



Lisa Yakomin of Bi-State Motor Carrier Association Leads Opposition to DOL Rulemaking Proposal

Our colleague, Lisa Yakomin, has led the charge state-wide against the NJDOL's proposed independent contractor rules. Below is a transcript of Lisa's testimony in Trenton.



**Lisa Yakomin, President
Association of Bi-State Motor Carriers**

Oral Testimony for NJDOL Hearing – June 23, 2025

I'm Lisa Yakomin and I represent the motor carriers who move freight through The Port of NY & NJ, the busiest port on the East Coast—a distinction that's now in jeopardy due to the Department of Labor's proposed new rules. Why? Because up to 77% of our driver workforce is comprised of self-employed owner operators, which means regulations like these that eliminate independent contractors would spell disaster for our port.

I strongly oppose this proposal, and urge you to rescind it. Proceeding down this overly-aggressive regulatory path will paralyze our regional supply chain.

Your proposed rules claim to protect against misclassification, but instead, they forcibly misclassify legitimately self-employed individuals against their will, causing irreparable harm.

The rules reflect policies that are based heavily on a deeply-flawed 2019 misclassification task force report that was revealed to contain outdated and misinterpreted research data. This calls your agency's entire policy framework into question, and warrants further investigation before any new rules or laws are proposed or enacted.

The proposal is unreasonable and dangerous, especially the assertion that merely expecting a worker to comply with *any* law indicates an employer/employee relationship. Expecting someone to be a law-abiding citizen isn't control—it's common-sense.



The rules center on an archaic ABC classification test that has been proven to eliminate jobs, and they lack clarity, allowing an unlimited number of unspecified factors to determine employee status, making it impossible for anyone to navigate the labyrinth of subjectivity created by these rules.

This proposal would cripple our trucking capacity at the port, resulting in major supply chain disruptions. In a recent survey, NJ motor carriers reported that their owner operator drivers would rather relocate or leave the industry altogether than give up the autonomy they enjoy from being self-employed. Companies that lease with them cannot absorb the cost of purchasing their trucks even if they were willing to become company drivers. Motor carriers also said that they rarely find an owner-operator who is willing to transition to an employee.

To be clear, truck drivers can be employees IF that's what they choose. Some companies operate exclusively with full-time employee drivers, others work mostly with owner-operators, and the vast majority work with both.

If approved, these rules will impede the delivery of popular consumer goods like electronics, cars, clothing, coffee, wine and spirits, and furniture.

But that's not the worst of it.

Slashing our driver workforce to a mere fraction of what it is now will slow the transport of perishable foods to the point of spoilage, and there WILL be shortages of critical, life-saving supplies and essential components sourced from overseas, such as:

- the active ingredients for over 90% of the generic medications sold in the U.S.
- ingredients essential for manufacturing antibiotics, chemotherapy drugs, penicillin, blood pressure meds, and anti-depressants for treating mental illness,
- personal protective equipment, surgical instruments, and diagnostic machines used in hospitals and doctor's offices;
- gluten-free products for those with food-reactive allergies;
- packaging for infant formula, personal care products, and thousands of other goods;

Our ability to move exports will also suffer, hurting New Jersey-based businesses who support our state's economy with jobs and tax revenues, driving them away to more business-friendly states.



The consequences would be a gut punch to consumers. Prices for everything will increase—crushing residents who are already crying out for relief from New Jersey’s high cost of living, soaring property taxes, and skyrocketing utility and insurance rates.

Please, LISTEN to the independent contractors who overwhelmingly oppose these new rules in favor of common-sense, modern-day labor policy. Federal efforts are already underway to achieve that with the Modern Worker Empowerment Act, whose framework New Jersey would do well to emulate.

I welcome the opportunity to assist you in crafting policies that preserve worker choice and protect our fragile supply chain while ensuring the health, safety, and economic well-being of all New Jerseyans.

Thank you.

The Association of Bi-State Motor Carriers is a non-profit membership organization representing the intermodal trucking industry at the Port of NY & NJ. We are based in Port Newark, New Jersey, and represent more than 200 trucking and transportation industry companies throughout the metro area. Bi- State members are responsible for transporting a majority portion of all port and container traffic at the Port of NY-NY, one of the largest and busiest ports in the nation. For more information, please visit www.bistatemotorcarriers.com