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Spotlight: Traylor Fertilizer Service

We are extremely proud to *Spotlight* Traylor Fertilizer Service as they celebrate their 50th year in business. Located in Montgomery, Indiana, founder **Joe Traylor** recently reminisced for a local newspaper article featuring the family business. Joe got started in trucking while still in high school, helping his father haul milk and livestock. He and his wife **Gladys** started warehousing bagged fertilizer in 1957 and built the first building on the current site of Traylor Fertilizer. As the business grew, Joe added on to the buildings and went from just hauling to also spreading and spraying fertilizer. His children would help carry bags of fertilizer or sweep the floor, and his wife would bring lunch to the employees during the busy season. Now, two of Joe's sons, **Greg** and **Brian**, have taken over business operations. Joe still keeps an office at the fertilizer business, but knows the family business is in good hands. Traylor Fertilizer Service was one of our earliest clients. Please join us in our congratulations to Mr. & Mrs. Traylor, Brian, Greg and the entire staff at Traylor Fertilizer. We wish you another 50 rewarding and prosperous years!



DHS Update: Appendix A Delay Continues....into September

For the third time, we have been told DHS has finalized Appendix A and sent it over to the White House's Office of Management and Budget. We expect the final Appendix A to be released in the coming weeks. 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 and affiliated State Association will receive the guidance and a copy of the final Appendix A. Please watch for your copy and don't forget the 60-day deadline starts when Appendix A is published by DHS.



Note on Registering with DHS: We are receiving a lot of questions about going ahead and registering with DHS in advance of Appendix A being published. Our recommendation is this: Unless your facility has ammonia, we believe it would be a prudent measure to wait to see exactly what is on the final Appendix A and in what threshold amounts. If your facility has ammonia, it is a safe bet that registration is required; all other products are up in the air until Appendix A is published.

Professional Development

We have made a more concentrated effort at the Asmark Institute over the past 3 years to provide more professional development opportunities for our staff. It may have been accompanying one of us when we went to Washington, D.C. or other notable meetings, and in the case of this past month, it was almost a full week of activities. **Amber Duke** organized the activities for **Betty, Donna, Danielle** and **Cassie** to attend the National Agronomic Environmental Health & Safety School, IFCA's MAGIE show and to tour the retail operations at four of our client's facilities. **Lloyd Burling** lined up some special opportunities for the ladies to actually drive a Terra-Gator, Prowler, Spra-Coupe and CaseIH Floater.



Our staff was treated to facility tours led by **Ken Bierman** and **Sandy Carley** with **United Prairie, LLC** located in Tolono, IL, **Janet Apple** and **Andrew Dowden** with **Crop Production Services** located in Oakland, IL, **Bill Carrie** with **Ceres Solutions, LLP** located in Vincennes, IN and **Greg Traylor** with **Traylor Fertilizer Service** located in Montgomery, IN. The goal of the tours was to expose our staff to the equipment, products, facilities and working environment found at our client's operations. We appreciate each of these clients taking time from their busy schedules to show us around and tell us about their operations. Check out the photos from the tours!

Environmental Protection Agency Supports *myRMP*

Washington, D.C. – EPA Recommends All Retailers Use TFI, Asmark Institute Guidance Document

The Environmental Protection Agency (EPA) notified The Fertilizer Institute (TFI) on August 14, 2007 of its support for the Web-based *myRMP* program, developed cooperatively by TFI and the Asmark Institute. EPA is recommending that retailers nationwide use *myRMP*. The program was launched August 13 and is available for use by retailers across the country. "TFI has been a leader in retail RMP compliance assistance since EPA announced its rule and we published a retail guidance document in 1998," said TFI President **Ford B. West**. "We've had a nine year track record of work on this rule and are pleased that EPA has recognized our industry's work. The guidance will work to provide for more uniformity and consistency across the different regions of EPA."

MyRMP was developed and launched in a Web-based format in the spring of 2006 with a special emphasis on education and personalizing the experience and materials to a specific facility. The program came as a result of EPA's rule regarding the accident prevention provisions on the Clean Air Act of 1996, which requires facilities that handle ammonia in threshold quantities to prepare a risk management plan (RMP). This plan consists of three major components: a hazard assessment, a prevention program and an emergency response program in the event of a "worst case scenario" release of either product. "This new version of *myRMP* is very user-friendly and literally puts everything a retailer needs to effectively implement a RMP accident prevention program at their fingertips, all in one convenient suite," said Asmark Institute President **Allen Summers**. "New technology was applied to further enhance several aspects of the new guidance tool, including the ability to personalize materials such as the written operating procedures."

The requirement to first submit a RMP was June 21, 1999. A complete review and update is required every five years or whenever certain changes in the facility operation occur. The next five-year update will occur in June 2009, at which time it is expected that practically every retailer in the United States will access the new *myRMP* guidance for assistance with EPA's requirements. There are approximately 14,000 RMP facilities in the United States, of which roughly 3,500 are considered to be agricultural retailers. "TFI's *myRMP* materials provide practical advice, insights and guidelines for clearer understanding of the Risk Management Program and its implementation, particularly as applied to facilities in the retail ammonia fertilizer industry," wrote EPA Director of the Office of Emergency Management (OEM) **Deborah Dietrich**. "OEM believes that these materials outline an approach to compliance that will be very helpful to many fertilizer facilities covered by the Risk Management Program." EPA awarded the Asmark Institute a grant for its use of technology and work in developing *myRMP* and making it available free of cost to retailers nationwide.

Next Round of SPCC Revisions....Close to Release

The Asmark Institute was asked to partner with The Fertilizer Institute last December to develop a state-of-the-art web-based tool to help facilities comply with the SPCC requirements. Programming is in the testing stages while we wait for the next round of revisions from U.S. EPA. There has been activity recently within our industry that encourages facilities to proceed with developing a SPCC plan using an engineer. We believe proceeding with an engineered plan may be premature, especially in the case of most agricultural retailers, as we anticipate the next round of revisions to be released by U.S. EPA in the coming weeks. As a general rule, and until the outcome of the next round of revisions are known, we would recommend:

- Retailers with more than 10,000 gallons of oil products should already have a SPCC plan developed and certified by an engineer. If your facility falls in this category and doesn't already have a plan, we recommend you proceed with development of an engineered plan. We are familiar with the following engineering firms and suggest you consider their services for engineered plans.

- Hoffman Consulting, Inc.	Adam Hoffman	970-204-1574
- New Tech Engineering	Dennis Newman	309-557-6355
- Regulatory Consultants, Inc.	Ron Demaray	515-275-3119

- Retailers with 10,000 gallons or less of oil products have the option to "self-certify" their SPCC plan and may be well advised to wait to see what revisions U.S. EPA will propose in their next round of amendments, soon to be announced.

The new web-based tool developed in cooperation with TFI has been named *mySPCC* and will be built with the same standard of quality and user-friendliness as the recent *myRMP* Suite of Guidance. Users of *mySPCC* will be able to enter their facility information into the new web-based feature and produce a highly personalized SPCC plan tailored to their facility. We believe the "self-certification" feature may not be conducive to all retail facilities (definitely not a pencil-whipping exercise), so *mySPCC* has built-in a set of 26 qualifiers that assists in guiding the user at the beginning of the program. If found to be a candidate for "self-certification," the web-based *mySPCC* program will allow the user to proceed in developing their SPCC plan free of charge. *MySPCC* is planned for official launch in early October 2007.

Group Letter Sent Urging EPA to Finalize Container Recycling Rule

CropLife America (CLA) co-signed a letter to EPA Administrator Stephen Johnson requesting the EPA act quickly to publish a final regulation requiring pesticide registrant participation in recycling empty, non-refillable plastic pesticide containers. According to the group, there is agreement on the need to make the recycling program a regulatory requirement. "We believe national coordination and consistent funding are the keys to continuing stewardship," said CLA Government Affairs Leader Darren Pittman. Without EPA's rulemaking, current voluntary recycling programs are likely to suffer under state-by-state, piecemeal requirements. CLA believes a uniform, national recycling program offers the most effective incentive for proper rinsing and disposal of empty containers, as well as ensuring availability of inspection and collection centers. [Click here](#) to view the letter. Retailers interested in recycling are encouraged to forward a letter requesting Administrator Johnson finalize this rule promptly and without delay.

Fines Paid for Failing to Provide Immediate Notification of Ammonia Spills

U.S. EPA officials in Region 5 recently reported that two Wisconsin companies have agreed to pay \$57,000 to settle administrative cases involving the release of anhydrous ammonia. Ammonia releases greater than 100 pounds must be reported immediately. A retail farm supply agreed to pay \$20,956 to resolve the EPA's complaint that they failed to promptly report a 1,055 pound release of ammonia in October of 2004. A dairy farm agreed to pay a \$36,060 penalty and will perform an environmental project to resolve EPA's complaint for failing to provide immediate notification of a 2,805 pound release of ammonia.

DOT Increases Penalties for Hazmat Transportation Violations

Department of Transportation (DOT) published a final rule on July 5, 2007 that increases civil penalties for companies that violate hazardous materials transportation regulations. The DOT hazmat regulations apply to companies that ship, or offer for shipment, hazardous materials. Under the final rule, DOT will have authority

to assess fines up to \$50,000 per offense for violations of hazardous materials regulations, permits, or special orders. Under current law, the maximum amount is \$25,000. The rule authorizes the agency to assess a maximum fine of \$100,000 per offense if the violation causes death, serious illness, or injury of a person or substantial destruction of property. It also increases the fines related to hazardous materials training from \$250 to \$450 per violation. In addition, the rule increases the maximum penalties for violations of commercial vehicle "out-of-service" orders, which are issued because of an unsatisfactory safety rating. The penalty increases become effective September 4, 2007 and are required under the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

Ohio Farmers Face New Fertilizer Regulations

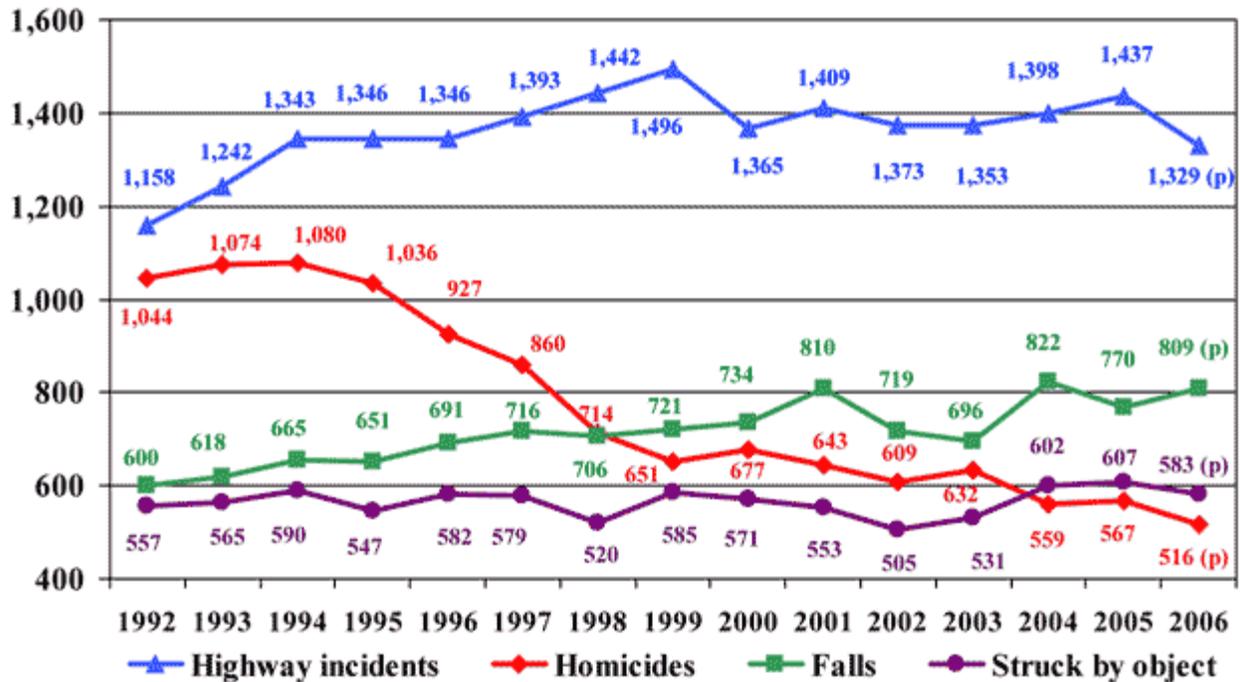
The Ohio Department of Agriculture is the latest state to put in place new containment regulations requiring farmers to install secondary containment structures to help contain bulk liquid fertilizer in the event of a spill. This became effective January 1, 2007 and affects farmers storing more than 5,000 gallons for more than 30 days per year. The new regulation, adopted in 2001, required immediate compliance on modified or new facilities constructed after January 1, 2002. Facilities constructed before 2002 were provided a five-year grace period to meet compliance. More than 775 farmers either have submitted plans, pending approval or have already made the required changes. When the regulation was implemented, the Ohio Department of Agriculture worked with Ohio State University Extension, fertilizer dealers, and the media to inform farmers of the new regulation.

National Census Details Fatal Occupational Injuries

There were 5,703 fatal work injuries in the United States in 2006, down slightly from the revised total of 5,734 fatalities in 2005. The rate of fatal work injuries in 2006 was 3.9 per 100,000 workers, down from a rate of 4.0 per 100,000 in 2005. The overall fatal work injury rate for the U.S. in 2006 was lower than the rate for any year since the fatality census was first conducted in 1992. Fatal work injuries involving falls increased 5 percent in 2006 after a sharp decrease in 2005. The 809 fatal falls in 2006 was the third highest total since 1992, when the fatality census began. Fatal falls from roofs increased from 160 fatalities in 2005 to 184 in 2006, a rise of 15 percent. This should serve as a warning to watch for new regulatory actions to further address fall prevention.

Four most frequent work-related fatal events, 1992–2006

Number of fatalities



p = Preliminary

NOTE: Data from 2001 exclude fatalities resulting from the September 11 terrorist attacks.

SOURCE: U.S. Bureau of Labor Statistics, U.S. Department of Labor, 2007

Brewing A Blast-less Fertilizer

Down in our green, rolling hills and farmlands around Lexington, Kentucky, Darrell Taulbee can be found mixing up a batch of his homegrown fertilizer. But he's not looking to grow a better Big Boy tomato plant or distill a smoother bourbon. Funded by the University of Kentucky and the Department of Homeland Security's Science & Technology (S&T) program, Taulbee sets his sights on something far more sinister. Darrell Taulbee putters with this stuff to make sure another Oklahoma bombing never happens again. It was common ammonium nitrate fertilizer that Timothy McVeigh used to build the bomb that destroyed the Murrah Building, killing 167 innocent men, women, and especially children. Mixing ammonium nitrate with fuel oil, McVeigh brought us a homegrown brand of terrorism and a raw grief from which we still reel. Ammonium nitrate (AN) is a fertilizer used to grow many crops, but when combined with fuel oil (FO), it becomes ANFO, an explosive mixture of terrifying potential. The United States produces and imports millions of tons of it every year. Taulbee is looking for ways to reduce the destructive power of AN. He is eyeing coal combustion by-products—fly ash from electric power plants (120 million tons are produced yearly at coal-burning power plants)—to make AN less deadly. He coats AN pellets with fly-ash, packs them into metal canisters, and takes them deep into the Kentucky hills. There he blows them up. Taulbee is methodical. With Tom Thurman, a retired bomb-scene investigator for the FBI now at Eastern Kentucky University, he learned that a mix of 20 percent coal ash to 80 percent AN keeps an explosion from burning all its fuel. This renders a blast far less violent. There are currently no commercially available options totally effective in preventing ammonium nitrate from being used as an explosive. Coal ash won't stop the blast from initiating, but research shows it will stop it from propagating. Mike Matthews oversees Taulbee's research for S&T. He says, "If Taulbee can eliminate much of the "McVeigh" factor in ammonium nitrate fertilizers, it will go a long way in helping to contain the threat of these homegrown fertilizer bombs." Note: This story has been adapted from a news release issued by Department of Homeland Security.

New Fertilizer Rule Protects Florida's "Liquid Heart"

The Florida Department of Agriculture and Consumer Services (DACS) adopted a final rule on August 30, 2007 limiting the phosphorus and nitrogen content in fertilizers for urban turf and lawns. The Urban Turf Fertilizer Rule will reduce the amount of nitrogen and phosphorus applied in urban areas, limiting the amount of those compounds reaching Florida waters, including the lake called Florida's "Liquid Heart," Lake Okeechobee. DACS expects a 20 to 25 percent reduction in nitrogen and a 15 percent reduction in phosphorus in every bag of fertilizer sold to the public. The new rule requires that all fertilizer products labeled for use on urban turf, sports turf and lawns be limited to the amount of nitrogen and phosphorus needed to support healthy turf maintenance.

The new rule was developed by the Florida Department of Agriculture and Consumer Services with input from the Florida Fertilizer & Agrichemical Association (FFAA), University of Florida's Institute of Food and Agricultural Sciences, the Florida Department of Environmental Protection, the state's five water management districts, the Florida League of Cities, Florida Association of Counties, fertilizer manufacturers and concerned citizens. Representatives of FFAA participated in every workshop leading up to the rule adoption and Executive Director, **Mary Hartney** gives special thanks to **Jim Skillen** with the Responsible Industry for a Sound Environment (RISE) for the national perspective and scientific assessment he brought to the process. **Erica Santella** with Tru-Green was another valuable ally in inserting reason into the urban fertilizer debate. FFAA also appreciated the turfgrass researchers from the University of Florida Institute of Food and Agricultural Sciences who provided much needed information on the role of turf in the urban environment and who served as sources of the best available science in Florida on best management practices to prevent leaching or run-off of nutrients.

FFAA supported an effort in the 2007 Florida Legislative Session to create a temporary moratorium on county and municipal fertilizer ordinances while a Consumer Fertilizer Task Force studied the issue. The preemption language was stripped from the bill but the Task Force survived. The first meeting of the Florida Consumer Fertilizer Task Force is September 6 in Sarasota. The fertilizer industry is represented on the 13-member task force by **Rich Martinez**, with The Scott's Company, and **Ron Olson**, with Mosaic.

Conservation and nutrient management plans have been completed for over 400,000 acres of agricultural lands in the watershed. \$7.5 million has been invested in individual projects to reduce phosphorus from dairy farms, restore isolated wetlands, treat urban stormwater and enhance water storage and habitat on ranchlands, and treated more than 32,000 acres of exotic and invasive vegetation.

The job of the Florida Consumer Fertilizer Task Force is to:

- Assess existing data and information regarding nutrient enrichment and surface waters due to fertilizer, assess management strategies for reducing water quality impacts associated with fertilizer, and identify additional research needs;
- Develop statewide guidelines governing nonagricultural fertilizer use rates, formulations, and applications with attention to geographic regions;
- Take public input and testimony concerning these issues;
- Recommend methods to ensure local ordinances are based on best available data and science and to achieve uniformity among local government ordinances where possible, unless local ordinance variations are necessary to meet mandated state and federal water quality standards; and,
- Develop model ordinances for municipalities and counties concerning the use of nonagricultural fertilizer.
- A report of the recommendations and findings of the task force, including recommendations for statutory changes, if any, is due to the President of the Senate and the Speaker of the House of Representatives by January 15, 2008.

More information about the Florida Consumer Fertilizer Task Force and its schedule of meetings can be found by [clicking here](#).

North Carolina Record-Keeping Bill Dead

In North Carolina, HB 1818, a bill that would require records on the sale and application of pesticides is dead for this session. CropLife America (CLA) worked with other ag interests in the state to oppose this legislation. CLA and others testified that the bill was duplicative and unnecessary and would result in additional costs to applicators, dealers and to the state.

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