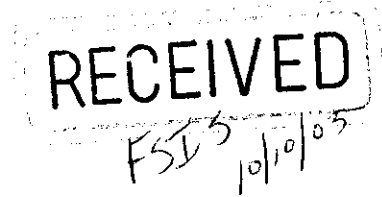




Driving Trucking's Success

October 3, 2003



FSIS Docket Room
U.S. Department of Agriculture
Food Safety & Inspection Service
Room 102, Cotton Annex
Washington, DC 20250-3700

03-015N
03-015N-7
Fletcher R. Hall

RE: *Federal Register* Notice of Availability
August 4, 2003
Safety and Security Guidelines for the Transportation and Distribution of
Meat, Poultry, and Egg Products
Docket #03-15N, FSIS
Attn: Mark Benedict

American Trucking Associations, Inc. (ATA), with offices at 2200 Mill Road, Alexandria, Virginia 22314-4677, is the trade association that represents the U.S. trucking industry¹. As the national representative of the trucking industry, ATA is vitally interested in matters affecting the nation's motor carriers, including the implementation of security requirements affecting the transportation of food, including meat, poultry, and egg products. For this reason, ATA and its affiliated conference, the Agricultural Transporters Conference (ATC)², are submitting these comments in response to the Food and Safety Inspection Service's (FSIS) *Federal Register* notice on safety and security guidelines for the transportation of meat, poultry, and egg products dated August 4, 2003.

Background

The trucking industry is a critical link in the economic interdependency among the United States, Canada and Mexico, moving approximately 74 percent of the value of freight between the United States and Canada, and about 83 percent of the value of U.S.-Mexico freight³. The

¹ Through our affiliated trucking associations, and their over 30,000 motor carrier members, affiliated conferences, and other organizations, ATA represents every type and class of motor carrier.

² The Agricultural Transporters Conference of the ATA is the only national organization representing the interests of commercial transporters of agricultural commodities and foodstuffs.

³U.S. Department of Transportation, Bureau of Transportation Statistics, Transborder Surface Freight Data.

increasing trade volumes that have been generated among the three North American Free Trade Agreement (NAFTA) partners have not only been good for the economic well being of our countries, but also have allowed businesses throughout North America to diversify, expand, improve their asset utilization, and access new markets for their products. According to U.S. Customs, during 2001, 6.8 million trucks entered the U.S. from Canada, while 4.4 million entered from Mexico, resulting in more than 13 million truck crossings a year on the northern border, and more than 8 million crossings on the U.S. southern border. NAFTA has generated a large increase in the amount of trade in the food, beverage, and agriculture sectors throughout North America: U.S.-Canada trade in these areas has increased from \$16 billion in 1997 to \$20.4 billion in 2001, while U.S.-Mexico trade for the same period increased from \$8.1 billion to \$11.6 billion.⁴

In the wake of the events of September 11, 2001, a national coalition of trucking organizations led by the ATA formed the Trucking Security and Anti-Terrorism Working Group (TSWG). The product of this group, the American Trucking Industry's Anti-Terrorism Action Plan (ATAP), identifies four major tactical initiatives, to form the basis of a cooperative effort between the Trucking Industry and the Federal government to organize and facilitate industry's response to the terrorism threat (see attachment A).

The proposed expansion of the Highway Watch® Program has four components:

- An expanded Safety/Security Training Program for trucking professionals;
- An expanded and more robust centralized Highway Watch Call Center;
- A new Highway Watch Operations Center; and
- Complete deployment of the Trucking Industry Information Sharing and Analysis Center (Truck ISAC).

ATA was successful in winning the endorsement of the White House and the Secretary of Transportation for this concept in August 2002, and as a result, Congress included \$20 million in FY '03 and \$22 million in FY '04 to assist the industry in the implementation of ATAP by expansion of the pre-existing Highway Watch® Program Cooperative Agreement between ATA and DOT. This funding transferred from DOT to the Transportation Security Administration (TSA) with the formation of the Department of Homeland Security. ATA is currently awaiting TSA's decision regarding granting funds from these appropriated funds.

Also, in June of 2003, ATA produced "An Overview of the American Trucking Industry and Its Organization," for the Transportation Security Administration (see attachment B). This

⁴ Trade and Economy: Data Analysis, International Trade Administration, U.S. Department of Commerce, <http://www.ita.doc.gov/td/industry/otea/usfth/top80cty/top80cty.html>.

document assists policy makers in understanding the complexity and diversity of the trucking industry.

Commercial agricultural transportation accounts for the movement of a significant percentage of all food either imported into the United States or transported domestically. This is especially true of perishable foods – including meat, poultry, and egg products – where high percentages of shipments are by truck. Commercial operations for transporting perishable foods, including meat, poultry, and egg products, are vastly different, with significantly diverse time requirements, from operations for transporting processed foods.

Commentary

General Comments. The FSIS guidelines appear to contain many existing trucking industry security practices, which reflect the realities of the agricultural commodity transport component of the transportation of agricultural commodities, including meat, poultry, and egg products. The Agricultural Transporters Conference of the ATA urges the FSIS to retain these guidelines as guidelines, while working with the trucking industry to strengthen their usage and effectiveness in an atmosphere where there is increased risk of intentional contamination.

It is important to note that many of these practices, while potentially useful in a large company, are not particularly relevant or meaningful in the context of a small organization where owners have a direct and closely held daily involvement in fleet operational, facility and human resource management. To be consistent with the philosophy that appears to be evolving at the Transportation Security Administration as to a flexible, risk based approach to counter-terrorism, FSIS should make clear in its document that it does not represent a “one-size-fits-all” solution, but rather a menu of options that may be taken into consideration by a company as it develops its specific security plan. This approach is evidenced by the HM-232 rulemaking regarding requirements for hazardous materials transportation, wherein the actual practices employed are based upon a unique risk assessment for that particular operation.

Specific Comments. Regarding specifics in the FSIS guidelines, it is of concern that in Section II, there is a revision, which will now prohibit companies from selling for human or animal consumption, any meat products that have left the continuous control of contract carriers. The only options are rendering or disposal of the product. It would be helpful for FSIS to review, and clarify the term “continuous control” in order to help carriers better understand the term and ensure security during transport of meat products.

In Section II, in the general guidance outlined specifically for the truck mode of transportation, the trucking industry currently engages in the basic security measures outlined in the FSIS guidelines, while, at present is both by voluntary measures, and new federal regulatory requirements, engaging efforts to expand and enhance the secure transportation of agricultural commodities and food, including meat, poultry, and egg products. These measures are a huge

undertaking, requiring additional expenses in any industry where thin profit margins are the rule rather than the exception.

Recommendations. To achieve the objective of establishing guidelines, rather than proscriptive standards, the ATC has just received a contract from the U.S. Department of Agriculture (Office of Homeland Security, Office of the Secretary, Transportation & Marketing Services) to implement a "Guide for Security Management Practices in Agricultural Commodity Transportation." The contract has these components:

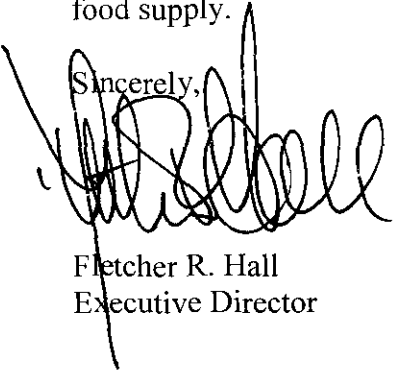
1. ATC will survey 27,000 self-identified agricultural transporters to ascertain what security measures they have already adopted;
2. ATC will modify the Security Management Practices Guide and a risk assessment tool already developed by the ATA for all of the industry, to tailor it for ag transporters specifically;
3. ATC and USDA will hold 6 meetings around the country to obtain input from State Trucking Associations, and transportation carriers, to help in the modification of the security guidelines and risk assessment instrument; and
4. Firms that adopt the security guidelines will be verified by the ATC, and recognized by USDA, and will be allowed to display a logo (e.g., the USDA "Be Prepared" logo) that communicates their compliance with a set of security guidelines for the transportation of food and agricultural commodities.

We believe the results of the USDA/ATC contract can be used to augment the security recommendations contained in the FSIS guidelines. Conversely the components of the FSIS guidelines, will be considered in the development and implementation of the "Guide for Security Management Practices in Agricultural Commodity Transportation" being developed under the USDA/ATC project.

Conclusion:

The Agricultural Transporters Conference and the American Trucking Associations look forward to working with the FSIS of the U.S. Department of Agriculture and other appropriate federal agencies to ensure the safe and secure transportation of America's agricultural commodities and food supply.

Sincerely,



Fletcher R. Hall
Executive Director