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Minnesota Crop Production Retailers

# REGULETTER

## Reminder: Renew DOT Physicals Before Season

It's a great time to renew DOT physicals before season starts. Be sure to select a registered medical examiner that is listed on the National Registry. It is suggested that you contact your healthcare professional directly to verify if they are certified and listed on the National Registry. Each Certified Medical Examiner on the National Registry is provided a certificate from FMCSA confirming their approval to conduct Department of Transportation Examinations. This certificate can be used to determine if the individual conducting your exam is approved to do so. You can also search the National Registry by number by visiting: <https://www.fmcsa.dot.gov/regulations/medical/national-registry-certified-medical-examiners-search>. (Asmark Institute)

## DOT Drug Tests Have Changed: Updated Your Policy?

Last month the DOT announced changes to the federal drug testing panel of substances tested. These changes, which were made to address our nation's growing opioid crisis, will provide for a more comprehensive drug screen by including synthetic opioids as part of the standard test. The changes serve as a reminder to review your current drug and alcohol testing policy to make sure that it is current. We believe this to be a great time to check with your drug testing vendor to make sure your substance abuse policy is current and ready to go for the 2018 season. (Asmark Institute)

## Your Chance of High Blood Pressure Just Went Up!

High blood pressure is now considered to be 130/80 mm Hg, rather than 140/90 mm Hg, according to updated guidelines published by

the American Heart Association (AHA) and the American College of Cardiology (ACC). The last time these guidelines were revised was in 2003. The new definition means that 46 percent of U.S. adults will be considered hypertensive. Under the previous guidelines only 32 percent of U.S. adults had high blood pressure. The more stringent blood pressure standards are expected to affect those under the age of 45 the most. The AHA reports that those diagnosed with high blood pressure will triple for men and double for women in that age group. It is unclear at this time if and when DOT may revise the driver medical qualification standards based on the new guidelines.

Category	Current DOT Guidelines	New AHA-ACC Guidelines
Normal	Less than 140 mm Hg systolic and less than 90 mm Hg diastolic	Less than 120 mm Hg systolic and 80 mm Hg diastolic
Elevated	N/A	Systolic 120-129 mm Hg and diastolic less than 80 mm Hg
Stage 1	Systolic 140-159 mm Hg and/or diastolic 90-99 mm Hg	Systolic 130-139 mm Hg or diastolic 80-89 mm Hg
Stage 2	Systolic 160-179 mm Hg and/or diastolic 100-109 mm Hg	Systolic 140-180 mm Hg or diastolic 90-120 mm Hg
Stage 3	Systolic 180 mm Hg or greater and diastolic 110 mm Hg or greater	N/A
Hypertensive Crisis (New)	N/A	Systolic over 180 mm Hg and/or diastolic over 120 mm Hg

(Asmark Institute)

## New Form Checks on Driver Medications

If the thought of seeing your regular doctor and the physician that administers your DOT physical standing together talking at a cocktail party makes you cringe, this new form may be of particular interest to you. DOT has issued an optional form that may be used by medical examiners responsible for issuing Medical Examiner's Certificates to commercial motor vehicle (CMV) drivers. The 391.41 CMV Driver Medication Form (MCSA-58955) can be used to request information from a driver's other physicians or specialists. The information gathered will then assist the medical examiner

in determining if a driver is medically qualified to operate a CMV. To see a copy of the form visit: <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/regulations/medical/83586/39141-cmv-driver-medication-form-mcsa-5895.pdf>. (Asmark Institute)

## NAICS Code Revision Final

The North American Industry Classification System (NAICS) 2017 Revision is final and has created some new codes that were not in the last published edition in 2012. It also revised, deleted or consolidated about 30 NAICS industry definitions and codes from NAICS 2012. Unfortunately, efforts to create a new NAICS code for Farm Supply Retailers were not considered in this revision because of timing. We applaud the Agricultural Retailers Association (ARA) for their efforts and encourage support of future efforts to establish a new NAICS code for farm supply retailers as federal agencies such as OSHA and EPA are using the NAICS code for regulatory applications. While classifications are only reviewed every 5 years, ARA is already working on getting a definition included for retailers that accurately describes the distribution process to farmers as the process will begin next year to be included in the 2022 Revision. Visit: <https://www.asmark.org/data/NEED%20FOR%20REVISED%20NAICS%20CODE%20DEFINITION%20FOR%20FARM%20SUPPLY%20RETAILERS.PDF> for a policy paper ARA has prepared on this issue. (Asmark Institute)

## White House Supports Strong Commitment to Worker Safety

President Trump's fiscal year 2019 budget request for OSHA supports a continued effort to assure safe and healthy workplaces. The

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President's budget includes important reforms to ensure that taxpayer dollars are used to maximum effect. OSHA's 2019 budget request provides for an increase of \$6.1 million for 42 new Compliance Safety and Health Officers to continue the agency's commitment to enforcement; and another \$5.1 million for 24 Compliance Assistance Specialists and 8 additional staff to allow the agency to expand its training, outreach, compliance assistance and cooperative programs. (Asmark Institute)

## Driver Shortage is Top Concern

Finding a driver over the past decade has become harder and harder for agribusinesses across the country. There's the issue of finding a qualified driver who is in the right price range and willing to work the long seasonal hours - and then there is the issue of being able to retain them when the DOT rules constantly eliminate drivers from the pool of availability due to ever-increasing health issues, drugs, alcohol and traffic violations. Historically, the agribusiness industry has pulled drivers from the farm families they service, typical employment ads and from the trucking industry when their drivers wanted to stay closer to home or be home every night. A recent survey shows that agribusinesses aren't the only ones facing this problem - and the problem is not likely to ever improve until the use of autonomous trucks becomes routine. According to an American Transportation Research Institute (ATRI) survey, driver shortage is the number one concern for the trucking industry too. One interesting note is that driver shortage even tops concerns about the electronic logging device (ELD) mandate. ATRI's survey findings list the top 10 concerns for the trucking industry as:

1. Driver Shortage
2. ELD Mandate
3. Hours-of-Service (HOS)
4. Truck Parking
5. Driver Retention
6. Compliance, Safety, Accountability (CSA)
7. Cumulative Economic Impacts of Trucking Regulations
8. Driver Distraction
9. Transportation Infrastructure / Congestion / Funding
10. Driver Health and Wellness

Using CDL Life magazine's statistics that hit closer to home, a surprising 21% of drivers said they had to quit driving because of health reasons - they didn't qualify for a commercial drivers license (CDL) for medical reasons. According to the CDL Life survey, 24% of drivers said that heavy-handed regulations prompted their desire to work in a less regulated work

environment. One other surprising statistic is their survey showed that 7% of the drivers said they weren't actually leaving the occupation of being a driver - which for us downstream recipients of drivers from high profile trucking companies, beware of a driver who walks through your door and seems too good to be true - no matter how difficult a time you are having finding drivers. (Asmark Institute)

## Check MCS-150 Forms for Expiration Dates

DOT is directing companies to use updated forms when updating their U.S. DOT registration. Expired paper versions of the MCS-150 will no longer be accepted. A basic requirement of being a motor carrier in the U.S. is updating your MCS-150 Motor Carrier Profile every two years. Not to be confused with another version of the form, DOT published the MCS-150B form designed specifically to identify motor carriers with Hazardous Materials Safety Permits. Filling out and submitting the MCS-150B form rather than the MCS-150 form will throw you into the pool of carriers that transport tractor-trailer loads of materials, such as anhydrous ammonia, that require a HM Safety Permit. As you might expect, the requirements for these carriers are more stringent. With this information, we recommend that you pay very close attention in the future to ensure your update is submitted on the correct form. Visit: <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/registration/2191/mcs-150-form-9-28-2017-508.pdf> for a copy of the updated MSC-150 form. (Asmark Institute)

## Drone Pilots: Think it Can't Happen to You?

By now, the majority of agribusinesses have had the opportunity to see just how valuable a drone can be to their operations. According to the National Agricultural Aviation Association (NAAA), the number of UAVs registered with the FAA topped 1,000,000 in mid-January. The technology packed into these revolutionary devices allows for the average Joe to become a so-called "pilot" overnight, with literally no required training. Drones not only pose an extreme risk to the aviation community and the public, they also bring with them an added element of liability to their owners when not operated properly.

One pilot learned this the hard way while operating his drone on a recreational flight in Brooklyn, NY. Not only was he flying his drone in a temporarily restricted area he was

also flying it farther than he could see it, a cardinal sin in the drone world. Many drones on the market today have an auto-return-home function built in, which should send the drone back if it loses connection with the controller. That function didn't operate as designed and instead the drone found itself crashing into one of the propeller blades of a Black Hawk military helicopter. Unaware of the accident, the pilot waited 30 minutes for the drone to return to base and when it didn't he returned home empty handed. The National Transportation Safety Board (NTSB) investigated the accident and was able to track down the pilot - much to his surprise - using a serial number from a piece of the drone that was wedged into a cooling fan in the helicopter.

Let this serve as a lesson to our industry as drone usage is on the rise. Although these devices can prove to be a valuable asset to business operations, drone pilots should know and understand the regulations surrounding these devices and exercise safe operating practices while in use. (Asmark Institute)

## New Interagency Working Group Formed

EPA has formed a working group to evaluate and improve the Endangered Species Act (ESA) consultation process for pesticide registration. The working group which includes representatives from the EPA, Fish and Wildlife Service and the National Marine Fisheries Service is referred to collectively as "the Services." For years, both the EPA and the Services have disagreed on the best way to evaluate ESA consultations for crop protection products because each agency has different areas of expertise.

The agreement recognizes the unique skills each agency brings to the protection of threatened species and directs the group to: (1) outline a legal and regulatory framework by analyzing the relevant statutes, regulations and case law, (2) review past pesticide consultation practices to learn from those experiences, (3) develop scientific and policy approaches that will increase the accuracy and timeliness of the pesticide consultation process, and (4) document the proposed approach through a memorandum of understanding, revised regulations or another legal mechanism. This announcement comes at a critical time as EPA has 700 pesticide registrations to complete by 2022. (Asmark Institute)

