



March 19, 2020

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

Dear President Trump:

Thank you for the efforts of your Administration to respond to the COVID-19 pandemic. The nation is grateful for the tireless work of your team to protect our citizens and our economy.

A steady supply of food will be a critical foundation upon which our economy will recover. Photos flood the internet of empty grocery aisles caused primarily by hoarding; but if consumers are to regain confidence in the economy, a continuous and plentiful supply of food will be essential.

We are now entering the spring season, the busiest time of the year for farmers and the agricultural retailers who supply and support them. Continuous flows of seed, fertilizers, crop protection and custom application are most important in the spring. Even missing one or two days in tight windows for planting, fertilizing or applying crop protection can have significant negative impacts on fresh food and row crop production as well as farm income. If those crops don't get planted or properly maintained the entire supply chain all the way to the consumer will suffer. A smoothly functioning supply chain from the producers of these farm inputs through distribution and ultimately to the farm are critically important, especially in this season.

As the Administration considers additional measures to manage the spread of the virus, you will no doubt hear some calls for shutting down segments of the economy. While there may be some segments where that makes sense, we ask that you keep in mind the importance of this agricultural input supply chain to the farmers and the consumers who rely on that productivity.

Specifically:

- As some sections of the economy shut down, or are directed to do so, it is imperative that those closings provide flexibility for this agricultural supply chain to continue

functioning. Suggestions that “retailers” temporarily close need to specifically separate consumer retailers from agricultural retailers. Most of these businesses operate in rural areas where distancing is less of an issue than it is in cities, and that should mitigate the risk. We request agricultural retailers and other segments of the supply chain providing critical products to farmers and ranchers be deemed “essential” and exempt from any federal or state shutdown or curfew orders.

- The U.S. Department of Transportation’s Federal Motor Carrier Safety Administration’s (FMCSA) waiver of Hours of Service (HOS) requirements for those transporting medical supplies is helpful to that cause. But it is having unintended consequences as truckers who would normally haul farm supplies (still subject to HOS) drop those shipments in favor of medical shipments that are now exempt. This is hampering the flow of these products to ag retailers and to the farm gate. We suggest the following measures:
 - o Broaden the HOS waiver to include farm supplies (49 CFR § 395.2) as defined under the Hours of Service of Drivers regulations and other products that need continued time-sensitive access to a functioning supply chain.
 - o Extend Driver CDLs that may be coming up for renewal, including required DOT physicals and mandatory drug testing as they are considered non-emergency visits. Some clinics have closed leaving our members with no way to obtain the necessary certifications.
 - o Renew an agricultural waiver that allows non-CDL drivers to assist in agricultural retail deliveries to the farm or field would help relieve an already-tight driver situation and provide meaningful work for employees facing reduced work opportunities in this environment.
 - o Prohibit COVID-19 surcharges by transportation companies. The employees of these companies are at no greater risk than employees of other businesses and those companies should not be allowed to hold hostage the rest of the economy for their own interests.
 - o Temporarily suspend all training and testing requirements, including for hazardous materials endorsements, until facilities that process those requirements are operating under normal business hours or DOT can implement an acceptable on-line system that meets all necessary federal and state requirements.

- We suggest that the Department of Homeland Security (DHS) clearly designate agricultural retailers and other parts of the farm supply chain as Critical Infrastructure and part of the food supply. Food supply won’t happen without food production. It is vital that this supply chain continue to operate and move essential products for delivery to farmers during any mandatory shutdowns. We also urge DHS to designate commercial ports that load and offload these products as part of critical infrastructure.

President Donald J. Trump

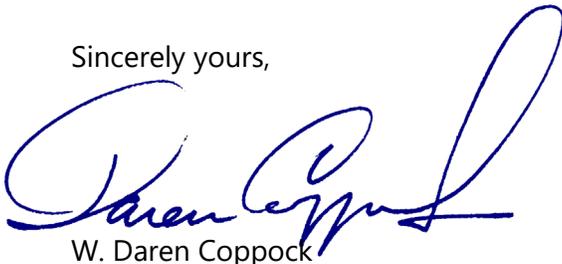
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- The Department of Labor's (DOL) temporary agricultural guest worker program (H-2A) must continue to function in a timely manner to ensure a steady supply labor that is needed to produce and harvest these crops. Past history suggests that the months of March, April and May are when the greatest number of H-2A workers enter the United States. Any shortages of labor in this area will become acutely evident as US produce retail grocers seasonally switch to more domestic products.
- Fit tests for Personal Protective Equipment (PPE) required by the Environmental Protection Agency (EPA) and Occupational Safety and Health Administration (OSHA) Respiratory Protection Standards (29 CFR 1910.134) should have their deadlines extended. Many clinics that offer this service have closed.
- The Environmental Protection Agency (EPA) should provide flexibility for pesticide applicator license training and license expiration dates. Having licenses expire or training deadlines pass while those services are largely unavailable will create an unnecessary but avoidable problem. All other federally mandated training and tested requirements for the agricultural industry need to be temporarily suspended and licenses extended until services are re-opened or a fully functioning online platform is made available.

We appreciate the efforts of your Office of Public Liaison, DOT, DHS, USDA, and other federal agencies to keep us informed and we have provided the resource links that OPL circulated last week. Please do not hesitate to call on us if we can help you address this challenge.

Sincerely yours,



W. Daren Coppock
President & CEO

C: National Governors Association and the Governors of the States