



October 20, 2015

The Honorable Bill Shuster
Chairman
House Committee on Transportation
and Infrastructure
Washington, D.C. 20515

The Honorable Peter DeFazio
Ranking Member
House Committee on Transportation
and Infrastructure
Washington, DC 20515

Dear Chairman Shuster and Ranking Member DeFazio:

We are writing to you to express our support for the Hanna/Esty Amendment to the Transportation Bill, which would clarify the unique needs encountered in hauling milk. The Hanna/Esty amendment will clarify that transportation of fluid milk products is not an easily divisible load, under Section 127(a) of Title 23 U.S.C., due to mandatory public health and safety requirements for milk imposed by Federal and State governments. Together, our organizations represent the vast majority of the milk produced and processed in the United States.

Under current law, States may issue permits to exceed Interstate Highway System weight limits when the commodity or load being transported is not easily divisible. States are not required to issue these permits, but many do so. For example, many States consider containers moving in international commerce as non-divisible. The Hanna/Esty amendment would allow milk and milk products as a State option under the existing non-divisible permitting system.

Milk is an extremely perishable commodity, and supply and demand can fluctuate unpredictably, depending on such variables as the output of individual cows, weather conditions and seasonal considerations. The supply chain starts on the dairy farms which are regionally dispersed across the United States, and extends out to manufacturing plants owned by dairy farm cooperatives, general food processors, and some supermarket chains with their own private label product lines. Part of the supply chain may also involve bulk milk product hauling between manufacturing plants. The fluctuating volumes of milk production extend to many of the manufacturing milk product plants, where volumes must adjust to accommodate the volume of farm milk produced.

Timing is critical in the milk production and processing supply chain. Milk is a highly perishable product and must meet specific food safety standards of the US Public Health Service, the Food and Drug Administration, and State public health agencies. In addition, FDA has forthcoming food defense regulations and sanitary transportation rules that have implications for milk transportation.

Safe milk handling and transportation requirements apply across all fifty states, and must be strictly followed. But increasingly they conflict or limit the flexibility of milk haulers to adjust milk loads in order to comply with varying interstate truck weight limits. The problem is particularly acute in the Northeast. The Hanna/Esty amendment recognizes the specific challenges in milk transportation, and would allow states to approve permit for transportation of milk that is in accordance with their State laws. This amendment will simply help reinforce existing public health standards for milk transportation that today only goes on trucks and tractor trailers. These milk safety and sanitary requirements define how much and how often milk can be moved from the farm, including such variables as temperature, tracking, locking, and sealing requirements. Similarly strict standards govern the off-loading and reloading of milk at processing plants.

Dairy farms and milk processing plants have become less numerous but the volume of milk production has increased. The result is that milk haulers face larger milk pickups with greater distances between farms and are forced to move milk over longer distances. At the same time, the number of milk haulers has declined, and as you know, there is an existing shortage of drivers in the transportation industry that is worsening each year.

The Hanna/Esty amendment would provide States with the flexibility to cope with the food safety, security and the variabilities they face each day in getting perishable fluid milk products to market. The amendment would not mandate that States issue special permits. It would only give them the option to do so.

We appreciate your consideration of the Hanna/Esty Amendment and would be happy to answer any questions or provide you with additional information.

Sincerely,

A handwritten signature in cursive script that reads "Jim Mulhern".

Jim Mulhern
President and Chief Executive Officer
National Milk Producers Federation

A handwritten signature in cursive script that reads "Connie Tipton".

Connie Tipton
President and Chief Executive Officer
International Dairy Foods Association

A handwritten signature in cursive script that reads "Cherie A. Houser".

Cherie Houser
Executive Director
International Milk Haulers Association