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Minnesota Crop Production Retailers

REGULETTER

DHS to Expand PSP to Tiers 3 and 4

The Department of Homeland Security (DHS) has been given the green light from the White House Office of Management and Budget on a proposal to expand the Chemical Facility Anti-Terrorism Standards (CFATS) program's Personnel Surety Program (PSP). DHS received the authorization to expand the program to cover CFATS facilities in risk Tiers 3 and 4, which consists of more than 3,000 CFATS facilities. Most agricultural retailers that are subject to CFATS are considered Tier 3 or 4.

DHS plans to rollout this expansion to the PSP over the course of the next three years and to circulate some additional tools to assist with compliance, including a set of best practices informed by lessons learned from implementing the program for Tiers 1 and 2. The department also plans to host a few sessions on the program expansion at the upcoming Chemical Security Summit, which will take place in New Orleans on July 16-18, 2019.

DHS will send out notices to CFATS facilities on a monthly basis, which will be randomly selected. Once facilities receive the notice, they will have 30 days to modify their pre-existing Site Security Plan (SSP) to incorporate the PSP obligation. The updated SSP will then be sent to DHS for review and approval. Once a facility receives DHS approval for the updated plan, the facility will have 60 days to implement the PSP requirement. The PSP requirement exists under the CFATS risk-based performance standard 12, Part 4, which requires employees at, and visitors to, CFATS regulated facilities be

vetted against the federal terrorist screening database. (Asmark Institute)

EPA Announces FY 2020-2023 Priorities

EPA has announced seven enforcement and compliance assurance priority areas for fiscal years 2020-2023. Six of the seven priorities are National Compliance Initiatives (NCI), which will be led by EPA's Office of Enforcement and Compliance Assurance (OECA). The newly announced National Compliance Initiatives are:

Improving Air Quality

- Creating Cleaner Air for Communities by Reducing Excess Emissions of Harmful Pollutants from Stationary Sources - will focus on reducing emissions of volatile organic compounds and hazardous air pollutants.
- Reducing Hazardous Air Emissions from Hazardous Waste Facilities - continue to focus on improving compliance by hazardous waste Treatment Storage and Disposal Facilities and Large Quantity Generators with regulations that require effective control and monitoring of organic air emissions from certain hazardous waste management activities.
- Stopping Aftermarket Defeat Devices for Vehicles and Engines - will focus on stopping the manufacture, sale, and installation of aftermarket defeat devices on vehicles and engines used on public roads as well as on nonroad vehicles and engines.

Ensuring Clean and Safe Water

- Reducing Significant Noncompliance with National Pollutant Discharge Elimination System (NPDES) Permits - will focus on increasing the percentage of all NPDES permittees in compliance with their permit.
- Reducing Noncompliance with Drinking Water Standards at Community Water Systems (CWS) - initial focus is to work with the EPA's Office of Water to increase capacity in states, tribes and the EPA to address drinking water violations.

Reducing Risk from Hazardous Chemicals

- Reducing Risks of Accidental Releases at Industrial and Chemical Facilities - will continue to focus on reducing risk to human health and the environment by decreasing the likelihood of chemical accidents. EPA has found that many regulated facilities are neither managing adequately the risks they pose nor ensuring the safety of their facilities to protect surrounding communities as required under Clean Air Act Section 112(r).

For the seventh priority area, OECA will contribute to the agency's implementation of the Lead Action Plan, which was issued by the President's Task Force on Environmental Health Risks and Safety Risks to Children in December 2018.

Lead Action Plan

- Rather than develop an NCI to address lead exposure, EPA's enforcement and compliance assurance program will

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contribute to the agency's goal of reducing childhood lead exposures and associated health impacts as outlined in the Federal Lead Action Plan.

(Asmark Institute)

UPDATE! Medical Examiner's Certificate Gets Another New Expiration Date

DOT has once again updated the Medical Examiner's Certificate with a new expiration date of 11/30/21. In December we notified you that 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, but that more changes were coming.

JJ Keller initially reached out to DOT in December of 2018 regarding the extension of the grace period to continue using the forms dated 8/31/18. DOT reversed its initial decision and was still accepting the older version, but encouraging use of the updated form dated 9/30/19. There is currently no specific deadline when forms dated 8/31/18 or 9/30/19 can no longer be used, but it is suggested that the 2019 or 2021 versions replace the 2018 version. All three versions remain acceptable, but using the forms dated 9/30/19 or 11/30/21 is advised. Our thanks to JJ Keller for continuing to monitor these updates.

(Asmark Institute)

U.S. EPA Revises "List of Lists"

Dated June 2019, and just recently posted publicly, U.S. EPA has posted a revised version (found here: https://www.epa.gov/sites/production/files/2015-03/documents/list_of_lists.pdf) of the consolidated "List of Lists" on their website. The List of Lists is used as a reference for many regulatory requirements, but most importantly spill reporting.

(Asmark Institute)

FCC Plans To Help Rural America with Internet Connectivity

The Federal Communications Commission and the White House announced earlier this year that they are moving forward with plans to help rural America with internet connectivity through 5G wireless infrastructure. The FCC

plans to hold its third 5G spectrum auction on December 10, 2019, which would sell 3,400 megahertz in three different spectrum bands at one time. "For those of you who are not wireless experts, that is a lot of spectrum," FCC Chairman Ajit Pai said. In addition to the 5G developments, the FCC is also planning to invest \$20.4 billion into high-speed broadband networks across rural America over a 10 year period. "This money will extend high-speed broadband to up to 4 million homes and small businesses in rural America...and will help support future 5G technologies," Pai said.

More and more technology in the agricultural industry uses broadband to communicate and many rural areas of the country still have trouble getting the necessary bandwidth they need. The Asmark Institute is watching the race to 5G closely as it has the potential to bring a tremendous amount of help to our clients, especially when it comes to streaming training content in the future.

(Asmark Institute)

DOT Now Accepting Applications for Under 21 Military CDL Pilot Program

DOT is accepting applications for a pilot program to permit 18-20 year olds who possess the US military equivalent of a commercial driver's license (CDL) to operate large trucks in interstate commerce. "This program will help our country's Veterans and Reservists transition into good-paying jobs while addressing the shortage of truck drivers in our country," said U.S. Transportation Secretary Elaine L. Chao.

As directed by Section 5404 of the Fixing America's Surface Transportation (FAST) Act, the pilot program will allow a limited number of individuals between the ages of 18 and 20 to operate large trucks in interstate commerce—provided they possess the military equivalent of a CDL and are sponsored by a participating trucking company. During the pilot program, which is slated to run for up to three years, the safety records of these drivers will be compared to the records of a control group of drivers. Veterans and Reservists are encouraged to apply and to learn more about this new program here: <https://www.fmcsa.dot.gov/under21pilot/under-21-pilot-program>.

(Asmark Institute)

EPA Registers Long-Term Uses of Sulfoxaflor

U.S. EPA has issued long-term approval for the insecticide sulfoxaflor - an effective tool that targets difficult pests such as sugarcane aphids and tarnished plant bugs, also known as lygus. After conducting an extensive risk analysis, including the review of one of the agency's largest datasets on the effects of a pesticide on bees, EPA is approving the use of sulfoxaflor on alfalfa, corn, soybeans, cacao, millet, oats, pineapple, sorghum, teff, teosinte, tree plantations, citrus, cotton, squash, cucumbers, watermelons, some gourds, and strawberries.

"EPA is providing long-term certainty for U.S. growers to use an important tool to protect crops and avoid potentially significant economic losses, while maintaining strong protection for pollinators," said Alexandra Dapolito Dunn, assistant administrator for EPA's Office of Chemical Safety and Pollution Prevention. "Today's decision shows the agency's commitment to making decisions that are based on sound science."

(Asmark Institute)

