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Ag Industry Loses Pam Langley

We were very saddened to hear that **Pamela Langley**, Executive Director of the Montana Agricultural Business Association, passed away on October 28th of complications stemming from an obstructed airway. Pam was 62 years old and considered to be one of the pillars of the agricultural industry, especially for her work in association management. Pam was considered to be the “Gold” standard when it came to effective association management.

Born March 11, 1947, in Havre, Pam grew up on a farm in Rudyard. She graduated from the University of Montana, Missoula, with Bachelor of Arts degrees in journalism and Home Economics. She taught home economics, journalism and science, and went on to work for the Associated Press. In 1980, she completed a Master of Arts degree in Journalism at the University of Montana and began her career in association management in 1981, working for the Professional Insurance Agents of Montana and later for the Montana Agricultural Business Association, the Montana Grain Elevator Association, the Montana Seed Trade Association and the Association of Montana Turf and Ornamental Professionals.



Services are 1 p.m. Saturday, November 7th at Our Redeemer's Lutheran Church in Helena. Our thoughts and prayers are with Ruth, her Mother, and her two children, Kari and Jeff. We extend our condolences to the family. She will be sorely missed by all of us who knew her. Her work touched everyone involved in Montana agriculture and she was considered one of the most highly-respected association executives nationally by her peers. Expressions of sympathy can be sent to the Langley family at 1806 Capitol Street, Helena, MT 59601-4714.

New Training Center Launched

More than 170 industry personnel participated in the successful launch of the new Asmark Institute Training Center in La Vergne, Tennessee. The launch was organized as an Open House that spanned three days from Tuesday, October 20th through Thursday the 22nd, to allow flexibility in accommodating the schedules of those interested. The launch will be followed by four weeks of training on Emergency Response to Agricultural Incidents. Approximately 20 weeks of the four-day course will be announced soon for the 2010 season. Congratulations to **David Martin** on being named the Director of the new training center. David recently retired with more than 40 years of environmental, health and safety experience in the agricultural industry with Tennessee Farmers Cooperative. David will be responsible for the activities that are scheduled there throughout the year.

DHS - Confusion Surrounds Tier Notifications

The Department of Homeland Security issued press releases about a month ago that would make one believe they were finished with their final round of Tier assignment reviews and would be mailing the notifications.

While there are many anxious facility personnel eagerly awaiting the final notification of their DHS status, we were very disappointed to learn the agency has a long way to go in reviewing and finalizing the tiers for the major portion of the more than 6,048 high risk chemical facilities. DHS sees the Tier evaluation process as an “on-going process” that will never be completely finished because facilities should be continually reviewing their inventories for new regulated chemicals. The most common call we receive on this subject points out that regulated facilities have short, DHS-established deadlines to have submissions made, while DHS can respond whenever they get around to it. Extremely frustrating for the regulated community.

New Shipping Paper Requirements for 2010

DOT’s Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a final rule making revisions to the emergency response information required on shipping papers. In the final rule, PHMSA will require the shipper to be clearly identified on the shipping papers. The shipper’s name and emergency contact telephone number must be on the shipping paper in a prominent, readily identifiable and clearly visible manner so that it can be found quickly. This information will be required even if a shipper uses a contracted emergency response service for a 24-hour phone number. The Federal Register notice states an effective date of November 18, 2009, however, this is an error. The effective date is October 1, 2010. Voluntary compliance is authorized beginning November 18, 2009 to allow shippers flexibility when printing replacement forms or in updating their computer programs.

If you use a third party emergency response provider, such as INFOTRAC or CHEMTREC, the new information that will be required on your shipping paper is the name of the original shipping company. The name of the company, even if displayed elsewhere on the shipping paper, must be entered again clearly near the emergency contact information. If you do not use a third party as an emergency response contact, your company name and contact information would be required as the emergency response contact. [Click here](#) for a copy of the Final Rule.

CropLife America Asks for Supreme Court Review: NPDES Permits

During the recent Pesticide Policy Dialog Committee meeting at EPA, Jay Vroom, President and CEO of CropLife America, announced the organization’s intentions to file a petition with the Supreme Court to review the National Cotton Council v. EPA Sixth Circuit Court of Appeals decision. The petition must be filed with the Supreme Court by November 3rd. On January 6th, the Sixth Circuit U.S. Court of Appeals vacated an EPA rule which exempted certain applications of pesticides from the Clean Water Act requirement to obtain a National Pollutant Discharge Elimination System permit (NPDES) for application on or near water. The decision means that commercial pesticide applications to, over and around waterways will now require NPDES permits, unless relief is sought and obtained. The Sixth Circuit Court of Appeals granted the EPA’s request for a two-year delay in enforcement, but denied the agricultural industry’s request for a rehearing. Thanks to Jay and the CropLife team for their work on this important issue.

Atrazine Threatened (Again) by New EPA Evaluation

EPA is launching another “comprehensive evaluation” of atrazine. The EPA’s website indicates “This review will be based on transparency and sound science, including independent scientific peer review, and will help determine whether a change in EPA’s regulatory position on atrazine is appropriate.” Based on this evaluation, EPA will decide whether to revise its current atrazine risk assessments and whether new restrictions are necessary to better protect health and the environment. During the first year of the new evaluation, EPA will consider the potential for atrazine cancer and non-cancer effects, including data generated since 2003 from laboratory animal and human epidemiology studies. To be certain that the best science possible is used to inform its atrazine human health risk assessment, and to ensure transparency, EPA is seeking advice from the independent FIFRA Scientific Advisory Panel (SAP). EPA indicates they will engage the SAP to reevaluate the human health effects of atrazine over the coming year. The schedule is as follows:

- November 3, 2009 EPA will present its plan for the new atrazine evaluation.
- February 2010 EPA will present and seek scientific peer review of its proposed plan for incorporating epidemiology studies into the atrazine risk assessment.

- April 2010 EPA will present and seek peer review of its evaluation of atrazine non-cancer effects based on animal laboratory toxicology studies, selection of safety factors in the risk assessment, and the sampling design currently used to monitor drinking water in community water systems.
- September 2010 EPA will present and seek peer review of its evaluation of atrazine cancer and non-cancer effects based on animal toxicology studies and epidemiology studies.

EPA indicates this new review is intended to include the most recent results from the National Cancer Institute's Agricultural Health Study, anticipated for publication in 2010. At the conclusion of this evaluation of atrazine's human health effects, EPA will ask the SAP to review atrazine's potential effects on amphibians and aquatic ecosystems. The meetings of the SAP will be open to the public. In addition to the scientific review of atrazine's human health and ecological effects, EPA plans to meet with interested groups to explore better ways to inform the public more quickly about results of atrazine drinking water monitoring. **Note:** Interested parties throughout the United States submitted comments supporting atrazine to EPA by the September 23, 2009 comment deadline.

FMCSA Issues Clarification on Medical Marijuana

Recently, the Department of Justice (DOJ) issued guidelines for Federal prosecutors in states that have enacted laws authorizing the use of "medical marijuana." The Federal Motor Carrier Safety Administration (FMCSA) wants to make it perfectly clear that the DOJ guidelines will have no bearing on the Department of Transportation's drug testing program as administered and enforced. The FMCSA will not change their regulated drug testing program based upon these guidelines to Federal prosecutors. DOT's Drug and Alcohol Testing Regulation does not authorize "medical marijuana" under a state law to be a valid medical explanation for a transportation employee's positive drug test result. [Click here](#) for more information.

RMP Reporting Center Relocates

The EPA Risk Management Program (RMP) Reporting Center has moved to a new location. The center's new mailing address is: RMP Reporting Center, P.O. Box 10162, Fairfax, VA 22038. UPS or Federal Express deliveries should be sent to: RMP Reporting Center, Attn: CGI Federal, Inc., 12601 Fair Lakes Circle, Fairfax, VA 22033. The Risk Management Program's phone number is 703-227-7650; fax number is 703-227-4199; and their general e-mail address is RMPRC@epacdx.net. These changes coincide with the new web-based RMP*eSubmit reporting system set to be 100% operational by the end of the year.

New Refrigerant Proposed for Air Conditioners

EPA is proposing to find HFO-1234yf acceptable, subject to use conditions, as a substitute for CFC-12 in motor vehicle air conditioners under the Significant New Alternatives Policy Program. EPA will be accepting comments on the proposal until December 18, 2009. For additional information on the proposal, visit www.epa.gov/ozone/snap.

Expect Another Round of Proposed ADA Revisions

The Equal Employment Opportunity Commission (EEOC) is moving forward on its proposal to revise its regulations under the Americans with Disabilities Act (ADA) and apply the employment provisions of the ADA Amendments Act of 2008 (ADAAA). An EEOC Notice issued in September cites a congressional mandate that the ADAAA be construed in favor of broad coverage in which the determination of whether an individual has a disability should not require extensive analysis. Public comments about the EEOC proposal must be submitted by November 23, 2009. [Click here](#) for more information.

EPA Administrator Targets TSCA

In a speech on October 7th at the Commonwealth Club in San Francisco, **U.S. EPA Administrator Lisa Jackson** announced core principles that outline the Obama Administration's goals for legislative reform of this country's chemical management law, the 1976 Toxic Substances Control Act, TSCA. In parallel with this legislative initiative, Jackson also announced plans for a major effort to strengthen EPA's current chemical management program and increase the pace of the agency's efforts to address chemicals that pose a risk to the public. [Click here](#) for more information.

EPA Launches New Website for Retailers

A new website dedicated to retailers was recently launched by the EPA, in collaboration with several retail organizations. The Retail Industry Portal provides one-stop access to the vast amount of the EPA's compliance, sustainability and pollution prevention resources that are specifically applicable to the retail sector. [Click here](#) for more information.

Most Noteworthy:

"given the extra-ordinary times.....Let me go on record as saying that cutting trade association involvement could have some very serious consequences in the long run," writes **Eric Sfiligoj**, Editor of CropLife magazine in the October issue. The article titled "A Dangerous Trade Off," is right on the money given the current economic and regulatory environment retailers face.

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