



Farm Truck “Farm to Market” Exemption

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For most wheat producers, delivering grain to market involves trucking the product from the farm field to a local elevator. Still, some states have interpreted existing interstate commerce law to include these deliveries under stringent regulations governing state-to-state transport simply because the wheat being delivered could end up at a processing facility outside the state. To clarify this issue and reduce the burden on producers taking their product just a few miles down the road, NAWG believes farm trucks should be exempted from the interstate commerce statute for the movement of commodities from farm to market.

Interstate Commerce Statute

Interstate commerce is defined under 49 CFR 390.5 as follows:

“Interstate commerce” means trade, traffic, or transportation in the United States –

- 1. Between a place in a State and a place outside of such State, including a place outside the U.S.;*
- 2. Between two places in a State through another State or a place outside the U.S.;*
- 3. Between two places in a State as part of trade, traffic, or transportation originating or terminating outside the State or the U.S.*

Some states have interpreted the definition to require that the Federal Motor Carrier Safety Administration (FMCSA) regulations apply to agricultural producers moving commodities within a state if the final destination of the commodity is outside of the state borders. A farmer that transports grain to an elevator that then loads the grain onto railcars or trucks for out-of-state shipment, therefore, is subject to the regulations, as the FMCSA has determined that the first move - field to elevator - could be the first leg of an interstate shipment.

Inconsistent Application

The definition of interstate commerce has not been applied uniformly across states to date. However, state regulators have recently been notified that they must comply with full enforcement of this statute.

Individual states are not currently allowed to exempt farm trucks from FMCSA regulations when they are operating in interstate commerce, under the threat of the loss of federal grant dollars and sanctions. States are, however, allowed to gain an exemption from FMCSA regulations for farm trucks operating strictly in intrastate commerce.

Clarification Needed

NAWG and state wheat associations support a farm to market exemption from interstate commerce regulatory enforcement to allow the movement of wheat from the farm gate to its first point of delivery where title is transferred within the state of origin.

NAWG recognizes that farmers still need to comply with federal regulation requirements for cross-state border traffic and that all farm vehicle drivers are subject to federal safety regulations.

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