

Western Justice's Position on the ELD Mandate



Western Justice is a 501c(4) whose mission is to advocate for the Western Horse Industry. We are committed to upholding the rights and liberties of equine breeders, owners, trainers, and exhibitors while ensuring the welfare of livestock and our way of life. We represent millions of horse owners across the vast spectrum of equine endeavors, and we work diligently at researching issues, informing our supporters and the general public, and advocating for our lifestyles where and when it matters most.

The status of the federal ELD (electronic logging device) mandate is especially concerning to all livestock owners-- including private, individual horse owners, from weekend trail riders to professional rodeo cowboys. The ELD mandate is part of Moving Ahead for Progress in the 21st Century (MAP-21) and is legislation issued by the Federal Motor Carrier Safety Administration (FMCSA). This mandate is enforced by the Department of Transportation, requiring commercial motor vehicle drivers, subject to hours of service, to record driving hours electronically using an approved electronic logging device (ELD). We found that many horse owners are lumped into the same category as commercial truck drivers, simply due to the size and weight of their vehicles and trailers--even if they do not haul for profit and even if they have "not for hire" displayed on their vehicles.

Haulers are limited to driving 11 consecutive hours as well as being required to rest for 10 hours in between driving periods. This creates immense challenges for the transportation of living things, and so far, livestock

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and insect haulers have been granted continued exemptions. As of this writing, the FMCSA website states: “Transporters of livestock and insects are not required to have an ELD. The statutory exemption will remain in place until further notice. Drivers do not need to carry any documentation regarding this exemption.” However, it is our understanding that the HOS (hours of service) exemption for haulers of live cargo will expire in December 2021.

Several alternatives have been considered. One is the Transporting Livestock Across America Safely (TLAAS) Act which would give the truckers a minimum drive-time allowance of 15 hours and a maximum of 18. They would still be allotted the 10-hour sleep minimum. Another is the Responsible & Efficient Agriculture Destination (TREAD) act, which provides flexibility, promotes animal safety, and is supported by numerous agriculture groups. The TREAD Act extends the transportation hours for livestock truck drivers by increasing the hours on the backend of hauls. Each trucker can finish the route, after driving 11 hours, if they are within 150 miles as a crow flies of their destination.

A loophole does exist for some horse owners, if the purpose of hauling is “non-business-related.” Information can be found here:

<https://www.fmcsa.dot.gov/hours-service/elds/non-business-related-transportation-horses>

It is important to note that in addition to all of the federal regulations, each individual state also has rules related to hauling and classes of licensing. It is vital for all haulers of livestock, for any purpose, to be aware of the pertinent laws of the states in which they are licensed.

Even with proposals such as TLAAS and TREAD that are meant to ease the logistical burden on livestock haulers, it is our official position at Western Justice that the exemptions for livestock haulers, including horse owners, should be made permanent for the following reasons:


1. Common sense animal welfare practices dictate that animals should be in transport for as little time as possible for their health and safety; requiring a 10-hour rest when there is nowhere to unload, feed, and care for animals is inhumane. To create the livestock-friendly infrastructure necessary to allow for unloading would cost billions in taxpayer dollars and create an entirely new set of issues. Would loading and unloading be part of rest time or drive time? Who handles the animals to ensure not only their welfare but also biosecurity? The vast majority of livestock owners don't want their animals handled by just anyone. Who documents arrival and departure and keeps records of where each load arrived from and went to, in case of disease in a load?
2. Ranchers, who are both horse owners and cattlemen, should rightly be concerned about increased animal welfare issues and expenses that anything except a full, permanent exemption will cause for the ranching industry.

It is important to note that the Humane Society of the United States (HSUS) has taken a position on the issue that favors holding livestock haulers to the same HOS requirements as other truckers. Naturally, this falls right in line with their overall stance against any and all animal use, because they know the immense damage the mandate would do to all manner of animal enterprises if applied to livestock haulers.

From the HSUS website: “...making roads less safe for people and animals by exempting livestock haulers from the electronic logging device rule, which will lead to greater truck driver fatigue and resulting crashes that endanger everyone on the road and the animals being hauled. Longer trips without rest periods also facilitate the spread of diseases and pathogens like influenza and salmonella.”

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Interestingly, the actual data from NHTSA shows that there has actually been a slight increase in fatal crashes involving “big rigs” since the implementation of the ELD mandate, demonstrating that the mandate has done absolutely nothing to improve overall safety and only serves to create a completely unnecessary logistical and financial burden.

National Highway Traffic Safety Administration (NHTSA) Motor Vehicle Crash Data Querying and Reporting

Vehicles Involved in Motor Vehicle Crashes
 Filter Selected: Vehicle Body Class: *Truck-Tractor*
 Years: 2015-2019

Vehicles Involved in Fatal Crashes¹

Crash Date (Year)	Crash Date (Month)												Total
	January	February	March	April	May	June	July	August	September	October	November	December	
2015	229	188	224	222	239	237	263	244	232	240	235	247	2,800
2016	184	195	198	202	221	241	224	280	269	255	221	247	2,737
2017	220	204	194	224	243	241	260	239	260	292	235	239	2,851
2018	200	233	219	201	237	253	229	261	211	251	235	205	2,735
2019	246	197	227	225	241	211	268	228	267	271	240	220	2,841
Total	1,079	1,017	1,062	1,074	1,181	1,183	1,244	1,252	1,239	1,309	1,166	1,158	13,964

In closing, the work Western Justice does on upholding common sense in rules and regulations is just part of what we do; please join us and help us to maintain and improve our cherished lifestyles and traditions.

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