

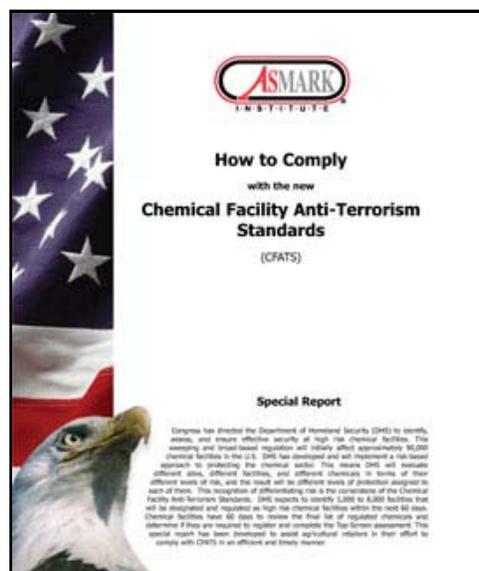


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DHS Update: Appendix A Delayed Till Late August

The Department of Homeland Security (DHS) Assistant Secretary, **Bob Stephan**, informed Congress that DHS had internally approved a final list of regulated chemicals (Appendix A) and that it had to clear approval by the White House Office of Management and Budget. Speculation is that a final Appendix A won't be released until late August. The Asmark Institute has prepared, and plans to release, a **"How to Comply"** guidance document for the new Chemical Facility Anti-Terrorism Standards (CFATS). The guidance document will provide step-by-step instructions and is designed to assist retailers with the CFATS process, requiring the review of Appendix A and the possible registration and submittal of the Top-Screen assessment to DHS. Each Asmark Institute client will receive the guidance and a copy of the final Appendix A via Certified Mail or United Parcel Service, depending on where they are located in the U.S. A copy of the report will also be available in PDF format. The mailing has already been prepared so it can be distributed quickly once DHS publishes the final Appendix A in the Federal Register.



National Safety School 2007 - Time to Register!

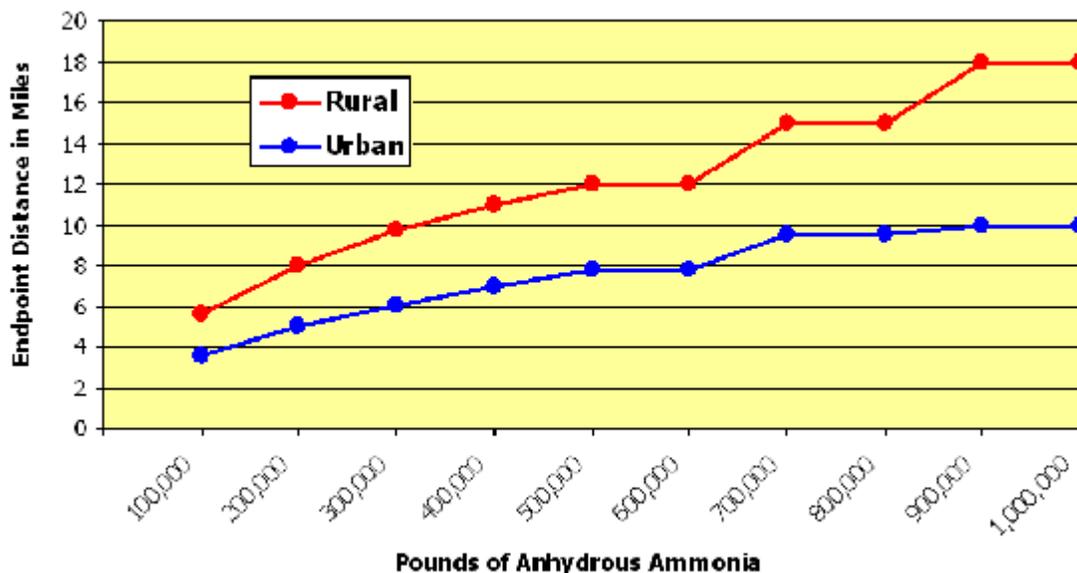
The National Agronomic Safety School will be held in Bloomington, IL this year on August 21 & 22. There is a renewed interest and level of energy in the Safety School and we encourage each of our clients to register and participate in this quality program. An outstanding lineup of speakers has been secured for the 2007 program. 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](#).

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.

RMP* Comp Endpoints



DOT Proposal to Combine CDL & Medical Certification

The Federal Motor Carrier Safety Administration (FMCSA) is proposing to merge the information from the medical certificate (physical) into the Commercial Driver's License (CDL). Many states now issue a CDL to a person without proof the person is medically qualified, resulting in a significant "out-of-compliance" rate for drivers when stopped and checked. It appears this proposal could streamline the process, however, it will require the states to develop an administrative system to coordinate the information. FMCSA is considering three different methods. **Betty Sapp** has reviewed the proposed rule and prepared a Special Report with her analysis on how it may affect our clients and our driver qualification file system. [Click here](#) to view the proposed rule. If you would like to have a copy of the Special Report, contact Betty at Extension 207 or by email at betty@asmark.org.

Hit the "Hot Button"

A new feature was recently added to our website to provide access to a new range of online services. Hitting the "Hot Button" will allow you to access new guidance documents such as the *CFATS - How to Comply* document mentioned previously. The new feature will also provide access to online order forms for books such as the Applicator & MSDS Manuals and allow for online registration for our clients and affiliates for the *2008 Emergency Response to Agricultural Incidents* courses. The new bright red and yellow button is located in the lower right-hand corner of our homepage as part of the dashboard. To hit the Hot Button, [click here](#).



"Secure Handling of Ammonium Nitrate Act of 2007" Approved by Senate

The Fertilizer Institute (TFI) praised members of the Senate this past week for approving the "Secure Handling of Ammonium Nitrate Act of 2007" (S.1463). The bill was included as an amendment to the Department of Homeland Security (DHS) appropriations bill. The ammonium nitrate legislation was sponsored by Senator **Mark Pryor** of Alabama. "We are grateful to Senator Pryor for his leadership and tireless efforts to move this critical legislation forward," said TFI President **Ford West**. The bill would require DHS to create a regulatory system to help keep ammonium nitrate out of the hands of those with criminal intent. A companion bill was introduced by Representative **Bennie Thompson** of Mississippi and approved earlier this year by the House Homeland Security Subcommittee on Emerging Threats, Cybersecurity and Science and Technology. 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 requires all thefts or unexplained losses be reported to federal law enforcement within 24 hours. "We urge the Senate-House conference committee to act quickly to send this important security measure to the President so that it can be signed into law," said West.

Washington Passes New Heat-Related Illness Rule

New additions have been made to Washington's Heat-related Illness rule to include performing work in an outdoor environment. The new rule is to both educate and prepare both employees and employers. It requires employers to implement workplace practices designed to reduce or eliminate the risks of heat-related illness resulting from outdoor exposure to temperature, humidity, and other environmental factors. Personal factors must also be taken into account, such as an individual's age, physical condition, or other physiological responses to heat. Employers must develop written procedures to prevent the occurrence of heat-related illness, provide adequate accessibility to a sufficient quantity of drinking water for employees, respond appropriately to signs and symptoms of heat-related illness, and offer information and training to all employees before any outdoor work assignments are given. For additional information, please [click here](#).

Tank Locks Helping Win War on Meth

Locks on nearly 24,000 anhydrous ammonia tanks intended to thwart meth-makers, have helped slash the number of homegrown drug labs in Iowa according to state leaders. Gathered at the statehouse to celebrate the success of the tank lock effort, **Lt. Gov. Patty Judge** indicated the program has reached all of Iowa's 99 counties. Since 2002, the ag industry and government leaders have joined forces to lock up the tanks with the help of \$1.1 million in federal grant money. The final locks were put on tanks in Ida County two weeks ago, officials said. So far this year, 77 meth labs have been uncovered statewide. That's compared to 241 during the same period a year ago and 905 during the first six months of 2004.

Appeals Court Tosses DOT's Hours of Service

The U.S. Court of Appeals for the District of Columbia issued a long-awaited opinion on July 24, 2007 that may have a dramatic effect on federal hours-of-service rules for drivers of commercial motor vehicles. A Judge granted a petition from the safety advocacy group "Public Citizen" and vacated portions of the hours-of-service rules issued by the Federal Motor Carrier Safety Administration (FMCSA) in August of 2005. Specifically, the court tossed out the FMCSA's increase in the daily driving limit from 10 to 11 hours and the rule that allows an off-duty period of 34 hours to restart the weekly on-duty limits. The court agreed with Public Citizen that FMCSA failed to provide an opportunity for the public to comment on a statistical model the agency used to determine the risks associated with driver fatigue. The agency used the model as the basis for adopting the 11-hour rule and 34-hour restart. Public Citizen argued that the model failed to take into account the cumulative fatigue caused by increased weekly driving and working hours allowed by the 34-hour restart. Using the restart option, a driver can theoretically gain an extra 17 hours of driving time in a 7-day work week, but the court said that FMCSA failed to explain its reasoning for keeping the 34-hour restart in its 2005 rules. Under court rules of procedure, the FMCSA has 45 days to request a rehearing before any changes take effect. If the agency does not request such a hearing, the court will issue a final order within seven days after that date. In the meantime, the existing hours-of-service rules remain in effect.

Extremely Busy Time of the Year

Just a quick rundown on some of the projects underway at the Asmark Institute this summer. myRMP Suite of Retail Guidance Materials is in the final stages of programming and will be released in August as planned. The new web-based SPCC tool developed by **Dustin Warder** is under review right now and will proceed to programming on August 1, with launch intended for October 1, 2007. **Emmy McDonald** has been working to upgrade the Products feature on our website by adding a highly integrated database that will enhance client confirmations and the order-tracking system. The new database has been designed to integrate into our accounting program to help automate the billing process. **Dena Rhodes** has developed a new internal electronic "To Do List" for our staff to use in prioritizing and coordinating projects. Dena has also built a new Human Resource Database for use internally.

AASA Launches Second Cycle of Inspection Program

The American Agronomic Stewardship Alliance (AASA) recently hosted the program kick-off of its 2007 inspection program at Helena Chemical Company in Alamo, Tennessee. The program focused on stewardship and the proper storage and handling of bulk agrichemical products. The Stewardship Alliance, originally launched by CropLife America's (CLA) Stewardship Committee and initially managed by CLA staff, started conducting inspections in 2004 and divided the United States into three inspection regions. AASA is now in the repeat cycle of the initial three-year inspection program and will focus the 2007 inspections on 10 Southern and Midwestern states. The Illinois Fertilizer and Agrichemical Association (IFCA) actively manages the AASA program beginning this year. [Click here](#) for more information.

Requirements for Emergency Response Telephone Numbers

The DOT has filed a Notice of Proposed Rulemaking (NPRM) to amend the Hazardous Materials Regulations to clarify requirements governing emergency response information services provided by arrangement with hazardous materials offerors. The emergency response telephone number must connect a caller to the offeror or to a party capable of, and accepting responsibility for, providing detailed information about the hazardous materials shipment. The telephone number must be answered by a person who is knowledgeable about the material being shipped and possesses comprehensive emergency response and incident mitigation information for that material, or has immediate access to a person who possesses such knowledge. In order to preserve the effectiveness of these arrangements for providing accurate and timely emergency response information, DOT proposes to require that basic identifying information (offeror name or contract number) be included on shipping papers. This information will enable the service provider to identify the shipper on whose behalf it is accepting responsibility for, providing emergency response information in the event of a hazardous materials incident. Comments must be received by August 31, 2007. [Click here](#) for the [full text](#).

Going the extra mile.....

Most people probably never stop to think about it, but several aspects have been added to running a responsible organization over the past ten years. *Did you know*, that because of the threat of identity theft and extensive use of computers and the Internet, we utilize fire-proof record vaults, a backup generator for the entire business, shred sensitive documents, redundant servers, VeriSign and proprietary encryption for sensitive data, and act as our own ISP to protect our client's information?

EPA Delays Rulemaking on Pesticide Container Recycling

The Environmental Protection Agency (EPA) decided to pursue an Advance Notice of Proposed Rulemaking (ANPRM) as the next step in the Pesticide Container Recycling Rule project instead of issuing a proposed final rule. This latest decision by EPA Administrator **Steve Johnson** means that the first ever federal mandatory proposed pesticide container recycling rule planned for this fall is on hold. The agency has listed concerns and questions that need to be reviewed before issuing a recycling regulation.

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