



Volume 36

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### Welcome Western Farm Service!

We've received the good news that Western Farm Service (WFS) has decided to become a retainer client. Since 1998, the Asmark Institute has provided select services for driver qualification files, risk management plans, compliance manuals and internal audits to WFS. The decision by WFS to upgrade to a full retainer client will now provide for a consistent level of service to all of the Agrium retail facilities in the U.S. We look forward to working with the WFS locations as they settle into the retainer program.

### Security Legislation Progresses

Language was approved this week that paves the way for the first-ever congressionally mandated rules meant to improve security at chemical plants. The language provides the Department of Homeland Security (DHS) jurisdiction over chemical plant security, but does not mandate the use of inherently safer technology (IST), a provision which the fertilizer industry opposed. The language provides DHS chemical security oversight authority, as opposed to the Environmental Protection Agency. DHS may approve alternative security programs from states or private entities, such as the Agribusiness Security Working Group's Security Vulnerability Assessment (SVA), which has been voluntarily performed at more than 2,900 retail facilities since 2003.

### ABC Airt Segment on Ammonium Nitrate

The media has once again focused on ammonium nitrate, this time on national television. It appears there remain a few retailers that still may be accepting cash for ammonium nitrate from strangers without the proper identification. As an industry, we need to make sure we continue to spread the word on this very serious issue.

### IURA and Retailers

EPA has finalized the Inventory Update Rule Amendment (IURA) requiring manufacturers and importers of 300,000 pounds or more of an organic chemical, such as urea, to report "down-stream processing and use" information between August 25 and December 23, 2006. In most cases, it appears the reporting will be handled by the manufacturer or importer. Retailers who receive imported organic chemical fertilizers such as urea, should check with their supplier to make sure any product they received was included in their report. Retailers that manufacture or import product on their own will be subject to the new reporting requirements. Retailers that manufacture aqua ammonia will also be subject to the reporting requirements. Our thanks go out to **Bill Herz** with The Fertilizer Institute for his help with this issue.

### Motor Carriers Hit for Missing Security Plans

DOT recently released a list of its civil penalty cases finalized as of January 2006. Nearly half of the cases were due to failure to develop and implement a written security plan. In addition, most cases involved failure to provide security training. Motor carriers that were cited paid penalties ranging from \$1,000 to \$4,000. Our experience with DOT audits over the past two years confirm this stepped-up activity. The rule has been in place for three years. Have you implemented your security plan?

### Expect New Emergency Response Guidebooks in 2008

The most current version of the little orange book "ERG" is scheduled to be published sometime in 2008, barring any delays. The 2008 version will replace the existing 2004 version. As always, we will organize a group purchase to take advantage of special "pre-print" discounts. Every client and affiliated State Association will have the opportunity to order at the special group price. The early order cost per book is usually around \$1.20 each, as compared to the normal price of \$3.35 each. We'll keep you updated.

### **Voluntary-use Respirator Wearers: What are your Responsibilities?**

When all atmospheric hazards have been eliminated, you may think your job is done and that you can discontinue the respiratory protection program. However, if you have a few individuals who, for comforts sake, want to keep on wearing a respirator, what are your responsibilities to those workers? Do you just let them “do their own thing” or do you have to monitor their respirator use, even though they’re wearing them voluntarily? It’s true that you can’t simply ignore this situation. OSHA has provisions in the Respiratory Protection standard for voluntary use respirator wearers. 29 CFR1910.134(c)(2)(ii) requires the employer to provide the information in Appendix D of the standard and ensure that the voluntary wearer is medically fit to use the respirator and knows how to take care of it so that it does not, of itself, create a hazard. Voluntary use dust masks are exempted from most of these requirements. For “tight-fitting” respirators worn on a voluntary basis, you need to:

- Provide for information required in Appendix D;
- Provide for a medical evaluation;
- Provide for training on procedures for cleaning, disinfecting, storing, repairing, removing from service or discarding, and otherwise maintaining respirators; and
- Set up schedules for these elements according to the regulation.

### **How Can You Sign The Training Certificate If You’re Not at Work?**

During a recent audit, a question arose on one of our client’s employees. In checking out the question it was discovered the employee was actually on vacation the entire week when monthly training had been performed. The facility returned a completed training certificate supposedly signed by the employee. How can someone complete the training and sign their certificate if they weren’t at work? The Asmark Institute is doing all it can to provide you with a high quality, efficient and cost effective video-based training program to provide a safe workplace for your employees and to properly document your compliance effort. It simply doesn’t get any easier than this. **The rest is up to you!**

**Did you know?.....**A properly completed training certificate is the **ONLY** document for which there is **NO** liability **UNLESS** it is falsely prepared. Falsification of documents can lead to severe penalties and possible imprisonment.

### **New Guide Available for SPCC Compliance**

EPA has issued a guidance document entitled, “SPCC Guidance for Regional Inspectors.” The Document is designed to: help clarify the role of the EPA inspector; foster a more consistent understanding of the rule by inspectors; explain how EPA intends the rule to be implemented; provide guidance to owners of regulated facilities; and respond to stakeholder requests for consistent national policy on several SPCC-related issues. The guidance document covers topics such as applicability, environmental equivalence, secondary containment and impracticability determinations, and integrity testing. Sample plans are provided. Go to: [www.epa.gov/oilspill/index.htm](http://www.epa.gov/oilspill/index.htm)

### **Containment Structures Need Regular Scheduled Maintenance**

Containment integrity at retail facilities around the country is becoming an issue worth watching. The first signs of the integrity issue are coming from states that passed containment regulations early on. Those states have constructed containment facilities and had sufficient time to see how well they work under various weather and product conditions, as well as other weight and stress loads. **Jean Payne**, President of the Illinois Fertilizer and Chemical Association says, “A majority of the secondary containment structures are reaching 15-20 years in age,” adding that retailers should “take time to inspect their structures and train employees on proper maintenance and inspection. Many of the problems associated with degrading secondary containment can be avoided if proper maintenance and inspection procedures are followed. For example, catch pans or tertiary containment can be placed under leaking valves to keep fertilizer and other product from coming into contact with concrete containment. Regularly scheduled maintenance and inspection is the key to help ensure the maximum life expectancy of the structures are achieved.” Fall provides a great opportunity to check the integrity of your containment structures.

### **CropLife Launches New Website**

CropLife recently announced a completely revised and updated website which will provide better value to their members by offering more online information and greater ease of use. The new website exhibits a content-driven approach and improves the user’s online information delivery using several of the latest technological features. One of the new features of the site is a significantly enhanced search engine. CropLife’s goal is to incorporate data from willing affiliates so that members as well as site visitors can find information about the crop protection industry in a single search - an agricultural portal. The Asmark Institute is a member of CropLife and we encourage you to visit <http://www.croplifeamerica.org>.

## **E. Coli Outbreak**

Although the current outbreak of E. coli has been highly publicized, incidents of contamination from fresh produce are not that uncommon. Leafy vegetables are a common source of E. coli infection. Since 1995 there have been 20 outbreaks traced to lettuce or spinach. While the source of the contamination in the current outbreak has not been determined, possible sources include contaminated irrigation water, inadequately composted manure used for organic fertilizer, contaminated equipment or water used during processing and contamination from wildlife droppings. This outbreak has been particularly devastating as it came at the most critical time of the season for most spinach growers. Some spinach seasons last only 3-4 days. Eventually, scientists will identify the source of the contamination and develop methods to banish it from salad green production and distribution. Until then, consumers should keep the outbreak in perspective. The number of illnesses caused by contaminated spinach is miniscule in comparison with the 76 million cases of food-borne illnesses in the United States every year. And many of those were caused by improper handling of food at home.

## **New U.S. EPA Region 5 Administrator Appointed**

Mary Gade, an environmental attorney, has been appointed as the Regional Administrator for Region 5, the largest of the EPA regions. **Mary Gade** replaces **Tom Skinner**, who announced last fall he would be leaving to accept a position in private law. Gade has been a partner in the national environmental practice group of Sonnenschein Nath & Rosenthal LLP in Chicago and served as the director of Illinois EPA under Gov. Jim Edgar. **Bharat Mathur** will resume his position as Deputy Regional Administrator for Region 5. Region 5 covers Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.

## **Most Quotable....**

*"Anhydrous ammonia accounts for only 0.3% of the freight moved by the railroad industry, but more than 50% of the cost of their insurance,"* according to **Pamela Guffain**, Vice President for Membership Services, The Fertilizer Institute.

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