



The State of Maryland

Executive Department

EXECUTIVE ORDER

01.01.2026.19

Emergency Diesel Fuel Relief for Maryland's Agricultural and Forestry Industries: Easing Harvest-Season Costs for Farmers and Loggers

- WHEREAS, Because of the President's prolonged war in Iran, which has significantly decreased the amount of crude oil passing through the Strait of Hormuz, the nation is facing the highest diesel fuel costs in history;
- WHEREAS, Diesel fuel prices in Maryland have risen 76.2 percent in the past twelve months, from \$3.670 per gallon in September 2025 to \$6.467 per gallon as of October 5, 2026, the highest price in recorded history and well above the previous peak of \$5.82 per gallon reached in 2022;
- WHEREAS, This increase has arrived at the height of the harvest, when Maryland's farmers and loggers must simultaneously operate combines, grain carts, cover-crop planters, and on-road and off-road trucks to bring in and haul grain, timber, and other products, and when grain farmers in particular sustain Maryland's poultry and oilseed markets;
- WHEREAS, Farmers, loggers, and others in the agricultural and forestry industries are base suppliers, often operating under national commodity pricing, and have no opportunity to pass increased fuel costs along to their customers; their budgets and crop projections did not anticipate these costs; and they cannot forgo harvest without losing the income that sustains their operations;
- WHEREAS, The State does not control or influence fuel prices, but it can provide meaningful, temporary, and targeted relief that helps producers complete the harvest and keeps Maryland's food, feed, and forest-product supply chains moving;
- WHEREAS, On-road and off-road diesel fuel are nearly identical chemically, and both must meet the 15 parts-per-million ultra-low-sulfur standard; the principal difference being that off-road diesel fuel, which is dyed red, is exempt from the State motor fuel tax of 47.45 cents per gallon and the federal excise tax of 24.40 cents per gallon that apply to on-road diesel fuel, and may not be used in on-road vehicles, a restriction enforced through roadside inspection by the Maryland State Police and the Maryland Transportation Authority Police;

- WHEREAS, Allowing agricultural and forestry haulers to use dyed diesel fuel on the road for a limited period, and to carry heavier loads, would reduce the fuel cost of each delivery and the number of trips and fuel fills needed to move crops, timber, and the inputs that support them, with minimal administrative burden on producers and on the State;
- WHEREAS, Temporary weight relief for hauling agricultural products has long been used during emergency events, such as hurricanes and winter storms, to ensure that feed reaches livestock and poultry operations when hauling is otherwise difficult or impossible;
- WHEREAS, The Moore-Miller Administration has taken a leading role on Exceptional Hauling Permits, advancing legislation to cut red tape, to respond to industry needs, and to make it easier for farmers to deliver their essential goods to markets up and down the East Coast;
- WHEREAS, Such legislative progress has included Chapter 51 of 2025, sponsored by the Maryland Department of Transportation, which received unanimous support in the Maryland General Assembly, and simplified and modified the requirements for, and permissions associated with, exceptional hauling permits issued by the State Highway Administration (SHA) to haul farm products;
- WHEREAS, The Maryland Department of Transportation, through the State Highway Administration, is authorized to permit qualifying vehicles hauling agricultural products, forest products, and inputs to operate under weight limit relief through the Exceptional Hauling Permit weight limits established in Md. Code Ann., Transp. § 24-113.2;
- WHEREAS, The authorization under the Exceptional Hauling Permit provides benefits to farmers and the agricultural economy, and the vast majority of these Permits are issued within the same day under the State's One Stop Portal system and such service will continue during the period of this Executive Order and beyond;
- WHEREAS, The Maryland Transportation Authority generally conforms to the requirements in the Exceptional Hauling Permit issued by the State Highway Administration for use on applicable roadways under its control;
- WHEREAS, The rules and exclusions governing the Exceptional Hauling Permit authorization are delineated under Md. Code Ann., Transp. § 24-113.2;
- WHEREAS, In the past weeks, 10 other states have taken executive action to authorize fuel relief for agricultural producers, including suspending restrictions on the use of dyed diesel fuel, waiving weight limits, and asking the Internal Revenue Service for penalty relief, and the Maryland Department of Agriculture is coordinating with its counterparts in Pennsylvania and Delaware;
- WHEREAS, The Maryland Department of Agriculture, using the U.S. Department of Agriculture's Census of Agriculture and industry-supplied data, has estimated the temporary reduction in motor fuel tax revenue to the Transportation Trust Fund that

would result from this relief, and that effect is limited in duration and can be tracked and reported during the emergency;

WHEREAS, Because these conditions threaten the timely completion of the harvest, the economic viability of Maryland's agricultural and forestry operations, and the reliable supply of grain, feed, poultry, dairy, and forest products across the State, they pose an imminent threat of severe or widespread social or economic disruption, creating emergency conditions as defined in Section 14- 101(c) of the Public Safety Article of the Maryland Code; and

WHEREAS, The Administration is committed to ensuring that this relief is temporary; targeted to genuine agricultural and forestry hauling; consistent with public safety and the protection of Maryland's roads and bridges; and administered in coordination with the Comptroller, the General Assembly, and the State's enforcement agencies, so that farmers and loggers can rely on it with certainty.

NOW, THEREFORE, I, WES MOORE, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING TITLE 14 OF THE PUBLIC SAFETY ARTICLE OF THE MARYLAND CODE, AND IN AN EFFORT TO PROTECT THE WELFARE OF MARYLANDERS, HEREBY DECLARE, BASED ON THE ABOVE FINDINGS, A STATE OF EMERGENCY EXISTS IN THE STATE OF MARYLAND, AND ORDER THE FOLLOWING, EFFECTIVE IMMEDIATELY:

A. DEFINITIONS.

1. "Agricultural product" means any farm product as defined in § 10-601 of the Agriculture Article, including nursery stock, feed, forestry products, litter, or other product of farming.
2. "Forest product" means any timber, log, pulpwood, wood chip, or other product of forestry or logging operations, excluding processed lumber.
3. "Agricultural or forestry hauling" means the transport by motor vehicle of:
 - a. agricultural products or forest products, from a field, farm, forest, landing, or other facility to a place of storage, processing, sale, or use, including grain elevators, mills, processing plants, and markets; and
 - b. inputs for agricultural or forestry production, including seed (including cover crop seed), feed and feed ingredients, fertilizer, lime, and live poultry and livestock.
4. "Dyed diesel fuel" means diesel fuel dyed in accordance with State and federal requirements that is sold, or held for sale, exempt from State and federal motor fuel taxes for off-highway use.
5. "Qualifying vehicle" means a motor vehicle, including a truck-tractor and trailer combination, while it is engaged in agricultural or forestry hauling, including travel to and from a pick-up or delivery point.
6. "Effective Period" means the period during which the state of emergency declared in this Order remains in effect, including any renewal.
7. "Executive Department agency" means any unit of the Executive Branch under the direction of the Governor.

8. "State enforcement agencies" means the Field Enforcement Bureau of the Comptroller's Office, the Maryland State Police, the Maryland Transportation Authority Police, and any other unit of State government that inspects for or enforces dyed diesel fuel or vehicle weight requirements.
9. "Department" means the Maryland Department of Agriculture, and "Secretary" means the Secretary of Agriculture.

B. TEMPORARY USE OF DYED DIESEL FUEL IN AGRICULTURAL AND FORESTRY HAULING.

1. Suspension of Restriction. During the Effective Period, to the fullest extent consistent with law, the restrictions on and penalties for the use of dyed diesel fuel in on-road vehicles under Business Regulation Article § 10-323.2 and any implementing regulations are suspended as applied to the use of dyed diesel fuel in a qualifying vehicle. No State enforcement agency shall cite, fine, or otherwise penalize a person for the use of dyed diesel fuel in a qualifying vehicle consistent with this Order.
2. Scope and Limits. The relief in this Section applies only to dyed diesel fuel lawfully acquired as such and used in a qualifying vehicle while engaged in agricultural or forestry hauling. It does not authorize the use of dyed diesel fuel in any other on-road vehicle or for any other purpose; the removal, alteration, or adulteration of dye; or the sale of dyed diesel fuel to any person for use outside the scope of this Order.
3. Documentation. No application, registration, or fee is required to qualify for relief under this Section. Upon request by a State enforcement agency, the operator of a vehicle using dyed diesel fuel shall be prepared to demonstrate that the vehicle is a qualifying vehicle, such as through a bill of loading, delivery or scale ticket, load description, fuel receipts, or other reasonable record or account of the load being hauled.
4. Fuel Suppliers. To the fullest extent consistent with law, the sale, delivery, or dispensing of dyed diesel fuel for use in qualifying vehicles consistent with this Order shall not be a violation of State law, and a supplier may rely in good faith on the purchaser's representation that the fuel will be so used.
5. Federal Law. This Order does not and cannot suspend or waive any federal tax, penalty, or requirement applicable to the use of dyed diesel fuel in on-road vehicles. Persons using dyed diesel fuel under this Order do so subject to any federal obligations, as further addressed in Section F.1 of this Order.

C. TEMPORARY OVERWEIGHT HAULING FEE WAIVER AUTHORIZATION.

- I. Authorization. During the Effective Period, to the fullest extent consistent with law, the Maryland Department of Transportation, through the State Highway Administration, shall waive the fee for 30-day Exceptional Hauling Permits to provide weight limit relief to qualifying vehicles hauling agricultural products as defined in Section A of this Order.
2. Conditions. The authorization in this Order is subject to the following conditions:
 - a. A qualifying vehicle shall operate within the expanded weight limitations established under Md. Code Ann., Transp. § 24-113.2, and shall remain within the vehicle's registered and manufacturer-rated capacity and applicable axle weight limits;

- b. A qualifying vehicle shall comply with all posted weight limits and restrictions on bridges, culverts, and roadways, and shall not operate on any bridge where the vehicle's weight exceeds the posted bridge limit, nor with any route or vehicle restriction that the State Highway Administration identifies by public notice in the interest of safety;
 - c. The authorization applies solely to qualifying vehicles transporting loaded agricultural products, forest products, or inputs, and shall not apply to vehicles transporting unloaded products or empty hauling vehicles;
 - d. All other requirements for the safe operation of the vehicle, including those governing driver licensing, registration, hours of service, brakes, tires, lighting, and securement of loads, remain in effect;
 - e. The authorization applies exclusively to State highways. In accordance with federal law, the Interstate System is excluded from this exemption; and
 - f. The authorization does not apply to hazardous materials hauling or to any load that is not an agricultural product, forest product, or input.
- 3. Monitoring and Modification. The State Highway Administration shall monitor the effects of overweight hauling on State roads and bridges and, in consultation with the State enforcement agencies, may modify, restrict, or suspend the authorization on any route, or generally, if necessary to protect public safety or infrastructure.
 - 4. Local Governments. This Order does not alter weight limits on roads under the jurisdiction of counties, municipalities, or the Maryland Transportation Authority. Local governments and the Maryland Transportation Authority are encouraged to consider comparable temporary relief for agricultural and forestry hauling on the roads under their jurisdiction, consistent with their authority.

D. COORDINATION AND NOTIFICATION.

- 1. Notification. Within two (2) business days of the date of this Order, the Secretary, in coordination with the Governor's Office, shall provide notice of this Order and its implications to the Comptroller of Maryland; the Board of Public Works; the Secretary of Budget and Management; the Chairs of the Senate Budget and Taxation Committee and the House Appropriations Committee; the Secretary of Transportation; the Superintendent of the Maryland State Police; and the Maryland Transportation Authority Police.
- 2. Revenue Tracking. The Department of Transportation and the Department of Budget and Management, in consultation with the Comptroller of Maryland, shall estimate the reduction in motor fuel tax revenue to the Transportation Trust Fund attributable to this Order. The Department shall make available to them the data and methodology underlying its estimate.
- 3. Federal Relief. The Comptroller of Maryland is requested, in coordination with the Department, to request that the Internal Revenue Service provide relief from federal penalties for the use of dyed diesel fuel in qualifying vehicles consistent with this Order, and to communicate with federal officials regarding any federal action to waive or suspend the federal diesel fuel excise tax.
- 4. Tax Relief. The Comptroller of Maryland is requested to advise the Governor of any statutory change that would be needed to extend tax relief to those producers who purchased tax-paid diesel fuel in bulk 45 days before the date of this Order for use in qualifying vehicles.
- 5. Regional Coordination. The Department shall continue to coordinate with Virginia, Pennsylvania, Delaware, New York, New Jersey, and other neighboring states

- regarding the duration and terms of fuel relief for agricultural and forestry producers, including for haulers operating across state lines.
6. Cooperation. All Executive Department agencies shall cooperate with and assist the Department in carrying out this Order.

E. IMPLEMENTATION, GUIDANCE, AND REPORTING.

1. Lead Agency. The Secretary shall lead implementation of this Order, in coordination with the Comptroller, the Secretary of Transportation, the Maryland State Police, and the Maryland Transportation Authority Police.
2. Guidance and Outreach. Within five (5) days of the date of this Order, the Department, with the Department of Transportation and the State enforcement agencies, shall publish plain-language guidance for farmers, loggers, haulers, fuel suppliers, and enforcement personnel explaining what qualifies under this Order, the documentation that may be requested, the weight conditions in Section C of this Order, and the continuing application of federal law. The Department shall share the guidance with agricultural and forestry industry organizations.
3. Enforcement Personnel. The State enforcement agencies shall promptly inform their personnel of this Order and of the guidance issued under this Section, so that enforcement is consistent with its terms.
4. Reports. Within twenty-one (21) days of the date of this Order, and before any renewal, the Secretary, in consultation with the Secretary of Transportation and the Comptroller of Maryland, shall report to the Governor on the extent to which the relief has been used; any safety, infrastructure, or misuse concerns; the estimated effect on Transportation Trust Fund revenue; the status of any federal relief; and a recommendation to renew, modify, or terminate the relief. The Secretary shall submit a final report within sixty (60) days after the end of the Effective Period.

F. GENERAL PROVISIONS.

1. This Order shall not contravene any federal law or affect the State's receipt of federal funding. Nothing in this Order shall be construed to authorize any violation of federal law, including federal weight limits and federal tax and fuel-dye requirements; or to direct any authority vested by law in the Comptroller of Maryland or any other independent unit, and any request in this Order to such an official or unit is made in a spirit of cooperation and does not limit its independent authority.
2. This Order does not create any right or benefit, substantive or procedural, enforceable as law or in equity by any party against the State, its agencies or units, or its officers, employees, or agents.
3. This Order operates prospectively. The relief provided applies only to conduct on or after the effective date of this Order and during the Effective Period, and does not affect any obligation, violation, or penalty arising from conduct before the effective date or after the Effective Period.
4. Unless renewed, this Order and the relief it provides expire at the end of the Effective Period, except that the reporting obligations in Section E of this Order shall continue as provided.
5. If any provision of this Executive Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Executive Order shall remain in effect to the extent

possible without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are severable.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 9th Day of October 2026.



Wes Moore
Governor

TEST:



Susan C. Lee
Secretary of State