

Congress of the United States
Washington, DC 20515

January 4, 2021

Dear Secretary Chao and Deputy Administrator Deck:

We write regarding the Federal Motor Carrier Safety Administration's (FMCSA) Interim Final Rule on "Hours of Service of Drivers: Definition of Agricultural Commodity" (FMCSA-2018-0348), which seeks to clarify the definition of "agricultural commodity" for the purposes of the Hours of Service regulations. As representatives of the State of Maine, we respectfully request that the definition of "livestock" be clarified in the final rule to ensure the inclusion of live lobster and other shellfish.

Lobster is a critical component of Maine's economy, representing about three-quarters of the total value of commercial landings in the state in a typical year. With exports to foreign markets falling precipitously over the last several years due to retaliatory tariffs and the impact of COVID-19 on Maine's tourism and hospitality industries, it has become increasingly important that Maine lobster can reach key domestic markets, such as nearby Boston, in a timely manner.

The interim final rule proposes that the definition of "livestock" at 49 CFR 395.2 be amended to read as follows:

"Livestock means livestock as defined in sec. 602 of the Emergency Livestock Feed Assistance Act of 1988 [7 U.S.C. 1471], as amended, insects, and all other living animals cultivated, grown, or raised for commercial purposes, including aquatic animals."

While live fish and crawfish are explicitly listed in the statutory definition of "livestock" at 7 U.S.C. 1471, lobsters are not. We appreciate that the FMCSA seeks to provide additional clarity regarding these definitions and specifically requested comments on the applicability of these requirements to live shellfish. To that end, we ask that the proposed definition be amended to include "...all other living animals cultivated, grown, raised, *caught, or harvested* for commercial purposes, including aquatic animals."

This clarifying language will ensure that lobster and other shellfish from Maine can be included under limited, longstanding agricultural exemptions to the Hours of Service rules. Thank you for your attention to this matter, and we look forward to your response.

Sincerely,



Susan M. Collins
United States Senator



Chellie Pingree
Member of Congress



Angus S. King, Jr.
United States Senator



Jared Golden
Member of Congress