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Minnesota Crop Production Retailers

REGULETTER

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)

Lockout/Tagout Standard Update Considered by OSHA

OSHA is requesting information on a possible update to the Control of Hazardous Energy - Lockout/Tagout (LOTO) standard. The Agency is interested in comments on the use of control circuit-type devices to isolate energy, as well as the evolving technology for robotics. OSHA is requesting information about:

- how employers have been using control

- circuit devices, including information about the types of circuitry and safety procedures being used;
- limitations of their use, to determine under what other conditions control circuit-type devices could be used safely;
- new risks of worker exposure to hazardous energy as a result of increased interaction with robots; and
- whether the agency should consider changes to the LOTO standard that would address these new risks.

The current LOTO standard was published in 1989. It requires that all sources of energy be controlled during servicing and maintenance of machines and equipment using an energy-isolating device. The standard specifies that control circuit devices cannot be used as energy-isolating devices, but the agency recognizes recent technological advances may have improved the safety of control circuit-type devices.

Comments must be submitted on or before August 18, 2019. Comments and materials may be submitted electronically (here: <https://www.regulations.gov/>) and identified by Docket No. OSHA-2016-0013, or by mail or fax. (Asmark Institute)

Hours of Service Proposal Coming Soon

DOT plans to move forward with the proposed rule to change certain Hours of Service provisions. Changes should be published in early June. The pre-proposal asked for comments on:

- Expanding the current 100 air-mile "short-haul" exemption from 12 hours on-duty to 14 hours on-duty, in order

to be consistent with the rules for long-haul truck drivers;

- Extending the current 14-hour on-duty limitation by up to two hours when a truck driver encounters adverse driving conditions;
- Revising the current mandatory 30-minute break for truck drivers after 8-hours of continuous driving; and
- Reinstating the option for splitting up the required 10-hour off-duty rest break for drivers operating trucks that are equipped with a sleeper-berth compartment.

Stay tuned for updates as more information becomes available. (Asmark Institute)

EPA Reviews Glyphosate: Finds No Risks to Public Health...Again

In a recent news release, the U.S. Environmental Protection Agency (EPA) conducted a review and continues to find that when the herbicide glyphosate, most commonly known as Roundup, is used according to the current label, there are "no risks to public health" and does not classify it as a carcinogen. In the risk assessments performed in 2017, there were also no public health risks identified by the agency. There were ecological risks in 2017, and EPA addressed those by proposing management measures that would help farmers with accuracy and efficiency when using glyphosate. EPA Administrator Andrew Wheeler said, "we look forward to input from farmers and other stakeholders to ensure that the draft management measures are workable, realistic and effective." (Asmark Institute)

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DOT Amends Drug Testing Rule

DOT published a final rule that makes technical corrections to the regulations governing drug testing for safety-sensitive employees to ensure consistency with recent amendments made to DOT's "Procedures for Transportation Workplace Drug and Alcohol Testing Programs."

This reflects added requirements for testing for oxycodone, oxymorphone, hydrocodone and hydromorphone to DOT-regulated drug testing programs. The new changes make it necessary to refer to these substances, as well as morphine, 6-acetylmorphine and codeine by the term "opioids" rather than "opiates."

(Asmark Institute)

FieldWatch Adds New Technologies

In 2019, FieldWatch, Inc., will launch two new technologies to add to its existing tools to help applicators, growers and beekeepers communicate about the locations of crops and hives. CropCheck is a new pilot program that enables voluntary communication between row crop producers and pesticide applicators. Producers may submit site information to the registry and pesticide applicators can access the information to help determine the scope and location of organic crops or crops not tolerant to herbicides to help prevent damage from spraying. Another new feature will allow registered applicators to customize their experience by adding their own body of notes with specific site information, which can reference "out-of-scope" data, such as locations of beehives, private gardens or crops not tolerant to herbicides.

"After a very successful 2018 when we celebrated our 10-year anniversary, we're excited for more innovations and further growth this year," Stephanie Regagnon, CEO, FieldWatch, said in a news release. "Our goal is to continue to evolve our online mapping system, so it can address the needs of more agriculture stakeholders in a more user-friendly way." (Asmark Institute)

Web Browsers - The Battle Continues

Web browsers are one of the most important pieces of software on your computer, as they are used daily to connect us online. Websites are the platform that connect a business with its clients, but the browser is what bridges that communication. There are three major browsers out there now, Mozilla Firefox, Google Chrome and Internet Explorer (soon to be the new Edge).

For the Asmark website, Asmark currently recommends the use of Firefox. It has similar qualities of the other popular browsers such as speed and reliability, but what sets Firefox apart is its privacy and security add-ons. Firefox is less invasive when it comes to tracking and due to the nature of our business and use of the Asmark website to retrieve and display data, they are cautious and deliberate when it comes to recommending web browsers. Currently, Firefox provides more privacy than the other browsers out there today.

Another browser to consider would be Google Chrome. In the past Asmark has not supported Google Chrome due to its invasive tracking system, auto-fill capabilities and general disregard for web standards that caused Asmark web pages not to display correctly. However, after steps were taken to enhance the security along with the web standard itself changing, they are working towards making a few modifications on their website so that Google Chrome can be used in the near future. A concern Asmark has with Google Chrome is there is talk that the auto-fill feature is being made predictive instead of reactive, which means as you type, the browser will try to guess what you mean before you finish and fill in data for you. This can be helpful at home when you're trying to order something from Amazon, but in our line of business when you're dealing with Federally required reports - it can cause much more harm than help.

Internet Explorer is no longer being supported or kept up with by programmers, which means it is out of date and will not be functional in the near future. The replacement for Internet Explorer is Edge, which has already been released once but had so many kinks that it had to be re-built from the ground up. From their research, Edge will not be as reliable as Internet Explorer was, but will likely share similar qualities to Google Chrome. The official release of the chromium-based Edge is expected soon and a significant Firefox update is expected later this year as well. As web browsers continue to evolve and compete, the battle will continue. Stay tuned! (Asmark Institute)

DOT Medical Certification Program Under Audit

U.S. DOT's Office of Inspector General announced it is opening an audit to evaluate the DOT medical certification program. This comes after criminal charges against medical examiners who issued fraudulent medical certificates and a rise in motor carrier fatalities. The objectives of the audit will be to evaluate the FMCSA's procedures for oversight of its medical certificate program and validating

information in the National Registry of Certified Medical Examiners. Fatalities in crashes involving large trucks or buses grew from 4,397 in 2012 to 4,879 in 2017, an 11 percent increase. (Asmark Institute)

2018 EPA Enforcement Results

U.S. EPA has announced the results of 10,612 inspections and evaluations conducted in fiscal year 2018. This continues a downward trend in the overall number of inspections for the year for 6 consecutive years and is about half the number of inspections that were conducted in 2010. The civil penalties assessed were the lowest in the last 11 years at \$69.47 million, while the number of criminal cases opened showed a slight increase over 2017. One thing to keep in mind is that EPA did raise civil penalties by 2.52 percent in February, bringing many Resource Conservation and Recovery Act violations up to \$99,681 per day. Visit: <https://www.epa.gov/sites/production/files/2019-02/documents/fy18-enforcement-annual-results-data-graphs.pdf> for more detail on the results. (Asmark Institute)

Expect OSHA Inspections to Increase

As a new crop of OSHA agents complete training, job-site inspections are expected to increase. U.S. Secretary of Labor Alexander Acosta says OSHA hired 76 new inspectors in fiscal year 2018 and that it would be anywhere from a year to three years before they will be ready to conduct field inspections on their own depending on their prior experience and the complexity of inspections they may carry out. OSHA conducted 32,000 inspections each year in 2017 and 2018, an increase from 2016 figures. Budget requests for 2020 are \$557 million, an increase from last year, which would pay for additional staff, including 30 additional compliance officers and five more whistleblower investigators. In addition, in fiscal year 2018, OSHA personnel made 26,362 compliance assistance visits covering more than 970,000 workers and ensuring that 135,021 hazards were identified or corrected. (Asmark Institute)

