

Deregulation suggestions

If you have ideas for cutting existing rules or regulations, we want to hear from you.

A red asterisk (* (required)) indicates a required field.

Which agency/agencies promulgated the regulation? * (required)

Department of Transportation, Federal Motor Carriers Safety Administration

54 characters left

Which title, parts, and/or sections of the Code of Federal Regulations (C.F.R.) should be rescinded? * (required)

Please include the relevant CFR section(s) and the Federal Register citation for the final rule. If you are proposing a repeal of a particular rulemaking, it should note the relevant portions of the C.F.R. that are implicated.

Title 50, Subtitle B, Chapter III, Subchapter B, Part 395, Title 50, Subpart A, § 395.3, Maximum driving time for property carrying

What is your name?

Only answer if you would like the rescission to be named after you or your organization. Providing your name does not guarantee that it will appear on any final agency action, and we reserve the right to refrain from using names that are inappropriate or offensive.

National Aquaculture Association

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Is your proposed rescission a notice of proposed rulemaking, final rule, direct final rule, interim final rule, or interpretive rule? * (required)

A notice of proposed rulemaking is appropriate where the rescission is likely to be controversial and where the agency has not yet proposed rescinding the rule. (You may submit a final rule at a later time). A final rule is appropriate where the agency has already issued a proposal to rescind the regulation. A direct final rule is appropriate where the rescission is unlikely to be controversial and where the agency has not yet proposed rescinding the rule. An interim final rule is appropriate where there is good cause for the effective date of the rescission to be immediate and where the agency has not yet proposed rescinding the rule. An interpretive rule explains a regulation or the meaning of a statute the agency administers.

Notice of Proposed Rulemaking

Final Rule

Direct Final Rule

Interim Final Rule

Interpretive Rule

What is the name of the regulation being rescinded, if applicable? * (required)

This could be the name of the part of the C.F.R. or the name of a previous rulemaking.

Title 50, Subpart A, § 395.3, Maximum driving time for property carrying vehicles and Subpart B, Electronic Logging Devices (EL)

Please provide a short summary of the justifications for the rescission. * (required)

B **I** **U**  

Trucks carrying livestock (cattle, pigs, poultry, fish, horses, or bees for pollination) cannot stop to comply with rigidly proscribed times or periods of time without stressing these animals. A hours-of-service and electronic logging device exemption for livestock haulers provides flexibility to ensure

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animal protein is available to consumers at an affordable price and animal care is maintained in transit (cooling or aeration).

Please insert the address of the agency. [NPRM, DFR, and IFR only]

This information can be found on the most recent agency notice of proposed rulemaking, direct final rule, or interim final rule.

Federal Motor Carriers Safety Administration, 1200 New Jersey Avenue, SE, Washington DC 20590

Please insert the contact information for the agency. * (required)

This information can be found on the most recent agency rulemaking.

Sue Lawless, Executive Director and Chief Safety Officer

What is the background for the regulation being rescinded? * (required)

You should discuss the current state of the regulation, how it operates, and its history. A high level of detail is preferred.

B I U  

The Federal Motor Carriers Safety Administration implemented the use of electronic logging devices in 2016. The agricultural livestock community has been successful in gaining Congressional exemptions to continue to operate safely and deliver healthy, market ready animals and insects. However, the agency has been unwilling to exempt livestock haulers.

Explain the reasons for the rescission. * (required)

This is the analysis part of the rule. You should provide as much detail as possible. Possible reasons for rescission include, but are not limited to: (1) the regulation is inconsistent with a statute; (2) the regulation is inconsistent with the Constitution; (3) the regulation's costs outweigh its benefits; (4) the regulation no longer reflects the current state of technology; or (5) the regulation is bad policy, unreasoned, or unsound. If this is a final rule, you should respond to any relevant and timely comments. If there are other requirements for repealing a rule, please address those here.

B I U  

Agricultural Livestock haulers were exempt from hours-of-service regulations for more than two years during the COVID-19 emergency declaration. These farm, ranch or contract livestock transporters (cattle, pigs, poultry, fish, horses and bees for pollination) are specialized haulers that needed flexibility during a time of major disruptions in the animal protein supply chain. Drivers maintained a high level of safety while alleviating supply chain challenges and have proved for over six years they can do so safely.

This exemption has been continued in appropriation bill language inserted by Senators John Boozeman and Deb Fischer. Flexibility continues to be necessary due to the demands associated with agricultural animal care, labor challenges, driver shortages, and supply chain concerns. In addition, the agency hours of service rules are not in effect for livestock haulers between a point 150 air miles from the source of the livestock – typically a sales barn – and a point 150 air miles from the place where the livestock will be delivered.

Describe the text of the relevant C.F.R. provisions as it will exist after the rescission. * (required)

This is usually contained in the List of Subjects section of a regulation.

B I U  

Title 49 Subtitle B, Chapter III, Subchapter B, Part 395, Subpart A, § 395.1 should be simplified by removing (k)(1-4) and substituting a blanket exemption for agricultural operations (commodities, farm supplies and livestock). Example language being:

(k) **Agricultural operations.** The provisions of this part shall not apply to agricultural commodities, farm supplies, or livestock (as defined in section 602 of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471 (<https://www.govinfo.gov/link/uscode/7/1471>)) including insects)).

Please insert the name of the current agency head. * (required)

Sean Duffy

Please insert the title of the agency head. * (required)

Secretary US Department of Transportation

By clicking Agree and Continue, I consent to the government using all or part of my submission in future rulemakings or other governmental activities as it sees fit. I am submitting my proposal gratuitously, with no expectation of payment or other consideration, and I waive any future claims against the government related to its use of my submission. I also understand that any material submitted via this portal may be publicly available, and I agree not to submit confidential, copyrighted, trade secret, or personal information. * (required)


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