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2008 National Safety School Draws Record Attendance

More than 110 safety professionals attended the 2008 National Agronomic Environmental Health and Safety School in Bloomington, IL. Participants were treated to an outstanding lineup of national speakers addressing the issues we face in our industry. **Ford West**, President of The Fertilizer Institute, was the keynote speaker and reflected on the past thirty years of regulatory activity in the fertilizer industry. Each participant received a Limited Edition 1:24 scale Commemorative Dry Spreader Truck manufactured specifically for the school's 30th Anniversary. Right: 2008 Safety School President **Billy Pirkle**, Director of EHS with Agrium Retail, presents Ford West with a special commemorative wall hanging and a free truckload of fertilizer to go with his replica.



Professional Development

We have made a more concentrated effort at the Asmark Institute over the past four 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 **Dena**, **Devera**, **Kiersta** and **Mary** to attend the National Agronomic Environmental Health & Safety School, IFCA's MAGIE show and to tour the retail operations at two 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 **Todd Hufford** with **Crop Production Services** located in Hoopston, IL, **Tom Beaven** and **Michael Ingram** with **Crop Production Services** located in Dana, 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 photo from the tours!

Aqua Ammonia DVD Shot in California with WPHA

This past week members of the Western Plant Health Association (WPHA) participated with **Randy Lawrence** and **Brian Mason** in the filming of an aqua ammonia safety training DVD. Once completed, the new training program will be incorporated into the new set of DVDs the Asmark Institute makes available to its clients nationwide. Individual copies will also be available to WPHA members. Our thanks go to WPHA's

Renee Pinel, Pam Emery and their Transportation and Environmental Site Committee that has been involved in the development of the script for several months. Over a half dozen WPHA member companies were part of the filming process. The DVD is expected to be available in December.

Squeezing Lemons to Make Lemonade

U.S. auto sales plunged to a 16-year-low in July, led by a 27% drop at General Motors. Ford was down 15%; Toyota sales fell 12%; and Honda dropped 1.6%. The sales decline was steeper than analysts had expected and showed an accelerating downturn in the world's largest vehicle market as Americans abandoned SUVs and trucks. July sales marked the ninth straight month of declining sales in the U.S. auto market, making it the longest such downturn since the 2001 recession. Note: Recent dismal sales of trucks poses an opportunity for our industry. Retailers recently purchasing trucks are reportedly receiving up to 40% off the sticker price of vehicles.

EPA Announces New Safety Measures for Fumigants

EPA recently announced new safety measures for five soil fumigants: methyl bromide, metam sodium, metam potassium, dazomet, and chloropicrin. They are widely used in Florida by growers of strawberries, tomatoes, peppers, and potatoes. One of the biggest changes is a requirement for buffer zones ranging from 25 feet to half a mile. In these zones, farmers wouldn't be able to fumigate. Near day-care centers, schools, and nursing homes the buffers would have to be at least a quarter-mile deep. Other new requirements include:

- Site-specific fumigant management plans.
- Outreach programs to educate the community about the fumigants and their risks.
- Training programs for handlers, workers, and emergency responders.
- Notification at least 48 hours before fumigation, including warning signs around buffer areas.
- Air quality monitoring.

The EPA also will ban the use of the ozone-depleting methyl bromide on fields where other alternatives are available. EPA has allowed 60 days for comment. It may tweak the rules based on the feedback it gets from growers and others before they finally take effect in 2010. [Click here](#) for more information.

IFCA Sponsors Transportation Regulatory Workshop

Retailers in Illinois and the surrounding area are encouraged to mark their calendars for Wednesday October 1, 2008. Planned for Bloomington, IL, the program addresses a host of timely DOT issues including HazMat Safety Permits, Compliance Reviews, Safety Audits, new proposed requirements for CDL holders and information on Transportation Worker Identification Credentials (TWIC). The program will also feature a new service that can help prepare for an audit and intervene on behalf of a motor carrier that has received unjustified penalties. [Click here](#) to register and obtain more information.

WPHA Successful in VOC Appeal

The Ninth U.S. Circuit Court of Appeals today overruled a federal district court's finding that DPR was in violation of its State Implementation Plan (SIP) commitment in setting reduction goals for pesticide Volatile Organic Compounds (VOC) according to **Renee Pinel**, CEO and President, Western Plant Health Association. DPR had as the result of the earlier federal district court ruling set reduction goals that threatened to take thousands of acres of crop lands out of production by eliminating the availability of fumigants and emulsifiable concentrates. WPHA, along with several other agricultural commodity groups, was an intervener in the case, and was actively involved in the successful appeal. WPHA will be meeting with DPR and other interested groups in discussions on how DPR should move forward.

New I-9 Form Confusion...Change or No Change?

U.S. employers are required to begin using the revised 2008 version of the Form I-9, which is used to verify employees' identities and authorization to work in the United States. On June 16, 2008, the United States Citizenship and Immigration Services (USCIS) released a new form I-9 for employer use. The new form carried a revised date of June 16, 2008, and an expiration date of June 30, 2009. This change was

implemented because the form was set to expire on June 30, 2008. No other changes were made to the form itself. However, this updated form was withdrawn as of June 26, 2008, when the USCIS reinstated the form revised June 5, 2007 with the expiration date of June 30, 2009. Again, no changes were made to the form itself. While employers should start using the form revised June 5, 2007 immediately, employers who used the June 16, 2008 version while it was in effect will not incur any problems.

New Passport Card OK for I-9

Last month, the Department of State and the Department of Homeland Security announced that a new passport card was in full production. The new card provides a less expensive and more portable alternative to the traditional passport book, and will expedite document processing at United States land and sea ports-of-entry for U.S. citizens traveling to Canada, Mexico, the Caribbean and Bermuda. The United States Citizenship and Immigration Services (USCIS) has also announced the new U.S. Passport Card may be used in the Employment Eligibility Verification form (I-9) process. The passport card is considered a "List A" document.

New DOT Drug Test Collection Procedures

DOT has issued new regulations amending 49 CFR Part 40 regarding situations where an employer must require the direct observation of urine samples drawn for drug testing purposes. Effective August 25th, 2008, the new regulations are in response to apparent widespread attempts by employees to pass a drug test through the use of adulterated samples. The new regulations expand situations where the employer is required to have "observed collections," which are required when the employee is taking a return-to-work drug test or a follow-up test. Although the regulations will mostly impact the lab drawing the specimen, employers should review their policies regarding drug testing to minimize any claim of invasion of privacy. All employees should be provided with the new rules, as should an employer's entity responsible for the drawing of samples for drug tests. Employers who use the DOT rules as a guideline for non-covered employees, should consult with counsel regarding the impact of these new regulations, especially in states that clearly recognize a claim for invasion of privacy in the employment context.

Note: According to **Helen Spencer**, President of Forward Edge Associates, this will affect very few of our clients. Return to duty tests are only performed after an employee has been determined to be in violation of the regulation (verified positive test, refusal to test, etc.), has been evaluated by a Substance Abuse Professional and has completed the required education and/or treatment. Clinics have been notified of the change and are verifying that they are aware and have staff to handle the change.

New Approach for the Future of Transportation Announced

A clean and historic break with the past is needed to encourage the future vitality of our country's transportation network, said **DOT Secretary Mary E. Peters**, as she unveiled the Bush Administration's new plan to refocus, reform, and renew the national approach to highway and transit systems in America on July 29, 2008. "Without a doubt, our federal approach to transportation is broken. And no amount of tweaking, adjusting or adding new layers on top will make things better," Peters said. "It is time for a new, a different and a better approach."

Peters said the plan sets a course for reforming the nation's transportation programs by outlining a renewed federal focus on maintaining and improving the Interstate highway system, instead of diverting funds for wasteful pet projects and for programs clearly not federal priority areas like restoring lighthouses. Addressing urban congestion and giving greater flexibility to state and local leaders to invest in their most needed transit and highway priorities is another key focus of the reform plan, said Peters. Local leaders will have greater freedom and significantly more resources to fund new subways, bus routes, or highways as they choose, based on the needs of local commuters instead of the dictates of Washington.

As part of the focus on congestion, the plan would create a Metropolitan Innovation Fund that rewards cities willing to combine a mix of effective transit investments, dynamic pricing of highways and new traffic technologies, the Secretary said. The reform plan also calls for greatly reducing over 102 federal

transportation programs which have proliferated over the last two decades, replacing them with eight comprehensive, intermodal programs that will help focus instead of dilute investments, and cut the dizzying red-tape forced upon local planners, she said.

Peters said a hallmark of the plan is a refocused and redoubled emphasis on safety, using a data and technology-driven approach that also gives states maximum flexibility to tackle their toughest safety challenges. Using a data-driven approach, she said, we are and must continue focusing on issues that put drivers, commercial drivers, passengers, and pedestrians at risk, including crashes involving drunk drivers, motorcycles, work zones, and rural roads. And to improve the current 13-year average it takes to design and build new highway and transit projects in the United States, the Secretary said the federal review process would be streamlined to ask the same stringent environmental and planning questions, but get answers more quickly.

Peters emphasized that central to any reform for transportation is finding new revenue sources to supplement the unpredictable and unsustainable gas tax; in order to fund maintenance and pay for new needed projects. She said the gas tax is an antiquated mechanism, underscored by the current climate of high gas prices. Americans are driving less and taking advantage of transit options, but less driving also results in less revenue for transit operations. The Secretary said more direct pricing options like tolling are needed and states must be empowered to take advantage of the over \$400 billion available worldwide for infrastructure investments from the private sector. A copy of the reform plan can be viewed by [clicking here](#).

IRS Cracks Down on Business Cell Phones

Businesses could be in trouble with the IRS soon for failing to keep track of personal and business calls made on business cell phones. The IRS recently ordered the University of California's Los Angeles and San Diego campuses to pay \$239,196 and \$186,471, respectively, in back taxes for cell phones given to employees. Business organizations are lobbying to have cell phones dropped as taxable perks. Stay tuned.

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