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2007 Chemical Sector Security Summit Held

The Chemical Sector Coordinating Council held the Chemical Sector Security Summit in Falls Church, Virginia on June 11-13, 2007. **Brian Miller**, Manager of Environmental/Auditing for Agrium Retail and **Allen Summers**, President of the Asmark Institute, attended the meeting, which included presentations and demonstrations by experts from the Department of Homeland Security (DHS), FBI and the private sectors. The new Chemical Facility Anti-Terrorism Standards (CFATS) were explained in great detail. Participants were addressed by top Department of Homeland Security (DHS) officials such as **Michael Chertoff**, Secretary DHS, **Robert Stephan**, Assistant Secretary DHS and the man labeled as the "chief architect" of CFATS, **Lawrence Stanton**, Director of the Chemical Security Compliance Division. Allen and Brian compiled their notes into a four page document that is available upon request. E-mail **Donna Powell** at donna@asmark.org if you would like to have a copy of the meeting notes.

"Consequentiality" is Key to New DHS Rules

Consequentiality is a new word introduced by DHS and is defined as their analytical process to evaluate the potential consequences or threats associated with each facility. For example, a gasoline production facility that supplies the Northeast region of the U.S. would have more consequence if successfully attacked than a retail farm center in Lonely, KS, not only because of potential damage, but also because of potential impact to the nation's economy. Based on consequentiality, DHS will assign a "Threat Variable" rating to each facility that completes the Top-Screen. The Threat Variable is a rating that is confidential and known only within DHS.

DHS has identified 4 tiers of high risk chemical facilities. Tier 1 equals highest risk and Tier 4 the lowest. There are approximately 90,000 chemical facilities in the U.S., of which DHS expects 5,000 to 8,000 to be considered high risk and fall into one of the four tiers. They expect 200 in Tier 1, about 700 in Tier 2 and about 2,500 in Tier 3. Tier 4 is where the balance of the high risk facilities will be placed.

Top-Screen information will be used by DHS to determine initially which Tier your facility falls into. The Tier rating is based on the risk to public health & safety (potential deaths and injuries) and is determined by:

- What chemicals are present.
- Amounts of each chemical present.
- Endpoints (Area surrounding the facility that could be affected.)

Based on what we know at this time, an agricultural retailer with small amounts of regulated products located in a rural, sparsely populated area, should "Tier-out" and not fall into Tiers 1-4. Proportionately, as either the amount of regulated product or the population within the surrounding area increases, so does a retailer's chance of falling into Tier 4, and possibly even Tier 3.

Tips for Being Prepared for CFATS

Facilities with ammonium nitrate, aqua ammonia, anhydrous ammonia and possibly urea should be making preparations to address the CFATS requirements in a timely manner. Facilities will have only 60 days to complete the Top-Screen program once the final list of regulated chemicals is published later this month in

the Federal Register. Prior to the release of the new chemical list, we recommend that you take action to be prepared for the new rule. The actions we recommend and the reasons why:

- | In preparation: | Reason why: |
|--|--|
| <ul style="list-style-type: none">• Familiarize yourself with the DHS website. | Almost all your correspondence with DHS will be via their website, or electronically-based. Click here for the DHS Website . |
| <ul style="list-style-type: none">• Familiarize yourself with the registration process, but wait to register until the list of chemicals is published in the Federal Register. | The registration process is easy but not user-friendly. It will require each facility to designate a Preparer, a Submitter, an Authorizer and one or more Reviewers (if applicable). Who you designate to these positions will determine who receives the correspondence for your facility or group of facilities. Agricultural facilities should wait to see the final list of regulated chemicals before registering. Click here for Registration info. |
| <ul style="list-style-type: none">• Perform Chemical-terrorism Vulnerability Information (CVI) training for any person required by DHS to receive it. | Practically all CFATS information will be protected by "CVI." Participating in this training early in the process will assist users in their responsibilities. Click here for CVI Training . |
| <ul style="list-style-type: none">• Download the Top-Screen questions and User's Manual to familiarize yourself with the program. | Ag retailers need to be well informed in advance of providing the Top-Screen data. The data entered in the Top-Screen will determine the Tier (or the fact that you are not covered by this rule) for the facility. Wording (i.e. co-located, maximum amount on-site, area of highest quantity) may be tricky to the ag community and if not understood completely could be submitted incorrectly, possibly altering your Tier rating or even placing you in a Tier when you should not be regulated. Click here for Top-Screen Questions or User's Manual . |
| <ul style="list-style-type: none">• Download RMP*Comp and familiarize yourself with the program. | You will be required to re-calculate your endpoints using RMP*Comp for entry into the Top-Screen. DEGADIS endpoints in the Risk Management Plan (RMP) for your facility cannot be used in the Top-Screen. Click here for RMP*Comp . |
| <ul style="list-style-type: none">• Your deadline to be prepared is July 20, 2007. | DHS expects to publish the final list of regulated chemicals in the Federal Register around the end of July. Once the list is published, you have 60 days to complete both your registration and Top-Screen. Note: It could take up to 30 days after you register to receive your user name and password to perform the Top-Screen, so plan ahead and be prepared. Click here for the List of Chemicals . |

Top-Screen Will Require Use of RMP*Comp Endpoints

Endpoints from RMP*Comp will be required to complete your Top-Screen. RMP*Comp is an EPA program designed to calculate the endpoints for a wide variety of the chemicals regulated under the Risk Management Program rule. Most ag retailers with anhydrous ammonia utilized the DEGADIS model instead of RMP*Comp,

because the program was modeled specifically to anhydrous and aqua ammonia. The endpoints from the DEGADIS model resulted in shorter distances. The chart below has been put together as a comparison showing urban and rural endpoints from RMP*Comp.

DHS Formally Approves Asmark Institute SVA

The Agribusiness Security Working Group, comprised of the Agricultural Retailers Association (ARA), CropLife America (CLA) and The Fertilizer Institute (TFI), applauded the Department of Homeland Security's formal approval of the Asmark Institute's Security Vulnerability Assessment (SVA) tool for use by ag retailers this week. The Asmark Institute's SVA has been sponsored for the past four years by ARA in cooperation with CLA and TFI. "Ag retailers are aware of the ramifications for not properly addressing security measures at their chemical facilities," said **Jack Eberspacher**, ARA president and CEO. "The Asmark Institute's SVA tool is an invaluable resource that will ease and simplify the fulfillment of DHS' Chemical Facility Anti-Terrorism Standards." Development of the Asmark Institute's SVA tool was initiated four years ago as a voluntary program to meet federal security regulations, such as DHS' Chemical Facility Anti-Terrorism Standards. Asmark Institute's SVA meets the Center for Chemical Process Safety security vulnerability assessment design criteria, which is recognized as an acceptable methodology by DHS for use with "Tier 4 high risk" facilities. Retailers that utilize the Asmark SVA program to assess chemical facility security can do so with confidence that their assessment meets DHS security regulations and is based on sound risk assessment principles.

RMP Updates Finalized to Include Addition of Nurse Wagons

Each Risk Management Plan (RMP) for Asmark Institute clients has been updated to include the amount of anhydrous ammonia stored in nurse wagons. The "maximum amount on-site" has been revised by **Dustin Warder**, utilizing the data retrieved from the annual compliance visits. This revision was primarily due to recent activity in two specific regions of EPA and reinforced by U.S. EPA in Washington, D.C.

NTIP Update

As of June 1st, there have been 875 locations request to be covered by SP-13554. About 12,000 kits have been shipped with 8,711 inspections recorded on the website. A total of 231 nurse tanks have failed to pass the testing for the reasons of visual (118), thickness (87) or pressure (26). A recent report by DOT prompts all nurse tank owners to confirm the credentials of the "CT" they intend to use at the time of the agreement.

Internet Vendor Cited

The Minnesota Department of Agriculture (MDA) recently concluded an enforcement action against XSAg.com, of Morrisville, North Carolina. XSAg.com provides an Internet service in which buyers and sellers of agricultural crop inputs, including pesticides, can conduct online commerce. XSAg.com also uses direct mail and a website to advertise pesticides for purchase. XSAg.com paid a \$1,000 penalty to the MDA for illegally advertising Restricted Use Pesticides (RUPs) in its direct mail advertisements to Minnesota residents and via the XSAg.com website. Federal and state laws require that RUPs be clearly identified as such when advertised for sale.

New CropLife Video On Proper Recycling Methods

CropLife's Stewardship Committee is developing a video demonstration of the proper and effective ways to empty one-way liquid pesticide containers without resulting in spills or exposure to mixing and loading operators. Filming of the correct and incorrect ways to prevent "glugging" of liquid products was completed recently under the direction of representatives from BASF, Bayer and Syngenta. The finished video will respond to a request from EPA's Nancy Fitz for an "anti-glugging" demonstration and will be marketed by CropLife Foundation for a nominal charge. We will provide information on ordering this video when it becomes available.

National Safety School 2007 - Mark your calendars!

The National Agronomic Safety School will be held in Bloomington, IL this year on August 21 & 22. 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. **Jim Belke**, the RMP Program Coordinator with U.S. EPA will be speaking at this year's school. 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. 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](#).

New Sequence for HazMat Descriptions Phased In

The Pipeline and Hazardous Materials Safety Administration (PHMSA) has changed the hazmat shipping paper description sequence requirement to be aligned with the rest of the world. HM-215I was published in the Federal Register on December 29, 2006 and we have received our first reports of seeing the new sequence in use this year. The effective date of the final rule was January 1, 2007 and voluntary compliance was authorized also beginning on January 1, 2007. HM-215I amends 49 CFR 172.202 (Description of hazardous materials on shipping papers) to require a single shipping paper description sequence with the identification number appearing first. Previously, two sequences were authorized, with the other sequence having the proper shipping name appear first on the shipping paper.

Former sequence: Flammable Liquids, N.O.S., (Contains Methanol), 3, **UN1993**, PG III

New sequence: **UN1993**, Flammable Liquids, N.O.S., (Contains Methanol), 3, PG III

Both sequences will be allowed for domestic shipments within the United States under the DOT requirements until January 1, 2013. The new information can be found in 49 CFR 171.14 Transitional provisions for implementing requirements based on the UN Recommendations. For most retailers, choosing the shipping description sequence to use may be as easy as staying with the one being used right now. However, you may encounter the new sequence during the phase-in period, especially if your supplier routinely makes international or air shipments. The bottom line is be prepared to see both sequences. [Click here](#) for DOT's *Guide for Preparing Shipping Papers* using the new sequence.

DOT Releases Improved Online Registration Tool

Determining whether a business needs a U.S. DOT Number or Operating Authority and understanding the registration process just got easier. The Federal Motor Carrier Safety Administration (FMCSA) just announced release of a new *Online Registration and Compliance Assistant*. The new tool better clarifies which DOT regulations a company must adhere to, guides the user toward a decision on whether they need to register with the FMCSA and also tells customers which forms they need to complete in the process. [Click here](#) to access the new tool.

Hazardous Material Security Plan Tops 2006 DOT Violations

FMCSA reported that based upon their Motor Carrier Management Information System (MCMIS), the top acute violations for 2006 included violations of hazmat security plan requirements. FMCSA conducted 10,102 compliance reviews in 2006 and issued 2,083 acute violations and 8,068 critical violations. Almost 5% of all cited acute violations were issued under 49 CFR §172.800(b), *Offering or transporting without a security plan conforming to Subpart B of the requirements*. DOT "security audits" consist of a grueling 85 questions and are very specific to your facility and the hazardous materials you transport.

Bill Extends OSHA Rules to Government Employees

Representative **Rob Andrews** (D-NJ), announced legislation recently to extend worker health and safety protections to public sector (government) employees. The legislation came after the U.S. Chemical Safety Board released a final investigation report calling on the Florida legislature and Governor to require workplace safety rules, which are at least as effective as those established by OSHA for Florida's state, county and municipal employees. Florida is one of 26 states that do not require its employees to follow OSHA standards. The Fairness for State and Local Workers Act would widen the Occupational Safety and Health Act's protections to state, county and municipal employees nationwide, not just in Florida. Government employees are currently not covered under federal OSHA protections. Although states may provide coverage under a federally approved program with matching funds, 26 states have chosen not to participate. "For far too long thousands of state, county and city workers have not been covered by the workplace health and safety standards that protect private sector employees," said Andrews. The bill would require all workplaces to abide by the same safety and health standards.

OSHA Targets Kansas on Tire, Wheel Rim Issues

A statewide program to reduce or eliminate the hazards associated with servicing single and multi-piece rim wheels in the workplace is being implemented throughout Kansas by the Occupational Safety and Health Administration (OSHA). The program targets general industry businesses where servicing of single and multi-piece rim wheels is performed, including those used on large vehicles such as trucks, tractors, trailers, buses and off-road machines. Covered vehicles normally have a gross vehicle weight of 10,000 pounds or greater. The program does not apply to servicing of rim wheels used on automobiles or on pickup trucks and vans utilizing automobile tires or truck tires designated "LT." Inspections that OSHA conducts under the program will address all potential hazards in the work environment including equipment, machines, tools and devices, as well as machine guarding. Additionally, programs such as hazard communication and lockout/tagout, employee training and documentation related to safe operating procedures for the servicing of rim wheels will be reviewed. Kansas employers, employees, professional associations and labor organizations can obtain information on this Local Emphasis Program by contacting OSHA's Wichita office at 316-269-6644 or toll-free at 800-362-2896.

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