

# Reguletter

## Information Exchange Requirement of the federal Worker Protection Standard

A question was recently raised with the Minnesota Department of Agriculture regarding who is responsible for posting or issuing verbal warnings under the federal Worker Protection Standard.

*Information exchange requirements under the Federal Worker Protection Standard definitions:*

- Agricultural Employer: The grower
- Employers of Commercial Pesticide Handlers: A firm that hires a ground/aerial applicator to make applications on their behalf.
- Pesticide Handlers: A ground/aerial applicator that is making applications on their own or on behalf of a firm.

### *Compliance:*

Compliance with the federal Worker Protection Standard (WPS) is a shared responsibility among Employers of Commercial Pesticide Handlers, Pesticide Handlers AND Agricultural Employers (growers).

WPS requires Agricultural Employers (grower) to provide oral warnings or posted signage for workers when pesticides are being applied whose label require oral warnings and/or posted signage.

There is no requirement that Commercial Pesticide handlers (applicators) or Employers of Commercial Pesticide Handlers provide oral warnings or post signs at Agricultural Employer (grower) sites.

It is the responsibility of the Commercial Pesticide Handlers (applicators and Employers of Commercial Pesticide Handlers) to inform Agricultural Employers (growers) where and when a pesticide application is being applied.

WPS can be confusing. If you need clarification on any item above you can email Gregorio Mendez-Ortega at [gregorio.mendez-ortega@state.mn.us](mailto:gregorio.mendez-ortega@state.mn.us) or call 507/387-6934. (MDA)

## Ford B. West Center for Responsible Agriculture Launched

A magically lit setting provided the backdrop for the launch of the new Ford B. West Center for Responsible Agriculture on October 27th. Transformed into a grand ballroom, a huge fertilizer bay served as the central point of the reception and launch. More than 120 people attended the dedication ceremony to commemorate the launch and to honor Ford B. West. Mr. West served as the President of The Fertilizer Institute (TFI), a national organization representing the agricultural nutrient industry. He retired in 2013 after 34 years of service to TFI and the industry. "Ford B. West is known throughout the U.S. for his impeccable integrity, tireless work ethic and an inherent ability to quickly dissect complicated issues into a simple plan of action. It is very fitting that we honor him by creating a first-of-its-kind learning center that will advance safety and compliance for the ag industry," said Allen Summers, President of the Asmark Institute.

Crop Production Services donated the retired facility to the Asmark Institute to help make this national training center possible. The facility will be used as a national training and education center for personnel employed in the agricultural inputs industry, including the training of auditors for the new ResponsibleAg stewardship initiative. (Asmark Institute)

## Responsible Ag Auditor Training Begins

At the heart of the ResponsibleAg initiative is the goal of providing accurate and credible fertilizer facility assessments. Through a partnership with Asmark Institute, ResponsibleAg has begun providing training for credentialed Auditors. The first four-day class convened on Tuesday, October 28.

Facility assessments will be conducted only by Auditors that have successfully completed and passed the ResponsibleAg training course.

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Auditors are trained using a comprehensive assessment checklist developed by industry experts familiar with agricultural facilities.

Experienced individuals are encouraged to register for the training course. Minimum criteria for potential participants of the credential auditor course are as follows:

- 5 years industry experience,
- 1 year experience in Environment, Health, Safety, Security issues,
- Knowledge of OSHA, EPA, DOT, DHS regulatory requirements,
- Capable of climbing elevated platforms,
- Internet/computer skills.

Annual refresher training to maintain the ResponsibleAg Auditor credential is required.

Registration is now open for future ResponsibleAg Auditor Credentialing Courses. Future courses for 2014 are scheduled for

- November 18, and
- December 2.

Five courses are scheduled for 2015. The courses are 4 days each and are conducted in Owensboro, Kentucky.

If you are interested in using your skills and helping the initiative as a credentialed Auditor visit: <http://www.responsibleag.org/Training/>. (ResponsibleAg)

## **CSB Reviews Emergency Response Guidebook - Makes Recommendations**

The U.S. Chemical Safety Board (CSB) is recommending critical safety improvements to the widely-used Emergency Response Guidebook (ERG) published by the DOT for emergency responders to use when confronting chemical fires, explosions and releases of hazardous materials. CSB found some of the directions given in the manual are vague, citing guidebook changes needed for handling ammonium nitrate fires such as the one that led to a massive explosion at a fertilizer storage facility in West, Texas last year.

The CSB recommendations are contained in a seven-page response to a formal Request for Information (RFI) DOT issued August 29, 2014. The next edition is scheduled for public release in 2016. The current guidebook was released in 2012. CSB proposed that the Emergency Response Guidebook (ERG) place a cautionary note at the front of the

manual--rather than on page 356 where it is now--to read, in capital letters, "Only intended for use when responding to transportation incidents."

CSB Investigation Team Lead Johnnie Banks noted, "The CSB recommended the ERG include additional guidance on where responders can find chemical hazard information in responding to incidents at fixed facilities, such as Safety Data Sheets or EPA-required SARA Tier 2 information which specifies the chemicals on hand at facilities. We feel responders need to know where to go for data quickly in the heat of battle."

The CSB found what investigators called "vague or poorly defined terms" in the proposed new guidelines. Where firefighters are told, for instance, to "fight fire from maximum distance," the CSB recommended DOT specify the distance so firefighters are not left to guess what "maximum" means. CSB noted the catastrophic explosion at West Fertilizer resulted in 15 fatalities and over 250 injuries, and that twelve first responders perished fighting the blaze when the storage facility exploded. The CSB reviewed the DOT guidance in the ERG for ammonium nitrate fertilizer, classified as an oxidizer. Within Guide 140 for a large fire, the guidance states "Flood fire with water from a distance." In the case of an ammonium nitrate fire similar to West Fertilizer, the CSB response to DOT notes that "flooding the fire with water from an undefined distance could result in serious injuries or fatalities if the ammonium nitrate detonated." (Asmark Institute)

## **Yet another MVR!**

The new CDL/medical card merger rule requires a motor vehicle record (MVR) as proof of medical certification. According to the rule tying the Commercial Driver's License (CDL) to the driver's medical qualifications, carriers must request a motor vehicle record (MVR) from the state of licensing as proof of medical status. A MVR must be generated each time the CDL holder obtains a new medical certificate.

For drivers with medical conditions requiring additional monitoring, they may be issued medical certification for less than two years. In some instances, this may even be for less than one year (ex. 3 or 6 months). The motor carrier must order a MVR for each new medical certification, even if that means multiple reports in one calendar year. The question has been posed, "Can we use this federal medical card MVR for our annual MVR too?" The answer is yes, providing it is requested within 12 months of the previous annual MVR. You may request an annual MVR and perform the documented annual review of the driving record early, but never late. (Asmark Institute)