



November 28, 2017

Docket Management Facility
Attn: FMCSA-2017-0297
U.S. Department of Transportation
1200 New Jersey Avenue, SE
West Building, Ground Floor, Room W12-140
Washington, DC 20590-0001

The American Sheep Industry Association (ASI) appreciates the opportunity to comment on the Hours of Service of Drivers: Application for Exemption; National Pork Producers Council (NPPC). ASI has been the national trade organization representing the interests of nearly 90,000 sheep ranchers located throughout the country who produce America's lamb and wool since 1865. ASI is a federation of forty-five state sheep associations representing a diverse industry.

On behalf of the members of the American Sheep Industry Association, I write to request that you grant a one-year enforcement delay followed by a waiver and limited exemptions from compliance with the December 18, 2017 implementation date for the Final Rule on Electronic Logging Devices (ELDs) and Hours of Service (HOS) 80 Fed. Reg. 78292. Moreover, I request that you take actions to address the significant problems with the current mandate that will occur if the compliance deadline is not extended by your agency.

The welfare and safety of the animals in transit, together with the safety of other drivers on the road, are top priorities for the U.S. sheep industry. Unlike their counterparts driving conventional commercial motor vehicles (CMVs), most livestock haulers follow the transportation guidelines in the industry's Sheep Safety and Quality Assurance (SSQA) program and Sheep Care Guide, both of which provide instruction on proper animal handling and transportation methods. The SSQA is the national certification program for the sheep industry and is auditable similar to the other livestock transportation education programs, SSQA was developed in collaboration with the U.S. Department of Agriculture (USDA).

As reflected in the Federal Motor Carrier Safety Administration's (FMCSA) data, the emphasis this program places on animal welfare, benefits driver safety as it encourages livestock haulers to slow down, be more aware of their surroundings and road conditions that could result in animal injury.

The livestock sector has consistently been one of the safest of the commercial hauling sectors. The Large Truck Crash Causation Study, conducted by the FMCSA and the National Highway Traffic Safety Institute, showed that of 1,123 accidents involving trucks hauling cargo, only five involved the transportation of livestock. Similarly, the report titled Trucks Involved In Fatal Accidents Factbook 2005, conducted by the Transportation Research Institute, shows that livestock transporters accounted for just 0.7 percent of fatal accidents. The ELD mandate itself,

which is the subject of this petition, does nothing to improve that record of safety over paper logs.

Despite its being issued nearly two years ago, awareness for this rule among livestock haulers and the industry is low. The lack of stakeholder outreach has led to a lack of awareness within the livestock industry, particularly among livestock drivers, about the rule. More time is needed to reach out to the livestock industry, and ensure that industry education and certifications programs like the Sheep Care Guide include ELD compliance and use in their materials. For instance, FMCSA's recent change to include livestock in its interpretation of the 150-air mile exemption for agricultural commodities, a change that the industry strongly supports and appreciates, has raised many additional questions from livestock haulers who are unsure about the mechanics of the new exemption and even if it means they are exempt from the ELD mandate itself.

Granting a waiver and limited exemption from the ELD mandate for livestock haulers will enable FMCSA to reach out to livestock haulers effectively, allow for long-standing livestock transportation safety and training programs to make needed adjustments, and provide the necessary time for training livestock haulers on the use of ELDs.

Unfortunately, confusion and possibly misunderstanding over enforcement and how ELDs operate are causing significant concern within the livestock industry over apparent incompatibilities between the HOS rule and the realities of livestock hauling. Many sheep and livestock operations are in remote, rural areas, routinely requiring long animal transport hauls. These animals, when loaded onto trailers, are vulnerable to changes in temperature. Industry guidelines mandate that drivers avoid stops while hauling livestock, especially in warmer weather, as the trailers are designed to cool the animals down while in motion. However, drivers who, for a variety of different reasons, reach driving-time limits while hauling animals will face a difficult decision: compliance with animal welfare laws and guidelines or compliance with FMCSA's HOS rules.

Livestock haulers are accustomed to managing these priorities through planning, log books and notations in those books. The emergence of ELDs is a new element to these procedures that must also be carefully implemented and managed.

Since the ELD mandate provides no increased safety over the current system of written log books – and a limited waiver of the ELD mandate for livestock haulers simply maintains the status quo and provides an equivalent level of safety from one of the safest sectors of the transportation industry – DOT and FMCSA clearly have the authority to grant this petition. Granting a waiver and limited exemption from the ELD mandate for livestock haulers will enable FMCSA and the livestock industry to undertake the training and education necessary for livestock haulers to fully understand ELDs. It will also provide an opportunity for FMCSA to develop livestock specific solutions to the underlying HOS concerns of the industry, while still maintaining safety on our roads.

Our members greatly appreciate the Agency's work so far to find solutions to address many of the issues the greater livestock industry has raised. However, as our comments addressed, issues still exist that must be resolved.

Therefore, on behalf of the members of the American Sheep Industry Association, I respectfully request that the Agency grant a one-year delay of enforcement of the Final ELD and HOS rules for the livestock industry, work with the industry to ensure that any future action encompasses the necessary exemptions for livestock health and safety, and facilitates consistent enforcement of these rules and exemptions nationwide.

Sincerely

THE AMERICAN SHEEP INDUSTRY
ASSOCIATION

A handwritten signature in black ink that reads "Mike Corn". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Mike Corn, President