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## Minnesota Crop Production Retailers

# REGULETTER

### New ERG Coming in 2016

The familiar little orange guidebook, originally developed for emergency responders, has become a basic staple of compliance for anyone transporting hazardous materials. Our partners at J.J. Keller & Associates notified us recently the guidebooks will be updated and published with a 2016 date. Contact Jessi at [jessi@mcpr-cca.org](mailto:jessi@mcpr-cca.org) or (763) 235-6473 if you are interested in ordering. (Asmark Institute)

### New MyPSM+RMP Tools Launched

The new MyPSM+RMP tools to help the agricultural industry to comply with the new Process Safety Management (PSM) standard were launched by Asmark Institute on October 15th as planned. The recent loss of the retail exemption will cause the typical retail facility to develop a PSM program and upgrade their RMP to a program level 3. OSHA is expected to provide a letter of support for the new MyPSM+RMP tools. (Asmark Institute)

### Positive Train Control Extension Approved

President Obama has signed H.R. 3819, the Surface Transportation Extension Act of 2015 into law, extending surface transportation programs through November 20th. This includes the long-term extension of the deadline sought by industry advocates such as The Fertilizer Institute (TFI) and the Agricultural Retailers Association (ARA) for the installation of Positive Train Control (PTC) technology on freight and passenger trains. The PTC deadline has been extended through 2018, with a provisional two-year extension possible if certain benchmarks are met. Railroads must have the hardware in place by the end of 2018,

but can request more time (no more than two years) to ensure the equipment works. TFI, ARA and others in the agriculture community, spent countless hours in meetings and outreach. It was a collaborative effort and tremendously effective in making sure that agriculture's voice was heard. (Asmark Institute)

### WOTUS Rule Halted

On October 6th, a judge halted the government's enforcement of EPA's Waters of the United States (WOTUS) rule until certain procedural challenges are decided. This ruling extends nationwide an August ruling by another court that halted enforcement in 13 states. This temporary ban on enforcement could last several years as the lawsuits wind their way through the court system. (Asmark Institute)

### OSHA's Top 10 Violations for 2015

An annual tradition at the National Safety Congress is OSHA's announcement of the preliminary Top 10 most frequently cited workplace safety violations for the fiscal year and 2015 was no different. National Safety Council President and CEO Deborah A.P. Hersman says, "The OSHA Top 10 list is a roadmap that identifies the hazards you want to avoid on the journey to safety excellence." The Top 10 with regulation reference and number of citations for FY 2015 are:

1. 29 CFR 1926.501 6,721 – Fall Protection
2. 29 CFR 1910.1200 5,192 – Hazard Communication
3. 29 CFR 1926.451 4,295 – Scaffolding
4. 29 CFR 1910.134 3,305 – Respiratory Protection
5. 29 CFR 1910.147 3,002 – Lockout/Tagout

6. 29 CFR 1910.178 2,760 – Powered Industrial Trucks
7. 29 CFR 1926.1053 2,489 – Ladders
8. 29 CFR 1910.305 2,404 – Electrical – Wiring Methods
9. 29 CFR 1910.212 2,295 – Machine Guarding
10. 29 CFR 1910.303 1,973 – Electrical – General Requirements (Asmark Institute)

### ResponsibleAg's Top 25 Audit Issues

More than 400 ResponsibleAg audits have been completed this year, with 66 locations already becoming certified under the new program. On average, the typical facility discovers 32 issues that need attention. One facility out of every four discovers they have missed one of the ten "Significant Issues" identified by ResponsibleAg as needing immediate attention. Here is the list of the Top 25 issues discovered:

1. Lockout/Tagout, Annual Review of Program
2. Training, Oxygen & Acetylene
3. Spare Fuses, DOT
4. Lockout/Tagout Program
5. Safety Shower/Eye Wash Maintenance
6. Guarding and Clearances, Grinders
7. SDS, Available Upon Request Sign
8. Hearing Conservation Program
9. Confined Space Entry Annual Review
10. Training, Drug & Alcohol for Supervisors
11. Training, Security In-Depth (DOT)
12. Gas, Portable Containers
13. Markings, NFPA 704 Markings on Fuel Tanks
14. Labeling of Containers, Hazard Communication

15. Workplace Hazard Assessment
16. Bloodborne Pathogens Program
17. Forklift, PIT Inspection & Maintenance
18. Confined Spaces Labeled
19. Visibility of Workers
20. Sign, Pesticide Storage Area
21. Backflow Prevention, Inspection of RPZ Valve
22. Welding Screens
23. Confined Space Entry Program
24. Sign, No Smoking (Battery Charging Area)
25. First Aid Kit (Asmark Institute)

## OSHA Announces New System for Complex, Time-consuming Inspections

OSHA has moved to a new enforcement weighting system that assigns greater value to complex inspections that require more time and resources. The new system will allow for more strategic planning and measurement of inspections, and ensure that all workers are equally protected, regardless of the industry they work in. The system assigns "Enforcement Units" to each inspection. Routine inspections count as one unit, while those requiring greater resources — such as those involving musculoskeletal disorders, chemical exposures, workplace violence and process safety management violations — count as up to nine units. The values are based on historical data and will be monitored and adjusted as necessary. OSHA Assistant Secretary Dr. David Michaels announced the change at the National Safety Council conference. "All inspections aren't equal — some are complex and require more time and resources — and many of those inspections have the greatest impact," he said. "This new system will help us better focus our resources on more meaningful inspections." (Asmark Institute)

## 2015 International Roadcheck Results Released

The Commercial Vehicle Safety Alliance (CVSA) recently released the results of its annual safety and enforcement outreach event, International Roadcheck. CVSA inspectors carried out 69,472 inspections across North America, 44,989 of which were North American Standard Level 1 Inspections, which is the most thorough roadside inspection. These inspections found 1,623 or 3.6 percent of drivers and 9,732 or 21.6 percent of vehicles with out-of-service (OOS) violations, which are the lowest OOS levels for which CVSA has data, back to 1991.

A Level 1 Inspection consists of 37 items that examine the driver's record of duty status and the safety of the vehicle. Items checked include driver's license, endorsements, seat belt usage, alcohol and/or drug use, brakes, cargo securement, coupling devices, lights, tires, steering, emergency exists and electric systems. Other inspections conducted during this year's event included Level II walk-around, Level III driver-only and Level V vehicle-only inspections.

During each year's event, there is a special emphasis on a category of violations. Cargo securement was this year's emphasis. Inspectors issued 2,439 violations for this category. The leading violations, by number of violations issued, were: (1) failure to prevent shifting/loss of load; (2) failure to secure truck equipment; (3) damaged tie downs; (4) insufficient tie downs; and (5) loose tie downs. (Asmark Institute)

## EPA Changes the Worker Protection Standard

EPA has revised the 1992 Agricultural Worker Protection Standard (WPS) regulation. The regulation seeks to protect and reduce the risks of injury or illness resulting from agricultural workers' and pesticide handlers' use and contact with pesticides. Major changes to the regulation include:

- Annual training to inform farm workers on the required protections. Currently, training is only once every 5 years.
- Expanded training includes instructions to reduce take-home exposure from pesticides on work clothing and other safety topics.
- Children under 18 are prohibited from handling pesticides.
- Expanded mandatory posting of no-entry signs for the most hazardous pesticides. The signs prohibit entry into pesticide-treated fields until residues decline to a safe level.
- New no-entry application exclusion zones up to 100 feet surrounding pesticide application equipment.
- Requirement to provide more than one way for farm workers and their representatives to gain access to pesticide application information and safety data sheets — centrally-posted or by requesting records.
- Mandatory record-keeping to improve the state's ability to follow up on pesticide violations and enforce compliance. Records of application-specific pesticide information, as well

as farm worker training, must be kept for two years.

- Changes in personal protective equipment will be consistent with OSHA standards for ensuring respirators are effective, including fit test, medical evaluation and training.
- Specific amounts of water to be used for routine washing, emergency eye flushing and other decontamination, including eye wash systems for handlers at pesticide mixing/loading sites.

These revisions are expected to be published in the Federal Register within the next 60 days. The majority of the revisions will be effective approximately 14 months after the rule appears in the Federal Register. For more information visit: <http://www2.epa.gov/pesticide-worker-safety/revisions-worker-protection-standard>. (Asmark Institute)

## OSHA Extends PSM Enforcement Period for Retailers

MCPR is pleased to announce that OSHA recently responded to the industries requests and extended the period when the agency will exercise discretion and not enforce the PSM requirements at retail agricultural facilities. OSHA plans to extend the period of enforcement discretion by six months to July 22, 2016. Visit: [https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=29525](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=29525) to review the extension from OSHA. TFI and ARA have indicated they will continue to press for additional time beyond July 22, 2016.

MCPR has also been in contact with MN OSHA who notified us they have not received any official word that they need to change their enforcement. MN OSHA expects to be given the usual 6 months to implement the change in enforcement, once they've been told by Federal OSHA. However, we are advising MCPR members to not delay. Start familiarizing yourself with the requirements and how your facility will implement these changes now.

MCPR is working to develop a webinar on the Asmark Institute's MyPSM & RMP tool in the near future. Watch your email for further details in the weeks to come. (Asmark Institute/MCPR)

