

# Congress of the United States

Washington, DC 20515

March 4, 2020

The Honorable David Price  
Chairman  
Subcommittee on Transportation, Housing and Urban  
Development, and Related Agencies  
Committee on Appropriations  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Mario Diaz-Balart  
Ranking Member  
Subcommittee on Transportation, Housing  
and Urban Development, and Related Agencies  
Committee on Appropriations  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Price and Ranking Member Diaz-Balart:

We write to ask for your inclusion of the following language to provide clarity on the agricultural commodity definition, associated with regulatory changes around the use of the Electronic Logging Device (ELD) Mandate, as stated in 49 C.F.R. § 395.2.

*SEC 229 (e)(7) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note) is amended to read as follows:*

*“(7) AGRICULTURAL COMMODITY.—The term ‘agricultural commodity’ includes—*

*“(A) agricultural, aquacultural, horticultural, and floricultural commodities;*

*“(B) fruits;*

*“(C) vegetables;*

*“(D) any non-human living animal and the products thereof; and*

*“(E) other agriculture products that are—*

*“(i) sensitive to temperature or climate; and*

*“(ii) at risk of perishing in transit.”.*

§ 395.2 defines “agricultural commodity” as “any agricultural commodity, nonprocessed food, feed, fiber, or livestock (including livestock as defined in sec. 602 of the Emergency Livestock Feed Assistance Act of 1988 [7 U.S.C. 1471] and insects).” The phrase in this definition “agricultural commodity means any agricultural commodity,” and Congress intended a broad scope to this provision.

Crops that have long been recognized as agricultural commodities —such as nursery & greenhouse production, as well as turfgrass — remain in limbo as Federal Motor Carrier Administration (FMCSA) insists they are not included despite facing the same challenges as other agricultural commodities: seasonality, perishability, and narrow market windows.

Last summer, the FMCSA admitted that the definition of “agricultural commodity” is vague and problematic, issuing an Advanced Notice of Proposed Rulemaking and asking for input on what should be considered an agricultural commodity. Despite this, many will endure another season of uncertainty as to whether they qualify for the much-needed agricultural exemption while hauling highly perishable commodities.

We strongly urge the Committee to include this language as part of FY 2021 appropriations to provide clarity for drivers, farmers, and enforcement officers alike. Thank you for your attention to this important matter.

Sincerely,



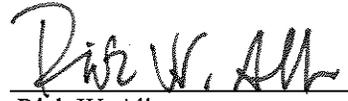
Austin Scott  
Member of Congress



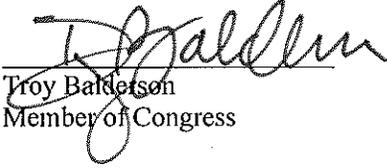
Kurt Schrader  
Member of Congress



Ralph Abraham, M.D.  
Member of Congress



Rick W. Allen  
Member of Congress



Troy Balderson  
Member of Congress



Nanette Diaz Barragan  
Member of Congress



Jack Bergman  
Member of Congress



Salud Carbajal  
Member of Congress



Doug Collins  
Member of Congress



James Comer  
Member of Congress



TJ Cox  
Member of Congress



Rick Crawford  
Member of Congress



Scott DesJarlais, M.D.  
Member of Congress



Neal P. Dunn, M.D.  
Member of Congress



A. Drew Ferguson, IV D.M.D.  
Member of Congress



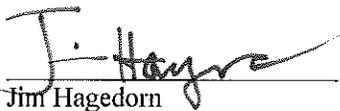
Brian K. Fitzpatrick  
Member of Congress

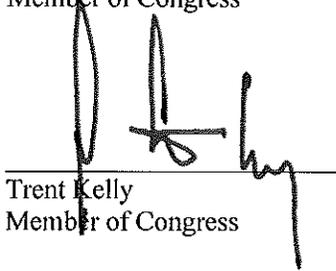


Lance Gooden  
Member of Congress



Michael Guest  
Member of Congress

  
Jim Hagedorn  
Member of Congress

  
Trent Kelly  
Member of Congress

  
Barry Loudermilk  
Member of Congress

  
Collin C. Peterson  
Member of Congress

  
David Rouzer  
Member of Congress

  
Abigail D. Spanberger  
Member of Congress

  
Glenn "GT" Thompson  
Member of Congress

  
Rob Woodall  
Member of Congress

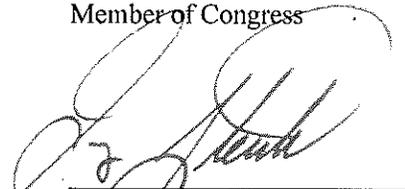
  
Jody Hice  
Member of Congress

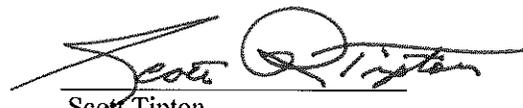
  
Doug LaMalfa  
Member of Congress

  
Roger Marshall, M.D.  
Member of Congress

  
Denver Riggleman  
Member of Congress

  
Darren Soto  
Member of Congress

  
W. Gregory Steube  
Member of Congress

  
Scott Tipton  
Member of Congress