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### Heads Up! 2009 Posters Mailed

The 2009 set of three regulatory posters is being mailed this week. The set includes posters with information on DOT shipping descriptions, Worker Protection Standards and Restricted-Use Products. The posters are normally prepared and shipped around the middle of February, but were delayed this year.

### Environmental Respect Awards

The Environmental Respect Awards program is in its 19th year of being widely recognized as the agricultural industry's highest achievement for environmental stewardship among U.S. agricultural retailers. We encourage you to step up and show your environmental respect. Applications are due on April 30th. You can enter online by clicking [here](#).

### U.S. EPA Launches New RMP\*eSubmit

U.S. EPA has started mailing notification letters to facilities with a Risk Management Plan (RMP) on file with the RMP Reporting Center. The letters are meant to announce the availability of the new web-based portal for the submission of RMPs in time for the next round of five-year updates. RMP\*eSubmit was posted live online on March 13th.

The steps a facility must follow to establish access to RMP\*eSubmit will be very similar to the process for registering with the Department of Homeland Security (DHS) to submit their Top-Screen. Both agencies use the government's Central Data Exchange (CDX) portal. First, the certifying official will register to set up a CDX account. Then the certifying official will fill out an Electronic Signature Agreement (ESA) and mail it to the Reporting Center. The RMP Reporting Center will contact the certifying official in person before setting up their website access. As a result, the certifying official will receive an authorization code to pass along to their preparer such as the Asmark Institute. The preparer will be able to access the RMP data for the facility and make any modifications or re-submissions.

The Asmark Institute is currently in the process of performing the five-year update for our clients. Our plans are to continue using the existing RMP\*Submit program until all of the five year updates have been submitted. We will develop and provide guidance on using the new RMP\*eSubmit system in July. The old RMP\*Submit will be phased out at the end of 2009.

### Asmark Institute 5-Year Update Plans: What to expect...

We have 99% of the data in-house to complete the 5-year RMP updates due on June 21, 2009. Work on the update process will continue through about June 15th. Each facility will receive a draft copy of their RMP to review and proof sometime between May 1st and June 1st. An original signature will be required for submittal to the RMP Reporting Center. The Asmark Institute will submit all RMPs to arrive to the RMP Reporting Center prior to the June 21, 2009 deadline. As always, we will document EPA's receipt of your RMP and keep the documentation on file. Please forward any correspondence you receive from U.S. EPA to **Dustin Warder**. Dustin manages the RMP Program for the Asmark Institute.

### **Nurse Tank Inspection Program (NTIP) Update**

As of the week ending March 31st, there have been 1,214 locations request to be covered by SP-13554. 20,207 kits have been shipped with 14,731 inspections recorded on the website. A total of 391 nurse tanks have failed to pass the testing for the reasons of visual (220), thickness (129) or pressure (42).

### **Attention: Nurse Tank Owners & Operators**

We are seeing a significant number of DOT Inspectors "stopping by" the ag retailer in their area that has anhydrous ammonia on-site. The inspectors appear to be on a "fieldtrip" to learn all they can about the condition and use of nurse tanks. We believe they will start performing official inspections in the very near future. 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 Nurse Tank Safety Advisory to notify the ag industry of serious safety problems and noncompliance issues regarding the maintenance, filling, transport and use of nurse tanks in anhydrous ammonia service. Click [here](#) to review DOT's Advisory.

### **Final SPCC Rule Effective Date Delayed**

Originally signed on November 20, 2008, the Environmental Protection Agency (EPA) published what was suppose to be the final rule on December 5, 2008 concerning Oil Pollution Prevention, Spill Prevention, Control, and Countermeasure Plan (SPCC) Requirements. EPA's actions were heralded as reforming the SPCC rule and contained provisions that would benefit retailers and other small businesses. The Office of Advocacy of the U.S. Small Business Administration released a statement saying they were encouraged that the EPA listened to small businesses and included those provisions in the reformed rule. The Obama Administration placed a stay on all rules to allow time to review last-minute regulatory rules passed under the previous administration.

U.S. EPA has published a "final rule; delay of effective date" on April 1st delaying the effective date of the final rule that amends the SPCC regulations promulgated in the Federal Register on December 5, 2008. The amendments will become effective on January 14, 2010. EPA additionally is requesting public comment on whether a further extension of the effective date may be warranted.

It appears the SPCC Rule has cleared the regulatory review period imposed by the Obama Administration, but may have unresolved details that industry will be faced with in the future months. All we know at this point is...stay tuned.

**What to expect:** The Asmark Institute was asked to partner with The Fertilizer Institute (TFI) in December 2006 to develop a state-of-the-art web-based tool to help facilities comply with the SPCC requirements. The Asmark Institute has continued to work with TFI and U.S. EPA to develop a web-based program, entitled **mySPCC**. U.S. EPA has conducted a preliminary review of **mySPCC**. Asmark, TFI and U.S. EPA will be meeting to finalize this tool in the near future, and it is believed that U.S. EPA will support the program much like the **myRMP** program.

The new web-based tool **mySPCC** 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 SPCC plan (for use with a tank greater than 5,000 gallons) was completed in the fall of 2007. Programming for the second new tool that helps a user electronically complete the streamlined template (for use at facilities with no tank greater than 5,000 gallons) was completed the fall of 2008 and is awaiting release. Combined, these two new web-based tools will be called **mySPCC Suite of Retail Guidance Materials**. The new mySPCC Suite is expected to be introduced in the first quarter of 2009, pending review and approval.

### **ARA Reminder: Ag Chemical Security Tax Credit**

Washington, DC, March 24, 2009 - With the April 15th federal tax deadline rapidly approaching, the Agricultural Retailers Association (ARA) would like to remind you the Ag Chemical Security Credit (ACSC) can save you up to \$100,000 per facility this tax season. In an effort to assist you with the details of this credit, ARA has asked Energy Tax Savers, Inc. to write a detailed report on the tax credit, eligible businesses, qualified chemical security expenditures, how to take advantage of the credit and a few examples on how to

calculate the tax credit. Again, this is a CREDIT, not a deduction, so you are getting CASH back. Ag retailers and distributors should take advantage of this program and utilize every tax relief measure available, especially in the current economic environment. Please click [here](#) to view the detailed report from Energy Tax Savers, Inc.

### **U.S. EPA Proposes to Require Industry to Report Greenhouse Gas Emissions**

U.S. EPA has proposed a rule to require all sectors of the economy to report their greenhouse gas emissions. The rule, which is required by a Congressional law, is the first comprehensive national system for reporting emissions of carbon dioxide and other greenhouse gases produced by major sources in the U.S. The rule would apply to fossil fuel suppliers and industrial gas suppliers, as well as to those who directly emit greenhouse gases. However, the proposed rule does not require the control of greenhouse gases. Instead, it simply requires that sources above certain threshold levels monitor and report their emissions. EPA says the agency will be better able to confront climate change by having the reported data.

Greenhouse gases, like carbon dioxide, are produced by the burning of fossil fuels and through industrial and biological processes. Approximately 13,000 facilities, accounting for about 85 to 90 percent of greenhouse gases emitted in the U.S., would be covered under the proposal. The new reporting requirements would apply to suppliers of fossil fuel and industrial chemicals, manufacturers of motor vehicles and engines, as well as large direct emitters of greenhouse gases with emissions equal to or greater than a threshold of 25,000 metric tons per year. The direct emission sources covered under the reporting requirement would include energy intensive sectors such as cement production, iron and steel production, and electricity generation, among others.

The reporting threshold is roughly equivalent to the annual greenhouse gas emissions from just over 4,500 passenger vehicles. EPA explains that the vast majority of small businesses would not be required to report their emissions because their emissions fall well below the threshold. The first annual report would be submitted to EPA in 2011 for the calendar year 2010, except for vehicle and engine manufacturers, which would begin reporting for model year 2011. EPA estimates that the expected cost to comply with the reporting requirements to the private sector would be \$160 million for the first year. In subsequent years, the annualized costs for the private sector would be \$127 million.

EPA is developing this rule under the authority of the Clean Air Act and as required by the Fiscal Year 2008 Consolidated Appropriations Act. The proposed rule will be open for public comment for 60 days after publication in the Federal Register. Click [here](#) for a copy of the proposed rule.

### **Regularly Scheduled Training Proven Beneficial**

Regularly scheduled training sessions are an important part of any safety program. Basically, regularly scheduled training, such as monthly safety meetings, reinforces the message that safety in the workplace is important and has been proven to reduce accidental injuries by 85%. Providing a forum for discussion during and/or at the end of a training session is essential to the retention process and can reinforce what employees have learned, clear up any misunderstanding of the lesson, and motivate employees to effectively use what they have learned. You want your employees to have a positive experience and remember the session for the lesson taught. Use of props such as operator manuals, sample materials, demonstrations and examples are highly beneficial in boosting the amount of information retained by the employee. Hands-on training aids make the training even more memorable.

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