

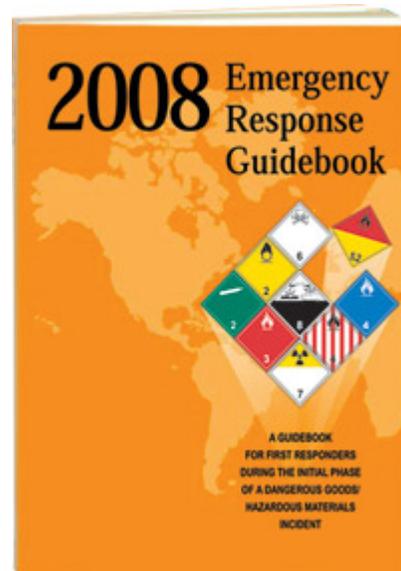


Volume 54

May 1, 2008

Sam Walton Would be Proud...

Every four years, the Department of Transportation issues a revised Emergency Response Guidebook (ERG). DOT has announced the new 2008 version will be available in May or June. The 2008 version will replace the existing 2004 version. In anticipation of its release, **Dustin Warder** secured a substantial volume of guidebooks at a special pre-published price of \$1.25 each for the handy pocketbook size of the ERG (4" x 5-1/2"). We believe this to be a price that even Wal-Mart would be proud of. The special price is good while supplies last, so don't delay in placing your order. [Click here](#) to place your order if you are a retainer client of the Asmark Institute.



Postage Stamps Set to Increase...Again

On the eve of the seventh price increase in postage since 1998, we thought it would be a great time to point out there are few organizations that have managed to hold the line on costs over the years. This year marks the tenth year the Asmark Institute has operated without an increase in our retainer cost. In this day and time, we believe this to be quite remarkable. This accomplishment would not have been possible without the continued investment in technology, pursuit of innovation and our clients' cooperation in embracing and implementing the improvements. The retainer price has been held even considering the number of new regulatory requirements introduced over the past decade. While there are several new regulatory requirements and the possibility of a new political climate on the horizon, we are committed to continuing our track record of the past ten years. For old times sake, remember ten years ago when postage stamps were 32 cents, diesel fuel was only 90 cents a gallon and a box of paper was less than \$10.

Register Today for the 2008 Emergency Response Full Course

Invitations to the 2008 courses were mailed on April 10th and classes are filling up. There will be five weeks of training this year for the full four-day course provided at our training facility in Owensboro, Kentucky. Some classes are almost full. Register today to ensure you get the class you prefer. Register online by [clicking here](#).

CFATS Update....Hurry Up and Wait

Like most industry professionals, we thought the Department of Homeland Security (DHS) would respond to our facilities fairly quickly after the January 22 deadline to complete the Top-Screen. We have now received the second notice announcing delays in DHS issuing their letters notifying facilities of their CFATS status. We believe the delays will continue through the summer, pushing the notifications and workload into 2009, and after the presidential election. All we know to tell you at this point is to stay tuned.

Ton of Training Certificates Hit the Shredder

As a standard policy, the Asmark Institute has retained every original training certificate we received from our clients. Ten years ago we implemented a document imaging system that provides for the electronic storage and retrieval of the certificates. This system indexes the certificates in a way that has eliminated the need for the paper copy as backup. On May 15, 2008 more than a ton of training certificates will be shredded to reflect the Institute's new policy. The new policy has been established to retain the original paper-copy certificates for the past three years in storage. The new policy also matches the DOT requirements for driver qualification files. If you have questions about this new policy, please contact Allen or Randy prior to May 15th.

New DVDs (and more) are Coming!

We are well into the project to replace the set of training videos with a new set of DVDs. The new set will be expanded to a box set of six DVDs and is scheduled to ship the week of December 8th. All of the videos and the Employee Handbook will be reviewed and updated this year as part of a major project that cost over \$200,000 and has taken more than 18 months to prepare. The footage on DVD Number 1 and 2 will be completely re-shot. For the rest of the subjects, only a few scenes have become outdated and will need to be updated.

The new set of DVDs will include two new subjects. An Aqua Ammonia Safety training program is being produced in cooperation with the Western Plant Health Association this year and will be added to the set. We plan to also add a third-party training program on DOT's 2-Hour Drug & Alcohol Training for Supervisors to the set. The new set will be packaged in a smaller, more compact case for easier storage.

New for 2009! The Asmark Institute is producing a new set of Spanish training programs that are also scheduled to ship the week of December 8th. Plans are to introduce a Spanish version of the new set of English DVDs. The new Spanish sets will be available upon request to any of our clients that need them.

We are pleased the \$1.00 per subject cost for training will remain in effect as it has since 1997. This price will extend to the new Spanish training programs. **Note: Please plan ahead to have your DVD player in place and ready by the December exchange date.**

Summary Report on Farm-Related (Seasonal) Restricted CDL

Each year at this time we receive a wave of questions regarding the Farm-Related Restricted Commercial Drivers License (CDL), commonly referred to as the Seasonal Ag or Ag Restricted CDL. This class of CDL is very beneficial to our industry during peak seasons. The federal government allows states to issue this type of CDL but does not mandate their participation or support - which generates a fair amount of confusion. **Betty Sapp** has compiled a summary report that includes information on each state that we have affiliates or clients. This report will be available Friday on the homepage of our website under the Hot Button. [Click here](#) to access our homepage.

UPS Drop Boxes Now Accept Ground Packages

UPS Drop Boxes have always been available for your express shipments, but now the boxes are available for UPS Ground shipments as well. Wherever you are located, one of UPS's 40,000 Drop Boxes are likely to be near. About 65 percent of the U.S. population is within one mile of a drop-box location for packages of all service levels, and 91 percent is within five miles of one. To find the Drop Boxes near you, [click here](#).

OSHA Issues New Lockout/Tagout Guidance

A new directive provides guidance to OSHA personnel concerning the Agency's policy, procedures, and technical interpretations regarding the enforcement of the Control of Hazardous Energy (Lockout/Tagout) Standard, 29 CFR 1910.147, and other related standards. This directive cancels the September 11, 1990, OSHA Instruction and has been significantly modified by:

- Including citation examples and additional guidance regarding affirmative defenses;
- Incorporation of compliance assistance flowcharts;
- Including additional guidance on the minor servicing exception, specific energy control procedures,

- periodic inspections, and unexpected energization;
- Including additional information and guidance on alternative methods to lockout/tagout;
- Including general reference material for information pertinent to hazardous energy control;
- Adding vehicle repair and maintenance standards and practices; and
- Providing Compliance Officer Safety guidelines.

Comment Period Extended on Entry-level Operator Proposal

The Federal Motor Carrier Safety Administration (FMCSA) extended the comment period for its notice of proposed rulemaking until May 23, 2008. The Notice affects the proposal on Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators. Comments can be submitted to Docket ID Number FMCSA-2007-27748, by any of the following methods:

- **Electronically** — Through the Federal Docket Management System (FDMS) at: www.regulations.gov
- **Mail** — Department of Transportation, Docket Management Facility, West Building Ground Floor, Room W12-140, 1200 New Jersey Ave SE, Washington DC 20590.
- **Fax** — (202) 493-2251.

On behalf of motor carriers, driver training schools, and the public, the American Trucking Association (ATA) officially requested the extension from FMCSA. According to ATA, the extension would give “interested public an adequate amount of time to understand the complex accreditation process.” ATA says the new accreditation provision is “far-reaching.”

Dust High on OSHA, Legislator’s Radar Screen

The explosion at the Imperial Sugar refining plant at Port Wentworth, Georgia on February 7, 2008, claimed 12 lives and took a week to extinguish. As a result, OSHA has identified existing standards that it will be enforcing as a part of a National Emphasis Program (NEP) on combustible dust. Industries that produce combustible dust and should expect to be impacted by NEP include: **Agriculture (grain storage and handling, animal feed processing, tobacco)**, Textiles, Forest and Furniture Products, Wastewater Treatment, Metal Processing and Recovery, Paper Products, Pharmaceuticals, Recycling Operations, Food, Tire and Rubber Manufacturing, Plastics and Coal Generation Plants.

Additionally, a House committee passes combustible dust legislation. The U.S. House Education and Labor Committee recently passed legislation by a voice vote to help prevent combustible dust explosions. The Combustible Dust Explosion and Fire Prevention Act (H.R. 5522) would force OSHA to issue rules regulating combustible industrial dusts that can build up to hazardous levels and explode. The Act would address these hazards by directing OSHA to issue interim rules on combustible dust within 90 days. The rules would include measures to minimize hazards associated with combustible dust through improved housekeeping, engineering controls, worker training, and a written combustible dust safety program. OSHA would be expected to issue a final rule within eighteen months. [Click here](#) for more information on H.R. 5522.

DHS publishes “REAL ID” regulation

The Department of Homeland Security (DHS) has published the final rule establishing minimum security standards for state-issued driver’s licenses and identification cards. The rule sets uniform standards intended to enhance integrity and reliability of driver’s licenses and identification cards, strengthen issuance capabilities, and increase security at driver’s license and identification card production facilities.

DHS is establishing minimum standards for state-issued driver’s licenses and identification cards that federal agencies would accept for official purposes on or after May 11, 2008, in accordance with the REAL ID Act of 2005. The standard involves a number of aspects of the process used to issue identification documents, including: information and security features that must be incorporated into each card, application information to establish identity and immigration status of an applicant before a card can be issued, and physical security standards for facilities where driver’s licenses and applicable identification cards are produced.

The rule also provides a process for states to seek an additional extension of the compliance deadline to May 11, 2011, by demonstrating material compliance with the core requirements of the Act and this rule. As of

May 11, 2008, federal agencies cannot accept driver's licenses or identification cards for official purposes from states that have not been determined by DHS to be in compliance with the REAL ID Act unless a state has requested and obtained an extension of the compliance date from DHS. As of May 11, 2011, driver's licenses and identification cards will not be accepted from states that are not in full compliance with the provisions of REAL ID.

WPS Revisions Delayed by EPA

EPA's Office of Pesticide Programs (OPP) has announced a delay in its proposed schedule for revising the Worker Protection Standard (WPS) regulations. EPA had planned to publish proposed WPS revisions for public comment in late 2008. That target date has been pushed back to the summer of 2010 in order to evaluate the burden of proposed revisions on small businesses, in compliance with the Small Business Regulatory Fairness Act (SBRFA). This action has resulted from internal review of the revisions under consideration, and not from any postponement requests from stakeholders. Courtesy *CropLife America*.

The ABCs of GHS

The United States joins other countries worldwide concerned with chemical safety in changing their regulations to implement a globally harmonized system for classifying and labeling chemicals. Companies who use or transport chemicals will need to understand the new system. What is GHS? The Globally Harmonized System of Classification and Labeling of Chemicals, or GHS for short, is an effort to create a world-wide, universal chemical hazard communication and warning system. The GHS provides standardized definitions for chemical hazards, such as flammable and combustible liquids, addresses classification of chemicals by types of hazard, and proposes standardized hazard communication elements, including labels and safety data sheets.

In the United States, four regulatory agencies are potentially impacted by GHS:

- For the workplace: OSHA;
- For pesticides and environmental issues: EPA;
- For transport of dangerous goods: DOT; and
- For consumer chemical products (other than pesticides): the Consumer Product Safety Commission (CPSC).



The GHS is not a standard, but rather a voluntary set of "building blocks" which each country can adopt. Because the U.S. is a major importer of chemicals, missing or incomplete information on chemicals imported may lead to reduced protections for our own citizens. In addition, the large number of varying requirements around the world may create potential barriers to trade, particularly for small businesses exporting chemicals. Thus, a harmonized and consistent approach would have benefits both in terms of protection and trade.

GHS hazard classification criteria were adopted by consensus for physical hazards and key health and environmental classes. For each of these hazards, standardized label elements including symbols, signal words and hazard statements have been developed, as well as a standard format and approach for how GHS information appears on safety data sheets. For more information on GHS [click here](#).

Liberty Mutual Study Quantifies Cost of Workplace Injuries

The Liberty Mutual Research Institute for Safety has released the 2007 Workplace Safety Index, which identifies the leading causes of the most disabling U.S. workplace injuries. The Index provides direct cost information for the injuries. The Top 10 Causes of the Most Disabling Workplace Injuries in 2005 (Dollars in Billions):

1. Overexertion — \$12.7
2. Fall on same level — \$6.6
3. Fall to lower level — \$5.0
4. Bodily reaction (injuries from slipping/tripping without falling) — \$4.8
5. Struck by object — \$4.4

6. Highway incidents — \$2.3
7. Repetitive motion — \$2.1
8. Struck against object — \$2.0
9. Caught in/compressed by — \$1.9
10. Assaults/violent acts — \$0.4

The above information does not reflect the category “all other” which accounts for 12.5 percent of the total costs (\$6 billion). [Click here](#) to view the 2007 Index in its entirety.

29 States OK Midas as Replacement for Methyl Bromide

Midas, a soil fumigant that's widely viewed as a replacement for methyl bromide, has taken another step forward as a majority of state regulators have approved it for use on various crops. Made by Arysta LifeScience, Midas did very well in comparison to methyl bromide and researchers at the University of Georgia and other universities have found that Midas effectively replaces methyl bromide, which has been phased out by the Environmental Protection Agency (EPA). The company announced the following 29 states have given the green light for full commercial use of Midas: Colorado, Connecticut, Delaware, Georgia, Idaho, Indiana, Kentucky, Louisiana, Maine, Michigan, Missouri, Mississippi, North Carolina, North Dakota, New Hampshire, Nevada, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, Vermont, West Virginia and Wyoming. California was not one of the states to approve commercial use of Midas. California can take six months to a year to grant a registration. Midas is expected to be approved in California sometime early next year.

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