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Best Wishes for a Safe, Healthy & Prosperous New Year!

One of the real joys of ringing in a New Year is the opportunity to say *"Thank You"* and to wish you the very best for a safe, healthy and prosperous 2008! We appreciate our relationship with you and your organization and the opportunity to work with you in 2008!

20 days to Top-Screen Deadline

The Department of Homeland Security (DHS) finally published Appendix A, the List of Regulated Chemicals, in the [Federal Register](#) on November 20, 2007. Appendix A specifies the threshold quantities of chemicals that must be reviewed for compliance with the Chemical Facility Anti-Terrorism Standards (CFATS). Any facility that possesses (or later comes into possession of) the listed chemicals in quantities that meet or exceed the screening threshold quantity will have 60 days from the November 20th date to review and complete (if applicable) the CFATS requirements. DHS has posted an announcement on its website extending the Top-Screen submission deadline date to Tuesday, January 22, 2008, due to the weekend and Federal holiday on Monday, January 21, 2008.

Flurry of DHS Activity - Heads Up!

The Department of Homeland Security (DHS) became the center of much activity on December 20 & 21, 2007 when it released new information to the regulated community, subject to the Chemical Facility Anti-Terrorism Standards (CFATS). Timing of the release of information, just prior to the Christmas and New Year holiday season, and with what appears to be additional requirements, should prompt serious inquiry of DHS. Released at a time when DHS officials weren't possibly available to provide answers, the clock is still ticking towards the January 22, 2008 deadline to complete the CFATS process. Within the following bullets, we will attempt to summarize the recent DHS activity. Please be advised the recent flurry of activity undoubtedly prompts more questions than it helps to address.

- **Calcium ammonium nitrate** was confirmed NOT to be a chemical of interest by DHS at an industry meeting held on December 20, 2007. DHS officials previously indicated both verbally, and in writing they had no interest in capturing calcium ammonium nitrate as a chemical of interest. Information available from the MSDS for the products distributed in the U.S. caused industry to question whether the product normally referred to as "CAN 27" was regulated by DHS or not. Our thanks go out to **Richard Gupton** with the Agricultural Retailers Association (ARA) and **Kris Ballweg** with The Fertilizer Institute (TFI) for their persistence in obtaining this answer. We will be maintaining on file a set of the notes from the meeting as documentation. Also look for this interpretation to be posted on Ask ERICA.
- **Farmers received an indefinite stay from the Top-Screen Process** on December 21, 2007 from a letter issued by **Robert Stephan**, Assistant Secretary at DHS. *"Until further notice"* - the letter goes on to essentially exempt farmers from the CFATS Top-Screen process. Specifically, the letter includes the wording the *"extension does NOT apply to chemical distribution facilities, or commercial chemical application services."* A copy of the letter can be requested via email by contacting **Donna** at the Asmark Institute at donna@asmark.org.

- **DHS revised the CSAT Top-Screen User's Manual** on December 20, 2007. [Click here](#) for a copy of the revised document.
- **Revised Top-Screen now requires reporting fuels** regardless of whether they contain any DHS chemicals of interest or not. Please refer to Section 5.2 of the December 2007 edition of the Top-Screen User's Manual (pages 33-35) for specific wording. It appears that completion of the Top-Screen is now required by all facilities, other than those covered by MTSA, possessing 60,000 pounds or more of fuel, including gasoline and diesel fuel.
- **Aluminum Phosphide** is a common grain fumigant that also happens to be required to be placarded by DOT in amounts of any quantity. Confusion has persisted since DHS published the final Appendix A on November 21, 2007. DHS has now confirmed it is NOT their intent to apply the CFATS rules to end-users of fumigants at grain elevators, feed mills and grain processing plants. This interpretation does not extend to facilities that distribute (ship) the product to end-users.

Ammonium Nitrate Legislation Goes to President

The U.S. House of Representatives and the U.S. Senate passed the "Secure Handling of Ammonium Nitrate Act of 2007" (H.R. 1680) as part of the year-end domestic spending bill. The spending bill is now headed to President George W. Bush's desk to be signed into law. "TFI is a key supporter of the ammonium nitrate legislation, which creates a uniform, national regulatory system for securing ammonium nitrate," said **Ford West**, President of the Fertilizer Institute (TFI). "Thanks to this legislation, the good that our industry's products can deliver will not be overshadowed by an individual with criminal intent."

The bill requires 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 requires all ammonium nitrate facilities and purchasers to register with DHS. In a statement to the full House earlier this week, Representative **Bennie Thompson** (D-Miss.) clarified that the intent of this legislation is to require the registration of those that take possession of ammonium nitrate. All registrations are to be checked against the terrorist watch list, and in this regard, the bill also includes provisions for expedited reviews of registration applications, notification of application status and appeals process. In addition, the bill requires producers and sellers to maintain records of all sales for two years, including the purchaser's name, address, phone number and registration number, and the date and quantity of ammonium nitrate sold.

Payne and Willard Nominated to Serve on Agricultural Advisory Committee

We extend our congratulations to **Jean Payne**, President of the Illinois Fertilizer & Chemical Association, and **Billy Willard**, President of Willard Agri-Services of Frederick, MD, on their recent nomination to serve on EPA's Farm, Ranch and Rural Communities Federal Advisory Committee. The Fertilizer Institute nominated the two agricultural leaders to serve on the committee, which is being formed under the guidelines of the National Strategy for Agriculture. The committee will advise the administrator on environmental policy issues impacting farms, ranches and rural communities, and operate under the rules of the Federal Advisory Committee Act (FACA).

California Amends Intrastate Hours-of-Service Regulations

The California Highway Patrol amended its hours-of-service (HOS) regulations for intrastate operations. Effective November 11, 2007, an intrastate truck driver may not drive more than 12 cumulative hours following 10 consecutive hours off duty or for any period after the end of the 16th hour after coming on duty following 10 consecutive hours off duty.

Additionally, an intrastate driver of a tank vehicle with a capacity of more than 500 gallons transporting flammable liquid may not drive more than 10 hours following 10 consecutive hours off duty and after the end of the 16th hour after coming on duty following 10 consecutive hours off duty. Also, the new requirements maintain a 80 hour/8 day limit, but add a 34 hour restart provision. The amendments do not apply to motor carriers and drivers engaged in interstate commerce and drivers of vehicles transporting hazardous substances or hazardous waste, as defined in 49 CFR 171.8. These drivers must comply with the Federal driver hours-of-service regulations contained in 49 CFR 395.

More California News: Driving and Cell Phones

On and after July 1, 2008, people under 18 years old may not drive a motor vehicle in California while using a cell phone, pager, or laptop. [Click here](#) for the news release.

DOT Proposes Entry-Level Training

The Federal Motor Carrier Safety Administration (FMCSA) proposed on December 26, 2007 to revise the standards for mandatory training requirements for entry-level operators of commercial motor vehicles (CMVs) in interstate operations who are required to possess a commercial driver's license (CDL). The proposed rule would not apply to drivers who currently possess a CDL or obtain a CDL before a date 3 years after a final rule goes into effect. Following that date, persons applying for new or upgraded CDLs would be required to successfully complete specified minimum classroom and behind-the-wheel training from an accredited institution or program. The State driver-licensing agency would only issue a CDL if the applicant presented a valid Driver Training Certificate obtained from an accredited institution or program. FMCSA intends to strengthen the Agency's entry level driver training requirements as a means to enhance the safety of CMV operations on our Nation's highways. Comments must be received on or before March 25, 2008. [Click here](#) for a copy of the rule.

Asmark Institute Launches VIP Network

The Asmark Institute recently announced plans are underway to provide a Videoconference Internet Protocol (VIP) Network to its affiliated state and national organizations. The VIP Network allows live video, audio and data to be transmitted across the Internet, enabling participants from two different geographic locations to meet synchronously. President Bush utilizes this same videoconferencing technology at his Crawford, TX ranch to receive his morning briefings from the White House and in a variety of meetings with federal, state and local officials. The VIP Network will help facilitate collaborative efforts between the agricultural inputs industry and governmental agencies, many of which are already equipped with videoconferencing technology.



"Two essential elements critical to the future success of our industry are collaboration and technology," said **Allen Summers**, President of the Asmark Institute. "Collaboration, or the sharing of talent, time and resources, will continue to leverage the positive effects of all who effectively participate. The smart adoption of technology such as videoconferencing will be a powerful force in gaining new efficiencies and controlling costs in the future," added Summers.

The credit for launching the network stems back to a conversation with **Tom Tunnel**, President of the Kansas Agribusiness Retailers Association. The conversation focused on ways to utilize technology to control the rising costs associated with travel for meetings and events. It was from this conversation, the Asmark Institute went to work on the merits of making the technology available to its affiliates.

This technology is heralded to change the way we communicate, collaborate and work in the future. It's hard to imagine a solution that brings everyone together in real-time with no travel, however, this technology has been around for some time. Government and large corporations have utilized videoconferencing since the late 1980's. With the standardization of network protocols and equipment standards over the past 15 years, users can now transparently meet with the simplicity comparable to dialing a phone. Additionally, for every three meetings held by videoconference instead of flying cross-country, is the equivalent of taking a car completely off the highway for an entire year.

U.S. EPA Publishes "Ten Tips for RMP Inspections"

U.S. EPA Region 7 located in Kansas City, Kansas has published a Fact Sheet titled "Ten Tips to Prepare for EPA Risk Management Program Inspections." The fact sheet was prepared to assist anhydrous ammonia retailers that handle, process or store anhydrous ammonia above a threshold quantity of 10,000 pounds and are required to comply with the Risk Management Program requirements. The Fact Sheet recommends users

access the new myRMP Suite of Retail Guidance Materials developed by The Fertilizer Institute and the Asmark Institute. [Click here](#) for a copy of the Fact Sheet. For additional information, contact **George Hess**, Senior Specialist with U.S. EPA Region 7, by phone at 913-551-7540.

Nebraska Cooperative Settles Violation With Equipment Purchase

A Gretna, Nebraska ammonia dealer will purchase emergency response equipment valued at more than \$27,000 for the Gretna Volunteer Fire and Rescue Department, and will pay a \$5,650 penalty as settlement for violations occurring after an anhydrous ammonia spill in April 2006.

EPA Region 7 and the cooperative, an anhydrous ammonia dealer in Gretna, have agreed to a settlement of violations of EPA's emergency notification laws. The cooperative failed to immediately notify emergency responders after a release of 3,880 pounds of anhydrous ammonia to the air. The release occurred at an intersection of two highways and was the result of a car accident involving a nurse tank being towed behind a pickup truck owned by the dealer. The release required shutting down both highways and evacuation of nearby homes. The first emergency responders on the scene had been notified of the accident, but were unaware of the hazardous chemical release, thus putting them at risk for exposure. The Elkhorn and Waterloo Fire Departments, Douglas County Sheriff, Nebraska State Patrol, Nebraska Department of Transportation, and Omaha Fire Department HazMat Team responded to the accident.

The cooperative willingly negotiated with EPA to settle the case in a way that will have long term benefits for the community. The emergency response equipment the cooperative will purchase for the Gretna fire department will help protect both the emergency responders and the public from harm in the event of a hazardous substance release. [Click here](#) for the news release from U.S. EPA.

New 2008 Emergency Response Guidebook - Delayed

The new version of the "little orange book" was originally scheduled to be shipped sometime in early 2008 but has been delayed. The 2008 version will replace the existing 2004 version. We will offer a special "group" price when the new books come available. We pre-order a substantial volume from our supplier and pass the savings on to our clients and affiliates. We anticipate the 2008 ERG price to be about \$1.25 plus freight. Watch your mail - you will receive a special mailing with an order form enclosed.

IRS Announces 2008 Standard Mileage Rates

IRS issued its 2008 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes. Effective January 1, 2008, the standard mileage rates for the use of a car (including vans, pickups, or panel trucks) will be: 50.5 cents per mile driven for business miles; 19 cents per mile driven for medical or moving purposes; and 14 cents per mile driven in service of charitable organizations. These rates can be used in lieu of recording actual operating costs.

Editor Reaches Milestone

This edition is the one-year milestone for **Donna Powell** and a great opportunity to thank her for her contribution over the past year. Donna is our Editor responsible for *Bits & Pieces*, *Risk Management Newsletter* and *Safety Matters*, the safety bulletin published on behalf of the National Agronomic Environmental Health and Safety School. Donna is an English Major with a passion for communications and has helped make sure our communications were timely, accurate and the best that they could be under some pretty tough circumstances and deadlines. As always, we welcome any comments, suggestions, ideas or feedback you may have on these communications.

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