



June 8, 2011

*SUBMITTED ELECTRONICALLY*

U.S. Department of Transportation  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590-0001

**Docket No.: FMCSA-2011-0039**

**RE: Department of Transportation's Federal Motor Carrier Safety Administration Proposed Rules on Hours of Service**

The American Frozen Food Institute (AFFI) appreciates the opportunity to respond to the Federal Motor Carrier Safety Administration's (FMCSA) request for comments on four additional documents the agency submitted for public comment in its proposed rulemaking for "Hours of Service" (HOS), Docket No.: FMCSA-2011-0039.

AFFI is the sole national trade association representing all sectors of the U.S. frozen food industry. AFFI's more than 500 member companies are responsible for approximately 90 percent of the frozen food produced annually in the U.S., valued at more than \$60 billion. AFFI members are located throughout the country and are engaged in the manufacture, transportation, distribution and sale of products nationally and internationally.

FMCSA'S proposed rule would negatively impact AFFI members' ability to rely on commercial truck transportation for the safe, timely and cost-efficient delivery of frozen food products. Additionally, AFFI has a number of concerns regarding the research and findings of a study completed by researchers at The Pennsylvania State University (PSU), upon which FMCSA relied in part to form the basis of its proposed rule.

A recent independent review and analysis by Dr. Ronald R. Knipling of the PSU study, *Hours of Service and Driver Fatigue: Driver Characteristics Research*, raises serious questions about the validity of the findings of the study. Dr. Knipling is a globally-recognized motor safety expert, researcher and award-winning author of the definitive test book on truck safety and accident prevention, *Safety for the Long Haul: Large Truck Crash Risk, Causation and Prevention*.

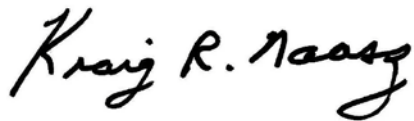
Dr. Knipping's criticisms of the PSU study include concerns that the study has:

- no description of crash characteristics;
- no distillation of the crash dataset to exclude non-preventable crashes;
- no consideration of common fatigue factors to validate tests of study conclusions of the crash dataset;
- a relatively small number of crashes during the 11<sup>th</sup> hour of service;
- possible sample bias due to apparent inclusion of truck tractors not equipped with sleeper berths;
- minimal acknowledgement of study design limitations; and
- minimal acknowledgement of the presence and probable influences of confounding and competing fatigue and other crash factors.

AFFI shares the agency's commitment to driver safety. However, given the serious concerns regarding the PSU study upon which the agency's rule is partially based, AFFI and its member companies urge FMCSA to reject the study's principal findings and conclusions without extensive reanalysis.

Thank you for the opportunity to comment on the supplemental documents used to inform the agency's proposed rule. If AFFI can be of assistance by providing additional information or perspectives, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink that reads "Kraig R. Naasz". The signature is written in a cursive, flowing style.

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