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## Minnesota Crop Production Retailers

# REGULETTER

### ELD & ELDT: Not to be Confused

In its simplest form, an electronic logging device — or ELD — is used to electronically record a driver's Record of Duty Status (RODS), which replaces the paper logbook some drivers currently use to record their compliance with Hours of Service (HOS) requirements. Carriers and drivers who are subject to the rule must install and use ELDs by the appropriate deadline:

- Carriers and drivers who are using paper logs or logging software must transition to ELDs no later than December 18, 2017.
- Carriers and drivers who use automatic on-board recording devices prior to the compliance date must transition to ELDs no later than December 16, 2019

DOT has established new minimum training standards for individuals applying for a Class A or B commercial driver's license (CDL) for the first time; an upgrade of their CDL (e.g., a Class B CDL holder seeking a Class A CDL); or a hazardous materials (H), passenger (P) or school bus (S) endorsement on their CDL for the first time. These individuals are subject to the ELDT requirements and must complete a prescribed program of knowledge and behind-the-wheel instruction provided by an entity that is approved and listed on DOT's Training Provider Registry. *(Asmark Institute)*

### ELDT Final Rule Is Effective

After three delays, the entry-level driver training (ELDT) final rule is effective! The final rule was published in the Federal Register on December 8, 2016. The "effective date" is specified when it officially becomes part of the Code of Federal Regulations. In this case, the

effective date was delayed three times due to the Trump Administration putting a hold on the rule so that it could be reviewed by the new administration. The final rule became effective on June 5th with the compliance date of February 7, 2020. *(Asmark Institute)*

### U.S. House to Consider Delay of ELD Mandate

On July 17th the House Transportation Committee voted 31-20 to send this year's Transportation, Housing and Urban Development (THUD) appropriations bill to the full House. It includes a directive that could end up delaying or repealing the electronic logging device (ELD) mandate set to go into effect on December 18th. The House THUD bill now directs the DOT "to analyze whether a full or targeted delay in ELD implementation and enforcement would be appropriate and, if so, what options DOT has within its statutory authority to provide temporary regulatory relief until all ELD implementation challenges can be resolved." The committee justified its concern by noting the heavy burden of this mandate, especially on small carriers - projected to cost over \$2 billion to implement, making it one of the most expensive of all transportation rulemakings advanced under the previous administration. *(Asmark Institute)*

### ResponsibleAg Needs Auditors

Several organizations are signing up for the training to become contract auditors or to learn firsthand about ResponsibleAg - they want to see how it works - so they will be ready for their audit. More than 160 people have already participated in the training, with more

than 105 choosing to become credentialed by ResponsibleAg. To become a ResponsibleAg auditor, the first step is to attend the training. Two classes are offered per year. Reserve your seat in the upcoming September class now - only 8 seats are left. Visit: <https://www.responsibleag.org/Training/> to register. *(Asmark Institute)*

### OSHA Enforcement: Did you know?

- The average OSHA inspection yields 2.5 violations.
- Health inspections take approximately 33 hours to conduct.
- Safety inspections take approximately 22 hours to conduct.
- 25% of all inspections are "in compliance," meaning no violations were cited.
- Only 8% of cases are contested by the employer.
- 3% of inspections are follow-ups from prior inspections.
- Complaints lead to approximately 25% of all inspections. *(Asmark Institute)*

### SARA Tier 2 Hazard Categories Revised for 2018

When you file your SARA Tier 2 chemical inventory reports this coming March 2018, there will be a major change in the report. EPA has expanded the physical and health hazard categories to align with the Global Harmonization System (GHS). There are now 23 categories, up from 5 that industry is accustomed to.

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Asmark recommends you begin gathering the current information and updating the physical and health hazard categories for the chemicals you report. If you wait until February 2018 to do this, you may have waited too late! (Asmark Institute)

## EPA Releases Regulatory/ Deregulatory Agenda

The Trump Administration recently released the first Unified Agenda of Regulatory and Deregulatory Actions. The agenda lists the anticipated proposed and final dates for regulations issued by the federal government, and includes:

- Agencies withdrew 469 actions proposed in the Fall 2016 Agenda;
- Agencies reconsidered 391 active actions by reclassifying them as long-term (282) and inactive (109), allowing for further careful review;
- Economically significant regulations fell to 58, or about 50 percent less than Fall 2016;
- For the first time, agencies will post and make public their list of "inactive" rules providing notice to the public of regulations still being reviewed or considered.

Noticeably, no deregulatory actions were identified in the first release. However, items appearing in the EPA Unified Agenda of Regulatory and Deregulatory Actions for the first time include the following:

- Second Action: Definition of "Waters of the U.S." - A Notice of Proposed Rule Making is anticipated by December, 2017.

Visit: <https://www.reginfo.gov/public/do/eAgendaMain> to access the website for more information. (Asmark Institute)

## Yet Another New I-9 Form

Just eight months after the release of the most recent version, the United States Citizenship and Immigration Services (USCIS) has released an updated Form I-9. Employers will need to adapt to the change and use the new form by no later than September 18, 2017 or face the possibility of large fines. (Asmark Institute)

## Concerns Over Medical Exam Process Revealed

Since May 21, 2014, all new DOT physicals have had to be performed by a health professional listed on the National Registry of Certified Medical Examiners. The idea was that a registry would improve the exam process for interstate truck and bus drivers. However, a recent report raises concerns about the cost and quality in the medical certification process. An American Transportation Research Institute survey of 900 drivers, 300 carriers and 1,200 medical examiners found:

- 63% of drivers faced higher costs for their exams since 2014;
- 26.6% of drivers reported spending 20 minutes or less with their examiner;
- 5.9% of drivers were not issued a medical certificate on the day of their exam; and
- 99% of carriers had major concerns, e.g., examiner competency issues or delays due to examiner requests for more testing.

(Asmark Institute)

## Hatch Shuts Up PETA without Saying a Word

Proving once again that a single picture can be worth a thousand words, Senator Orrin Hatch (R, UT) recently undercut a PETA anti-agriculture campaign, and he did it without speaking a word to or about the world's largest and most radical animal rights group. Hatch is president pro tempore of the Senate, and sits as the chamber's most senior Republican Senator. After a career of 40 years, he's the longest-serving GOP Senator in U.S. history. So, as big a champion of agriculture as Hatch has always been, it was still a bit of a surprise to see an explosion of media attention to a Tweet the chair of the Senate Finance Committee sent out responding to a PETA challenge, in this case, the question: "Why would anyone eat bacon?" Told by the animal rights group to "provide your best argument," Hatch tweeted a series of photos of himself in the Senate cafeteria eating a bacon sandwich, eating a bacon and egg breakfast, and in a supermarket, buying bacon. All of the photos featured a smiling Hatch, illustrating his best argument. (Asmark Institute)

## RMP Effective Date Extended to February 2019

EPA has finalized the extension to the effective date for the Risk Management Plan (RMP) rule. The new effective date is February 19, 2019. EPA now plans to address the petitions for reconsideration of the January rule, which will likely result in a proposal with rule changes.

(Asmark Institute)

## What You Need to Know as Gen Z Enters the Workforce

The first members of Generation Z (born from 1995 to 2012) are graduating from college and entering the workforce. They tend to be fiercely independent, extremely competitive and motivated by a fear of missing out on things, but if we try to treat Gen Z the same as Millennials, it will backfire. Visit: [http://www.journalofaccountancy.com/news/2017/may/generation-z-enters-workforce-201716711.html?utm\\_source=mn:cpald&utm\\_medium=email&utm\\_campaign=23May2017](http://www.journalofaccountancy.com/news/2017/may/generation-z-enters-workforce-201716711.html?utm_source=mn:cpald&utm_medium=email&utm_campaign=23May2017) to read this insightful article.

## MCPR Has a New Website and Database

MCPR staff has been hard at work setting up a **NEW** MCPR website and membership database. Members will now have access to their own information and will be able to update their membership profiles. The MCPR office will also be able to take more online payments. Staff is still working hard to iron out the last few items in the system. Check out the new website when you get a chance – [www.mcpr-cca.org](http://www.mcpr-cca.org).

