



**U.S. Department
of Transportation**

**Federal Motor Carrier
Safety Administration**

**1200 New Jersey Ave, SE
Washington, DC 20590**

Waiver For The Transportation Of Fertilizer Products In Select States

May 26, 2026

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Grant of waiver.

SUMMARY: FMCSA grants a waiver from certain regulations applicable to motor carriers and drivers operating commercial motor vehicles (CMVs) in interstate commerce to transport straight or blended fertilizer products in select States. The Agency grants this waiver in coordination with the U.S. Department of Agriculture to address an urgent fertilizer supply shortfall.

DATES: This waiver is effective May 26, 2026, and expires on August 26, 2026.

FOR FURTHER INFORMATION CONTACT: Ms. LaTonya Mimms, Division Chief, Driver and Motor Carrier Operations, Office of Policy, MCPSD@dot.gov, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590- 0001.

Legal Basis

The Transportation Equity Act for the 21st Century (TEA-21) (Pub. L. 105-178, § 4007, 112 Stat. 107, 401, June 9, 1998) provides the Secretary of Transportation (the Secretary) authority to grant a waiver that relieves a person from compliance, in whole or in part, with any of the Federal Motor Carrier Safety Regulations (FMCSRs) issued under either 49 U.S.C. 31136 or Chapter 313 of Title 49 of the United States Code (49 U.S.C. 31136(e), 31315(a)). The Secretary must make a determination that the waiver is in the public interest and that it is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver. Individual waivers may be granted only for nonemergency and unique events for a period not in excess of three months. TEA-21 authorizes the Secretary to grant waivers without requesting public comment and without providing public notice.

The Administrator of FMCSA has been delegated authority under 49 U.S.C. 113(f) and 49 CFR 1.87(e) and (f) to carry out the functions vested in the Secretary by 49 U.S.C. chapter 313, relating to CMV operators, and 49 U.S.C. chapter 311, subchapters I and III, relating to CMV programs and safety regulations.

Background

Fertilizer is a vital resource that is critical to American agriculture, food supply, and national security. The U.S. Department of Agriculture has announced a full-scale, all-of-government effort to strengthen the country's fertilizer supply, including efforts to lower shipping costs,

expand fertilizer production, and cut red tape so that fertilizers reach America's farmers. As part of this coordinated action and in response to a request from The Fertilizer Institute, FMCSA issues this waiver to provide needed relief from specified FMCSRs for motor carriers and drivers transporting fertilizer products in CMVs for commercial farming and agricultural purposes in select States, subject to the terms, conditions, and restrictions set forth below.

Current Regulatory Requirements and Limited Exception for Agricultural Operations

The regulations in 49 CFR 395.3 limit the hours of service a driver may operate a CMV transporting property in interstate commerce. Section 395.8(a)(1)(i) specifies that, with certain exceptions, a motor carrier subject to the requirements of part 395 must require each driver to use an electronic logging device (ELD) to record the driver's duty status for each 24-hour period.

Section 395.1(k) provides that the provisions of part 395 shall not apply during planting and harvesting periods, as determined by each State, to drivers transporting: (1) agricultural commodities from the source to a location within a 150 air-mile radius from the source; (2) farm supplies for agricultural purposes from a wholesale or retail distribution point of the farm supplies to a farm or other location where the farm supplies are intended to be used within a 150 air-mile radius from the distribution point; (3) farm supplies for agricultural purposes from a wholesale distribution point of the farm supplies to a retail distribution point of the farm supplies within a 150 air-mile radius from the whole distribution point; or (4) livestock within a 150 air-mile radius from the final destination of the livestock.

FMCSA's Determination and Regulatory Provisions Waived

Consistent with the statutory requirements for waivers, FMCSA determined that it is in the public interest to issue a waiver, limited in scope and circumstances, that is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver, until August 26, 2026.

To respond to this unique event of a fertilizer supply shortfall, and to mitigate impacts on America's farmers, FMCSA waives the hours-of-service limitations in 49 CFR 395.3 and the requirement for drivers to use an ELD to record the driver's duty status in 49 CFR 395.8(a)(1)(i) for motor carriers and drivers transporting straight or blended fertilizer products for commercial farming and agricultural purposes in the following States: Alabama, Arkansas, California, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. This waiver does not apply to the transportation of hazardous materials as defined in 49 CFR 383.5.

Public Interest

FMCSA finds that granting this waiver is in the public interest to ensure that fertilizers reach America's farmers.

Safety Equivalence

Due to the limited scope of this waiver and the ample precautions that remain in place, FMCSA has determined that the waiver is likely to achieve a level of safety that is equivalent to the level of safety that would be obtained absent the waiver. The waiver of

specific regulations should not be looked at in isolation but rather as part of the whole of all regulations governing the safety of drivers. Waiver determinations are made holistically, taking all relevant factors into account. *See International Bhd of Teamsters v. DOT*, 724 F.3d 206 (D.C. Cir. 2013). This waiver is consistent with applicable statutes and regulations already providing limited exceptions to hours of service requirements for motor carriers and drivers transporting agricultural commodities and farm supplies for agricultural purposes. While 49 CFR § 395.1(k) continues to provide a limited exception to requirements in 49 CFR Part 395, drivers and motor carriers seeking to utilize the additional regulatory flexibility provided by this Waiver must comply with the Terms, Conditions, and Restrictions of this Waiver.

FMCSA believes that the measures listed below under Terms, Conditions, and Restrictions of the Waiver, taken collectively, provide the assurance needed to meet the legal standard that granting the waiver is likely to achieve an equivalent level of safety. Therefore, FMCSA has determined that a waiver from 49 CFR 395.3 and 395.8(a)(1)(i) during the period of the waiver is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver.

Unique Circumstances

FMCSA finds that the circumstances surrounding this waiver are unique due to the timing of the fertilizer supply crisis during the critical spring application season.

Terms, Conditions, and Restrictions of the Waiver

This waiver covers motor carriers and drivers transporting straight or blended fertilizer products for commercial farming and agricultural purposes, including ranching, for the period beginning at 12:00 a.m. on May 26, 2026, through 11:59 p.m. on August 26, 2026. While operating under this waiver, motor carriers and drivers are subject to the following terms and conditions:

1. A driver must not drive more than 16 hours in any 24-hour period. This limit applies even if a driver is also operating under the agricultural operations exception in 49 CFR § 395.1(k). The total driving time of any driver operating under this Waiver must not exceed the 16-hour limit.
2. The driver must take a minimum of a 6 consecutive hour break in the sleeper berth in each 24-hour period. If there is no sleeper berth, the driver must take a minimum 8 consecutive hour break in each 24-hour period.
3. The waiver applies only in the following States: Alabama, Arkansas, California, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.
4. Transportation is prohibited under this waiver of any hazardous materials as defined in 49 CFR 383.5, i.e., any material that has been designated as hazardous under 49 U.S.C. § 5103 and is required to be placarded under subpart F of 49 CFR part 172 or any

quantity of a material listed as a select agent or toxin in 42 CFR part 73.

5. Drivers who do not use an ELD must use paper records of duty status (RODS) and supporting documents, maintain RODS and supporting documents for 6 months from the date the record is prepared, and make RODS and supporting documents accessible to FMCSA and law enforcement upon request.
6. Drivers must maintain a valid commercial driver's license and not be subject to an out-of-service order, disqualification, or loss of driving privileges.
7. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this waiver until they have met the applicable conditions for its rescission and the order has been rescinded in writing by the issuing jurisdiction.
8. If the driver informs the motor carrier that he or she needs immediate rest, the driver must be permitted immediately to find a suitable, safe resting location and allowed at least 10 consecutive hours off duty before resuming driving. If the driver is terminating work under this waiver or changing to operations not covered by this waiver and informs the motor carrier that he or she need immediate rest, the driver must be permitted immediately to find a suitable, safe resting location and allowed at least 10 consecutive hours off duty before the driver is required to return to the motor carrier's terminal or the driver's normal reporting location. Once the driver has returned to the terminal or other location, the driver must be relieved of all duty and responsibilities and must receive a minimum of 10 hours off duty.
9. When a driver is moving from operations under this waiver to normal operations, a 10-hour break is required when the total time a driver is engaged in operations under this waiver, or in a combination of operations under this waiver and normal operations, equals or exceeds 14 hours.
10. Motor carriers and drivers must comply with all applicable Federal and State requirements such as U.S. Department of Agriculture and State Departments of Agriculture requirements, and obtain any necessary authority to load, transport, and deliver the fertilizer products, and carry all required documentation.
11. Nothing in this waiver shall be construed as a waiver of or exemption from any other applicable requirements or any portion of the FMCSRs (49 CFR Parts 350-399) including the controlled substance and alcohol uses and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), or the financial responsibility (insurance) requirements (49 CFR Part 387); Federal Hazardous Materials Safety Regulations (49 CFR Parts 100-180); vehicle size, and weight limitations, as well as route designations administered by the Federal Highway Administration (23 CFR Part 658; 23 U.S.C. 127; 49 U.S.C. §§ 31111-31115); any requirement of the U.S. Department of Agriculture; or any other regulations for which relief is not specifically granted herein.
12. Crash Notification. Each motor carrier must notify FMCSA within 5 business days of a

crash, as defined in 49 CFR 390.5, involving any driver operating under the terms of this waiver. Notification shall be by email to MCPSD@DOT.GOV. The notification must include the following information:

- a. Date of the crash;
 - b. City or town, and State in which the accident occurred, or closest to the accident scene;
 - c. Driver's name and license number;
 - d. Vehicle number and State license number;
 - e. Number of individuals with injuries;
 - f. Number of fatalities;
 - g. The police-reported cause of the crash (if available at time of the report); and
 - h. Whether the driver was cited for violation of any traffic laws, or motor carrier safety regulations.
13. FMCSA reserves the right to revoke this waiver in its entirety or as to a specific motor carrier or motor carriers if the waiver results in a lower level of safety than was maintained before it was granted, or continuation of the waiver would not be consistent with the goals and objectives of Title 49, chapter 313 or section 31136.

Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this waiver is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this waiver with respect to a driver or motor carrier operating under the waiver. States may also adopt the same waiver or policy with respect to operations in intrastate commerce.

Issued: May 26, 2026



Derek D. Barrs
Administrator