idaho Cattle Association
Idaho Farm Bureau
Illinois Beef Association
Illinois Farm Bureau
Indiana Beef Cattle Association
Indiana Farm Bureau
Iowa Cattlemen's Association
Iowa Farm Bureau
Kansas Agribusiness Retailers Association
Kansas Farm Bureau
Kansas Grain and Feed Association
Kansas Livestock Association
Kentucky Cattlemen's Association
Kentucky Farm Bureau
Livestock Marketing Association
Louisiana Cattlemen's Association
Louisiana Farm Bureau
Maryland Cattlemen's Association
Maryland Farm Bureau
Michigan Agri-Business Association
Michigan Cattlemen's Association
Michigan Farm Bureau
Minnesota Grain and Feed Association
Minnesota State Cattlemen's Association
Mississippi Cattlemen's Association
Mississippi Farm Bureau Federation
Missouri Agribusiness Association
Missouri Cattlemen's Association
Missouri Farm Bureau
Montana Agricultural Business Association
Montana Farm Bureau
Montana Stockgrowers Association Inc.
National Aquaculture Association
National Association of State Departments of Agriculture
National Association of Wheat Growers
National Barley Growers Association
National Cattlemen's Beef Association
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 Pasta Association
National Pork Producers Council
National Potato Council
National Sunflower Association
Nebraska Cattlemen
Nebraska Dry Bean Commission
Nebraska Farm Bureau
Nebraska Grain and Feed Association
Nevada Cattlemen's Association
Nevada Farm Bureau Federation
New Mexico Cattle Growers Association
New Mexico Farm & Livestock Bureau
New Mexico Wool Growers, Inc.
New York Farm Bureau
North American Meat Institute
North American Millers' Association
North American Renderers Association
North Carolina Aquaculture Association
North Carolina Cattlemen's Association
North Carolina Farm Bureau
North Dakota Grain Dealers Association
North Dakota Stockmen's Association
Northeast Agribusiness and Feed Alliance
Ohio AgriBusiness Association
Ohio Cattlemen's Association
Ohio Farm Bureau
Oklahoma Cattlemen's Association
Oklahoma Farm Bureau
Oklahoma Grain and Feed Association
Oregon Cattlemen's Association
Pacific Northwest Grain & Feed Association
Pennsylvania Cattlemen's Association
Pennsylvania Farm Bureau
Pet Food Institute
Professional Rodeo Cowboys Association
Rhode Island Farm Bureau Federation
Rocky Mountain Agribusiness Association
South Carolina Farm Bureau
South Dakota Cattlemen's Association
South Dakota Farm Bureau
South Dakota Grain and Feed Association
Southwest Meat Association
Soy Transportation Coalition
Specialty Soya & Grains Alliance
Tennessee Cattlemen's Association
Tennessee Farm Bureau Federation

Texas and Southwestern Cattle Raisers Association
Texas Aquaculture Association
Texas Cattle Feeders Association
Texas Farm Bureau
Texas Grain and Feed Association
The Fertilizer Institute
United Dairymen of Arizona
United Fresh Produce Association
USA Dry Pea & Lentil Council
USA Rice
U.S. Canola Association
U.S. Cattlemen's Association
U.S. Custom Harvesters
US Dry Bean Council
US Trout Farmers Association
Utah Cattlemen's Association
Virginia Cattlemens Association
Virginia Farm Bureau
Washington Cattle Feeders Association
Washington Cattlemen's Association
Washington Farm Bureau
Western Growers Association
West Virginia Cattlemen's Association
Wisconsin Agri-Business Association
Wisconsin Cattlemen's Association
Wisconsin Farm Bureau
Wyoming Farm Bureau
Wyoming Stock Growers Association

CC: Members of the Senate Committee on Commerce, Science & Transportation