

September 30, 2026

The Honorable Gretchen Whitmer
Governor of the State of Michigan
P.O. Box 30013
Lansing, Michigan 48909

RE: Request for Declaration of State of Energy Emergency and Waiver of Dyed Diesel Fuel Penalties for Agriculture and Forestry Vehicles

Dear Governor Whitmer,

On behalf of Michigan farm families, agribusinesses, and the agriculture and forestry industries, we are writing to request that you use your authority under Public Act 191 of 1982 (MCL 10.83) to declare a statewide State of Energy Emergency.

We respectfully ask that you issue an Executive Order providing 90 days of temporary relief from state restrictions and penalties on the use of nontaxable, dyed diesel fuel in highway vehicles registered for agricultural or forest product use.

Michigan is in the middle of harvest, one of the most important and fuel-intensive times of the year for farmers, loggers and the businesses that support them. Farmers and agribusinesses are already facing high input costs, tight margins and continued market volatility, while diesel prices have reached record-high levels. Grain trucks, farm trucks, livestock haulers, log trucks and other agricultural and forestry vehicles are moving crops and products from farms and forests to elevators, processors, storage facilities and markets every day.

These higher fuel costs extend throughout the agricultural and forestry supply chains. Elevators, processors, trucking operations and other businesses that help move Michigan's crops and forest products are also facing increased transportation costs, adding further pressure during this critical time of year.

The federal government has also recognized the challenges facing fuel supply and transportation. On September 16, the Federal Motor Carrier Safety Administration temporarily waived certain hours-of-service requirements for motor carriers and drivers transporting gasoline and diesel through December 16, 2026. FMCSA cited fuel supply issues, anticipated increases in fuel demand, and the need to support agricultural harvesting and fuel availability. This federal action provides additional flexibility to move fuel where it is needed during this critical period.

Michigan farmers and agribusinesses also maintain significant supplies of dyed diesel for use in off-road equipment. Allowing eligible highway-licensed agricultural and forestry

vehicles to temporarily use that fuel during harvest would provide another option for businesses already purchasing and storing fuel for their operations.

Michigan has precedent for this type of action. In September 2005, following disruptions to fuel supplies after Hurricane Katrina, Governor Jennifer Granholm issued Executive Order 2005-20, declaring an energy emergency and temporarily suspending restrictions on the use of dyed diesel fuel. The relief was later extended through October 5, 2005, under Executive Order 2005-25.

Other states have also taken action this month. Five states have temporarily suspended enforcement of dyed-diesel restrictions for agricultural and forestry activities during harvest, while other states are pursuing broader fuel-cost relief.

To provide meaningful relief during the 2026 harvest, we request that your Executive Order:

1. Declare a State of Energy Emergency under MCL 10.83.
2. Provide 90 days of temporary state relief from penalties and restrictions on the use of dyed diesel in eligible highway-licensed agricultural and forestry vehicles.
3. Limit the relief to agricultural and forestry activities, including the transportation of crops, livestock, forest products and other agricultural commodities.
4. Direct the appropriate state agencies to coordinate with the federal government to seek corresponding federal penalty relief so Michigan farmers and agribusinesses are not left exposed to federal penalties.

A 90-day period would provide farmers and agribusinesses relief through the remainder of the 2026 harvest and give the industry flexibility during this critical period.

Michigan agriculture cannot wait until harvest is over. Farmers, truckers, elevators, processors and other agribusinesses need to keep moving crops and products every day. We respectfully ask for your immediate consideration of this temporary 90-day relief.

Thank you for your consideration and your continued support of Michigan agriculture.

Sincerely,

Michigan Farm Bureau

Michigan Agri-Business Association

Michigan Bean Commission

Michigan Pork Producers Association

Michigan Sugar Company

Potato Growers of Michigan, Inc.

Michigan Turfgrass Foundation

Michigan Corn Growers Association

Michigan Sheep Producers Association

Michigan Christmas Tree Association

Michigan Agricultural Cooperative Marketing Association, Asparagus Division

Michigan Association of Timberman

Michigan Blueberry Advisory Committee

Michigan Soybean Association

Michigan Apple Association

Dairy Farmers of America

Michigan Vegetable Council

Michigan Allied Poultry Industries

Greenstone Farm Credit Services

Michigan Agricultural Cooperative Marketing Association, Apple Division

Cc: Zack Pohl, Chief of Staff, Executive Office of the Governor

Tom Zimnicki, Environment and Climate Policy Advisor, Executive Office of the Governor

Tim Boring, Director, Michigan Department of Agriculture and Rural Development