



Volume 56

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Our Thoughts and Prayers....

We are sorry to report that **Dan Hutson II**, was killed this past week when the plane he was flying crashed in central Kentucky. Our thoughts and prayers go out to his wife, **Cindy**, three daughters, and entire Hutson family. Dan took off from Kyle Oakley Field at Murray-Calloway County Airport, dropped Cindy, his wife off in Lexington to be with their daughter who was preparing to have her first child. He was on his way back to Murray when the plane experienced trouble and crashed near Springfield, Kentucky. Dan was one of the nicest people you would ever meet. Dan was the owner of Hutson, Inc., a family business that started more than 75 years ago and operated five John Deere dealerships throughout Kentucky. Asmark, Inc. was started when a job interview with Dan's father, the late **Dan C. Hutson** took an interesting turn. They both will be sorely missed!

Welcome!

Our congratulations to Agrium Retail on their recent acquisition of United Agri Products. Crop Production Services is a Charter Member of the Asmark Institute and our relationship dates back to 1991 when it was about 42 locations. Since then, we have been privileged to add the Western Farm Service locations in 2006 and recently received word that we would have the opportunity to work with the new United Agri Products (UAP) locations as a result of the recent acquisition. The decision to add the UAP stores to the roster we service will now provide consistent service to all of the Agrium Retail facilities in the U.S. We look forward to supporting the UAP locations as part of the integration.

National Safety School 2008 - Register Today!

The National Agronomic Environmental Health and Safety School will be held in Bloomington, IL this year on August 19 & 20. The 2008 Safety School is a **must-attend for everyone** whose duties include regulatory compliance, loss control or risk management at a retail agricultural facility. We have an outstanding lineup of national speakers for this years program. Speakers include:



Ford West
Marybeth Kelliher
Nancy Fitz
Peter Gattuso
Craig Matthiessen
David Brody
Dwight Siewert
Pam Guffain
Brian Bothast
David Waugh
Charles Hochman

President of The Fertilizer Institute - Keynote
DHS - The Next Steps....
U.S. EPA - Container/Containment Rule
U.S. EPA - New RMP eSubmit program
U.S. EPA - SPCC Plan Update
Crown Premiums - Manufacturing the Safety School Truck
J.J. Keller & Associates - DOT Drug & Alcohol Compliance
Vice President of Membership Services with TFI - Insights from the Hill
IL OSHA - Visibility Rule
Mosaic - How Potash is Mined
U.S. DOT - The Future of Testing Nurse Tanks

Richard Breckenridge
Claudia Niess

IL EPA - New Fire Prevention Plan
U.S. EPA - New Web-Based Pesticide Labeling Initiative

Since this is the 30th Anniversary of the Safety School, each registered participant will receive one of the 1:24 scale Commemorative Dry Spreader Trucks. The truck is a precision replica of the popular 1934 Ford V8. Don't miss out! HAZWOPER emergency response refresher training will also be held in conjunction with the Safety School's activities. Click [here](#) to register for the 2008 Safety School!

While in Bloomington that week, we recommend you stay over an extra day or two and attend the Midwest AG Industries Expo (MAGIE) on August 20 & 21. It's truly one of the finest displays of "ride and buy" shows in the United States. Click [here](#) to register for the 2008 MAGIE Show!

CFATS Update

The Department of Homeland Security (DHS) has received slightly over 32,000 Top-Screens with information on the chemicals stored at facilities around the country. On June 23 they announced that about 7,000 of these facilities had been preliminarily assigned to one of the four High-Risk Tiers. The breakdown of assignment per Tier was much as DHS anticipated: *(Tier 1 is the highest risk and Tier 4 is the lowest risk.)*

Tier 1:	219 facilities	Sent Federal Express starting week of June 23
Tier 2:	756 facilities	" "
Tier 3:	1,712 facilities	" "
Tier 4:	4,319 facilities	Sent Federal Express starting week of June 30

Letters to facilities that were not assigned to a Tier (not-regulated) are being sent out via Federal Express as well. There has been speculation the non-regulated facilities would receive notice via E-mail, but this is not the case. All correspondence received from DHS should be maintained on file at your facility as documentation.

CFATS the Next Step: What to Expect

Most of our clients have been very fortunate to not have been assigned to any of the Tiers 1-4. Here is a general rundown of what you will be expected to do based on:

Assigned to Tier 1:	Submit a SVA in 90 days - exact date printed in your notification letter.
Tier 2:	Submit a SVA in 120 days - exact date printed in your notification letter.
Tier 3:	Submit a SVA in 150 days - exact date printed in your notification letter.
Tier 4:	Submit a SVA in 180 days - exact date printed in your notification letter.

The Asmark Institute SVA meets the CCPS methodology approved by the Department of Homeland Security for use by Tier 4 facilities. DHS permits Tier 4 facilities to submit for review and approval the Sandia RAM for chemical facilities, the CCPS Methodology for fixed chemical facilities, or any methodology certified by CCPS as equivalent to CCPS and has equivalent steps, assumptions, and outputs and sufficiently addresses the risk-based performance standards and CSAT SVA potential terrorist attack scenarios.

A Word About CVI

A very protective shroud is placed on the information, including correspondence generated between DHS and High Risk facilities assigned to Tiers 1-4. This information is protected under the Chemical-terrorism Vulnerability Information (CVI). CFATS requires that individuals being granted access to information through this program have a valid need to know and receive training and authorization from DHS, prior to receiving any information. Individuals in possession of CVI are required to properly safeguard the information. CVI handling and sharing requirements apply to all CVI communications, including verbal and written communications. We encourage you to review the CVI requirements to make sure you understand the importance placed on the information. Click [here](#) to access the Procedural Manual for Safeguarding Information Designated as CVI.

Deadline to Register: 2008 Emergency Response Refresher Course

If you haven't registered for the 2008 refresher course of your choice - time is running out. The deadline to

register was June 30, 2008. Invitations were mailed on May 30 and most of the classes are already full. There will be 24 days of training provided at remote locations around the country this year for the one-day refresher course. Register today to ensure space is available for the class of your choice. Register online by clicking [here](#).

ARA Successful in Obtaining Security Tax Credit

The Agricultural Retailers Association (ARA) initiated the quest for a chemical security tax credit for agricultural retailers, distributors and other eligible agribusinesses in 2003. ARA was successful in including the legislation in the 2008 Farm Bill and with its enactment on May 22, the tax credit measures have been implemented. This credit helps offset increased security costs incurred by ag retailers and distributors as a result of the federal government's regulations and efforts to safeguard agricultural chemicals from the threat of potential terrorists, drug dealers or other criminals. ARA intends to work closely with Internal Revenue Service officials on guidance to be issued on this security tax credit.

Eligible Agricultural Businesses includes any person in the trade or business:

- 1) Selling agricultural products, including specified agricultural chemicals, at retail predominantly to farmers and ranchers; or
- 2) Manufacturing, formulating, distributing, or applying aerially.

Specified Agricultural Chemicals refers to:

- 1) Fertilizers commonly used in agricultural operations that are listed under section 302(a)(2) of the emergency Planning and Community Right-to-Know Act of 1986, U.S. Department of Transportation (DOT) HAZMAT Security Transportation rules (Section 101 or Part 172 of title 49, Code of Federal Regulations), or U.S. Coast Guard Maritime Port Security rules (Part 126, 127, or 154 of title 33, Code of Federal Regulations).

For example, anhydrous ammonia, aqua ammonia, ammonium nitrate, potassium nitrate and sodium nitrate are fertilizers covered by one or all of the aforementioned federal environmental and security regulations).

- 2) Any pesticide (as defined in section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act) including all active and inert ingredients which are used on crops grown for food, feed, and fiber.

Facility Limitation: The credit is limited to \$100,000 per facility. The credit covers 30 percent of the amount paid or incurred at a facility for qualified security measures; and is a component of the general business credit.

Company Limitation: Annual credit is limited to \$2,000,000 per company with multiple facilities.

Qualified Chemical Security Expenditures:

- 1) Employee security training and background checks.
- 2) Limitation and prevention of access to controls to specific agricultural chemicals stored at a facility.
- 3) Tagging, locking tank valves and chemical additives to prevent the theft of specific agricultural chemicals or to render such chemicals unfit for illegal use.
- 4) Protection of perimeter areas where specified agricultural chemicals are stored.
- 5) Installation of security lighting, cameras, recording equipment and intrusion detection sensors.
- 6) Implementation of measures to increase computer or computer network security.
- 7) Conducting security vulnerability assessments.
- 8) Implementing a site security plan.
- 9) Other measures as defined by the regulation.

Expenditures described in this section are only eligible to the extent incurred by a qualified agricultural business to protect specified agricultural chemicals. No deduction shall be allowed for that portion of the expenses otherwise allowable for a deduction taken into account in determining the credit.

Effective Date: Applies to amounts paid or incurred after May 22, 2008. **Termination Date:** Expires on December 31, 2012, unless reauthorized by Congress. For more information, please contact: Richard Gupton, Vice President of Legislative Policy & Counsel. Richard and the team at ARA persevered in the effort on this important legislation. As you might suspect, it is not easy to obtain a tax credit in Washington, D.C. these days. Thanks Richard! We appreciate your effort and all state and national associations that helped to support this tax credit.

Census of Fatal Occupational Injuries (CFOI) Updated

The final count of fatal work injuries in the U.S. for the year 2006 was revised upward to 5,840, from the preliminary count of 5,703. The overall 2006 fatality rate for the U.S. was revised upward from 3.9 per 100,000 employed workers to 4.0 per 100,000 employed workers. The final numbers reflect updates to the 2006 Census of Fatal Occupational Injuries (CFOI) file made after the release of preliminary results in August of 2007. Revisions and additions to the 2006 CFOI counts result from the identification of new cases and the revision of existing cases based on source documents received after the release of preliminary results. Among the important changes resulting from the updates:

- The revised fatality total for 2006 represents a 2% increase over the final 2005 total.
- Fatal work injuries incurred by Hispanic or Latino workers rose by 53 cases from the preliminary figure, bringing the total number for that worker group to 990 fatal work injuries. The higher number of fatal work injuries among Hispanic or Latino workers also pushed the rate of fatal injury for that worker group to 5.0 per 100,000 employed workers, up from the previously reported rate of 4.7 per 100,000 employed workers for 2006.
- The number of fatal work injuries involving foreign-born workers increased from 997 cases to 1,046 cases as a result of the updates. Of the 1,046 cases involving foreign-born workers, 667 involved Hispanic or Latino workers. Both the foreign-born total and the Hispanic or Latino foreign-born total were new highs for the series.
- Fatal occupational injuries in California increased by 89 cases from the preliminary figure. As a result of the increase, California surpassed Texas as the State with the highest number of fatal work injuries in 2006. The totals for Oregon (up by 15), Georgia (9), and Florida (5) also increased. Overall, 15 States revised the counts upward as a result of the update process.
- In terms of occupations, the largest revision in fatalities was in transportation and material moving occupations (up by 38 fatalities), followed by construction and extraction occupations (15 fatalities).
- The industry sectors reporting the largest increases in fatal work injuries due to updates were transportation and warehousing (28 new cases), government (19), construction (13), and accommodation and food services (12).

Container and Containment Rule Amendment

EPA published on June 11, 2008 a notice in the Federal Register proposing a rule to amend the container and containment regulations in 40 CFR parts 156 and 165. The public has 30 days to provide comments to the Agency on the proposed rule. The proposed amendment applies to all registrants and would provide a one-year extension of the labeling compliance date; change the phrase "sold or distributed" to "released for shipment" as associated with all compliance dates; provide for exceptions to the language requirements for some specific nonrefillable packages; allow for waivers of certain label requirements for other refillable and nonrefillable containers on a case-by-case basis; and correct typographical and other minor errors.

The Agency is proposing to amend the container and containment regulations because stakeholders contacted the Agency with significant concerns after the final rule titled "Pesticide Management and Disposal;

Standards for Pesticide Containers and Containment" was published in 2006. Stakeholders expressed concerns about:

- the compliance date for the label requirements and whether there would be adequate time to make the required changes;
- problems that the registrants could face handling pesticide products that are returned at the end of the 2009 use season because returned products would likely no longer be in compliance and, if not, would not be able to be resold or redistributed; and
- the scope of pesticide products and containers for which some of the labeling statements are being required because the regulations currently require the statement "nonrefillable container" on every container, including containers like aerosol cans and foil pouches that may be considered inherently nonrefillable.

The Agency generally agrees with these concerns and, after investigating several options, concluded that an amendment to the container and containment rule is necessary. Among the major proposed amendments is an extension of the compliance date from August 17, 2009 to August 17, 2010. A copy of the proposal can be accessed by clicking [here](#). Questions and answers about the proposed amendment to the container and containment regulations are available by clicking [here](#).

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