



Volume 34

New & Improved Newsletter

One of our goals has been to develop and publish a monthly newsletter for use in keeping our clients up to date on regulatory topics pertinent to retailers. Communication is an important part of our on-going commitment to our clients and a new system has been designed to produce the newsletter on a more frequent basis. Introduction of a new electronic newsletter will also help make it possible to deliver more timely information. **Melissa Winstead** will be responsible for publishing our newsletter. We hope that you will like the new and improved version.

Environmental Respect Award Winners!

Crop Production Services located in Breckenridge, Michigan and Wadena, Minnesota recently received national attention for their environmental stewardship efforts. The Environmental Respect Awards are the agricultural industry's highest recognition for environmental stewardship among U.S. retailers. The awards program has been sponsored and conducted by DuPont and *CropLife Magazine* since the late 80's. Our Congratulations go out to these locations and the team of employees that helped make it possible!

Time is Here to Address Nurse Wagons Missing Data Plates

The Department of Transportation (DOT) regulates cargo tanks such as nurse wagons used for anhydrous ammonia. Each nurse wagon is manufactured to American Society of Mechanical Engineer (ASME) standards, which includes the attachment of a data plate at the time of manufacturing. Due to weather, routine maintenance and other factors, a number of tanks have been determined to be in operation with no data plate. It is currently illegal to use a tank without a data plate in the United States. After the explosion of an anhydrous ammonia nurse tank in Calamus, Iowa the subject gained national attention. DOT's interest in the subject prompted The Fertilizer Institute (TFI) to seek an exemption which allows for the continued use of a tank missing the data plate provided certain tests and inspections are performed every five years. Tests and inspections include visual, tank wall thickness and pressure test. If you have tanks missing data plates, we recommend you act now during the off-season to register the tanks in the Nurse Tank Inspection Program (NTIP). Go to www.tfi.org and click on the NTIP logo for more information. **Kim Quinn** with the Asmark Institute administers the NTIP program for TFI and can also help answer questions.

Region V Case of Uneven Enforcement Comes to a Close

U.S. EPA Region V in Chicago contracted with the Illinois Department of Agriculture to perform Risk Management Plan (RMP) inspections on their behalf at 500 retail facilities. Once the inspections were finished in 2004 it was discovered in July 2005 that Region V had concluded more than 90% of the inspected facilities failed to comply with the RMP requirements. Region V admitted most of the alleged violations were insignificant. A group of professionals representing the retail industry rallied behind IFCA to try to work with Region V to a reasonable solution. Originally, Region V intended to issue Expedited Settlement Agreements requiring payment of fines of \$500 or more, sign a Consent Order and Final Agreement (admission of guilt) and attend a four hour training course. IFCA was successful in reducing the final requirement to attending the training class and signing a "certification of compliance". A shining example of uneven enforcement, Region V's activities attracted the national attention of Senator James Inhofe of Oklahoma. Senator Inhofe is the Chairman of the Environment & Public Works Committee which has oversight over U.S. EPA and convened a hearing on the subject of uneven enforcement between regions, specifically citing Region V's "renegade" activities. **Jean Payne**, President of IFCA was invited to provide testimony on behalf of the 500 Illinois retailers. We truly appreciate Jean's leadership and the opportunity to be involved in the case. It was one of the most interesting cases we have had the opportunity to work on. We recommend that you take time to

listen to Jean's testimony by accessing: <http://epw.senate.gov/epwmultimedia/epw062806.ram>

myRMP Suite of Retail Guidance Materials Now Available!

The Fertilizer Institute (TFI) originally developed materials, including the DEGADIS model, in 1998 to help retailers comply with the new RMP requirements. In light of recent inconsistencies in enforcement from Region V and a few more regions around the U.S., TFI has updated their original materials to include accumulated industry knowledge gained from retailer's experiences and new web-based technology. Virtually everything you need to develop a risk management program is available in the new suite of tools. We are excited to be involved with the development and administration of this new compliance assistance tool. TFI announced last week, the tool is free of charge to TFI members and Asmark Institute clients. Members of a state association, but who are not members of TFI or clients of the Asmark Institute, may access the tool for a fee of \$300 per facility with the registration proceeds going to help build your state association. To access myRMP log onto our website and click on Online Services. **Dena Rhodes** administers this program and can also help answer questions.

Enforcement: Penalties Up, Assistance Down

According to EPA's Compliance and Enforcement Report for 2005, enforcement penalties increased to an all time high for the past five years. Enforcement penalties totaled 10.1 billion dollars, slightly more than twice the previous year's total of 5 billion dollars. The increased number of administrative order penalty complaints and administrative compliance orders were noticeable, with all at the highest levels in 5 years. This comes as more than 100,000 less individuals and businesses received compliance assistance from EPA compared to the previous year.

National Sign Program Launched

Asmark Institute clients now have an economical source for high quality facility entrance signs. The signs are designed especially for use at the entrance to facilities that store anhydrous ammonia. A LDPE thermoplastic core with aluminum on both sides forms the most durable laminated sign panel available, making it resistant to weather, swelling and corrosion. Life expectancy of the sign is 7-10 years and replacement lettering will be available to accommodate personnel and phone number changes. **Lloyd Burling**, Liaison to the State Associations for the Asmark Institute attributes the idea for developing a centralized source for high-quality signs to **Kathy Zander**, Executive Director for the South Dakota Agri-Business Association. "She requested the name of a vendor" said Burling, "upon checking into it, we discovered there were several others looking for a viable alternative to the inconsistent quality and prices found on the local level." "There hasn't been a national source for professionally-produced signs since the American Cyanamid AgriCenter program was discontinued about ten years ago" added Burling. Go to www.asmark.org and click on Online Services to access the National Sign Program for more information or to order a sign.



Most Quotable....

"We will also hear today of an example of a renegade region whose interpretations of laws is not only contrary to national practice and standards, but has been openly questioned by Congress and the Judicial Branch". **U.S. Senator James Inhofe**, (R-OK) Chairman of the Committee on Environment and Public Works stated in his opening remarks of the June 28, 2006 hearing on EPA Regional Inconsistencies.

"When 90 percent of the members of the IFCA are found to have failed an inspection, that seems to me to be a sign not of a disregard of regulations as much as a serious breakdown in communications about what the risk management program requires. It suggests that EPA could do a better job of outreach than it is doing right now." **U.S. Senator Barack Obama** (D-IL) Member of the Committee on Environment and Public Works stated in his comments at the June 28, 2006 hearing on EPA Regional Inconsistencies.

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