

September 27, 2019

BY ELECTRONIC SUBMISSION

The Honorable Raymond Martinez
Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, S.E., Suite 600
Washington, D.C. 20590

Re: Docket No. FMCSA-2018-0348, Hours of Service of Drivers; Definition of Agricultural Commodity

Dear Administrator Martinez,

United Fresh Produce Association (United Fresh) operates as the sole trade association representing every segment of the fresh produce supply chain, including growers, shippers, fresh-cut processors, wholesalers, distributors, retailers, foodservice operators, industry suppliers, and allied associations. We appreciate the opportunity to provide insights on this important matter related to our industry's needs regarding the definition of an "agricultural commodity" in the "Hours of Service of Driver" regulations.

United Fresh strongly believes that improvements can be made to existing regulations that will encompass the entirety of the agriculture commodity industry, particularly those products that are highly perishable such as fresh produce. Fresh produce is highly sought after by consumers and with regards to its transportation from farm to table, time is of the essence. Therefore, any regulation that is put forth by the Federal Motor Carrier Safety Administration should extend the definition of an agricultural commodity covered under this regulation to fresh produce, including fresh cut produce because any delay in the transport of such products results in the loss of quality and safety for the consumer.

As the agency considers clarifying the current definition of an agricultural commodity, United Fresh suggests at a minimum, to consider the following as a revised definition of an agricultural commodity:

- Any products planted or harvested for food, feed, fuel or fiber;
- Fruits, vegetables; and other agricultural products that are sensitive to temperature and climate and at the risk of perishing in transit;

United Fresh believes this definition would and should include fresh fruit, fresh vegetables and fresh-cut fruits and vegetables. Fresh-cut products, similar to wholly harvested fruits and vegetables, are equally as perishable as their non-cut counterparts and likewise must be delivered in a timely manner to ensure food quality and food safety. These products need constant monitoring for temperature fluctuations during transport and need to be delivered within their post-cut storage life parameters, including both transport time and time spent on the retail shelf. Short transportation and handling times are important for both product quality (look, taste, etc.), but also to ensure that potential contamination from human, animal or environmental sources do not occur during this crucial supply chain step.

The fresh produce marketplace has also evolved significantly over time. This is particularly true for products that include highly perishable ingredients such as prepared salads. The nature of these products is something that the current regulations never anticipated when they were originally written and approved. For example, one of the fastest growing segments of the produce industry are packaged salads. These meals include highly perishable products such as leafy greens, but also include products such as salad dressing, croutons or tortilla chips in a single package. While these additional items may not be considered highly perishable, the overall product is. United Fresh believes strongly that such products should also be covered as an agriculture commodity in the revised definition.

We appreciate the opportunity to comment on this proposed rule and hope that you will take our thoughts and concerns into consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Stenzel". The signature is fluid and cursive, with a large initial "T" and "S".

Tom Stenzel
President & CEO
United Fresh Produce Association