

**AGRIBUSINESS COUNCIL OF INDIANA NEWSLETTER**

***Promoting Agribusiness Policy in Indiana***

***December 1, 2017***

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| |  |  | | --- | --- | | |  | | --- | | ELD Extension Not Applied to Farm Supply RetailersFMCSA Electronic Logging Device Rule Goes Into Effect December 18 *Source: Agricultural Retailers Association* | | |
| |  |  | | --- | --- | | |  | | --- | | The Federal Motor Carrier Safety Administration new [Electronic Logging Device](https://protect-us.mimecast.com/s/9XqlBAtM2xO6hb?domain=click.email.aradc.org) requirements go into effect December 18.  ELD systems synchronize with a vehicle's engine to more easily and accurately record driving time for hours of service requirements. The ELD rule applies to most motor carriers and drivers currently required to maintain records of duty status (RODS) per Part 395, 49 CFR 395.8(a). To ease the transition to ELDs, FMCSA has announced that any violations cited during the time period of December 18 to April 1, 2018, will only receive a fine and not count against a carrier's [Safety Measurement Systems (SMS)](https://protect-us.mimecast.com/s/lNVnB0cXbV2NFl?domain=click.email.aradc.org) scores.  FMCSA also [announced](https://protect-us.mimecast.com/s/zNk2B6cLab3oTG?domain=click.email.aradc.org) that in advance of the Dec. 18, 2017, implementation of the ELD rule, and to further facilitate the transition to the rule by motor carriers, the agency will be providing guidance related to enforcement procedures during the ELD transition. These will include a 90-day temporary waiver from the ELD requirement for transporters of agricultural commodities, formal guidance specifically pertaining to the existing Hours-of-Service exemption for the agricultural industry, and guidance on the "personal conveyance" provision.  ***The 90-day waiver will NOT include transporters of farm supplies.***  FMCSA will also provide guidance on the existing 150 air miles hours-of-service exemption in order to provide clarity to enforcement and industry. The guidance is designed to allow the industry to maximize the use of this statutory exemption. The agency will consider comments received before publishing final guidance.  [49 CFR 395.1(k)](https://protect-us.mimecast.com/s/rxdLB0tD4Mwnco?domain=click.email.aradc.org) provides exceptions from the HOS rules, during planting and harvesting periods as determined by the state, for the transportation of farm supplies for agricultural use from a wholesale or retail distribution point. The HOS regulations do not apply to the transportation of farm supplies operating completely within the 150-air-mile radius.  A driver transporting farm supplies is not required to use an ELD if they do not operate outside of the 150 air-mile radius for more than eight days during any 30-day period, or if the vehicle was manufactured before the model year 2000, provided they prepare paper logs on the days when they are not exempt from the HOS rules.  In an operation where drivers share vehicle(s) equipped with ELDs, a driver that is always exempt can use an "Exempt Driver" account.  [Click here](https://protect-us.mimecast.com/s/ZpkQB1C0R1OJFD?domain=click.email.aradc.org) for more information on the ELD, HOS rules and the agricultural exemptions. [Click here](https://protect-us.mimecast.com/s/mmoXB0T145M9sG?domain=click.email.aradc.org) for more information on the 90-day waiver for transporters of agricultural commodities.  ARA remains concerned with the impact this new regulation will have on the agricultural industry and has submitted a petition to the DOT seeking a complete exemption for agricultural retailer and distributors from this unfunded federal mandate.  Please contact Richard Gupton, ARA Senior Vice President of Public Policy & Counsel, at (202) 595-1699 or [richard@aradc.org](mailto:richard@aradc.org) if you have any questions or need additional information.  **NAFTA negotiations to continue in December**  *Source: National Grain and Feed Association*  Negotiators from the United States, Canada and Mexico completed the fifth formal round of negotiations on the North American Free Trade Agreement (NAFTA) last week in Mexico City, but U.S. negotiators still are frustrated with the lack of progress.  "While we have made progress on some of our efforts to modernize NAFTA, I remain concerned about the lack of headway," said U.S. Trade Representative Robert Lighthizer. "Thus far, we have seen no evidence that Canada or Mexico are willing to seriously engage on provisions that will lead to a rebalanced agreement. Absent rebalancing, we will not reach a satisfactory result."  None of the trade ministers from the three countries attended the latest round of negotiations, which largely were technical in nature. Meanwhile, House Speaker Paul Ryan spoke with Mexican Economy Minister Ildefonso Guajardo and later issued a statement emphasizing the United States' valuable relationship with Mexico. "Right now, Congress is working to enhance trade relations with our southernmost neighbor to advance our shared priorities," Ryan said. "I expect the administration will continue to work with us to modernize NAFTA and bolster our robust relationship with such an important ally."    The next meeting of U.S., Mexican and Canadian officials will begin on Dec. 11 in Washington.  President Donald Trump has threatened to pull out of NAFTA unless substantial changes are made. NGFA members can encourage their lawmakers to voice support for the reaching a NAFTA trade deal by using NGFA's advocacy tool [here](https://protect-us.mimecast.com/s/kJ5aB0crMz0GcG?domain=r20.rs6.net).   Lt. Gov. Crouch announces Bruce Kettler as Director of Indiana State Department Agriculture*Source: Office of the Lt. Governor* Today Lt. Governor Suzanne Crouch announced Bruce Kettler, an experienced member of the agriculture community, will serve as the new director of Indiana State Department of Agriculture effective Jan. 8, 2018.  Kettler most recently operated as the director of public relations for Beck’s Hybrids, where he also was a field sales manager, area team leader and sales consultant over the course of the last 11 years. He began his career at Dow AgroSciences where he started out as a sales representative, and spanned his career through the company as a regional credit manager, advertising and communications manager and finished after being with the company for 17 years as a senior sales representative for pest management.  “Bruce has proven over the last few decades that he is committed to the agriculture industry, and knows what innovations and strides we can make to keep ensuring Indiana is at the forefront of the field,” Crouch said. “His experience and dedication for agriculture development makes him an excellent choice as director of ISDA.”  Crouch said Kettler strives for greatness and will be a huge asset for the state of Indiana in his new role. Also bringing six sigma process improvement experience to the position, Kettler will ensure ISDA continues to provide good government service to our partners and constituents.  “I look forward to seeing what Bruce does in maintaining food and agriculture as a driving force in Indiana’s economy,” Crouch said. “Agriculture leaders across the state developed the Indiana Agriculture Strategic Plan to take our state to the next level, and I am excited to work with him on bringing inventive ideas to further the plan.”  Kettler holds a Bachelor of Science in Agriculture from The Ohio State University resides in Westfield with his wife Tammy and has two grown children, Cory and Christy. | | |
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