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Happy New Year?

One doesn't have to look too far to see the effects of an economy that is "right-sizing." Upon closer inspection of the impending change in administration, there are tell-tale signs that 2009 will be an "interesting" year to say the least. Note the question mark at the end of the heading of this article. Here are some indicators the ag industry needs to batten down the hatches and be prepared for changes:

- Unemployment will enter the double-digits this month. For comparison, the unemployment rate during the Great Depression topped out at 28%.
- The Government Accountability Office (GAO) recently reported "shortcomings" in how EPA reports the effectiveness of its enforcement programs to Congress. EPA's procedures have masked what's really been happening with EPA penalties. Penalties are down in recent years leading us to believe that EPA will be less likely to negotiate lower penalties and possibly even raise the amounts associated with violations.
- DOT ratchets up enforcement on nurse tanks, with missing or illegible data plates for now, warns the industry should get ready to test all tanks if we want to keep them in service.
- Lisa Jackson's appointment as head of the Environmental Protection Agency further encourages environmentalists. She is a chemical engineer from New Jersey, one of the most radical states when it comes to environmental regulation. She has 19 years experience and is known for being tough as nails.
- Despite the direct instruction and warnings from President Bush against advancing regulatory activity after an October 31st cutoff date, agencies have not heeded the current administration's efforts to thwart a host of "midnight" rule-making. Several of these last minute activities will have an effect on our industry.
- With most of the speculation and toxic asset effects removed from the financial and commodities markets, Americans find themselves with about a 48% reduction in the value of their portfolios. All indications the economy has not bottomed out yet.
- The new administration's promise to put 3 million Americans back to work will most likely result in an increased number of inspectors, auditors and other agency personnel dispatched to make sure the regulated community is compliant.

Recessionary Tactics: 5 Moves to Make Now

The National Bureau of Economic Research announced last week that it is official, we're in a recession, and have been for a year now. The Hackett Group recommends five "urgent and precise actions" to combat tough times:

- Accelerate activities that can deliver a positive return within six months.
- Understand your cash position; be able to forecast it, access it, and increase it.
- Leverage your best suppliers and actively manage supply chain risk.
- Re-examine and, if necessary, accelerate or delay IT investments.

- Identify and develop the talent that is most important to the success of your business.

Click [here](#) for the full Hackett Group white paper “Urgent and Precise Action Will Determine Winners and Losers in Today's Economic Turmoil.”

New DVDs Hit the Field

Watch for your UPS driver to deliver your new English set of DVDs shortly after January 12, 2009. Please be prepared to open your set and follow the instructions to exchange and return your set of old videos. We have been advised we will receive the copies from the reproduction house on January 9th. Plans are to package the sets and ship on January 12th. We have experienced a bit of a delay due to the economy and holiday season. Most of our vendors shut down through most, if not all of the holiday season, due to the slowdown in the economy. We expect to ship the new set of Spanish DVDs in about 30 days.

CFATS Extension for Tier 4 Facilities

The Department of Homeland Security (DHS) has extended the deadline for Tier 4 facilities to submit their Security Vulnerability Assessment (SVA) from December 31, 2008 to January 12, 2009. Click [here](#) for more information on the extension.

New Decal to Mark Aqua Ammonia Tanks

A new decal to mark aqua ammonia tanks has been developed and added to our Online Catalog. The new decal was developed in conjunction with our work with the Western Plant Health Association on the new Aqua Ammonia training program and handbook. As with other Asmark Institute decals, this new decal has been designed to consolidate three marking requirements into one decal. Pictured is an example of the new decal.



PPR Forms for 2008 Change, Expanded

EPA Form 3540–16, Pesticide Report for Pesticide-Producing and Device-Producing Establishments, is used to collect pesticide production information. On December 30, 2008, EPA posted a revised form and set of instructions to their website. The look of the form has changed for the 2008 reporting year, with some of the biggest changes being to the Product Classification section. The number of categories used to classify products has been expanded to better identify the products being reported. The numbering system will also change for the existing classifications listed. Our contacts at U.S. EPA report the new form and instructions must be used for submission of the reporting year 2008. Asmark Institute staff is busy reviewing the changes, building the new form and revising the classification codes that are affected. Click [here](#) for more information.

Attention: Nurse Tank Owners & Operators

If you own or operate nurse tanks used to transport anhydrous ammonia, you should review the attached Nurse Tank Safety Advisory. If your nurse tanks have missing or illegible ASME data plates, you should seriously consider taking immediate action. Please review the following article and the DOT Advisory.

DOT Issues Nurse Tank Safety Advisory

On November 20, 2008, The Fertilizer Institute (TFI) advised the industry of nurse tank inspections in several states by the Department of Transportation (DOT) Office of Hazardous Materials Enforcement. At that time, DOT advised they would be issuing a letter outlining the violations. DOT followed through on December 19th by posting [Nurse Tank Safety Advisory](#) to notify the ag industry of serious safety problems and non-compliance issues regarding the maintenance, filling, transport and use of nurse tanks in anhydrous ammonia service. Click [here](#) to review DOT's Advisory.

Large Fertilizer Tanks Scrutinized

As a result of the November 12, 2008 collapse of a two-million-gallon liquid fertilizer storage tank at the Allied Terminals distribution facility in Chesapeake, VA, the U.S. Chemical Safety Board (CSB) issued urgent safety

recommendations. The tank collapse seriously injured two workers, two members of the public required treatment due to exposure to ammonia vapor, and at least 200,000 gallons of fertilizer were released but could not be accounted for, some of which reached the Elizabeth River.

CSB investigators concluded that the tank collapse probably resulted from defective welds on the tank wall. The welding was performed in 2006 as part of a project to replace the vertical riveted seams in four fertilizer tanks that were constructed around 1929. CSB found several welding defects where the modifications were made in the collapsed tank; thus, CSB determined that the other three tanks welded during the same period likely have similar welding defects. Allied Terminals was filling the fertilizer tanks to a level about three inches below the safe fill height prior to the tank collapse.

CSB recommended that Allied Terminals "immediately reduce the hazard from the other three tanks by lowering the maximum safe fill height and retain a qualified engineering firm to assess the tanks' safety." CSB is now concerned that there is a lack of clear regulations covering the safety of non-petroleum aboveground storage tanks. Due to the hazard these tanks may pose, the CSB will examine whether additional safeguards are necessary. Click [here](#) for more information on the CSB's investigation.

Rule Merges Medical Examiner's Certificate and CDL

The Federal Motor Carrier Safety Administration (FMCSA) has issued a final rule merging the medical examiner's certificate with the commercial driver's license (CDL). As of January 30, 2012, an interstate driver who holds a CDL will be required to provide the original or a copy of their medical examination certificate to their state driver licensing agency. The rule appeared in the December 1, 2008, Federal Register and requires all interstate CDL holders to provide this information by January 30, 2014. The licensing agency will be required to record on the driver's Commercial Driver License Information System (CDLIS) record information from the medical examiner's certificate along with the driver's certification about whether they are subject to the qualification requirements in Part 391 of the Federal Motor Carrier Safety Regulations.

Beginning January 30, 2012, this regulation will eliminate the requirement that an interstate CDL holder possess the original or a copy of the medical examiner's certificate, as the required information will be placed on the driver's record by the state driver licensing agency. Because the medical examination information is included on the motor vehicle record, beginning January 30, 2012, carriers will no longer be required to maintain the original or a copy of the certificate in the CDL holder's driver qualification file. Motor carriers will be required to review and place in the driver's qualification file a copy of the driver's motor vehicle record. This final rule only applies to interstate CDL holders and motor carriers who employ CDL holders. Intrastate CDL holders and drivers of commercial motor vehicles who do not operate vehicles requiring a CDL will still be required to provide the original or a copy of the medical examiner's certificate to the motor carrier to be placed in the driver's qualification file. They will also continue to carry an original or a copy of the certificate.

Do Your Drivers Know Where Their HazMat Shipping Papers Are?

Hazardous materials shipments must be accompanied by proper shipping papers. During transport by highway, the driver is responsible for maintaining the shipping papers in accordance with the Hazardous Materials Regulations, so that they are easily accessible to and recognizable by authorities in the event of an incident, accident, or inspection. The following specific requirements are for hazardous materials shipping papers accompanying a shipment of hazardous materials transported by highway:

- if a hazardous materials shipping paper is carried with any other papers, it must be clearly distinguished by either distinctively tabbing it or by having it appear first;
- when the driver is at the vehicle controls, the hazardous materials shipping paper must be within immediate reach, when the driver is restrained by the seat belt;
- the hazardous materials shipping paper must be either readily visible to a person entering the driver's compartment, or in a holder that is mounted on the inside of the door on the driver's side of the vehicle;
- when the driver is not at the vehicle controls, the hazardous materials shipping paper must be in a holder mounted on the inside of the driver's door, or on the driver's seat in the vehicle.

Reminder! Don't forget to maintain a copy of each of your shipping documents for a period of two years from the date of origin. DOT regulations require it!

Worth Repeating

"Opportunity is missed by most people because it is dressed in overalls and looks like work." -- Thomas A. Edison

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