

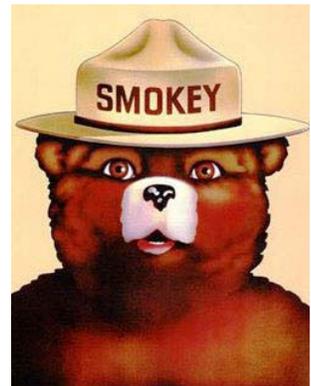


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Spotlight: Smokey Celebrates 65th Birthday

Being quite possibly the oldest spokesperson for safety, we just couldn't let this anniversary go by unnoticed. Smokey Bear has been communicating his well-known message, "Only You Can Prevent Forest Fires," since 1944. Since his "birth" on August 9, 1944, Smokey Bear has been a recognized symbol of conservation and protection of America's forests. In 2001, he introduced the term 'Wildfire' to include all unwanted, unplanned fires in natural areas such as grass fires or brush fires. His message about wildfire prevention has helped to reduce the number of acres burned annually by wildfires, from about 22 million (1944) to an average of 7 million today. On average, nine out of ten wildfires nationwide are caused by people. The principle causes are campfires left unattended, debris burning, senseless arson, careless discarding of smoking materials or BBQ coals, and operating equipment without spark arrestors. Happy Birthday Smokey!



Jim Byrum Nominated for USDA Advisory Committee

The Agricultural Retailers Association (ARA) has nominated the President of the Michigan Agri-Business Association, James Byrum, to serve on the United States Department of Agriculture's (USDA) Advisory Committee on Emerging Markets. The committee is comprised of representatives from the private sector experienced in agribusiness and management, and with interest and experience in exports and similar overseas operations. The primary mission of the Advisory Committee is to make recommendations on policies and programs which will enhance agricultural exports to emerging markets through the use of the Emerging Markets Program authority. Nominations have been accepted and the committee members will be chosen in the coming months. Congratulations Jim!

National Safety School 2009

The National Agronomic Environmental Health and Safety School was held in Bloomington, IL this year and reported a record attendance. The renewed spirit and level of energy in the Safety School continues to build momentum. If you have responsibility for EHS issues at your facility, this 1-1/2 day meeting is the best source of information in the United States for this type of program. We encourage everyone to register and participate in the 2010 Safety School. The official website of the Safety School can be found at www.naehss.org.

DHS Warning Issued: Reporting COI Based on Product Labels

In an email issued on August 25 to chemical facilities that registered with the Department of Homeland Security (DHS), the agency warns against inaccurate reporting. It has come to DHS's attention that some chemical suppliers and repackagers have been advising customers not to report certain products on their Top-Screen even though the label states that a Chemical of Interest (COI) is present. This is especially true of some products used to prevent fungus, slime, etc., from growing in water containment vessels. In determining whether or not a facility should include a particular COI on a Top-Screen submission, the facility should rely on the product's labeling and any information obtained directly from DHS. If you have omitted a

COI from your Top-Screen despite your possession of chemical products whose labeling indicates the presence of a COI, DHS is advising that you submit a revised Top-Screen as soon as possible.

NPDES Rehearing Denied

The Sixth Circuit Court has denied CropLife America's petition to rehear a three judge panel's decision striking down EPA's Final NPDES Rule. CropLife's petition, filed after the panel's decision in January, requested that the full court re-examine and overturn the decision. The panel had earlier granted EPA's request to stay the mandate until April 2011 so that the government could develop a general permitting program. Petitioners have 90 days to file a petition with the Supreme Court. Failure by the court to strike down this rule puts our industry one step closer with the challenge of how to comply. The ramifications of this rule will range from mere challenging at the least to possibly devastating, based on the retailer, their resources, and the overall health of their business. This is one to watch! We appreciate CropLife America's efforts on this issue.

TFI Responds to CSB Recommendation on Large Tanks

On June 17, The Fertilizer Institute (TFI) received a letter from the U.S. Chemical Safety and Hazard Investigation Board (CSB) containing a recommendation as a result of its investigation into the UAN large tank failure at Allied Terminal, Inc., in Chesapeake, Va. CSB recommended that TFI "formally recommend to all member companies the incorporation of the TFI tank inspection guidelines into contracts for the storage of liquid fertilizer at terminals." A copy of the CSB's letter, final report and recommendations to TFI are available by visiting TFI's homepage at www.tfi.org.

Visibility Regulation Now in Effect in California

On August 22, a new federal High Visibility Apparel Regulation began that impacts companies who operate commercial vehicles on public roads and highways. According to Cal OSHA, which will be the state enforcement agency of this rule, any driver embarking from his or her truck, or mechanics working on trucks, must wear high visibility apparel when exposed to any workplace, street, highway or highway encroachment. Cal OSHA has suggested that if someone in a company vehicle interferes with traffic in any way, including changing a tire on the side of the road, they must be wearing safety apparel. For more information, refer to the Code of Federal Regulations CFR 49 Part 634 Worker Visibility Safety Rule or California Code of Regulations - Section 1598 - Traffic Control for Public Streets and Highways.

New Immigration Strategy

According to the Wall Street Journal, the Obama administration is implementing a new immigration strategy. **John Morton**, the new Chief of U.S. Immigration & Customs Enforcement, said that the agency is set to increase the number of companies it will audit and systematically impose fines on violators. Few industries have come so close to admitting they cannot survive without the labor of illegal immigrants as agriculture. At least half of the 1.8 million crop workers in the U.S. are undocumented. As part of the audit, immigration agents review the I-9 forms and other records of a company. If agents conclude that a business knowingly hired illegal workers, criminal investigations follow. Fines for companies found to employ workers in the country illegally could exceed \$800 per employee.

FMCSA Medical Review Board Reviews Age & Psychiatric Issues

How old you are and if you have ever been diagnosed with depression, social anxiety or sleep apnea may become factors in the qualification process for drivers of commercial motor vehicles (CMV). According to the Owner Operator Independent Drivers Association (OOIDA), the wrong answer could park a driver permanently. According to **Charlie Morasch**, with OOIDA at its July meeting, the FMCSA Medical Review Board tipped its hand to several controversial measures that could remove scores of drivers from the road. The Board discussed:

- Psychiatric disorders and CMV driver safety;
- Sleep related disorders, circadian rhythm disorders and CMV driver safety;
- Musculoskeletal disorders, spinal cord injury and CMV driver safety; and
- Implantable cardioverter defibrillators and implications for driving a CMV.

While the board delayed discussion on psychiatric disorders, the motivation behind some of the subjects discussed was unclear. For example, even though psychological conditions were on the agenda, no evidence to a possible impact on highway safety was presented, OOIDA Associate Director of Government Affairs **Melissa Theriault Rohan** said.

As if all of that wasn't enough, the board also hinted it would discuss capping the age of commercial drivers at its next meeting. Rohan said the age and "psychiatric issues" could lead to a regulation with dire consequences, removing many experienced drivers from the road without justification.

By Fall 2009, it is rumored that the ball could be rolling on new regulations pertaining to truck drivers with sleep apnea, cardiovascular disease, diabetes, vision, as well as epilepsy and seizures.

The Owner Operator Independent Drivers Association advocates on behalf of independent owner-operators and professional drivers on all issues that affect truckers. The nearly 160,000 members of OOIDA are men and women in all 50 states and Canada who collectively own and/or operate more than 240,000 individual heavy-duty trucks and small truck fleets. OOIDA publishes Land Line magazine. We recommend that you become members of this organization.

Safety in the Fields, Safety Crossing Tracks

Each year, prior to and during harvest, all agriculture professionals are reminded to be aware and practice safe procedures when bringing in their crops. Many fields are adjacent to Union Pacific Railroad tracks and some fields have private railroad crossings going from field to field. Union Pacific urges producers to safely cross the tracks while they are working Missouri fields during this year's harvest. Equipment can be very loud, so we want to remind people to approach railroad crossings with extreme caution. Most importantly, take the time to look both directions to be sure a train is not near. "It can take a train a mile or more to stop. By the time a locomotive engineer sees you on the tracks, it's too late," said **John Simpson**, Union Pacific Manager of Public Safety for Missouri.

Drivers operating equipment near or over railroad crossings should remember seven steps for safety:

1. Approach crossings with care. Slow down when you see an Advanced Warning Sign.
2. Prepare to stop. Turn off fans and radio, roll down windows. Look and listen for a train.
3. Stop at least 15 feet from the nearest rail, but not more than 50 feet, if you see a train.
4. If it won't fit, don't commit. Trains extend beyond the width of the rails at least three (3) feet on each side. If your vehicle has a trailer, remember the additional length.
5. Double check, back left and right. Before you move, look in both directions.
6. Cross tracks with care. If your vehicle has a manual transmission, use a gear that will not require shifting until you reach the opposite side.
7. Keep going once you start, even if lights start to flash or gates come down.

If a vehicle stalls or hangs up on the tracks, it is important for the driver and all passengers to get out immediately and move away from the tracks in the direction of the oncoming train at a 45-degree angle. Once safely away from the tracks, find the railroad's emergency phone number and the DOT identification number posted near the crossing, and call local law enforcement or 911. Last year, 286 people died and 935 were injured as a result of train/vehicle collisions throughout the United States. In Missouri, there were 46 collisions resulting in 17 injuries and 10 fatalities during 2008.

In an effort to educate the public about grade crossing and pedestrian safety, Union Pacific works closely with Operation Lifesaver. Operation Lifesaver is a national, non-profit education and awareness program dedicated to ending tragic collisions, fatalities and injuries at highway-rail grade crossings and on railroad tracks. Do not become a statistic; use caution when approaching and crossing railroad tracks this harvest season. Thanks to **Steve Taylor** with the Missouri Agribusiness Association and Union Pacific Railroad for this timely article.

Fail a Drug Test? Better Not Be Shy

If you fail a drug test, when it comes time for your retest, you will be watched. The Department of Transportation (DOT) enacted new regulations in 2008 that mandated the "observed collection" of urine samples in return-to-duty tests or follow-up tests, or when tampering with the sample was suspected. The regulation was originally set to go into full effect November 1, 2008. BNSF Railroad and nine other groups sued DOT over the new drug testing policy. The cases were consolidated, and the groups filed a motion for emergency stay pending review to stop enforcement of the new regulations. The court granted the motion on October 31, 2008. On July 1, the court ruled against BNSF and the other groups and lifted the stay. The Federal Motor Carrier Safety Administration (FMCSA) will issue a Final Rule providing a start date for the mandatory direct observation for all follow-up and return-to-duty tests.

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