



Volume 42

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Environmental Respect Awards

The Environmental Respect Awards program is in its 17th year of celebrating agricultural environmentalism throughout the agricultural industry. We encourage you to step up and show your environmental respect. Applications are due on April 30th. You can enter online by clicking [here](#).

IL Governor Changes Gross Receipts Tax - **Bad Deal Becomes Worse for IL Ag!**

On Saturday, March 31st, Governor Blagojevich announced changes to the gross receipts tax (GRT) and service charge proposal. His changes make the situation even more dire for Illinois agriculture.

The Governor: 1) Raised the exemption from \$1 million in sales to \$2 million. He claims this will provide more relief from the tax to "small businesses" and says now, 85% of all Illinois businesses will be exempt from the tax; 2) Raised the GRT from .05% to .085%. Nearly double; and, 3) Raised the service charge from 1.8% to 1.95%.

The Governor says the increased revenue from the GRT and service charges on "big businesses" will increase the revenue to the state from \$6.3 billion to \$7.6 billion, and the extra \$1 billion raised will go toward property tax relief. If you operate within Illinois, **Jean Payne**, President of the Illinois Fertilizer & Chemical Association (IFCA) encourages you to visit their website at www.ifca.com and review the information. A calculator is provided to see firsthand the effect it will have on your business. IFCA is urging you call your Legislators, particularly your Senators, this week and next when they are home in their district offices on Easter break. If you have any questions, please contact Jean or Kevin at IFCA. **They need your support to help fight this unfair tax!**

Technically it's Not Voicemail....

After weeks of consideration, thought and planning, an "auto attendant" system has been installed to answer and direct calls more efficiently to the proper person. Since most folks aren't particularly fond of voicemail, we have purposely designed the system where it answers, sorts and directs your calls to the intended person in a very quick manner. If the person you are calling is away from their desk or on the phone, **a live person should always answer during normal business hours**. After hours, calls will be answered and directed to voicemail, allowing the caller to leave their message, an improvement over our former system. Callers have three ways to reach our staff members: Direct extension, by topic or by staff directory. For future use, our extensions are: **Allen 201, Amber 213, Betty 207, Carol 214, Cassie 212, Danielle 215, Dena 218, Donna 208, Dustin 203, Emmy 204, Kim 205, Michelle 211, Randy 202, Sherri 206 and Susan 226**.

RMP Updates to Include Addition of Nurse Wagons

Over the next 45 days, each Risk Management Plan (RMP) for Asmark Institute clients will be updated to include the amount of anhydrous ammonia stored in nurse wagons. The "maximum amount on-site" will be revised utilizing the data retrieved from the annual compliance visit. This revision was due to recent activity in two regions of EPA. While it is industry's feeling that mobile storage, such as nurse wagons, should not be required to be reported under a rule promulgated for stationary storage tanks, EPA has continued to insist this revision be made.

Work Begins on SPCC Tool

Work has begun on the new web-based SPCC suite of compliance materials. This new feature will produce a SPCC plan personalized to a facility and also provide a host of helpful resources and materials. SPCC stands for Spill Prevention, Control and Countermeasure plan and applies to facilities that store 1,320 gallons or more of petroleum products in containers that are 55 gallon or larger. The new web-based tool will be designed for facilities that have less than 10,000 gallons of petroleum products and who are eligible to self-certify. We have been asked to partner with The Fertilizer Institute on this project. The tool is expected to be launched by July 1, 2007.

California OSHA Proposal Seeks to Include Retail Facilities in PSM by New Definition

The California Division of Occupational Safety and Health (Cal/OSHA) requested the Occupational Safety and Health Standards Board define "retail facility" in the Process Safety Management (PSM) standard, because the standard exempts retail facilities that handle anhydrous ammonia in excess of the threshold quantity of 10,000 pounds and sell to farms.

Retail facilities are exempt on a federal level from the PSM standard if more than 50% of the sales are made directly to end users. The proposed definition for "retail facility" is: A facility organized to resell merchandise in small quantities to the general public and engaged in the final step in the distribution of merchandise, generally without transformation, and rendering services incidental to the sale of merchandise.

The proposed definition for retail facility is substantially the same as the definition of retail trade contained in the 2002 edition of the U.S. North American Industrial Classification System (NAICS) Manual. Cal/OSHA raises the issue that according to the NAICS Manual, this type of establishment is engaged in wholesale trade rather than retail trade. Cal/OSHA feels exempting this type of facility from the PSM standard as a retail facility is inconsistent with federal OSHA's statement in the preamble to the federal PSM rule, that chemicals in retail facilities are in small volume packages, containers and allotments, making a large release unlikely. More information can be found by clicking [here](#). Cal/OSHA expects to issue a public notice 45 days prior to a public hearing, which is tentatively scheduled for May 2007. **Note:** This action by Cal/OSHA has serious implications for retail facilities nationwide and merits close and immediate attention.

Regularly Scheduled Training Proven Beneficial

Regularly scheduled training sessions are an important part of any safety program. Basically, regularly scheduled training, such as monthly safety meetings, reinforces the message that safety in the workplace is important and has been proven to reduce accidental injuries by 85%. Providing a forum for discussion during and/or at the end of a training session is essential to the retention process and can reinforce what employees have learned, clear up any misunderstanding of the lesson, and motivate employees to effectively use what they have learned. Experience shows you want your employees to have a positive experience and remember the session for the lesson taught. Use of props such as operator manuals, sample materials, demonstrations and examples are highly beneficial in boosting the amount of information retained by the employee. Hands-on training aids make the training even more memorable.

Equipment Manuals - Mandatory Part of Training

Late last year, OSHA issued a General Duty Clause citation to a New Jersey bagging plant after an employee was caught in a pallet elevator. In the citation, OSHA said the company did not ensure that the employee read the operations and maintenance manual to become thoroughly familiar with the meaning of warnings and instructions of the equipment. OSHA said that, among other methods, one feasible and acceptable abatement method to correct this hazard is to provide an effective training program for the operator that includes mandatory reading and understanding of the operations and maintenance manual. OSHA issues General Duty Clause citations when employers do not furnish employment and a place of employment which are free from recognized hazards that were causing or likely to cause death or serious physical harm to employees. OSHA Citation, November 20, 2006

EPA to Revise Definition of Solid Waste

EPA has proposed to modify the definition of solid waste rule to streamline regulation of hazardous secondary materials. The proposed rule would provide for the recycling of such materials as solvents, metals, and certain

other chemicals. Susan Bodine, Assistant Administrator for EPA's Office of Solid Waste and Emergency Response, said, "by encouraging legitimate recycling practices that are environmentally protective, this proposal presents a win-win for the environment and for the economy." EPA estimates that streamlining the management of secondary materials in a cost-efficient but safe manner will result in an average cost savings of \$107 million a year from both reduced regulatory burden and increased recycling. Click [here](#) for more information.

Nurse Tank Inspection Program (NTIP) Update

As of the week ending March 31st, there have been 858 locations request to be covered by SP-13554. 11,340 kits have been shipped with 8,437 inspections recorded on the website. A total of 226 nurse tanks have failed to pass the testing for the reasons of visual (114), thickness (86) or pressure (26). The **Ohio AgriBusiness Association** reported the Ohio Department of Agriculture (ODA) has filed a rule to allow companies wishing to test their NH₃ nurse tanks, which do not have nameplates, to participate in the Special Permit 13554 sponsored by The Fertilizer Institute. ODA is still in the process of a major rewrite of the current ammonia rules, but wanted to move forward on this in a timely manner in order to allow industry the opportunity to participate in DOT's Special Permit 13554.

Agribusiness Security Tax Credit Act Advances

The Agricultural Retailers Association (ARA) applauded Representative Ron Lewis (R-KY) for introducing the House version of the Agricultural Business Security Tax Credit Act (HR 1814) this past week. This legislation would provide agricultural retailers, distributors and other eligible agricultural businesses with the necessary financial resources to improve overall security at their ag chemical storage facilities. "Agricultural retailers and distributors face onerous security regulations daily, which adds to the costs of doing business," said Jack Eberspacher, ARA President and CEO. HR 1814 is a fiscally responsible proposal that would help eligible agricultural businesses to partially offset considerable security costs by providing a tax credit equivalent to 30 percent of the total amount paid on implementing qualified security measures. The legislation provides for up to \$100,000 in security tax credits per facility, with an overall company cap of \$2 million per year. ARA is working with CropLife America, The Fertilizer Institute and several other organizations to secure passage of this important legislation.

Secure Handling of Ammonium Nitrate Act of 2007 Advances

The Fertilizer Institute (TFI) today praised Representative Bennie Thompson (D-Miss.), Chairman of the House Homeland Security Committee for approving the "Secure Handling of Ammonium Nitrate Act of 2007" (H.R. 1680). The bill was approved by voice vote. "As an industry, it is critical for us to ensure that ammonium nitrate remains safe for its intended beneficial purpose as a plant nutrient," said Ford West, President of TFI. The bill would require the Department of Homeland Security (DHS) to create a regulatory system to help keep ammonium nitrate out of the hands of those with criminal intent. Specifically, the bill would require all producers, sellers and purchasers who take custody to register with DHS. In addition, the bill would require producers and sellers to maintain records of all sales for three years, including the producer's name, address, phone number and registration number, and the date and quantity of ammonium nitrate sold. The bill, which does not preempt state law, requires all thefts or unexplained losses be reported to federal law enforcement within 24 hours.

Back-Up Alarms on Forklifts

OSHA's Powered Industrial Truck standard requires at 1910.178(n)(4) that the forklift operator must slow down and sound the horn at cross aisles and other locations where vision is obstructed. That is the only actual reference in the General Industry regulations referring to a specific piece of alarm/sound device on a forklift. Although most new vehicles today come equipped with strobe lights and back-up alarms, OSHA regulations do not require that equipment. However, if the equipment is on the vehicle, OSHA expects you to use it and maintain it in good repair.

OSHA's Top 25 violations for 2006

Every year, OSHA compiles statistics on violations to its standards. During 2006, there were 106,015 violations to standards ranging across all industry segments under federal OSHA jurisdiction, with adjusted penalties of nearly \$34 million. The following table lists the top 25 most frequently violated regulations for

Part 1910, General Industry. These are federal statistics and are the result of violations that occurred in states that are regulated by federal OSHA.

	Subject	Standard	Total Violations	\$ Initial Penalty
1	Hazard communication-Written program	1910.1200(e)(1)	2,298	940,479
2	Machine guarding-Types of guarding	1910.212(a)(1)	1,558	3,285,626
3	Hazard communication-Employer must provide hazard information and training	1910.1200(h)(1)	1,103	405,750
4	Respiratory protection-Establish a written program	1910.134(c)(1)	778	511,500
5	Guarding floor openings, platforms, and runways	1910.23(c)(1)	774	1,694,090
6	Machine guarding-Point of operation guarding	1910.212(a)(3)(ii)	770	2,098,680
7	First aid-Eye wash/emergency shower facilities not in near proximity to employees	1910.151(c)	714	791,018
8	Electric-Wiring methods, components and equipment-Cabinets, boxes/Conductors	1910.305(b)(1)	713	570,792
9	Respiratory protection-Provide medical evaluation prior to fit test and respirator use	1910.134(e)(1)	693	235,395
10	Hazard communication-MSDS available for each hazardous chemical	1910.1200(g)(1)	687	99,968
11	Lockout/tagout-Written energy control procedures	1910.147(c)(4)(i)	670	1,238,051
12	Abrasive wheel machinery-Adjustment/safety guards	1910.215(b)(9)	660	293,122
13	Lockout/tagout-Establish an energy control program	1910.147(c)(1)	618	831,575
14	Powered industrial trucks-Operator training	1910.178(l)(1)(i)	559	677,775
15	Hazard communication-Employee information and training	1910.1200(h)	545	159,726
16	Electric-Wiring methods, components and equipment-Cabinets, boxes/Covers	1910.305(b)(2)	539	420,568
17	PPE-Provide, use, maintain equipment in a sanitary and reliable condition	1910.132(a)	521	1,032,704
18	Lockout/tagout-Annual procedure inspection	1910.147(c)(6)(i)	513	451,805
19	Mechanical power transmission-Pulley guarding	1910.219(d)(1)	497	537,616
20	Lockout/tagout-Training and communication	1910.147(c)(7)(i)	490	615,850
21	PPE-Written certification of hazard assessment	1910.132(d)(2)	487	139,490
22	Hazard communication-Labeling containers	1910.1200(f)(5)(i)	484	162,165
23	Electrical-Equipment must be installed according to instructions	1910.303(b)(2)	481	380,585
24	Compressed air-Reduce to less than 30 p.s.i.	1910.242(b)	476	504,246
25	PPE-Must conduct a hazard assessment	1910.132(d)(1)	465	344,980

Fast Facts on OSHA Violations

Willful = Intentional disregard of OSHA regulations: \$5,000 to \$70,000/penalty. **Serious** = Substantial probability of death or serious physical harm and employer knew/should have known about it: \$7,000 maximum/penalty. **Other-than-serious** = Direct relationship to job safety, but probably would not cause death or serious harm: \$7,000 maximum/penalty. **Repeat** = Similar violation found during a reinspection: \$70,000 maximum/violation. **Failure to abate** = Additional penalty of up to \$7,000/day an employer fails to correct a previously cited violation beyond the abatement date.

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