



*This information is believed to be reliable by MCPR. However, because of constantly changing government regulations, interpretations and applicability or the possibility of human, mechanical or computer error, MCPR does not guarantee the information as suitable for any particular purpose.*



Minnesota Crop Production Retailers

# REGULETTER

## Update from DHS ChemSecurity Talks

The Department of Homeland Security (DHS) recently hosted another DHS ChemSecurity Talk in Chicago. Dustin Warder, Manager of Regulatory Affairs, attended on behalf of Asmark. The event focused on providing updates on how to comply with the requirements of the Chemical Facility Anti-Terrorism Standards (CFATS) program. This is an important year for the CFATS program as it seeks reauthorization before expiring in January 2019. The vast majority of facilities have already resubmitted information using the streamlined Chemical Security Assessment Tool (CSAT) 2.0. The agency expects all re-tiering notifications to be completed by October. To date only 4% of facilities that were initially un-tiered have become tiered.

The meeting provided a good review of frequently asked questions and it was noted that the FAQ section of the website has also been updated with this information. Lessons learned were shared, such as, often it may be more feasible to protect the asset rather than the perimeter. There was a demonstration of the Personnel Surety Program that is currently required for Tier 1 and 2 facilities. DHS is currently gathering comments on whether to extend the program to Tiers 3 and 4. (Asmark Institute)

## FAI Update on Grain Bin Condition/Entrapment Hazards

Grain entrapments on the farm have increased greatly this year. According to "This Week in Agribusiness," there were 6 grain bin entrapments in one month nationwide. In Illinois in 2018, an 18 year old and a 73 year old died in June and July. One contributing factor is

the increase in the hotter than normal May-July. A galvanized bin roof and sidewall absorbs large amounts of solar energy during the summer, heating the air above the grain. Convection currents in the grain flow up along the bin wall and down into the grain near the top middle of the bin during the summer. This then draws the heated air into the grain.

If the bins have not been cored, crusts form on the surface. Mold can also grow throughout the bin causing condition problems. When the grain flows out, the crust breaks up and goes into the unload sumps. The farmers go into the bins to unplug the sumps with the unload conveyors running. Once they clear the sump, they are pulled helplessly under the grain.

A few ways to monitor the grain:

- Operating grain storage structure fans so you can perform a "sniff" test if you do not have temperature cables in place. If there is a sour, musty or bad smell in the exhaust from running the fans, pull grain from the bin to sample.
- Visual inspection of grain being unloaded. Look for chunks, discolored grain, etc.
- Watch the slope of the grain within the bin as it is unloaded.

Never enter a bin when the condition of the grain is in question. Most accidents happen when the grain is out of condition and employees enter the bins to make the grain flow. (Asmark Institute)

## ANSI Approves Dropped Object Standard

The American National Standards Institute (ANSI) has approved a new standard to address the need for dropped object prevention and tool tethering-- ANSI/ISEA 121-2018:

American National Standard for Dropped Object Prevention Solutions aims to reduce workplace accidents, injuries, and deaths related to falling objects. This new standard establishes minimum design, performance and labeling requirements for product solutions that prevent falling objects and guidelines for testing that equipment. ANSI/ISEA 121-2018 is groundbreaking in that it requires dropped object prevention (DOP) solutions to go through dynamic drop testing to be considered fit for use. Dynamic drop testing involves dropping an object of known weight multiple times. If the DOP device being tested prevents a drop, it passes, and if the device breaks and the object drops, it fails.

The standard comes in response to the thousands of workers each year in the U.S. who are injured, and the hundreds who die, from being struck by a falling object such as hand tools, instrumentation, small parts, structural components and other items that have to be transferred and used at heights. Until now, there has been no guidance for workers on what constitutes a proper tethering system. The standard addresses four active controls, but does not include passive controls like netting and toeboards. The active controls are anchor attachments, tool attachments, tool tethers and containers. Copies of the standard can be purchased online from the International Safety Equipment Association (ISEA).

## OSHA Proposes to Roll Back Electronic Recordkeeping Requirements

OSHA has issued a Notice of Proposed Rulemaking which would modify the electronic reporting requirements for work place injuries

(continued on back)

and illnesses. The proposed rule eliminates the requirement to electronically submit information from OSHA Form 300 (Log of Work-Related Injuries and Illnesses), and OSHA Form 301 (Injury and Illness Incident Report) for facilities with 250 or more employees that are currently required to maintain injury and illness records. These facilities would be required to electronically submit information only from OSHA Form 300A (Summary of Work-Related Injuries and Illnesses).

This is in response to several groups that expressed concern about the potential for employee's personal information on Forms 300 and 301 to become publicly available through Freedom of Information Act requests submitted to OSHA. OSHA states this proposal maintains safety and health protections for workers, protects privacy and reduces the burdens of complying with the current rule. (Asmark Institute)

## Planned Revisions to the Emergency Response Guidebook

DOT has already begun work on the 2020 edition of the Emergency Response Guidebook (ERG). The familiar little orange guidebook is used by emergency responders to provide guidance in the initial response to a hazardous materials transportation incident. MCPR will pass along Asmark Institute offers to our members when the 2020 edition becomes available. (Asmark Institute)

## EPA Announces WPS Training Materials Available

On June 22nd, EPA posted a notice in the Federal Register stating that pesticide safety training materials with the expanded content required by the 2015 Worker Protection Standard (WPS) are available for use. Materials developed through an EPA cooperative agreement are available at the Pesticide Education Resources Collaborative (PERC) website (<http://pesticideresources.org/>). Training programs must include the expanded content by December 19, 2018. EPA is currently reconsidering three requirements of the 2015 revised WPS and plans to request comments on potential changes to the designated representative provision, the minimum age for handlers and early-entry workers and the application exclusion zone. If those requirements are changed through a final rulemaking, training materials will need to be amended to reflect the changes. (Asmark Institute)

## Google Takes Measures to Ensure Your Safety

Some say Google is the greatest concept since sliced bread. Want to know how much a cloud weighs? Or if Betty White really is older than sliced bread? Give it a google and you'll get your answer. Google is unique in its own way, but like all other businesses it has the necessity to provide the utmost security to its clients. Google's most recent steps towards this is to flag all websites that do not have a Secure Sockets Layer (SSL) Certificate. What this means to you is, when you search for something on Google and go to a website that doesn't have an SSL Certificate, then the URL will light up and say "Not Secure."

**What is an SSL Certificate?** Think of it as an electronic passport. It establishes a secure link between the web server and a browser for the purpose of ensuring all the data that passes through remains private and intact. By having an SSL Certificate, it is proof that you are a safe site and you are who you represent yourself to be. For all the websites that do not have an SSL Certificate in place, Google is giving them until July before they start flagging the unsecure pages. In the past, website's were not required to have an SSL Certificate, but because Google has decided to take these steps and they hold the majority of the domain market share, all the other browsers will closely follow. (Asmark Institute)

## OSHA Updates Booklet on Inspections

The pamphlet on Employer Rights and Responsibilities following a Federal OSHA inspection has been updated. Covering topics ranging from posting requirements and informal conferences to contesting citations and follow-up inspections, this booklet is a great resource for employers. Visit: <https://www.osha.gov/Publications/OSHA3000.pdf> to view the publication. (Asmark Institute)

## RMP Reconsideration Rule Proposed

EPA's Administrator signed a proposed rule requesting public comment on several proposed changes to the final Risk Management Program (RMP) Amendments issued on January 13, 2017. The proposal reflects issues raised in three petitions for reconsideration of the RMP Amendments, as well as other revisions the EPA identified in its review of the rule. EPA is proposing to rescind all accident prevention program provisions of the RMP Amendments

rule. This would include third party audits, safer technology and alternatives analyses, and incident investigation root cause analysis. EPA is proposing to rescind most of the public information availability provisions, but is retaining the provision requiring a public meeting after an accident. They are also proposing modifications to the emergency coordination and exercise provisions to address security concerns and give more flexibility. Proposed compliance dates will range by topic from one year, after the effective date of the final rule, to up to five years.

The proposed changes would maintain consistency between the RMP accident prevention requirements and OSHA's Process Safety Management (PSM) standard. Visit: <https://www.epa.gov/rmp/proposed-risk-management-program-rmp-reconsideration-rule> to read the proposed rule. (Asmark Institute)

## DOT Issues Hours-of-Service Guidance

Motor carriers recently received new regulatory guidance clarifying the longstanding 150 air-mile exception to the hours-of-service regulations for agricultural commodities from DOT. The guidance is applicable to all transporters of agricultural commodities and includes the transportation of non-processed food, feed, fiber or livestock and insects. Drivers operating unladen vehicles traveling either to pick up an agricultural commodity or returning from a delivery point are not subject to the hours-of-service regulations while operating within 150 air-mile radius of the source of the commodity. Also, drivers engaged in trips beyond 150 air-miles from the source of the agricultural commodity are not subject to the hours of service regulations until they exit the 150 air-mile radius.

The guidance clarifies that a source may not only be the farm or ranch where the agricultural commodity originates, but also may include intermediate storage and loading facilities, such as grain elevators or sale barns, provided the product still meets the definition of an agricultural commodity. When agricultural commodities are loaded at multiple sources during a trip, only the first loading point can be considered a source. Visit: <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/regulations/404431/agricultural-commodity-transportation-guidance.pdf> for more details. (Asmark Institute)

