



Written by [Robert Confer](#) on July 28, 2011

## Department of Transportation Sets Sights on Farmers' and States' Rights

It wants even more power. Now, another assault comes from the Capitol and the unlikeliest of agencies: the Federal Motor Carrier Safety Administration, an arm of the Department of Transportation. The DOT/FMCSA has new standards currently in the public comment period that, were they to become law, would override states' rights — and the rights of the individual farmer — and have a detrimental impact on how business is done.



First and foremost, the DOT wants to reclassify farm vehicles and implements — everything from tractors to cattle haulers — as Commercial Motorized Vehicles (CMVs), which would then mandate all farm workers to meet the same set of requirements that over-the-road truck drivers do. Farmers would have to acquire a Commercial Drivers License (CDL), display DOT numbers, track mileage, limit hours worked, and maintain health cards while farms would have to monitor all of the above and pay highway use taxes (and probably higher insurance rates).

The regulatory burden is daunting. According to the Bureau of Labor Statistics, there are more than 800,000 farm workers in the United States; 24,000 of them are considered Agricultural Equipment Operators, whose primary responsibilities are to drive and control farm equipment to till soil and to plant, cultivate, and harvest crops. But if you've ever been around a farm, you know that number is under-reported, for it ignores those who dabble in the use of equipment as required by their job and the task at hand. Many agricultural employees, at one time or another, operate tractors and other heavy equipment. Even in a labor-intensive environment (such as fruit-picking or dairy), motorized equipment is utilized every minute of every day to get people, product, and resources from Point A to Point B or tend the health of the plants or animals. It wouldn't be stretch to say one-fifth of all farm workers at one time or another drive farm machinery. That's 160,000 people — and their countless employers — nationwide who would suddenly fall under the bureaucratic umbrella of the federal government and the state governments charged with enforcing the new regulations.

As a necessary cost of doing business, farms would probably pay for their workers to earn their CDLs because there is a shortage (in both the short-term and long-term) of licensed drivers across the country, as government-run schools and popular culture have driven youth away from skilled and



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vocational trades. The national average for such a course is \$3,000. So applied to the 160,000 estimated affected workers, that's a bill of \$480 million. This would probably not be one-time cost, either. A farm owner has no guarantee that his employee will work for him long-term after making that sizable investment in him. Even the Bureau of Labor Statistics admits the following about farm employment on its website, "Job openings should be plentiful because of relatively large numbers of workers who leave these jobs for other occupations. This is especially true for jobs as agricultural equipment operators, and crop, greenhouse, and nursery farmworkers."

The CDL cost would be wealth-transfer, taking money from agriculture (actually, the consumers who would be paying for the higher overhead) and giving it to others. Other similar expenses would be incurred as well. Insurance, health exams, recordkeeping, licenses, and taxes are not free.

Legally and constitutionally, this regulatory activity should be off-limits to the DOT and left in the hands of the states since all farming activities occur within a state's borders and nothing of it comprises interstate trade — most goods are sold in roadside stands and local markets or to large processors (national direct-to-consumer sales are incredibly rare).

So, just how does the DOT plan to stake its claims over tractors and haulers and get around the unconstitutionality of these new standards? By reclassifying the farming trade.

Basically, the DOT plans to identify all agricultural commodities delivered to a processor as "interstate commerce" because there exists the chance that the crop might eventually leave the state. That's an incredibly dangerous undertaking, for it will affect far more than drivers' licenses: This one, simple change would allow all federal agencies to override local, state, and personal oversight of farms. The federal government would have full jurisdiction and the ability to micromanage farms' day-to-day activities and practices. Certain to be instituted would be long-simmering federal bills that would mandate the use of farmland based on a supposed importance of the environment or require the tracking of all farming inputs and activities to supposedly prevent outbreaks of E. coli and the like.

The public comment period for these pending transportation rules changes is set to expire at the end of this month. It is hoped that the farming industry and constitutionalists everywhere come out in numbers, voicing their displeasure over such measures. If they don't, and the DOT is allowed to run roughshod over state's rights, the very definition of federal power will change when it comes to how, why, and by whom our food is produced.

Once the federal government has total control over agriculture, the cost to farm will likely be utterly astronomical and, likewise, so will be the cost to feed and clothe a family. What can and will happen will make the CDL requirement look like a walk in the park. If that one measure can affect the markets to the tune of just under a half billion dollars, imagine what else Uncle Sam could do with an array of regulations similarly — if not far more — damaging.



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