

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