



EXECUTIVE ORDER 2022-02

WHEREAS, the statewide shortage of commercial drivers, together with nationwide supply chain disruptions have challenged nutrition programs in our K-12 public schools, child care centers and other congregate meal settings; and,

WHEREAS, shortages of specific food types and products have led to frequent substitutions in planned menus in order to comply with USDA nutritional requirements; and,

WHEREAS, nutrition programs in K-12 schools and child care centers, health care facilities and congregate meal sites depend on milk as a nutritious diet staple; and,

WHEREAS, milk supply chain issues are a critical concern in rural communities across the state; and,

WHEREAS, the North Dakota Milk Marketing Board ("Board") has made diligent efforts to mitigate these milk supply issues, working with dairy producers, delivery drivers, the North Dakota Department of Agriculture and the North Dakota Department of Transportation ("DOT"); collectively, the Board, Agriculture Commissioner Doug Goehring and DOT Director Bill Panos have requested an hours of service waiver for the delivery of fluid milk; and,

WHEREAS, waiver of 49 CFR Parts 390 through 399 of the U.S. Department of Transportation's Federal Motor Carrier Safety Regulations would ensure that motor carriers and drivers can secure, obtain, transport and deliver fluid milk supplies to meet the needs of citizens across the state; and,

WHEREAS, it is the responsibility of the state to assist the people of North Dakota in addressing the emergencies, disasters, and other hardships that may face the state and its citizens.

NOW, THEREFORE, Doug Burgum, Governor of North Dakota, by virtue of the authority set forth in Article V, Section 1 of the North Dakota Constitution and North Dakota Century Code § 37-17.1, hereby declares a state of emergency that requires relief from 49 CFR Parts 390 through 399, otherwise known as the Federal Motor Carrier

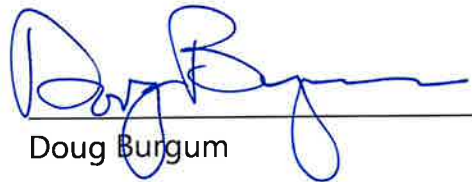
Safety Regulations, and North Dakota Century Code § 39-32-02 pertaining to hours of service for drivers of commercial motor vehicles transporting fluid milk product.

This order is issued on the foregoing bases and under the following conditions:

1. All road safety and vehicle compliance regulations still apply and will be fully enforced.
2. Nothing in this order shall be construed to relieve carriers operating under this order from regulations pertaining to qualifications of drivers, driving of commercial motor vehicles, or parts and accessories necessary for the safe operation of vehicles.
3. Carriers, while under this order, shall not require or allow fatigued drivers to operate a motor vehicle. A driver who informs a carrier that she/he needs immediate rest shall be given at least ten consecutive hours before the driver is required to return to service.
4. Carriers must comply with all policies, rules and regulations established by the North Dakota Milk Marketing Board, pertaining to the delivery of fluid milk product.

This order is effective immediately and shall remain in effect for 30 days.

Dated this 25th day of January, 2022.



Doug Burgum
Governor

ATTEST:


Secretary of State