



Volume 53

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Annual Reporting Deadline Passes

As a reminder worth mentioning, SARA Tier II and Pesticide Production Report submissions were due on March 1st. These are annual requirements that most retailers are familiar with, however, the penalties are quite severe for non-compliance. Because March 1st fell on a Saturday this year, the deadline is actually today. We believe it is prudent to remind our members of the deadline, just in case the reports are still sitting on their desks.

- Pesticide Production Report - The Asmark Institute submits and documents receipt by U.S. EPA of the Pesticide Production Report. File copies and proof of receipt by U.S. EPA will be mailed to each facility in early March.
- SARA Tier II Report - For this report, the Asmark Institute provided either a Master Report to be used by the facility personnel in reporting and certifying the data electronically as mandated by their state or, traditional copies to be signed/certified and submitted/mailed to their State Emergency Response Commission, Local Emergency Planning Commission and Fire Department. **Reminder!** Please check to make sure you have submitted your SARA Tier II.

Watch Your Mail for 2008 Regulatory Posters

The popular set of three posters have once again been updated and mailed just in time for the 2008 season. The mailing date was February 29, 2008. Please watch your mail!

Reminder: Time to Post Your 300A

If you haven't already done so, it's time to complete your 2007 injury and illness recordkeeping obligations by posting the Summary of Work-Related Injuries and Illnesses (OSHA Form 300A). OSHA requires that the notice be displayed from February 1st to April 30th of each year in a conspicuous place where employee notices are customarily posted. A company official must certify the information in Form 300A was examined and is believed to be correct and complete. More information on the OSHA Form 300A requirements can be found in the Hazard Communication section of your Compliance Manual.

Spotlight: Agrium Retail

Over 85% of our members return their training certificates from the monthly safety meetings by the established deadline each month. In fact, we have a considerable number of members with up to 20 locations that have an excellent track record and are rarely late. For the larger companies, the odds are stacked against them in achieving 100% monthly training returned on-time. We thought it was quite remarkable when 100% of the Agrium Retail locations, which is comprised of Crop Production Services and Western Farm Service, successfully completed and returned their February monthly training on-time. We are sure this was no small task, given the sheer number of locations, and goes to show what can be accomplished with focus and determination. Congratulations and keep up the good work!

FOIA Notes on Calcium Nitrate Received

The Fertilizer Institute requested under the Freedom of Information Act (FOIA), the minutes from the December 20, 2007 Chemical Sector Compliance Division (CSCD) meeting. This was the meeting that CSCD Director **Larry Stanton** verbally stated that calcium ammonium nitrate (CAN-27) is not subject to the CFATS requirements. The FOIA request was fulfilled by DHS this week and the notes are available upon request. The interpretation concerning calcium ammonium nitrate has been posted to the Ask ERICA website and will be published in the March issue of CropLife Magazine. Click [here](#) to access Ask Erica.

Out & About

The Agricultural Retailers Association held their board meeting and committee meetings on February 25-27th in Washington, DC. **Allen Summers** and **Amber Duke** attended these meetings, and while in town, they also stopped in to see CropLife America and The Fertilizer Institute, as well as DOT, EPA and several other appointments. The trip was a whirlwind introduction for Amber to our partners inside the beltway. It was a very productive week as the meetings produced a variety of information that will be important to our members.

- The Fertilizer Institute (TFI) and the Asmark Institute are continuing to work with U.S. EPA on **mySPCC** web-based retail compliance program. Representatives from the three organizations met this week to discuss progress on the initiatives. U.S. EPA expressed its content with the **myRMP** tool and how well it has worked to gain compliance from retail facilities. We are continuing discussions to complete a similar agreeable tool regarding the proposed Spill Prevention, Control, and Countermeasure (SPCC) Plan rule. The final rule is not due to be finalized until later in 2008.
- With the next 5-year Risk Management Plan (RMP) update due in June 2009, we learned that U.S. EPA will be transitioning from using the RMP*Submit program to a new web-based version of Web RC. Web RC (short for reporting center) will eliminate the need for submission of diskettes, Certified Mail, etc. due to its web-based storage of data on U.S. EPA's website. Users will most likely be categorized into "preparers" and "submitters" and be required to complete a strict prescribed set of procedures much like the Department of Homeland Security used for the recent CFATS process. It appears Web RC may provide several very positive improvements over the current RMP*Submit system. Web RC is expected to be posted live in January 2009, well ahead of the June anniversary date.
- **Pamela Guffain**, with TFI, along with the Asmark Institute, **Tom Neally** with GROWMARK, **J. Billy Pirkle** with Agrium, **Cliff Schoettmer** with Schoettmer Enterprises, and **Mona Bond** with the Agribusiness Association of Iowa, met with representatives from DOT to discuss recommendations regarding the inspection of nurse tanks. As previously reported by TFI, DOT must act on the recommendations of the National Transportation Safety Board (NTSB) issued in 2004 as a result of a nurse tank rupture in Iowa. DOT will initiate a rulemaking regarding inspections for all nurse tanks sometime in the near future and has asked TFI and industry to provide input into the process. The meeting provided a great forum for exchange of information.
- In a meeting sponsored by the Agricultural Retailers Association (ARA), **Bill Jordan** with U.S. EPA, Office of Pesticide Programs, introduced plans to develop a web-based labeling system for pesticide labels. Pesticide labels are currently required to be affixed to each container of pesticide, whether it be a jug, minibulk or bulk container. Federal rules require the label to accompany the pesticide through to the end user. In many cases, changes to the label occur between the time the label is affixed to the container and when the pesticide is eventually used, thus subjecting the user to outdated information. U.S. EPA indicated the new rule would require the end user (the retailer or the farmer) to access their website and print off the current copy of each label at the point and time of sale. Jordan cited several circumstances whereby the web-based labeling system would be an improvement for the agency, but had not encountered any comments from industry regarding the increased burden of downloading and printing labels at the point of sale. This issue warrants your

attention as the agency proceeds with the development of the final rule. Thanks to **Richard Gupton** and **Jim Thrift** with ARA for bringing this issue to the attention of our industry. We will continue to monitor this issue and report on it in future editions of this newsletter.

Salute to CropLife America

CropLife America celebrates its 75th anniversary this year and a special publication "Salute to CropLife America" has been published by AgriMarketing magazine. The staff at AgriMarketing did an outstanding job in creating the commemorative piece and we recommend that you view the piece online by visiting www.AgriMarketingDigital.com. The publication went online this past week, and according to **Lynn Henderson** at AgriMarketing magazine, that within hours of its online release "Salute to CropLife America" had been viewed by over 1,000 people. The Asmark Institute participated in the piece commemorating CropLife's accomplishments, with a special spot highlighting their expertise in communication and leadership. We salute **Jay Vroom** and the entire CropLife America organization for their outstanding leadership and service to our industry. Few organizations survive the test of time with such superior results.

EPA Proposes Pesticide Container Recycling Rule

EPA announced in late January that it will develop a regulation requiring registrants of agricultural and professional specialty pesticides to recycle plastic pesticide containers. CropLife America (CLA) received advanced word on this change in direction in a phone call with EPA's **Jim Gulliford**. EPA expects to publish a proposed rule by the Fall of 2008, with a 60-day comment period. Report language in the 2008 omnibus appropriations legislation urging EPA to publish such a rule within 180 days, which CLA lobbied for successfully, was instrumental in releasing the hold on this rulemaking. CropLife America applauds the Agency for moving ahead with this important rule, but has expressed concerns that the announced schedule will leave publication of a final rule for a new presidential administration. CLA is exploring ways of compressing the time line.

Willard & Vroom Named to Agricultural Advisory Committee

We extend our congratulations to **Billy Willard**, co-owner of Willard Agri-Service in Frederick, MD and **Jay Vroom**, President and CEO of CropLife America, on their recent appointment to serve on EPA's first-ever Farm, Ranch and Rural Communities Federal Advisory Committee. The committee is 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). Willard and Vroom were nominated for service on the committee and were selected by the agency from a group of more than 200 applicants for this 30 member committee. Click [here](#) to see the complete list of committee members.

Preemption of DHS Rules

States seeking to write their own chemical plant security will still have to overcome the jurisdiction of federal rules, despite the recent passage of a law intended to end the dispute over the issue. Activists celebrated last month when **Senator Frank Lautenberg** (D-New Jersey) amended a Department of Homeland Security fiscal 2008 appropriations bill to include language allowing states the right to preempt agency regulations governing chemical facility security, a right that was denied local-level regulators since **Senator Susan Collins** (R-Maine) and **Senator Joe Lieberman** (I-Connecticut) introduced the first bill proposing the regulations in 2005. Lautenberg's amendment gives states the right to create their own rules governing chemical facility security if the state laws are more stringent than, and do not conflict with, DHS requirements. **President Bush** signed the provision into law as part of the 2008 appropriations omnibus shortly before the end of last year. Industry fears that state preemption would lead to a patchwork of security protocols that would confuse facility owners and disrupt interstate commerce. Even with the law, states may be restrained from enacting their own forms of state-specific security requirements, because a clause in Lautenberg's amendment to the bill causes a problem for states by exposing such efforts to legal challenges from the chemical industry. The amendment leaves state efforts to preempt federal law open to legal challenge at a time when states are not eager to incur the expense or tackle additional challenges of this magnitude.

List of Hazardous Substances and Reportable Quantities Revised

The Pipeline and Hazardous Materials Safety Administration (PHMSA) has issued a final rule that amends the Hazardous Materials Regulations (HMR) by revising the list of hazardous substances and reportable quantities (RQs) and by correcting editorial errors to the list of hazardous substances and RQs. Superfund (i.e., CERCLA) requires PHMSA to list and regulate all hazardous substances designated by the Environmental Protection Agency (EPA). This final rule enables shippers and carriers to identify the affected hazardous substances, comply with all applicable regulatory requirements, and make the required notifications, if the release of a hazardous substance occurs. The final rule becomes effective March 31, 2008 and revises the List of Hazardous Substances and Reportable Quantities that appears in Table 1 of Appendix A to Section 172.101 to be consistent with EPA's List of Hazardous Substances and Reportable Quantities in 40 CFR 302.4 (Table 302.4). The changes made in this final rule are based on several EPA final rules that added, corrected, or deleted entries to Table 302.4. In addition, this final rule revises the List of Hazardous Substances and Reportable Quantities to correct typographical errors or insert inadvertent omissions from previous PHMSA rulemakings that revised the list based on previous EPA rule changes.

Canada Reclassifies Anhydrous Ammonia

On February 20, The Fertilizer Institute (TFI) reported that Transport Canada issued the final regulations in Gazette II to reclassify anhydrous ammonia in Canada. TFI has worked closely with the Canadian Fertilizer Institute (CFI) and industry members for several years to reach a compromise with Transport Canada, from which this rule originated. Effective August 31, 2008, transportation containers of anhydrous ammonia in Canada must be marked with either a Class 2.3 toxic gas placard, or the unique placard negotiated with Transport Canada. The unique placard would be marked UN1005, with black numbers on white background and the black gas cylinder symbol. The containers using the unique placard must also be marked on two sides with the words "Anhydrous Ammonia, Inhalation Hazard." The changes in the Canadian regulations do not affect the transborder movement of ammonia. For shipments from Canada, either Canadian placard is recognized under the reciprocity provisions of DOT regulations. The reciprocity provisions have existed for many years and were recently reaffirmed in a final rule issued by DOT on May 3, 2007. Shipments into Canada must display one of the Canadian placards and not the U.S. 2.2 placard.

Understanding the Cost of a Claim

According to a recent national survey of occupational physicians, about 90 percent of all workplace injuries should require no more than three lost workdays for medical reasons. In reality, even simple accidents sometimes result in injured workers being out for weeks or even months, which can push up the cost of claims unnecessarily. But that's only the tip of this iceberg. What many people don't realize is that the longer injured employees stay away from work, the less likely it is that they will ever return. And the hidden costs jump astronomically. According to statistics, the leading causes of workplace injuries are:

1. Overexertion
2. Falls on the same level
3. Bodily reaction (bending, climbing, slipping or tripping without falling)
4. Falls to lower level
5. Struck by object
6. Highway incidents
7. Repetitive motion
8. Struck against object
9. Caught in or compressed by equipment

2008 Environmental Respect Award Program Launched

DuPont Crop Protection and CropLife magazine have announced the launch of the 2008 Environmental Respect Awards. The deadline for entry is April 30, 2008. The Environmental Respect Awards are sponsored by CropLife magazine and DuPont Crop Protection. The award is widely recognized as the agricultural industry's highest achievement for environmental stewardship among U.S. agricultural retailers. The program honors businesses for excellence in site design, in-plant storage and handling procedures, proper application

and leadership in safety and stewardship among customers and employees. We encourage our clients and affiliates to enter. Click [here](#) for more information.

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