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Spotlight: WPHA Awards

Each year at its annual meeting, the Western Plant Health Association (WPHA) presents awards to members who demonstrated outstanding service to the industry. This year WPHA's Lifetime Achievement Award was bestowed upon **Gordon Miller** of Western Farm Service and the Integrity Award went to **Chris Moudry** of Basin Fertilizer & Chemical Co. Gordon Miller, far left, is pictured with WPHA President **Renee Pinel** after winning the Lifetime Achievement Award, while Chris Moudry, second from right, stands next to award presenter **Ron Naven** after winning the Integrity Award. Both are members of WPHA and clients of the Asmark Institute. Congratulations Gordon and Chris!



Snapshots...the Future of Risk Management

We are pleased to announce the release of Snapshots, our new dynamic risk management tool designed to help clients measure and monitor regulatory performance. Snapshots is an electronic "Dashboard." A dashboard is typically thought of as the control panel located under the windshield of an automobile that contains instrumentation and controls pertaining to operation of the vehicle. An electronic dashboard is cutting edge technology that provides users with access to real-time data in a very colorful, visual and organized display. Snapshots has been designed to provide clients with 24/7 access to their data in a very transparent and secure manner. Snapshots is the result of a substantial effort within the Asmark Institute to define measurable results, display data in an understandable manner, and establish historical performance that can be used to improve the insurability of your operation.



Snapshots is all about continuous improvement, transparency, and accountability to our clients. **Amber Duke, Dena Rhodes, Dustin Warder** and **Eric Rasor** were the project leads that made Snapshots a reality over the past 20 months. Click on the new Snapshots logo at the top left of our homepage and check it out.

Expect SPCC Rules for Farms Soon

U.S. EPA has sent agriculture-specific Spill Prevention, Control, and Countermeasure (SPCC) rules to the Office of Management and Budget (OMB). A rule can be expected most likely before the end of the year. The rules are designed to right-size the general-industry version of the SPCC guidelines for use on farms. The SPCC rules will impact much of agriculture, including irrigation farming and dairies.

DHS Posts Risk-Based Performance Standards Guidance

The Department of Homeland Security (DHS) recently updated its website by adding the Risk-Based Performance Standards Guidance. Interested parties are invited to read the guidance and submit comments. All comments must be received by November 26, 2008. Click [here](#) for a copy of the new Risk-Based Performance Standards Guidance.

DHS Seeks Comments on Ammonium Nitrate

The Department of Homeland Security (DHS) issued an Advanced Notice of Proposed Rulemaking (ANPR) for the Secure Handling of Ammonium Nitrate Program in the Federal Register on October 30, 2008. The notice seeks comments on the proposed regulation of the sale and transfer of ammonium nitrate by a facility. The intent of the proposed rule is to prevent the misappropriation or use of ammonium nitrate in an act of terrorism. Comments will help DHS develop procedures for the ammonium nitrate registration program.

Congress enacted the Secure Handling of Ammonium Nitrate Act on December 26, 2007. The Fertilizer Institute (TFI) worked with the Agricultural Retailers Association and others in the ag industry in support of the enactment of this DHS program, because it will help to further secure ammonium nitrate and keep it available to America's agricultural industry. DHS is primarily concerned with ammonium nitrate when used as an explosive or as a fertilizer mixed with fuel oil to create an explosive mixture known as Ammonium Nitrate/Fuel Oil (ANFO). Ammonium nitrate fertilizer, which is commonly found at ag retailer and distributor sites, as well as farm and ranch operations, could be susceptible to theft and misuse in making improvised explosive devices. The registration program would cover any ammonium nitrate fertilizer sold, transferred or purchased regardless of quantity.

The Secure Handling of Ammonium Nitrate Act would include, but not limited to, the following elements:

- Registration that requires ammonium nitrate facilities and prospective purchasers to apply for registration numbers from DHS in order to sell, transfer, and/or purchase the product.
- Screening of all prospective registrants against data in the Terrorist Screening Database (TSDB).
- Registration numbers would be issued or denied by DHS within 72 hours of receipt of a complete registration application.
- Seller verification of purchaser's registration/identity information at the point of sale.
- Recordkeeping by ammonium nitrate facilities to complete and maintain records of sales or transfers of ammonium nitrate for at least two years after each transaction.
- Reporting the theft or loss of ammonium nitrate would be required of all facilities and purchasers. Reports would be to Federal law enforcement officials within one calendar day of discovery of theft or loss.
- Inspections and audits would be conducted by DHS to ensure that regulated facilities are properly maintaining records and requirements of ammonium nitrate registration program.

Written comments on Docket number 2008-0076 must be submitted to DHS by December 29, 2008. Comments can be submitted via the website at www.regulations.gov or by mail to the following address: U.S. Department of Homeland Security, National Protection and Programs Directorate, Office of Infrastructure Protection, Infrastructure Security Compliance Division, Mail Stop 8100, Washington, D.C. 20528. Click [here](#) for a copy of the Federal Register.

OSHA unveils New Powered Industrial Trucks "eTool"

Employers who use forklifts in their workplaces have a new resource to help keep their employees safe on the job. The Powered Industrial Trucks (Forklift) eTool is the latest web-based training tool unveiled by the Occupational Safety and Health Administration (OSHA). The eTool, which focuses on forklifts commonly used in general industry, provides a review of potential hazards and a summary of key OSHA requirements and industry-recommended practices for forklift operations. It includes four modules examining the types of forklifts, safe operating practices, workplace conditions affecting operation and operator training. Click [here](#) for more information on OSHA's new eTool.

Training Drivers on the Vehicle Inspection Requirements

The most commonly cited critical violation in compliance reviews is driver vehicle inspection report (DVIR) errors. It is important to train drivers on the process that should be followed when doing inspection and completing the required reports.

Pre-trip

The regulation states that the driver must be satisfied that the vehicle is in good working order. The regulations specifically mention the driver checking the previous DVIR, and signing that any defects listed on

the previous DVIR have been repaired or agreeing that the defects need not be repaired. There are no pre-trip documentation requirements in the regulations (other than the driver reviewing, and possibly having to sign the previous DVIR). Carriers that use "pre-trip" forms typically do it as part of a company policy.

Post-Trip and DVIR

The regulation states that drivers must complete a DVIR for each vehicle operated during the day, upon completion of the day. If the driver will have to complete the DVIR on the vehicle, they should perform a post-trip inspection to verify the vehicle's condition. If the vehicle is a combination vehicle, this requirement includes the trailer.

What if multiple trailers were used during the day?

The regulations allow the driver to include all trailers used during the day on a single DVIR along with the power unit. However, if the driver uses multiple power units during the day, the driver must complete a separate DVIR for each power unit.

Documenting defects and repairs

If the driver found no defects, all they need to do is sign the DVIR. If any defects are present at the time of the post-trip inspection, the driver is to record them on the DVIR. Any defect the driver records on the DVIR must be repaired before the vehicle is operated on the roadway again, or a carrier official must determine that repairs are not necessary. Once the repair has been performed, a carrier official (if the repair was done at a company facility), the mechanic performing the repairs (if the repair was done at a commercial shop), or the driver (if the driver performed the repair) must sign that the repair was completed.

It all starts over the next day

The next day the driver must be satisfied the vehicle is in safe condition and review the previous DVIR, even if it is the same driver. If any defects were listed the previous day, the driver must sign the DVIR agreeing that the repairs were either performed or not necessary.

This information on vehicle inspection reports was provided by J.J. Keller & Associates, the nation's leader on transportation issues. The Asmark Institute has utilized a wide range of the quality products and services offered by Keller for almost 20 years.

Ohio Issues Security Plan Reprieve

Effective September 19, 2008, the Federal Motor Safety Carrier Administration (FMCSA) and the Public Utilities Commission of Ohio (PUCO) are not allowed to cite companies for not having site-specific security plans in Ohio. **Brian Peach** with the Ohio AgriBusiness Association discovered this information and indicated that it is not known for how long this stay will be in effect. FMCSA has lost several battles over this issue and, thanks to Ferrellgas for fighting a violation since 2005, a directive was sent out to all inspectors on September 22 with instructions halting the issuance of citations. There have been inconsistencies noted in enforcement across the country with a relatively small number of inspectors that issue citations aggressively. The Asmark Institute has helped work on several different cases around the country over the past three years whereby inspectors were aggressive. Federal DOT provides a 1-1/2 page template for motor carriers to follow when developing a written security plan and a 2-1/2 page template for the security vulnerability assessment. Neither of these documents provided by DOT will pass their own inspection. We appreciate Brian passing this information along to us.

Good Ozone!

When circulated through a grain bin, ozone gas has been shown to kill nearly every insect that might live inside. That's good news for agriculture, which in recent years has lost fumigants such as methyl bromide due to regulation. Ozone, which poses virtually no risk to people or the environment in this application, also seems to reduce the growth of - or even destroy - mold in grain. "So far I haven't found an insect I can't kill with it," says **Linda Mason**, whose work is part of Purdue University's Post-Harvest Education and Research Center. The ozone is believed to interfere with bugs' respiration, turning them into something of a dazed, zombie insect shortly before they die.

While dangerous to humans in high concentrations, ozone only remains that way briefly. Then the gas

"quickly dissipates back into O₂," says Mason. She believes ozone generators could be in use commercially within three years. A portable ozone generator (cost: \$20,000 to \$80,000, depending on capacity) would pump the gas into a bin. At Purdue, the process has been tried with success on corn, soybeans, rice, popcorn and wheat. It leaves no residue and doesn't affect food quality, according to Mason. In fact, the process leaves grain smelling rather pleasant.

The cost might seem prohibitive, but large commercial grain operations and local cooperatives would likely own ozone generators and lease them out to customers and members, says Mason. **Note:** Retailers and grain facilities looking for an alternative to DHS-regulated products like aluminum phosphide might find this a viable idea.

Most Quoteworthy

"I can't change the direction of the wind, but I can adjust my sails to always reach my destination." By Jimmy Dean, American businessman, actor, television host and country music singer.

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