



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

A Note from Allen Summers

As Susan and I retire in 2019, we will start a new chapter in our life – one where we will take the company, the team, the memories and the incredible journey with us in our hearts. A little over ten years ago we announced the decision to retire; kicking off what some called “the longest succession plan in human history.” It seems like just yesterday that we started down the untraveled path of leveraging technology to build risk management solutions for our retail clients - and here we are thirty years later.

We retire with the comfort of knowing we leave the Asmark Institute in better hands than our own. Amber is a most capable and caring leader who, we should note, won her battle with cancer while maintaining the most positive of attitudes. Eric has always worked tirelessly to support us and everything that makes Asmark special. Brian has developed a keen sense of business over the years, especially as it relates to our core client base and you can see Megan’s fingerprints in every database and process throughout the building. But even more, they are all true believers in what we’ve built together and how much can still be done.

No one could be prouder of our team than we are. Andrew Carnegie said, “teamwork is the fuel that allows common people to attain uncommon results.” Asmark’s team of 25 employees has helped so many people in so many ways - for so many years. Some say it is helping to redefine the culture in our industry. To this we say, “keep up the great work.” There are no words, though, that can express how sincerely grateful we are for the privilege of working with our entire team of employees. That we have gotten to spend this

time with people so spectacularly talented and unstoppably optimistic is a blessing we hope you will continue to share.

We live in interesting times whereby this team can play a fundamental role in shaping the future. In many ways it’s “yesterday once more,” but with new players, a new sense of excitement and no shortage of opportunities. We believe Asmark’s brightest days are ahead of it!

(Asmark Institute)

AGCO 2018 Operator of the Year Announced

Jerry Born of Farmers Union Oil of Southern Valley, Fairmount, North Dakota, has been selected as the AGCO 2018 Operator of the Year. The award recognizes the value of the Professional Applicators and the hard work they do caring for crops and customers across the country, along with their involvement with their communities. According to Jerry’s manager, he is looked at as an expert when it comes to equipment, technology and overall application practices. Jerry makes sure that everyone operating the machines knows how to operate them safely and is not scared to stop or slow down a job until the situation is safe for himself, coworkers and customers.

Jerry was presented with the new title and the grand prize, a new Harley-Davidson motorcycle, on November 28th during the 2018 Agricultural Retailers Association (ARA) Conference & Expo, in Boca Raton, Florida. Congratulations to Jerry Born for this top honor!

(Asmark Institute)

UPDATE! DOT Grants Grace Period for Medical Examiner’s Certificate

DOT has reversed its decision on the use of the Medical Examiner’s Certificate with an expiration date of 8/31/18. Previously the Medical Examination Report Form, MCSA-5875 and Medical Examiner’s Certificate, MCSA-5876, had been updated with a new expiration date of 9/30/19. According to DOT, any forms with an expiration date of 8/31/18 would no longer be accepted unless they were signed by the medical examiner on or before 10/4/18.

DOT has now reversed its position on the use of the expired medical form and is “encouraging” use of the updated forms dated 9/30/19, but those dated 8/31/18 will still be accepted for now. Our thanks to J.J. Keller & Associates for reaching out to DOT regarding the extension of the grace period. Asmark also contacted Senator Mitch McConnell’s office when we learned of the issue to express concerns of the affects of this on millions of drivers and motor carriers that couldn’t possibly comply with the knee-jerk reaction of no grace period. It appears that was a very effective contact in reversing the decision. (Asmark Institute)

2019 Outlook for DOT, EPA and OSHA

DOT, EPA and OSHA have all published regulatory agendas with target dates through the end of the fiscal year. All in all there are plenty of final rules on the drawing board for 2019.

(continued on back)

DOT	Date	Stage
Hazmat: Harmonization With International Standards	10/2018	Proposal
Hazmat: Reduce Burden for Cylinder Requalification Requirements	10/2018	Proposal
Application for Employment	11/2018	Pre-proposal
Definition of Tank Vehicle Used for Determining the CDL Endorsement	11/2018	Final Rule
ELDT; Class B to Class A CDL Upgrade	11/2018	Review Comments
Limits on the Issuance of CDL With a Hazardous Materials Endorsement	11/2018	Final Rule
Drug and Alcohol Testing: State Agency Downgrade of CDL	12/2018	Proposal
Hours of Service of Drivers	12/2018	Review Comments
Preservation of Records	12/2018	Proposal
Record of Violations	12/2018	Proposal
Fees for the Unified Carrier Plan and Agreement	1/2019	Final Action
Third Party Commercial License Testers	1/2019	Proposal
Hazmat: Incorporation of ASME Code Section XII and the National Board Inspection Code	2/2019	Final Rule
Hazmat: Misc. Amendments Pertaining to DOT-Specification Cylinders	2/2019	Final Rule
Hazmat: Editorial Corrections and Clarifications	3/2019	Final Rule
Hours of Service of Drivers of CMVs; Transport of Ag Commodities	3/2019	Pre-proposal
Out of State Knowledge Test	6/2019	Proposal
Driver Qualifications; Revising the Vision Standard	7/2019	Proposal
Hazardous Materials: Modal Regulatory Reform Initiatives	9/2019	Proposal

EPA	Date	Stage
Modernizing Ignitable Liquids Determinations	11/2018	Proposal
NPDES Specific Provisions Affecting Application and Program Updates Rule	12/2018	Final Rule
Agricultural Worker Protection Standard; Reconsider Several Requirements	1/2019	Proposal
Certification of Pesticide Applicators Rule; Reconsider the Minimum Age Requirements	1/2019	Proposal
Reconsider Accidental Release Prevention Requirements (RMP)	1/2019	Final Rule
Toxic Release Inventory (TRI); Response to Petition From the Toxics Use Reduction Institute (TURI) to Add 25 Chemicals	1/2019	Proposal
EPA Freedom of Information Act Regulations Update	2/2019	Final Rule
Parent Company Definition for Toxics Release Inventory (TRI) Reporting	2/2019	Proposal
Definition of "Waters of the United States"--Recodification of Pre-existing Rule	3/2019	Final Rule
Exemption for Air Emissions from Animal Waste at Farms from the Emergency Release Notification Requirements	5/2019	Final Rule
Increasing Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process	5/2019	Proposal
Revised Definition of "Waters of the United States"	9/2019	Final Rule

OSHA	Date	Stage
Emergency Response and Preparedness	10/2018	Begin Panel
Lock-Out/Tag-Out Update	10/2018	Info Request
Powered Industrial Trucks	10/2018	Info Request
Mechanical Power Presses Update	12/2018	Info Request
Standards Improvement Project IV	12/2018	Final Rule
Quantitative Fit Testing Protocol: Amend Final Rule on Respiratory Protection	12/2018	Final Rule
Blood Lead Level for Medical Removal	3/2019	Pre-proposal
Update to the Hazard Communication Standard	3/2019	Proposal
OSHA Access to Employee Medical Records	6/2019	Final Rule
Tracking of Workplace Injuries and Illnesses	6/2019	Final Rule

EPA Releases Revised WOTUS Definition

EPA announced a new "waters of the United States" definition under the Clean Water Act designed to clarify what waters are and are not regulated by the federal government. The new proposed definition separates regulated waters into six categories:

- Traditional navigable waters;
- Tributaries to traditional navigable waters;
- Certain ditches;
- Certain lakes and ponds;
- Impoundments; and
- Wetlands adjacent to any of the above.

The proposed definition specifically excludes any waters that are not included in the six regulated categories above. It also explicitly excludes groundwater, prior converted cropland, stormwater control features and waste treatment systems. EPA plans to publish the proposed rule immediately for a 60-day public comment period. Visit: <https://www.epa.gov/wotus-rule> for more information.

(Asmark Institute)

Process Streamlined for Drivers with Diabetes

DOT has streamlined the process to allow drivers with insulin-treated diabetes to be qualified to operate a commercial motor vehicle. In the past, requesting an exemption could take 2 or 3 months after being automatically disqualified for having the condition. Now, the driver's treating physician can provide a medical assessment form to a certified medical examiner to decide whether the driver is qualified to get behind the wheel. If their diabetes is under control, the medical examiner can then grant the driver a Medical Examiner's Certificate for up to 12 months. DOT estimates this will provide relief for nearly 5,000 drivers that have used the exemption program in the past. Visit: <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/regulations/medical/422521/itdm-assessment-form-final.pdf> for a copy of the assessment form.

(Asmark Institute)

