



ISRI is the voice of the recycling industry, promoting safe, economically sustainable and environmentally responsible recycling through networking, advocacy and education.

October 19, 2019

Docket Management Facility
US Department of Transportation
1200 New Jersey Avenue SE
West Building Ground Floor
Room W12-140
Washington, DC 20590-0001

RE: DOCKET No. FMCSA-2018-0248

Introduction:

On behalf of The Institute of Scrap Recycling Industries, Inc. (ISRI), we appreciate the opportunity to comment on the Federal Motor Carrier Safety Administration's Advanced Notice of Proposed Rulemaking (ANPRM) in relation to the Hours of Service for Drivers.

ISRI is the "Voice of the Recycling Industry." ISRI and its 20 chapters represent approximately 1,300 companies (737 with US DOT authority) operating in nearly 4,000 locations in the U.S. and 34 countries worldwide that process, broker, and consume scrap commodities, including metals, paper, plastics, glass, rubber, electronics, and textiles. With headquarters in Washington, DC, ISRI provides education, advocacy, safety and compliance training, and promotes public awareness of the vital role recycling plays in the U.S. economy, global trade, the environment and sustainable development.

Scrap recycling is a major U.S. based industry dedicated to transforming end-of-life products and industrial scrap into new commodity grade materials and driving economies by making the old new again. Recognized as one of the world's first green industries, scrap recycling creates and supports jobs and has a positive impact on the environment by reducing greenhouse gas emissions, saving energy, and protecting our natural resources. In 2019, the ISRI retained the independent economic consulting firm of John Dunham & Associates to perform an economic impact analysis to document the size and scope of the scrap recycling industry in the United States and document its significant contribution to the U.S. economy, in terms of employment, tax generation, and overall economic benefit.

The U.S. scrap recycling industry is not only a thriving economic engine, but also a pivotal player in environmental protection, resource conservation, and sustainability. The industry recycled more than 130 million metric tons of materials in 2017, transforming outdated or obsolete scrap into useful raw materials needed to produce a range of new products.



Recycling reduces greenhouse gas emissions by significantly saving the amount of energy needed to manufacture the products that we buy, build, and use every day. The energy saved by recycling may then be used for other purposes, such as heating our homes and powering our automobiles.

In addition to being an environmental steward, the study confirmed that the U.S. scrap recycling industry plays a prominent role as an economic leader, job creator, and major exporter. Specifically, the study found that the people and firms that purchase, process, and broker old materials to be manufactured into new products in America provide 531,510 adults with good jobs in the United States and generate approximately \$109.78 billion annually in economic activity.

	Direct	Supplier	Induced	Total
U.S. Jobs	164,154, (25,772 CMV Drivers)	159,681	207,675	531,510

Proposed rulemaking background:

FMCSA seeks public input in five specific areas in which the Agency is considering changes:

1. Change the short-haul exception available to certain commercial drivers by lengthening the drivers' maximum on-duty period from 12 to 14 hours and extending the distance limit within which the driver may operate from 100 air-miles to 150 air-miles.
2. Modify the adverse driving conditions exception, adding two hours to the maximum window during which driving is permitted.
3. Increase flexibility for the 30-minute break rule by tying the break requirement to 8 hours of driving time without an interruption for at least 30 minutes, and allowing the break to be satisfied by a driver using on duty, not driving status, rather than off duty.
4. Modify the sleeper-berth exception to allow drivers to split their required 10-hours off duty into two periods: one period of at least 7 consecutive hours in the sleeper berth and the other period of not less than 2 consecutive hours, either off duty or in the sleeper berth. Neither period would count against the driver's 14-hour driving window.
5. The Agency proposes to allow one off-duty break of at least 30 minutes, but not more than 3 hours, that would pause a truck driver's 14-hour on-duty window, provided the driver takes 10 consecutive hours off-duty at the end of the work shift.

Comments:

The scrap and recycling industry heavily depends on commercial motor vehicle drivers for “just in time” delivery of scrap recycling material, other essential products, and services for their customers. Our industry, like many others is experiencing a growing driver shortage due to increased regulatory cost, burdens from the Electronic Log Device (ELD) requirements, as well as drivers (baby boomers) retiring. ISRI supports the FMCSA’s ANPRM as these modest reforms will provide additional regulatory relief.

Short-haul Exception:

ISRI supports extending the time within which drivers must return to their reporting location from 12 to 14 hours and extending the driving radius from 100 air-miles to 150 air-miles. This would include the current short-haul exception which exempts the driver from maintaining a record of duty status, an electronic log device, and the 30-minute rest break requirement. The extra time will help improve transportation efficiency (truck utilization, driver optimization) and this would also decrease the negative impact of driver detention and long delays at shipper locations.

Modify the adverse driving conditions:

ISRI supports expanding the exception to allow drivers to drive for an additional two hours beyond the 14 hour daily on-duty limit in addition to the 11-hour driving limit. The extra two hours beyond the 14 hour window would provide some additional relief and it would give drivers an opportunity to return to their destination or a safe haven safely and within the regulations.

Increase flexibility for the 30-minute break rule:

ISRI supports increasing flexibility for the 30-minute break rule by tying the break requirement to 8 hours of driving time without an interruption for at least 30 minutes, and allowing the break to be satisfied by a driver using on duty, not driving status, rather than off duty. Allowing flexibility to the mandatory 8-hour rule would certainly make the provision more workable. When drivers are required to use the current 30-minute break rule, some drivers are often not in safe areas to stop, which places the driver, the equipment, and other motorists at risk. Providing more flexibility to the rule will allow drivers to take breaks when they need them.

Modify the sleeper-berth exception:

ISRI supports modifying the sleeper-berth exception, but it is not routinely used within the scrap and recycling industry.

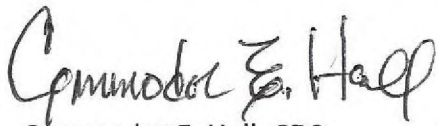
Allow a Split-Duty Period:

ISRI supports the concept to allow one off-duty break of at least 30 minutes, but not more than 3 hours, that would pause a truck driver's 14-hour driving window, provided the driver takes 10 consecutive hours off-duty at the end of the work shift. This approach would also eliminate the requirement for a 30-minute rest break after 8 hours on duty for those drivers who are not eligible for the short-haul exception.

Conclusion:

These items are just a portion of reforms that could provide a long-lasting positive impact for our industry without adversely affecting transportation safety. We appreciate your consideration on this important issue and we look forward to your response on how to uphold safety and to provide the needed flexibility for driver's hours of service.

Sincerely,

A handwritten signature in black ink that reads "Commodore E. Hall". The signature is written in a cursive, slightly stylized font.

Commodore E. Hall, CDS
Transportation Safety Director
Institute of Scrap Recycling Industries, Inc.