



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

March 25, 2020

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

Petition for Consideration: The Institute of the Scrap Recycling Industries, Inc. (ISRI) is requesting emergency relief for the transportation of ferrous and non-ferrous metals as an essential item to be included in the National Emergency Declaration for Commercial Vehicles Delivering Relief in Response to the COVID-19 Outbreak.

ISRI is submitting this request on behalf of the scrap and recycling industry, in accordance with 49 CFR §390.23(a)(1)(i), which provides for times of emergency warranting an exemption from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations. Specifically, ISRI is petitioning for relief to transport scrap ferrous and non-ferrous metals as an essential item to supply “Critical Manufacturing Sector” as outlined in the U.S. Department of Homeland Security (DHS) [“Memorandum on Identification of Essential Critical Infrastructure Workers during COVID-19 Response”](#), which formally recognizes that the essential manufacturing of materials and products is wholly dependent on manufacturers’ ability to obtain the feedstock necessary to feed their operations.

“... the manufacturing of materials and products needed for medical supply chains, **and for supply chains** associated with transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base. Additionally, workers needed **to maintain the continuity of these manufacturing functions and associated supply chains.**” p 10 (emphasis added).

Concern: Over the past several days, many state and local governments have been ordering the shutdown of “non-essential” businesses, an action we recognize and fully support in order to stop the spread of COVID-19. As indicated above, the supply of raw materials (which includes recycled ferrous and nonferrous metals, paper, plastics and other commodity-grade materials) to critical manufacturing has been deemed essential by DHS, and therefore there is a corresponding critical need to include the commercial motor vehicle operations involved in the such operations in the determination of what is considered essential, otherwise recycling enterprises could be caught in the non-essential closures, curtailing the supply of raw material feedstock into steel mills, foundries and other metals manufacturing operations needed for the manufacture of essential supplies and equipment.

DHS has formally recognized iron and steel mills, ferrous alloy manufacturing, and nonferrous metal production and processing as part of the U.S. critical manufacturing sector (source: <https://www.cisa.gov/critical-manufacturing-sector>). And the U.S. steel industry relies on ferrous scrap as its largest single raw material input. In fact, 70% of all U.S. produced steel and stainless steel is made from ferrous and stainless scrap supplied by recyclers. More than half of all aluminum consumption by U.S. manufacturers comes from scrap, while copper scrap provides approximately one-third of the supply of all copper, brass, and bronze produced in the U.S. In fact, copper’s anti-microbial properties are a key element to reducing the spread of disease and are widely used



in hospitals and other settings to reduce transmission rates. All these metals are required for the production of the rebar, wiring, tubing and other key materials that are needed for everything from the construction of new hospitals to the manufacturer of new hospital beds, surgical instruments and other essential supplies needed to keep Americans safe during this critical time.

It is for the reasons explained above that ISRI formally requests the FMCSA to amend the third paragraph of the March 18, 2020 Expanded Emergency Declaration Under 49 CFR Sec. 309.23 (No. 2020-002) to read:

“This Emergency Declaration provides regulatory relief for commercial motor vehicle operations providing direct assistance in support of emergency relief efforts related to the COVID-19 outbreaks, including transportation to meet immediate needs for: ... (4) immediate precursor primary and secondary raw materials- such as paper, plastic, ferrous and non-ferrous metals - or alcohol,-that are required and to be used for the manufacture of items in categories (1), (2) or (3); ... “

As the healthcare and associated systems in the U.S. are being pushed beyond their breaking point, the need to authorize the uninterrupted supply of raw materials needed to produce essential supplies and equipment becomes a literal matter of life and death. Your prompt consideration of this request is greatly appreciated.

Respectfully submitted,



Robin K. Wiener
President