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March 1st Deadlines Pass

As a reminder worth mentioning, SARA Tier II submissions were due on March 1st. These are annual requirements that most retailers are familiar with, however, the penalties are quite severe for noncompliance. Because March 1st falls on a Sunday this year, the deadline is March 2nd. We believe it is prudent to remind our clients of the deadline, just in case the SARA Tier II reports are still sitting on someone's desk. Each facility required to submit a SARA Tier II Report received either a Master Report to be used by the facility personnel in reporting and certifying the data electronically as mandated by their state, or traditional copies to be signed/certified and submitted/mailed to their State Emergency Response Commission, Local Emergency Planning Commission and Fire Department.

EPA Reports PPR Form Change for 2008 Caused Confusion

The annual Pesticide Report for Pesticide-Producing and Device-Producing Establishment form is used to collect pesticide production information that is required to be submitted annually to EPA by March 1st. On December 30, 2008, EPA posted a revised form and a new set of instructions to their website. Our contacts at U.S. EPA report the new form has caused great confusion and that their submissions received by the end of February have dropped off significantly over past years. There is speculation the mailing to the facilities went largely unnoticed, the new product classification was confusing and to make matters worse, the new template of the form posted on EPA's website confused facility personnel into believing they were submitting after entering their data.

Please Note: The Asmark Institute submits and documents receipt by U.S. EPA of the Pesticide Production Report for each of our clients. All clients' reports were shipped last week to be received by U.S. EPA on Friday, February 27th. File copies and proof of receipt by U.S. EPA will be mailed to each facility in early March. Please remember to file these in your Compliance Filing System.

Reminder: Time to Post Your 300A

Don't forget to complete your 2008 injury and illness recordkeeping obligations by posting the Summary of Work-Related Injuries and Illnesses (OSHA Form 300A). OSHA requires that the notice be displayed from February 1st to April 30th of each year in a conspicuous place where employee notices are customarily posted. A company official must certify the information in Form 300A was examined and is believed to be correct and complete. Click [here](#) to access the form and instructions.

New RMP*eSubmit Beta Test Underway

U.S. EPA is ramping up to launch a new and improved web-based portal for the submission of Risk Management Plans (RMP) in time for the next round of five-year updates. The Asmark Institute has been participating in the Beta test of the new web-based software over the past 10 days. U.S. EPA has made several improvements in how the submission process works. The new system eliminates the need for hard copy certifications, diskettes and Certified Mail. The RMP document has undergone a new look with an

improved and simplified format that separates/moves the data to a column on the right side of the paper. As part of the new system, U.S. EPA has adopted a certification system that is very similar to that used by the Department of Homeland Security (DHS). The entire process is expected to be web-based. They utilize new digital signature technology that may be a bit cumbersome at the beginning, but will prove to be beneficial in the long run. In June 2009, EPA estimates that approximately 8,000 RMP facilities are due for the five-year update of their Risk Management Plans. We will provide guidance to coincide with the launch and announcement of the new RMP*^eSubmit.

Environmental Respect Award Program...Enroll Today!

DuPont Crop Protection and CropLife magazine have announced the launch of the 2009 Environmental Respect Awards. The deadline for entry is April 30, 2009. The Environmental Respect Awards are sponsored by CropLife magazine and DuPont Crop Protection. The awards are widely recognized as the agricultural industry's highest achievement for environmental stewardship among U.S. agricultural retailers. The program honors businesses for excellence in site design, in-plant storage and handling procedures, proper application and leadership in safety and stewardship among customers and employees. We encourage our clients and affiliates to enter. Click [here](#) for more information.

2009 Posters Will Ship April 1st

The 2009 posters are at the printer and expected to be mailed out by April 1st. Some of the data used to populate the posters was delayed this year. We elected to wait for the tested data rather than going to press with anything less. Sorry for the delay!

Recent Court Decision Puts NPDES Permits In-Play

A three-judge panel of the 6th Circuit Court of Appeals earlier this month vacated an EPA rule that allowed pesticides to be applied to U.S. waters without a Clean Water Act permit. On November 27, 2007, EPA issued the final rule, which states that pesticides applied in accordance with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) are exempt from the Clean Water Act's National Pollutant Discharge Elimination System (NPDES) permitting requirements. The recent court ruling held that all biological pesticides are pollutants requiring NPDES permits if they reach waters of the U.S. Similarly, any residue or excess from chemical pesticide applications that reach waters of the U.S. would be considered pollutants. Stay tuned for an analysis on the effects this will have on retailers.

Proposed Legislation Would Require Responsibility for Contractors

New proposed Legislation would require "site-controlling" employers to keep an injury log for temporary employees and contractors. **Representative Gene Green** (D-Houston) has introduced legislation, H.R. 242, which would require site-controlling employers to keep a site log for all recordable injuries and illnesses occurring among all employees on their worksite. The site-controlling employer would have to keep the log for direct employees, as well as workers employed by contractors or temporary help or leasing services. The bill defines "site-controlling employer" as the employer that has primary control over the work on a particular work site and supervises the employees on a day-to-day basis on a particular work site.

Alert! DOT-Related Fraudulent "phishing" Scam Letters

Be on the lookout for letters that are being sent to trucking companies across the country by scam artists posing as the Department of Transportation (DOT). The fraudulent letters request bank account information to allow motor carriers to be eligible for procurement contracts. One clue that these letters are fraudulent is that the return address is 400 Seventh St. SW, Washington, D.C., the former address of the U.S. DOT headquarters. If you receive one of the letters, report it to your local FBI office or contact the U.S. DOT Office of Inspector General by calling (800) 424-9071.

Syngenta Team Safely Reaches Million-Hour Milestone

The Syngenta team in Paris, IL, recently celebrated an important milestone: the completion of 1 million work hours without an Occupational Safety and Health Administration (OSHA) recordable accident. The 1 million work hours span more than seven years, during which more than 450 employees have worked at the facility.

The achievement is especially noteworthy because many of these employees are seasonal and work during peak summer and harvest times. That means the facility must accommodate seasonal turnover and repeated surges in the workforce while maintaining an unwavering focus on safety.

"We have 47 people working at the plant now," says plant manager **Doug DeLong**. "But during the peak of harvesting season, that number may be as high as 150. That's why achieving this award means so much to all of us. It represents the dedication that Syngenta Paris employees make to personal safety." DeLong attributes the plant's success to a culture that puts personal responsibility at the forefront. The company holds daily safety meetings to incorporate safety into all aspects of the job, whether it's in the office or the field. But according to DeLong, the core of their safety program is the personal mindset that responsibility and awareness must always be top of mind.

KFC secret recipe is back in Kentucky

This one's been included in our newsletter because it was too good to resist. The secret recipe for Kentucky Fried Chicken (KFC) has been returned to Louisville, Kentucky, after being moved to an undisclosed location during a revamp of internal security. The recipe, created by **Colonel Harland Sanders** in 1940, is protected by a safe, armed guards and motion detectors, and requires two keys with two personal-identification numbers for access.

Most Quotable....

"If you start with the birth of Jesus and spend a million dollars a day every day since then you still wouldn't get to a trillion dollars," commented **Senator Mitch McConnell**, Minority Leader (R-KY) on the Obama stimulus plan.

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