

Joint Poultry Industry Safety & Health Council



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February 28, 2011

Ms. Anne Ferro
Administrator
Federal Motor Carrier Safety Administration
U.S. Department of Transportation
West Building, Ground Floor Room W12-140
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590-0001

RE: Docket No. FMCSA-2004-19608
Proposed Hours of Service Regulations
75 Fed. Reg. 82170-82198 (December 29, 2010)

Dear Ms. Ferro:

The U. S. Poultry & Egg Association, the National Chicken Council and the National Turkey Federation are non-profit trade associations representing the producers and processors of chickens, turkeys, other poultry, eggs and affiliated industry suppliers. Our associations appreciate the opportunity to submit these comments on the proposed changes in driver hours of service regulations published in the Federal Register on December 29, 2010.

The current hours of service regulations have now been in place for 7 years. Over that time, our member companies have organized their schedules and routes around the regulations. The significant changes proposed by FMCSA would seriously disrupt parts of the poultry & egg industry's supply chain and require the companies to incur costly adjustments to our transportation systems – adjustments that will make our distribution systems less efficient.

The regulations proposed by FMCSA would further restrict the time truck drivers may drive and be on duty. If implemented, the regulations would have a substantial, negative impact on productivity and the economy. Our members operate as private carriers and would need to put additional trucks and drivers on the road to deliver the same amount of product, adding to final product costs, increasing congestion on the nation's already clogged highways and potentially doing so with less experienced drivers, thereby increasing the risks to highway safety.

FMCSA's proposal seems to ignore the simple fact that the American Trucking Association reports that trucking's safety performance has improved at an unprecedented rate while operating

under the current hours of service regulations since they became effective in 2004. Both the number and rate of fatal and injury accidents involving large trucks have declined by more than one-third, and are now at their lowest levels in recorded history. The remarkable reduction in the number of truck-involved fatal and injury crashes occurred even as truck mileage increased by almost 10 billion miles. Clearly the current hours of service regulations are effective.

For the poultry and egg industry which operates 24 hours per day the proposed revision to the "restart" provision requiring two consecutive midnight- 6 a.m. off duty periods is particularly troubling. First, many of our drivers normally work evening or night shifts and are accustomed to resting during the day. Requiring two consecutive nights of sleep would disrupt drivers' circadian cycles and may actually lead to increased driver fatigue. Depending upon the individual driver's schedule, the current 34 hour restart which has been shown to be effective may be increased to over 53 hours (ex., if a driver's workweek ends at 1 a.m.) This extended restart requirement could significantly reduce driver pay as there will be reduced wage earning time each week.

In addition to encumbering the industry and a struggling economy, these proposed changes would also significantly challenge law enforcement. Because the proposed rules are complex and restrictive, motor carriers will have difficulty understanding them and enforcement officers will have difficulty accurately identifying violations. For instance, in order to determine if a driver can legally claim to have met the conditions of a weekly rest provision, the enforcement official would have to ensure that at least 168 hours had elapsed since the beginning of the most recent weekly rest period and that the break included two consecutive nighttime periods between midnight and 6 a.m. Such complexity will only serve to hamper both industry compliance and motor carrier enforcement.

Thank you for your time and attention to this important matter. Now is not the time to impose costly new regulations that would impede the nation's economic recovery and increase the cost of conducting business for almost every firm in the country.

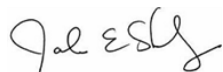
Sincerely,



Joel Brandenberger
President
National Turkey Federation



George Watts
President
National Chicken Council



John Starkey
President
U.S. Poultry & Egg Association