



**EXECUTIVE ORDER 2026-02**

**WHEREAS**, agricultural producers rely on fertilizer deliveries to grow crops that feed and fuel our nation, and any disruptions of the fertilizer supply chain within the state threaten the ability of farmers to apply fertilizer in a timely manner; and,

**WHEREAS**, severe supply issues resulting from Midwestern states using the same resources for fertilizer are causing logistical challenges and placing a strain on the state's anhydrous supply and have resulted in the need for trucks to transport and distribute the fertilizer efficiently; and,

**WHEREAS**, the long haul has put a strain on industry, being unable to run the trucks for enough hours to meet demand, resulting in a delay for farmers during the cereal grain and row crop planting season and potentially impacting crop yields and the broader agricultural economy; and,

**WHEREAS**, North Dakota farmers need certainty that agricultural input deliveries are available and on time to meet their needs; and,

**WHEREAS**, the State Agriculture Commissioner has requested a waiver of hours of service to ensure that agricultural inputs, including dry fertilizer, liquid fertilizer, anhydrous ammonia, pesticides, and seed, are available during this important time frame, and secure transportation of fertilizer that our growers depend on; and,

**WHEREAS**, a waiver of 49 CFR Parts 390 through 399 of the U.S. Department of Transportation's Federal Motor Carrier Safety Regulations, as authorized by 49 CFR Part 390.23, would ensure motor carriers and drivers can secure, obtain, transport, and deliver agricultural inputs to meet the needs of farmers across the state.

**NOW THEREFORE**, Kelly Armstrong, as Governor of the State of North Dakota, by virtue of the authority vested in Article V, Section 1, North Dakota Constitution and North Dakota Century Code Chapter 37-17.1, hereby declares that a state of emergency exists in a region of North Dakota that requires relief from 49 CFR Parts 390 through 399, otherwise known as the Federal Motor Carrier Safety Regulations, and North Dakota Century Code Chapter 39-32-02, pertaining to hours of service for drivers of commercial motor vehicles transporting agricultural inputs, including dry fertilizer, liquid fertilizer, anhydrous ammonia, pesticides, and seed.



The foregoing 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. This order may not be construed to relieve carriers operating under this order from regulations pertaining to the safe operation of commercial motor vehicles.
3. Carriers, while under this order, may not require or allow a fatigued driver to operate a motor vehicle. A driver who informs a carrier that the driver needs immediate rest must be given at least ten consecutive hours before the driver is required to return to service.

This order is effective immediately and shall remain in effect for 14 days.

Executed at Bismarck, North Dakota, this 4<sup>th</sup> day of May, 2026.



Kelly Armstrong  
Governor

Attest:



Michael Howe  
Secretary of State

