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Spotlight: Emergency Response Refresher Course

Twenty-four remote locations, seven weeks, 10,000+ miles and 565 participants later, the 2008 Emergency Response to Agricultural Incidents - Refresher Course successfully wound up in Lumberton, North Carolina for this season. **Bill and Teresa Basham**, with BBT, Inc. in Chapmansboro, Tennessee led the training this year. The ratings and comments from the evaluation cards this year were exceptional. A special thanks goes out to the EHS Field Staff that helped with training at the remote locations this year. Thanks go to **Teddy Clapp, Denis Doonan, Louie Foster, Greg Groves, Steve Cundiff, Nancy Vincek** and **Beverly Tevebaugh** with Crop Production Services, **James Moore** and **Don Hartlein** with UAP, **Sam Murphy** with Miles Enterprises and **Roger Waller** with Agri-AFC. Delivering emergency response training of the highest caliber has been a constant and ongoing commitment by both our clients, the trainers and the Asmark Institute since 1996 when we were the first to offer these courses geared to agribusinesses. To date, training has been provided to more than 1,400 full course participants and 5,100 refresher course participants over the years.

UPS: Driving Change

The familiar brown trucks and "brown tail" planes of United Parcel Service (UPS) have played a significant role in the service we have provided over the past 19 years. Their service has always been superb and it's extremely rare to have a package go unaccounted for or damaged. Since 1907 when its founder Jim Casey borrowed \$100 and started the American Messenger Company in Seattle, WA, the company has been an American success story. UPS utilizes the very best combination of people, simplicity and technology to pickup, move and deliver over 16 million packages every day.



We had an opportunity recently to tour UPS's Worldport facility in Louisville, KY and witness their system firsthand. Between the hours of 11:00 p.m. and 2:00 a.m., the Worldport facility routinely receives, sorts and dispatches about 110 planes loaded with millions of Next Day Air packages bound for all destinations around the globe. It is truly a remarkable system and made for a professional development experience that will long be remembered by our staff.

CFATS Compliance: Observation & Update

Observation: The vast majority of questions we receive from clients (general in nature of course) that have been assigned to a CFATS Tier, indicate they most likely received the assignment erroneously. We caution clients who have received a letter from DHS initially designating them as a high-risk chemical facility and assigning them to Tiers 1-4 to **first review and thoroughly understand** why they were assigned a Tier. We recommend that you do not prematurely rush to the SVA step of accepting the Tier assignment without consciously questioning the validity. Start early and be prepared to work through the CFATS Help Desk.

Update: DHS has revised the Chemical-terrorism Vulnerability Information (CVI) Procedures Manual and the CVI Authorized User Training. This information can be accessed by [clicking here](#).

DOT Proposes to Modify Security Plan Requirements

DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA) in conjunction with the Transportation Safety Administration (TSA) of the Department of Homeland Security (DHS), has proposed to modify its current security plan requirements governing the commercial transportation of hazardous materials. Based on an evaluation of the security threats associated with specific types and quantities of hazardous materials, the proposed rule would narrow the list of materials subject to security plan requirements and clarify certain requirements related to security planning, training and documentation. The proposal would incorporate and build on recent international standards governing hazardous materials security. DOT is seeking comments on the proposed rule by November 10, 2008. Comments should cite Docket No. PHMSA-06-25885 (HM-232F). [Click here](#) for a copy of the proposed rule.

U.S. EPA Fines Retailer \$18,000 for Repackaging at an Unregistered Establishment

U.S. EPA reports that it has reached an \$18,400 settlement with a retailer for violations of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). The retailer had been producing pesticides in an unregistered establishment and selling pesticides that were misbranded. The FIFRA violations had been occurring for at least the past three years. The unregistered retailer had been using the establishment number that was assigned to another facility. The facility, whose number was misused, had been inactivated since 2000. Repackaging of pesticides at the facility was in violation of FIFRA since this facility was not registered according to U.S. EPA officials in Region 10. Furthermore, the pesticides produced at the facility were misbranded because they bore an invalid, inactive EPA establishment number. These numbers help EPA track the type, amount and location of pesticides being produced and sold in the U.S.

Final SPCC Revisions Expected Soon

We have been watching for the eagerly anticipated new revisions to the SPCC rules. It appears U.S. EPA will finalize changes that would affect retailers in a positive manner. Small businesses with less than 10,000 gallons of oil products and no individual tank larger than 5,000 gallons will receive relief under the new revisions, in addition to being able to utilize the self certification feature announced in December 2006. The definition of exactly what constitutes a regulated oil product appears to be re-opened for revision that would possibly provide relief for our industry. Stay tuned. Once the official print hits the Federal Register we will review and have further information. The final outcome of U.S. EPA's October 15, 2007 proposed rule is hoped to be known in October with the new expanded mySPCC Suite of Guidance Materials expected to be introduced on November 1, 2008 or shortly thereafter.

New for 2008! The Asmark Institute in partnership with The Fertilizer Institute has worked to develop a state-of-the-art web-based tool to help facilities comply with the SPCC requirements. The new web-based tool has been named **mySPCC** and has been built with the same standard of quality and user friendliness as the recent myRMP Suite of Retail Guidance Materials. Programming for the self- certification plan (for use with a tank greater than 5,000 gallons under the proposed rule) was completed in August 2007. A second version of software named **mySPCC Lite** for Tier 1 facilities (for use with a tank 5,000 gallons or less) has been added to form a complete solution for retailers and farmers known as **mySPCC Suite of Guidance Materials**. A new tutorial and extensive online cache of resources will also be added to the suite of materials.

Deadline Expires for DOT Safety Permits

The Federal Motor Carrier Safety Administration (FMCSA) recently issued two new transportation rules regarding motor carriers who transport certain hazardous materials. As mandated in the first rule, FMCSA may not issue a hazardous materials safety permit to a motor carrier that has a crash rate, driver, vehicle or hazardous material out-of-service rate in the top 30 percent of the national average. FMCSA must consider preventability when a motor carrier contests a denial of a safety permit based upon a crash rate and presents compelling evidence that one or more of the crashes listed was not preventable, so it does not reflect the motor carrier's suitability to transport hazardous materials requiring a safety permit. The second rule updates

a 2005 regulation that stipulates no person can offer a motor carrier a hazardous material, unless that motor carrier shows proof of possession of a safety permit issued by the FMCSA. The rule has been amended to include the loading of transport semis, effective October 1, 2008. Anhydrous ammonia will not be allowed to be loaded onto a transport semi unless the motor carrier shows proof of possession of the safety permit. The Department of Transportation has gone on record as saying they will be enforcing the rule this fall. Permits are valid for two years after the date of issue, and renewal applications should be submitted at least 45 days prior to the permit's expiration date. [Click here](#) for a copy of the rule.

Note: This should not disrupt the normal course of business for most of our clients affected by the Safety Permit requirement because the phase-in has been a three-year period. Most terminals have been requiring the motor carrier to provide proof of a Safety Permit before they load the transport. Please note this is a different requirement and not to be confused with the Hazardous Materials Registration program which is typically renewed annually on June 30 of each year.

Safer Ammonium Nitrate-Based Fertilizer Developed

Honeywell has developed a patented new technology to produce a highly-effective, safer ammonium nitrate-based fertilizer with significantly lower explosive potential. The new technology has already received SAFETY Act Designation from the U.S. Department of Homeland Security (DHS) under the Support Anti-terrorism by Fostering Effective Technologies Act, which was created to provide incentives for the development and deployment of anti-terrorism technologies that can help mitigate security threats. "The unique composition of this new fertilizer makes it extremely difficult to turn it into a weapon," said **Qamar Bhatia**, Vice President and General Manager of Honeywell Resins & Chemicals. "Ammonium nitrate has long been an excellent fertilizer, but this technology makes it safer." Independent tests using guidelines developed with the U.S. government, demonstrated that Honeywell's new fertilizer is significantly more difficult to use as an explosive. When mixed with fuel oil – a common method of using ammonium nitrate as an explosive – the new ammonium sulfate nitrate fertilizer did not detonate. The new technology fuses ammonium sulfate with ammonium nitrate. The company hopes to have limited quantities for sale in certain regions in 2009 and plans to market the material as Sulf-N 26 fertilizer. [Click here](#) for more information on Sulf-N 26.

Facility Inspections Start Up Again

Retailers in Arizona, California, Colorado, Idaho, Indiana, Kansas, Michigan, New Mexico, Nevada, Ohio, Oklahoma, Oregon, Texas, Utah, Washington and Wyoming should take note and be prepared for the bulk pesticide facility inspections that will be conducted in their states this year. The American Agronomic Stewardship Alliance (AASA) announced the list of affected states recently. AASA is a not-for-profit organization that has taken the lead in developing a stewardship inspection and accreditation program for ag retail facilities that store bulk, mini-bulk and packaged ag chemical products. The group began inspecting facilities in 2004 and reached its goal to inspect 5,000 retail pesticide facilities by the end of 2006. Inspections are now on a three-year repeat cycle. Crop protection manufacturers and distributors will use the inspection data to assist with decisions about where products can be stored safely. The Illinois Fertilizer & Chemical Association administers the AASA program. Visit www.aginspect.org for more information.

Fall back – to Standard Time

The switch back to standard time comes a week later again this year, thanks to a new energy-saving policy initiated by President Bush a couple of years ago. Be prepared for the change at 2:00 am on Sunday, November 2, 2008.

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