

Reguletter

New SVA Launched

Soon you will see information nationally in the trade magazines announcing a new revised version of the Asmark Institute Security Vulnerability Assessment (SVA). The original SVA was first published in 2003 and has served our industry well with more than 8,400 of the assessments having been completed. Building on what has been learned over the past ten years and drawing on the experience and expertise of more than 70 industry professionals, the new SVA has been expanded to provide more emphasis on DOT issues and additional layers of security that have been developed over the past decade. Retailers who complete the assessment will receive a list of recommended countermeasures to help offset their vulnerabilities, along with site-specific information required in preparing their DOT Security Plan.

The countermeasures can be used to further hone security at the facility and for the transportation of hazardous materials.

Central to the Asmark Institute SVA methodology is the utilization of layers of protection, which are programmed into the model. This methodology has been determined to meet the Center for Chemical Process Safety (CCPS) security vulnerability assessment design criteria. The license for the SVA has been renewed with Agricultural Retailers Association (ARA), who in turn will jointly promote it with its partners through the Agribusiness Security Working Group, comprised of ARA, The Fertilizer Institute (TFI) and CropLife America (CLA). (Asmark Institute)

ResponsibleAg Technical Committee Meets

The ResponsibleAg Technical Committee met on June 3rd at the offices of the Asmark Institute in Owensboro, KY. The committee oversees the development of the audit content, pre-qualification requirements for prospective auditors and other technical issues. Committee members include: Clark Capwell (The McGregor Company), Anne Cook (The Andersons), Randy Crowell (Tennessee Farmers Cooperative), Paul Derig (J.R. Simplot), Vance Dann (Southern States Cooperative), Shawn Lambert (Co-Alliance), Paul Baute (Grammer Industries), Alan Mahoney

(Missouri Farmers Association), Joe Register (R.W. Griffin) and Gary Vogen (Yara). At the first meeting, the committee reviewed all aspects of the ResponsibleAg initiative and provided guidance on audit content and procedures. The committee is currently reviewing the draft audit content and participating in a live demonstration of the proposed audit-entry system. ResponsibleAg will be visible and will have designated representatives at industry gatherings including the Southwestern Fertilizer Conference held July 19-23 in San Antonio, Texas, and the MAGIE show, scheduled for August 20-21 in Bloomington, IL. (Asmark Institute)

EPA Proposal on Water

A rule proposed recently by EPA outlines which bodies of water the agency would oversee under the Clean Water Act. EPA says it is necessary after recent court rulings to clarify the 1972 law. Farmers and many in the agricultural industry fear it amounts to nothing more than a land grab that could saddle them with higher costs and more regulatory red tape. Over the past six years a natural division between EPA and agriculture has been growing basically due to a lack of trust. The proposed water regulation, better known as the "Waters of the U.S." rule, is the latest measure that's symbolic of the growing fissure dividing the EPA and agriculture producers.

Despite assurances from EPA, farm groups contend the Waters of the U.S. rule would expand the scope of so-called "navigable waters" protected by the Clean Water Act to include not only rivers and lakes but ditches, stream beds and self-made ponds that only carry water when it rains. Farm groups, including the American Farm Bureau Federation, contend the EPA regulations such as the Waters of the U.S. rule lead to higher costs for producers, with some growers unable to swallow the added expenses. They argue the stringent regulations are creating a ripple effect that is damaging the long-term health of the agricultural industry. (Asmark Institute)

Hours of Service Regulations Come Under Scrutiny

OOIDA is reporting the Commercial Vehicle Safety Alliance (CVSA) is calling for a comprehensive study on the safety and operational impacts of the Hours of Service (HOS) regulations. Agriculture has historically justified the need for an exemption from the HOS rules for the delivery of agricultural inputs from

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distribution points within a 150 air mile radius, by demonstrating a high level of safety. However, each time there is a highly publicized truck accident, driver hours come under scrutiny. Please help continue to defend the HOS exemption by remaining vigilant with regard to safety on the road when transporting agricultural inputs. The HOS exemption is critical to the needs of retailers and their farmer-customers in order to assure timely service during planting and harvesting seasons. (Asmark Institute)

DataQ Adjudication Impacts Use of Roadside Inspection Data

DOT has proposed changes to its Motor Carrier Management Information System (MCMIS) to allow the states to reflect the results of adjudicated citations related to roadside inspection violation data collected in MCMIS. Individuals must submit certified documentation of adjudication results through a Request for Data Review (RDR) in DOT's "DataQs" system to initiate this process. MCMIS is being modified to accept adjudication results showing that a citation was dismissed or resulted in a finding of not guilty; resulted in a conviction of a different or lesser charge; or resulted in conviction of the original charge. The adjudication results will impact the use of roadside inspection violation data in other DOT data systems. These changes are intended to improve roadside inspection data quality.

State law enforcement officials routinely conduct roadside inspections documenting DOT violations. These law enforcement officials, at their discretion, may issue citations for the violations recorded on the roadside inspection report. States are responsible for entering roadside inspection and violation data into SafetyNet, a database management system that allows entry, access, analysis and reporting of data from driver/vehicle inspections, crashes, investigations, assignments and complaints.

DataQs is an online system that provides an electronic means for drivers and motor carriers to submit concerns about the accuracy of crash, inspection and violation data in DOT's data systems. When a request for an RDR is filed, the DataQs system automatically forwards the request to the appropriate federal or state office for processing and resolution. A citation that has been resolved through a judicial or administrative process, regardless of outcome, is considered to be adjudicated. DOT believes these changes will:

- provide a uniform and orderly process to incorporate recording adjudicated citations through DataQs under the state's MCSAP Commercial Vehicle Safety Plans and budgets;
- provide an effective process to ensure system effectiveness and data quality; and
- reduce the cost of applying and implementing these changes across the agency and the states. (Asmark Institute)

Failure to Keep Proper Fuel Tax Records Can be Costly

This article was made possible by J.J. Keller & Associates, a valued partner of the Asmark Institute for 25 years.

In an International Fuel Tax Agreement (IFTA) audit, your records are your only backup to what you've reported on the quarterly

returns. If certain records are missing or incomplete, auditors are able to estimate operations, recalculate fuel taxes and assess penalties and interest. Don't give the auditor this opportunity! Avoid these common recordkeeping errors:

- Failing to keep all records for four years. IFTA requires licensees to keep records on which the fuel tax returns are based for four years from the tax return due date or filing date, whichever is later. If you're combining hours of service logs with trip reports, be aware that the logs only need to be kept for six months, while the trip reports must be kept for four years. Ensure you're keeping the necessary records for the full four-year period.
- Failing to keep track of in-jurisdiction miles. Carriers often think that the miles within their base jurisdiction are not counted as taxable miles. The reality is that these miles are not exempt from tax and must be tracked and reported.
- Skipping out on the monthly summaries. IFTA requires licensees to keep recaps or summaries of each vehicle's operations throughout the month. Not only are the monthly summaries required, they can also help you in an audit. If your summaries accurately match the vehicle operations, the auditor may be more inclined to accept your records and may not see the need to dig deeper.
- Throwing out unused decals from previous tax years. Many wonder why they would need to keep old, unused decals from previous years considering that the decals serve no purpose once the tax year is over. However, due to fraud, jurisdictions are now keeping an eye on unused decals. The expectation is that you must store unused decals in a secure location and keep them for the four-year record retention period. If they're missing, some jurisdictions will estimate operations under those decals or hit you with a price-per-decal assessment. (Asmark Institute)

Ag Cooperative Safety Directors Association of Minnesota (ACSMDN)

Attention agricultural safety professionals! You are invited to the next Ag Cooperative Safety Directors Association of Minnesota (ACSMDN) meeting. The meeting will be on September 10th, 2014 starting at 10AM at Kandiyohi Power Cooperative, 8605 47th Street NE, Spicer, MN. Enter through the west doors. All interested are welcome. Pre-registration is required to plan for lunch. Tom Rausch, ACSMDN Communications Director, stated that their Mission Statement is to promote a safe working environment within agricultural organizations, as well as the advancement of agricultural safety professionals through continuing education and networking. Also, he provided the link to setting up an anhydrous ammonia RMP Plan through Asmark Institute as presented at the last meeting and supported by the USEPA which can be accessed by entering: <https://www.asmark.org/myRMP/>. Dave Moore, West Central Ag Services, is the Chair of ACSMDN. To contact Tom Rausch, Communications Director, ACSMDN, his email is trausch@federatedcoops.com. (ACSMDN)