



Volume 44

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### Congratulations!

The Environmental Respect Awards program is in its 17th year of celebrating environmentalism throughout the agricultural industry. We congratulate the following clients for being State Award Winners. The National winner will be announced in July in a ceremony in Washington, D.C.

- Crop Production Services - Dothan, AL**
- Douglass Fertilizer & Chemical - Clewiston, FL**
- Daylight Farm Supply, Inc. - Evansville, IN**
- Crop Production Services - Blissfield, MI**
- Crop Production Services - Sikeston, MO**
- Carolina Eastern-Vail, Inc. - Salem, NY**
- Crop Production Services - Bloomsburg, PA**

### New Federal Minimum Wage

President Bush has signed a bill that increases the Federal minimum wage rate by \$2.10 per hour over the next two years. The increase is the first since 1997. The new rate will take effect on July 24, 2007, at which time employers will need to update their labor law posters. Although many states are currently operating under a State minimum wage that is already higher than the Federal minimum wage, they still must post the new notice reflecting the new Federal rate. The new Federal minimum wage rate is scheduled to increase to \$5.85 on July 24, 2007; \$6.55 on July 24, 2008 and \$7.25 on July 24, 2009.

### National Labor Law Poster Program Launched

While Asmark Institute clients have always had access to an economical source for high quality Labor Law Posters, the offering has been formalized into a stand-alone national program. "We consistently see solicitations from vendors with prices as high as \$80 for a poster," said **Randy Lawrence**, Vice-President of the Asmark Institute. Lawrence says "the savings are significant through this structured program and helps provide a good value to our clients." Three choices of posters make it simple to order. Prices range from \$17.02 for a Federal All-in-One Poster to \$21.22 for a State All-in-One Poster. Both are available in a Combo All-in-One Set for \$29.22. All prices quoted include the cost of shipping and handling. All posters are laminated. [Click here](#) for more information or to place an order.



**Please Note:** Orders can be taken any time for the Labor Law Posters, however, expect shipment of the new Federal posters to start about 3-5 weeks from now, depending upon when the Department of Labor releases the final wording to the printers.

### **DOT Hazardous Materials Registration Due July 1st**

If your company transports or offers for transport hazardous materials, it must be registered with the Department of Transportation (DOT). Renewal reminders were recently mailed by DOT. The annual registration and fee are due July 1st each year. Information on registration, fees and online registration is available by [clicking here](#).

### **U.S. EPA Partners with Ag Industry on RMP Guidance**

Over the past two months, discussions have occurred between U.S. EPA, The Fertilizer Institute (TFI), and the Asmark Institute on issuing joint guidance for retail Risk Management Programs. Originally, U.S. EPA approached TFI to review a draft guidance document for retail Risk Management Programs they were developing. At the time, TFI also asked U.S. EPA officials to review *myRMP Suite of Retail Guidance Materials*, stressing the need for consistency in RMP guidance and compliance. *myRMP* is a compilation of standard procedures and information developed over the years by industry and incorporates much of what has been learned in the compliance effort since the RMP rule was finalized in 1996. U.S. EPA finalized its review of the web-based feature and has agreed to endorse TFI's *myRMP* for use as guidance nationwide. "*myRMP* was developed and launched in the spring of 2006 with a special emphasis on education and personalizing the experience and materials to a specific facility," says **Pamela Guffain**, Vice-President Membership Services for TFI. "We are very pleased with EPA's interest in jointly issuing guidance for agricultural facilities that will serve to assist retailers in their knowledge of and compliance with the RMP requirements," says Guffain. We expect to finalize this project with U.S. EPA and the Asmark Institute in August.

### **SPCC Update**

U.S. EPA issued a final rule on May 25th to extend the compliance dates for facilities affected by the SPCC regulations. SPCC stands for Spill Prevention, Control and Countermeasure plan and applies to facilities that store 1,320 gallons or more of petroleum products. U.S. EPA has extended the compliance dates in order to provide the time necessary for the regulated community to comply with the revised requirements that U.S. EPA expects to propose in 2007. For facilities (other than a farm) that started operations on or before August 16, 2002, the facility must maintain its existing SPCC plan and amend and implement the plan no later than July 1, 2009. If the facility began operations after August 16, 2002 through July 1, 2009, it must prepare and implement a SPCC plan no later than July 1, 2009. If the facility starts operations after July 1, 2009, it must prepare and implement a SPCC plan before beginning operations.

Stay tuned.....U.S. EPA has advised us they will be making further changes to the SPCC rule in 2007. **Bill Herz** with The Fertilizer Institute, has advised us to expect the revisions to be published in the Federal Register sometime in July. We don't believe the changes will be significant, but will force us to push back our launch date to October 1st for the new web-based tool designed to develop personalized SPCC plans for facilities that have less than 10,000 gallons of petroleum products and who are eligible to self-certify.

### **Safety Matters Designed to Reduce Incidents, Save Lives!**

Each year hundreds of fatalities and thousands of injuries occur in the agricultural industry. Safety bulletins that highlight the unsafe circumstances that led to a death, injury or illness, have been proven to be very effective. *Safety Matters*, a new communication offered by the National Agronomic Environmental Health & Safety School, is designed to help reinforce a "culture of safety," whereby awareness of unsafe situations can be recognized and remedied before a death or injury occurs. *Safety Matters* is a free service of the Safety School and available to any person that registers online. For more information, visit [www.naehss.org](http://www.naehss.org) and register online for *Safety Matters*.

### **U.S. EPA Revises "List of Lists"**

Dated October 2006, and just recently posted publicly, U.S. EPA has posted a revised version of the consolidated "List of Lists" on their website. The 105 page List of Lists is used as a reference for many regulatory requirements, but most importantly spill reporting. Access the List of Lists by [clicking here](#).

**Note:** It's interesting that U.S. EPA requires the immediate reporting of spills literally within 15 minutes, but yet takes 120+ days to post the current list of reportable quantities after being revised. We accessed the U.S. EPA website at the end of February to check for an updated version of the list for a printing we were about to conduct. The current version posted on the website on that date was dated October 2001.

### **California Seeks to Include Retail Facilities in PSM - Update**

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. This action by Cal/OSHA has serious implications for retail facilities nationwide and merits close and immediate attention.

Western Plant Health Association (WPHA) provided testimony at a Cal-OSHA hearing on May 17th where language was being considered to change the definition of a "retailer." This change in definition would have brought virtually every agricultural retailer in California under Process Safety Management standards and Program 3 RMP reporting requirements. WPHA opposed this change, and was successful in their request to the Cal-OSHA board to postpone consideration of the issue until WPHA and its members have had constructive meetings with Cal-OSHA staff.

### **Emergency Response to Agricultural Incidents Course**

Since 1996, we have provided the Emergency Response to Agricultural Incidents Course here at our facility in Owensboro, KY. The course is geared to the specific needs of agricultural retailers, terminals and related agribusinesses. **Dustin Warder** coordinates these training courses and reports that all courses for 2007 have been filled to capacity again this year. Invitations to attend the annual 8-Hour Refresher Courses will be mailed on June 1st to approximately 600 participants that have maintained their certification. Watch your mail!

### **TFI Sponsors Soils Exhibit at Smithsonian Institution Museum**

The Fertilizer Institute (TFI) announced a \$1 million commitment in the name of the Nutrients for Life Foundation (Nutrients for Life) to the Smithsonian Institution for an exhibition about soils at the Smithsonian's National Museum of Natural History in Washington, D.C. Scheduled to open in July of 2008, the 5,000 square foot soils exhibit is being developed by the Smithsonian in partnership with the Soil Science Society of America. It is designed to increase the level of public awareness about the important role of soils in our world by educating visitors about the many ways soil is essential to human life. "Fertilizer is an integral component in aiding soils' role in environmental health and food security," said TFI and Nutrients for Life President **Ford B. West**. "Through our sponsorship of the exhibit, we hope the museum's over 6 million visitors annually will gain a greater appreciation of the role modern agriculture plays in sustaining healthy soils." The soils exhibit will be on display in Washington, D.C. until January 2010, after which it may go on a three to four year National Tour through the Smithsonian Institution Traveling Exhibition Service. Further information about Nutrients for Life is available by [clicking here](#).

### **Medical Examiner's Certificates**

Sufficient time has passed since 2003 that any Medical Examiner's Certificate, commonly referred to as the DOT Physical Form, should be completed on a current form. It usually takes about one year for the supply of old forms to be depleted, but **Betty Sapp** reports that we continue to receive the outdated forms, some of which are the really old one-page forms. Betty is responsible for checking our driver files and seeing them through to a completed state. DOT auditors will not accept outdated forms and the result is a violation for both the motor carrier and possibly the physician. A special effort should be made to check the date on the form prior to conducting the physical examination. For the most current copy of the Medical Examiner's Certificate and Report please [click here](#).

### **Indiana State Chemist List of Priorities for 2007**

As a reminder from the Office of the Indiana State Chemist, the following issues have been made priority for 2007:

- Observe all setbacks on pesticide labels, including atrazine, acetochlor and fungicides used to control soybean rust.
- No restricted use pesticide sales to unlicensed individuals!
- No repackaging of pesticides into unauthorized containers.
- Notify your customers about pesticide applications (Worker Protection Standard).
- Keep the required records of RUP applications for two years.
- Be aware of endangered species maps.

### **National Safety School 2007 - Mark your calendars!**

The National Agronomic Safety School will be held in Bloomington, IL this year on August 21 & 22, 2007. There is a renewed interest and level of energy in the Safety School and we encourage each of our clients to register and participate in this quality program. An outstanding lineup of speakers has been secured for the 2007 program, including **Tom Warner**, President of Crop Production Services, **Nancy Fitz** with U.S. EPA, **Liz Magill**, President of CDMS, **Brian Bothast** with OSHA and **Dave Volentine** with Safety Partners.

Topics include Design and Maintenance of Mixing and Loading Pads, Case Studies and Pre-planning for Ag facility fires, Electrical audits, Seed safety, State-specific restricted-use pesticides, Food safety trends and Container recycling. Updates from industry professionals such as **Pam Guffain** with TFI, **Marty Fitzpatrick** with BASF, **Adam Hoffman** with Hoffman Consulting, will be included on topics such as SPCC, RMP, PPE, DHS and more. HAZWOPER emergency response refresher training will also be held in conjunction with the Safety School's activities. To view the agenda and register, please [click here](#).

While in Bloomington that week, we recommend that you stay an extra day to attend the Midwest AG Industries Expo (MAGIE) on August 22 & 23, 2007. It's truly one of the finest displays of "ride and buy" shows in the United States. For more information on registering for MAGIE, [click here](#).

### **Michigan Anhydrous Ammonia Safety and Security Practices Urges Use of Dye Additive**

Agricultural interests in Michigan are supporting the recent adoption of statewide Anhydrous Ammonia Safety and Security Practices which encourage, among other things, the use of a dye additive to discourage theft and unlawful uses. Without mentioning GloTell, the only such product available, the Michigan Agriculture Commission, which approved the practices, suggested the use of a "dye that will on release from an ammonia tank stain skin and clothing in a highly visible manner." Sellers and end users who voluntarily comply with this, along with using a functioning tank or valve lock, removing nurse tank hoses when not in use, parking tanks downwind of sensitive areas, not leaving tanks sitting in fields overnight, and not keeping full tanks on site any longer than absolutely necessary, will be granted immunity from personal injury and property damage claims caused by theft or unlawful use. **Bob Tadsen** with the Michigan Agri-Business Association welcomed the Anhydrous Ammonia Safety and Security Practices. The agriculture commission was directed to develop and issue the practices by March 29, 2007, under the Anhydrous Ammonia Security Act, Public Act 417 of 2006, with input from the Michigan Department of Agriculture, Michigan State University Extension, producer groups, the fertilizer

industry and local law enforcement. A workgroup with these partners was organized last fall to identify the safety and security practices.

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