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Minnesota Crop Production Retailers

REGULETTER

A Bird? A Plane? It's an OSHA Drone

OSHA is now using drones to conduct safety inspections of facilities. Did you just look out your window? OSHA will obtain consent from the employer before using a drone on any inspection. To ensure the safety and cooperation of individuals that may be affected by the aerial inspection, personnel on site must also be notified.

The drones can be used for areas that are inaccessible or pose a safety risk to inspection personnel. Inspectors are to keep a visual line-of-sight with the drone, operate only during sunrise to sunset, and not operate the drone higher than 400 feet above the ground, amongst other operational requirements.

While OSHA's use of drones seems somewhat limited right now, the future could reveal inspections of this nature being commonplace. (Asmark Institute)

OSHA REP Mock Inspection Video Released

OSHA, the Fertilizer Institute (TFI), Agricultural Retailers Association (ARA) and ResponsibleAg recently collaborated on creating and producing a video to help ag retailers prepare for OSHA's new Regional Emphasis Program (REP). Released this week, the video which was shot on site at the Ford B. West Center for Responsible Agriculture in Owensboro, KY where ResponsibleAg Auditor training is conducted, is designed to explain the OSHA inspection process for those who haven't had one in the past. Visit: <https://youtube/ag5QG6Ujwzs> to watch the video. Visit: <https://www.asmark.org/news-feed-article.cgi?ArticleID=310> to read more about OSHA's REP. (Asmark Institute)

EPA Transitions from Enforcement to Compliance Initiatives

Recognizing the need to focus resources to achieve environmental law compliance, EPA is transitioning from National Enforcement Initiatives (NEIs) to National Compliance Initiatives (NCIs). NEIs have always focused on improving compliance and reducing pollution, and have often used not only enforcement actions but also compliance assistance and compliance alerts. The transition to NCIs better conveys the message that increased compliance is the goal and enforcement actions are not the only tool for achieving the goal. For 2019, the NCI priorities are:

- Keeping industrial pollutant out of the nation's waters.
- Preventing animal waste from contaminating surface and ground water.
- Keeping raw sewage and contaminated stormwater out of our nation's waters.
- Reducing air pollution from the largest sources.
- Reducing risks of accidental releases at industrial and chemical facilities.
- Cutting Hazardous Air Pollutants (HAPs).
- Ensuring energy extraction activities comply with environmental laws.
- Reducing toxic air emissions from hazardous waste facilities.

(Asmark Institute)

OSHA's Top 10 Most Cited Violations for 2018

Preliminary data for OSHA's Top 10 most cited violations for fiscal year 2018 was announced at the National Safety Council Congress and Expo in Houston, Texas. The list is always a good place to start to identify hazards in the

workplace. It was largely unchanged from last year, with the only new item being Personal Protective and Life Saving Equipment - Eye and Face Protection coming in at number 10.

1. Fall Protection (1926.501)
2. Hazard Communication (1910.1200)
3. Scaffolding (1926.451)
4. Respiratory Protection (1910.134)
5. Lockout/Tagout (1910.147)
6. Ladders (1926.1053)
7. Powered Industrial Trucks (1910.178)
8. Fall Protection - Training Requirements (1926.503)
9. Machine Guarding (1910.212)
10. Personal Protective and Life Saving Equipment - Eye and Face Protection (1926.102)

(Asmark Institute)

USPS and UPS Rates Continue to Rise

The Postal Service implemented a postage rate increase on Sunday, January 27, 2019. There are a number of products and services affected by the rate increase but the most commonly used services in our industry are listed below:

- First-Class Mail Letter rate increased from \$0.50 to \$0.55 for a 1 oz. envelope. The rate for each additional ounce is \$0.15, down from \$0.21.
- First Class Mail Flat Envelope rate remained the same at \$1.00 for a 1 oz. envelope. The rate for each additional ounce is \$0.15, down from \$0.21.
- First Class Mail Postcard rate remained the same at \$0.35.

As usual, the United Parcel Service increased its prices by 4.9% toward the end of 2018. UPS is known for increasing their rates about this much on an annual basis.

(Asmark Institute)

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CFATS Program Extended 15 Months

The Department of Homeland Security's (DHS) Chemical Facilities Anti-Terrorism Standards (CFATS) program was set to expire this month but has been extended for an additional 15 months. The extension makes no program changes but provides time for Congress to work on a long term reauthorization and to include reforms to the program such as the recognition of industry stewardship programs like ResponsibleAg. The extension authorizes the program through April 18, 2020.

(Asmark Institute)

REMINDER! Renew DOT Physicals Before Season

Spring season is just around the corner, so now is a great time to renew your DOT physicals. 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 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/national-registry-certified-medical-examiners-search>.

(Asmark Institute)

Internet Explorer: Soon To Be A Thing Of The Past

This past week, Microsoft came out and declared they will no longer be supporting the web browser Internet Explorer. For the past 24 years, many people and businesses have relied on Internet Explorer for everything from browsing to day-to-day business work - it has been referred to as a popular and easy-to-use browser over the years. Now, Chris Jackson with Microsoft announces that Internet Explorer is more of a "compatibility solution" rather than a web browser, and Microsoft will not be supporting it with new web standards. Instead, they are encouraging the use of more modern browsers.

Asmark, like the majority of all other businesses, has been using Internet Explorer for the past 2 decades. However, our programmers anticipated this change and have been developing our website to be compatible with the modern browsers for the past few years. Now that Internet Explorer is no longer

being supported, we primarily encourage the use of the web browser Firefox when using our website. Due to the nature of the use of our business and website, we are cautious and thoughtful when it comes to using web browsers - and although technology is always changing these days, Firefox is currently the browser that best fits our needs for security and functionality.

(Asmark Institute)

OSHA Increases Penalty Amounts for 2019

The penalties for citations issued against employers for safety violations have gone up for 2019. OSHA has announced the adjustments for inflation. The maximum penalty that can be issued for serious, other-than-serious, and posting requirement citations increases to \$13,260 per violation and the highest amount that can be issued for willful and repeat violations increases to \$132,598 per violation. Going forward, expect to see these adjustments by January 15th of each new year.

(Asmark Institute)

OSHA Clarifies Enforcement Policy for Respiratory Hazards Not Covered by PELs

OSHA has issued a memo that clarifies its existing policy for developing citations under the general duty clause for respiratory hazards from exposure to an air contaminant that is not covered by an OSHA permissible exposure limit (PEL). A PEL is the maximum allowable concentration for which workers may be exposed. OSHA has not updated its PELs in decades, but here are other entities that publish Occupational Exposure Limits (OELs) such as EPA, National Institute for Occupational Safety and Health or American Conference of Governmental Industrial Hygienists. In many instances, these OELs are lower than OSHA's PELs.

The general duty clause requires each employer to "furnish to each of their employees employment and a place of employment which are free from recognized hazards that are causing, or are likely to cause, death or serious physical harm." The following elements must be established for OSHA to prove a violation of the general duty clause:

1. The employer failed to keep the work-place free of a hazard to which employees of that employer were exposed;
2. The hazard was recognized;
3. The hazard was causing, or was likely to cause, death or serious physical harm; and
4. There was a feasible and useful method to correct the hazard.

The memo states that unless the case file evidence proves all four of the above elements, the OSHA Area Office should issue a hazard alert letter (HAL) instead of a citation. If there is sufficient proof of the four elements, the Area Office should issue a citation for a general duty clause violation. OSHA's memo states that when these elements are applied to respiratory hazards, general duty clause citations should not be "based solely on evidence that a measured exposure exceeded a recommended occupational exposure limit."

The memo provides additional guidance for developing evidence for each of the four general duty clause elements when specifically applied to respiratory hazards. Visit: <https://www.osha.gov/laws-regs/standardinterpretations/2018-11-02> to view the full text of the memo on OSHA's website.

(Asmark Institute)

From Mirrors to Cameras: DOT's New Exemption

DOT recently granted an exemption that allows commercial trucks to use a camera system instead of rear view mirrors. The exemption applies to Stoneridge's MirrorEye Camera Monitor System (CMS) and is good for 5 years. The agency has determined that granting the exemption to allow use of the CMS in lieu of mirrors would likely achieve a level of safety equivalent to, or greater than, the level of safety provided by the regulation.

The CMS consists of multiple digital cameras mounted on the exterior of the vehicle. According to the manufacturer, CMS gives drivers a greater field of view by an estimated 25 percent, has enhanced visual quality and allows for trailer panning to potentially eliminate incidents involving pedestrians or bicyclist while making right-hand turns. If the camera or monitor system fails while the driver is operating on a public road, the driver must stop driving until the system is fixed or is replaced with standard mirrors. For more information on this exemption, visit: <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/regulations/441161/file12-26-2018-135145.pdf>.

(Asmark Institute)

