

FMCSA Expands Scope of COVID-19 Related Emergency Regulation Exemptions

Amundsen Davis Transportation Alert
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The Federal Motor Carrier Safety Administration (FMCSA) expanded the scope of supplies and services deemed essential by its previous Emergency Declaration order. The FMCSA's original Emergency Declaration exempted only loads deemed necessary for the immediate restoration of "essential" services (such as medical care) or supplies (such as food and fuel) related to COVID-19 outbreak. The FMCSA then exempted transport activities concerning medical waste, livestock, and household goods from FMCSR compliance by clarifying the scope of its original Declaration.

The FMCSA updated its FAQ on March 25, 2020. Per the update, loads containing "precursor materials" which will be used to produce the already exempt essential materials are now also exempt from FMCSR compliance. As of March 25, 2020, FMCSR-exempt loads for "essential" services and goods now also include the following "precursor materials":

- Wood pulp intended for use in producing essential items (e.g., to be used in medical or sanitation supplies, groceries, etc.);
- Raw materials used to manufacture bleach, disinfectants, hand sanitizers, and similar items;
- Food packaging materials, such as produce containers; and
- Livestock feed and fertilizer being used to produce food.

The Emergency Declaration does not relieve carriers and drivers from CDL licensing, insurance, or alcohol and drug testing regulations, among others. Additionally, not all loads of wood pulp, packaging materials, and the like are now exempt from hours of service, driver qualification, vehicle inspection, and other FMCSR safety rules under the new guidance. The newly-listed materials **MUST** be transported for the purpose of immediate restoration of essential services or supplies to qualify for Emergency Declaration exemption.

The FMCSA exempted large and broad swaths of cargo from FMCSR compliance and expanded the list of materials with usage qualifications. Loads still need to go out and carriers and drivers cannot wait for further guidance and clarification from the FMCSA when managing their operations, fleets and schedules. The evolving regulations will continue to impact commercial carrier and driver

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operations as they strive to ensure FMCSR and other regulatory compliance.

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