2014 Tough But Rewarding Year
Not often enough do we recognize the staff of the Asmark Institute for the work they do in helping our clients and our industry. We routinely maintain an aggressive workload, but this year the staff has certainly risen to the occasion for a host of special opportunities on the following projects:

5-Year RMP Update
New Website & Snapshots Management Dashboard
All New Test Questions for DVD Training Topics
Electronic Return of Training Certificates & Monthly Inspections
New Custom Application Vehicle DVD Training Program
New SARA Tier II Upload Feature
New Professional Applicator Training “Short” Course
New myRMP Suite of Guidance for Program 3 Facilities
Security Vulnerability Assessment, Version 2.0 (U.S. & Canada)
New Phone & Voicemail System
Enhanced Signature Training Management
Ford B. West Center for Responsible Agriculture
ResponsibleAg Projects including:
Audit Database & Website
Compliance Assistance Library
Auditor Credentialing Course
Participant Response System w/Documentation
Auditor Tool Kits
Auditor Course Documentation & Props
Specialized Computer Lab for Auditor Training

Of course we must highlight the staff that specializes in areas such as Driver Qualification Files, Training, Monthly Inspection Reports, Respiratory Express, Customer Service, Online Products, Accounts Payable/Receivable and New Hires. Thanks for taking care of the daily business as well as answering the call of opportunity to support our industry. It’s truly been a hard year, but a very rewarding year!

Special Delivery!
Grant and his wife Kendal recently received a special visit from the stork. They announced the birth of a beautiful baby girl, Amelia Claire, born on September 26, 2014, weighing in at 7 pounds, 5 ounces and almost 19 inches long. Congratulations on the new arrival!

OSHA’s Top 10 Violations for 2014 Announced
OSHA recently announced the preliminary Top 10 most frequently cited workplace safety violations for fiscal year 2014. The Top 10 violations for 2014 are:

1. Fall Protection (1926.501)  6,143 violations
2. Hazard Communication (1910.1200)  5,161
3. Scaffolding (1926.451)  4,029

Every year the Asmark Institute staff participates in a Christmas trip for professional development. This year’s trip was this past weekend, September 25-28th, in Washington, DC.
5. Lockout/Tagout  (1910.147)  2,704
6. Powered Industrial Trucks   (1910.178)   2,662
7. Electrical – Wiring Methods  (1910.305)   2,490
8. Ladders   (1926.1053)   2,448
10. Electrical – General Requirements (1910.303)  2,056

OSHA Expands Requirement for Reporting Fatalities and Severe Injuries
Effective January 1, 2015, all employers will be required to notify OSHA of work-related fatalities within 8 hours and work-related in-patient hospitalizations, amputations or losses of an eye within 24 hours. Previously, OSHA's regulations required an employer to report only work-related fatalities and in-patient hospitalizations of three or more employees. Reporting single hospitalizations, amputations or loss of an eye was not required under the previous rule. Employers can report these events by telephone to the nearest OSHA Area Office during normal business hours or the 24-hour OSHA hotline 1-800-321-OSHA [6742], or electronically through a new tool on the OSHA website. Note: We will be updating the 2015 Handi-Plans to cover this change.

CVSA Releases Roadcheck 2014 Results
The Commercial Vehicle Safety Alliance (CVSA) recently released the results of Roadcheck 2014, held June 3-5, 2014. This year's event had special emphasis on hazmat and provided a snapshot of safety enforcement for the transportation industry.

Roadcheck 2014 resulted in 73,475 truck and bus inspections throughout North America during a 72-hour enforcement and safety outreach event. Following is an overview of the Roadcheck data provided by CVSA:

- 67.6 percent (49,656 of the 73,475 total roadside inspections) were North American Standard Level I Inspections. Level I Inspections entail an examination of both driver documents and vehicle safety, making it the most thorough of the levels inspections performed by enforcement.
- Of the 49,656 Level I Inspections, 23.0 percent included Out-of-Service (OOS) vehicle violations.
- 72,415 driver inspections were conducted during all levels of inspections, from which:
  - 4.8 percent were found with OOS violations; and
  - 825 seatbelt violations issued.

2014 Food Facility Biennial Registration Renewal Period Begins
Facilities that package and label feeds must complete the Biennial registration under the Bioterrorism Preparedness and Response Act of 2002. This use to be a one-time registration, however, in 2012 it was changed to every two years to keep information current. Several of our clients bag corn and other feeds that get them into the regulation. Click here for more information.

The 2014 Food Facility Biennial Registration Renewal period begins at 12:01 AM on October 1, 2014 and ends at 11:59 PM on December 31, 2014. Please note that “updating” your registration is a different function than “renewing” your registration. During the renewal period you will not see the “Update” button listed on the FFRM main menu until the registration is renewed. If a registration is not renewed by 11:59 PM on December 31, 2014, the registration is considered expired and will be removed from your account. If you have any further questions, please contact the FURLS Helpdesk by phone at 1-800-216-7331 or 301-575-0156 or by email at FURLSSupport@fda.hhs.gov.

Existing users click here to log in.

Guidance Issued to Motor Carriers Regarding Sleep Apnea Screening
The American Trucking Association (ATA) issued guidance designed to assist motor carriers and drivers when discussing obstructive sleep apnea (OSA) with medical examiners. The guidance informs motor carriers about recent changes to the medical examiner certification process and provides suggested questions trucking companies and drivers can use to frame a discussion with doctors about reasonable expectations for the OSA screening and treatment. Also included in the guidance is an explanation of what is required of the medical
examiner under current regulations and clarification of many common misconceptions on the issue. Click here to read the guidance.

**DOT Extends Electronic Audit Test**

DOT has announced that it will be extending a trial period for performing aspects of the New Entrant Safety Audit over the internet until December of this year. DOT will also update its computer system to ensure that if a carrier is found with an automatic failure violation, it will automatically be placed into the corrective action process.

The trial period has been going on in a select few states for about a year. Essentially, DOT is testing the practicality of having new motor carriers upload their documents to a portal to prove compliance with the regulations rather than having an auditor visit the carrier at their home location. The idea is that most of what a safety auditor does is to look at documentary proof of compliance activity. It is more efficient and cheaper for the auditor to look at those documents remotely than to visit the carrier on-site.

If the auditor found issues, he or she would either request more information from the carrier or schedule a traditional on-site audit at the carrier’s location. If no issues were found, the auditor would pass the carrier. The trial has now been extended to December 2014. So far it is only being conducted in California, Florida, Illinois, New York and Montana in the U.S. and Alberta, Saskatchewan, Ontario and Quebec in Canada.

Most carriers are already familiar with the so-called automatic failures. These are regulations that, if violated, will result in an automatic failure of the New Entrant Safety Audit. Automatic failures include:

1. Failing to implement an alcohol and/or controlled substances testing program (domestic and foreign motor carriers, respectively) (49 CFR Parts 382.115(a) and 382.115(b));
2. Using a driver known to have an alcohol concentration of 0.04 or greater to perform a safety-sensitive function (49 CFR Part 382.201);
3. Using a driver who has refused to submit to an alcohol or controlled substances test as required and has not completed the return-to-duty process;
4. Using a driver known to have tested positive for a controlled substance who has not successfully completed the return-to-duty process;
5. Failing to implement a random controlled substances and/or alcohol testing program;
6. Knowingly using a driver who does not possess a valid CDL;
7. Knowingly allowing, requiring, permitting, or authorizing an employee with a commercial driver’s license, which is suspended, revoked or canceled by a State, or who is disqualified to operate a commercial motor vehicle;
8. Knowingly allowing, requiring, permitting, or authorizing a driver to drive who is disqualified to drive a commercial motor vehicle;
9. Using a disqualified driver;
10. Using a physically unqualified driver;
11. Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage (Insurance);
12. Operating a passenger carrying vehicle without having in effect the required minimum levels of financial responsibility;
13. Failing to require a driver to make a record of duty status. Note: Automatic failure occurs when FMCSA finds errors on 51% or more of examined records;
14. Requiring or permitting the operation of a commercial motor vehicle declared “out-of-service” before repairs are made;
15. Failing to correct out-of-service defects listed by driver in a driver vehicle inspection report before the vehicle is operated again; or
16. Using a commercial motor vehicle not periodically inspected.

**DOT Exploring Classroom Training Requirements for Entry-level Truck Drivers**

DOT announced it is exploring the feasibility of a “negotiated rulemaking” to include minimum federal behind-the-wheel and classroom training requirements for entry-level truck drivers. In a notice of intent posting in the Federal Register, the agency said it has hired an attorney “convener” to speak with interested parties,
including driver organizations, commercial motor-vehicle training organizations, motor carriers and industry associations, state licensing agencies, state enforcement agencies, labor unions, safety advocacy groups and insurance companies. The plan for a negotiated rulemaking follows a 2007 DOT proposed rule that included classroom and behind-the-wheel driver training requirements. However, after receiving stakeholder written and oral comments, the agency withdrew the proposal in September 2013.

The Owner-Operator Independent Drivers Association (OOIDA) says the DOT has placed too much emphasis on fatigue and hours of service as a way to improve highway safety. OOIDA has long fought against changes to federal hours-of-service rules and proposals to mandate the use of electronic logging devices. “Instead of relying on technology and making misguided, hours-of-service regulations changes, the focus should instead be on training standards for entry-level drivers,” said OOIDA Executive Vice President Todd Spencer. “Despite orders from Congress in 1991, the Federal Motor Carrier Safety Administration has still not made training new drivers a priority,” Spencer said.

**Text-to-911 in the Works**

Imagine an intruder enters your home. You hide in the closet. Fortunately, your cell phone is in your pocket. Calling 911 might alert the intruder to your whereabouts before help arrives, but texting 911 could save the day -- if it's available in your area and enabled by your cell phone or messaging provider. The Federal Communications Commission (FCC) recently approved new text-to-911 rules, requiring all wireless carriers and some messaging services to allow people to text 911 in an emergency. The new rules will be a burden on local call centers, a boom for wireless carriers and a potential lifesaver for people in life-threatening situations. The FCC rules also impose some tight deadlines. Wireless carriers and “interconnected text providers,” including Apple's iMessage and Google Voice, must allow texts to 911 by December 31, 2014. All 911 call centers must be equipped to receive messages by June 30, 2015.

**NAM Releases Study on Cost of Regulatory Burden**

The National Association of Manufacturers (NAM) released a study on September 10th, showing the total federal regulatory costs reached $2.028 trillion in 2012. The authors claim that small manufacturers with fewer than 50 employees pay an estimated $34,671 per employee per year to comply with federal regulations, more than three times the cost borne by the average U.S. company. This significant burden is largely attributed to fixed costs, as a firm with 20 employees incurs roughly the same expense as a firm with 500 employees. The findings also point to environmental regulations accounting for almost 59% of the cost.

**California Nears Plan to Charge Drivers by the Mile**

The California Legislature approved a bill to authorize a pilot program in the state to assess the practicality of taxing truckers and other drivers based on vehicle miles traveled in the state. The "VMT" tax could replace the state’s fuel tax, as people are driving vehicles that get better mileage. SB1077 now awaits Governor Jerry Brown’s signature. Oregon and Washington are testing similar programs.

**2014 Asmark Institute, Inc.** This information is believed to be reliable by the Asmark Institute, however, because of constantly changing government regulations, interpretations and applicability or the possibility of human, mechanical or computer error, the Asmark Institute does not guarantee the information as suitable for any particular purpose.
# Training Course Schedule

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<th>Grain Handling</th>
<th>Emergency Response</th>
<th>Applicator</th>
<th>Ammonia</th>
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<td>Welcome to the Grain Industry (1-Day) $140</td>
<td>Safe Grain Handling Operations (1-Day) $265</td>
<td>Professional Applicator Training (1-Day) $220</td>
<td>Ammonia Technician Course (3-Days) $325</td>
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<td>Bloomington, IL</td>
<td>Bloomington, IL</td>
<td>Mobile Course</td>
<td>Bloomington, IL</td>
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<td>Dec 9-10, 2014</td>
<td>Oct 14-17, 2014</td>
<td>10/3 Rayville, LA</td>
<td>Nov 4-6, 2014</td>
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