

NEWSLETTER

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ResponsibleMG

Expect More Intense Regulatory Activity in Year 2 of the Biden Administration

Richard Gupton, Senior Vice President for Public Policy and Counsel at the Agricultural Retailers Association

Richard Gupton, senior vice president for public policy and counsel at the Agricultural Retailers Association, shares insights on potential top compliance issues and the regulatory environment that could affect ag retailers in 2022. This is the first in a series of ResponsibleAg newsletter articles.

Richard Gupton says the Biden administration's focus in 2021 was primarily on Covid-19, adding staff and getting persons up to speed on their roles. In 2022, he expects the administration to be more proactive in its regulatory agenda, which will include introducing more enforceable federal regulations and increasing budgets for regulatory enforcement activities. The administration's activities will intensify as mid-term elections approach.

OSHA considering new rules to combat heat stress

Before the comment period ended on January 26, ARA submitted its concerns about OSHA's proposed heat illness rule, which may impose penalties against companies violating regulations with temperatures as low as 80 degrees.

Waters of the United States

The Biden administration is exploring revisions to the WOTUS ruling made during the Trump administration. "We believe the previous ruling provided clarity for the industry," says Gupton. "The potential revisions may not go all the way back to the 2015 ruling, but in our view, the current administration is looking to expand the Clean Water Act. Doing so goes well beyond the intent of Congress and could impact the ag retail industry."

Build Back Better Bill

While the bill is currently stalled, the administration continues to work with company CEOs and Congress to get it passed. Gupton notes the industry should be aware the bill currently has provisions allowing OSHA to substantially increase industry fines. Current fines for serious and non-serious violations cannot be more than \$13,653 per citable incident but could increase to up to \$70,000. Maximum penalties for repeated and willful violations could increase from \$136,532 per citable incident to \$700,000 per violation.

Positive news – Safe Driver Apprenticeship Pilot Program for younger CDL drivers

The Federal Motor Carrier Safety Administration will launch a pilot program for young drivers, age 18 to 20, allowing them to drive with a mentor. The Safe Driver Apprenticeship Pilot Program, which can last up to three years, will involve as many as 3,000 young truckers at a time. "While the program can only include up to 3,000 drivers and does not include training for hauling hazardous materials, it is a significant step forward to help alleviate the trucker shortage," says Gupton.

In addition, changes to the Seasonal Ag CDL program as part of the bipartisan infrastructure bill expand the total days the farm-related restricted CDL drivers program can be used to 210 days in a calendar year. The bill also ensures the new 12-month seasons restart each calendar year on January 1 and end on December 31 to prevent any overlap of seasons from the previous year.

Learn more about [policy issues](#) ARA will focus on with elected officials and key regulatory agencies in Washington, D.C.

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SPOTLIGHT

Kyle Springs, CSP, Vice Chairman of the Board for ResponsibleAg

Kyle Springs didn't expect to find a career in ag retail, even though the Hemingway, South Carolina, native spent a large part of his teen years helping his father at a Royster Clark retail location. Springs even had a standing "work excuse" to cover the school days he missed while helping with whatever the local tobacco, corn and peanut farmers needed at the time. During the late 90s, when ag faced plenty of challenges, Springs headed for Clemson University and a bachelor's in biology. Before graduating, he landed a job as an

environmental consultant for an engineering firm.

After 11 years, he was ready for a change. In 2013, an opportunity arose to enter the ag retail industry. Springs joined the Safety, Health and Environment (SHE) team at Crop Production Services. This position as SHE advisor blended his love of farming with his passion for helping people and serving others. Springs was promoted to senior manager of SHE in 2015 and remained with the company in 2018 when Crop Production Services became Nutrien Ag Solutions. In June 2020, Springs became senior director of Safety and Health, guiding a team of more than 60 facility-facing SHE experts across North America. He also has responsibility for safety in South America and Australia.

"Nutrien's core values are safety and integrity. You can't have one without the other," Springs says. "Sending every employee home safe at the end of the day is a commitment driven from the top and emphasized at every level at Nutrien." That's a big job in a company with 12,000 employees across three continents. (You can learn more about the Culture of Care Nutrien has created to deliver on its commitment to keep every employee safe. Read "Faces of ResponsibleAg" in March CropLife magazine.)

As an outgrowth of his dedication to serving others, Springs joined the ResponsibleAg board in 2020 and was elected board vice chair for 2022. He is a strong – and vocal – advocate for the value ResponsibleAg brings to Nutrien, to each retailer throughout the industry and to the industry as a whole.

"If you want to be the best you can be and provide a safe working environment where your employees feel valued, ResponsibleAg provides the platform for doing that," Springs explains. "It provides peer-to-peer sharing of safety practices so we can make the industry safer for everyone. The audit process and ResponsibleAg certification are ways to measure yourself against the rest of the industry and to let others know you're doing everything right."

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Would an Audit Find These Issues at Your Facility?

Each year, ResponsibleAg audits find required safety practices that have been overlooked at ag retail centers across the county.

Do you know which regulatory requirements made ResponsibleAg's list of Top 25 Audit Issues? Three of the most common, and often easiest to correct, issues found during audits include:

- Lockout/tagout processes and procedures
- Forklift, PIT inspection and maintenance records forklift
- CPR training

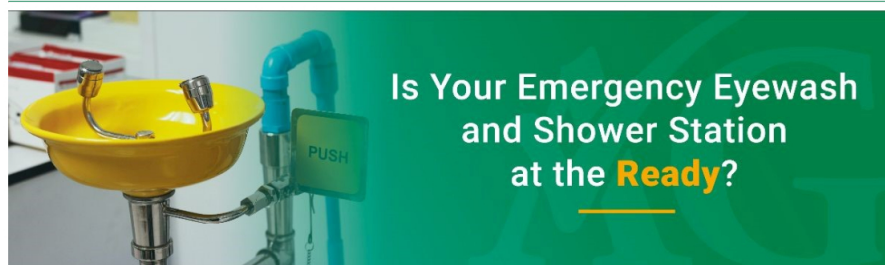
Remember, any issues like these that are found during a visit from a regulatory inspector are all citable violations that come with fines.

Since the first ResponsibleAg audits were conducted in 2015, more than 100,000 issues have been found and fixed before injuries or other incidents occurred. This is great progress, but more can be done, and it starts with you!

- Check out [ResponsibleAg's Top 25 Audit Issues](#)
- Use this short list to do a quick self-audit of your facility

If you find issues, it's time to [sign-up](#) to participate in ResponsibleAg to begin correcting safety issues and become ResponsibleAg certified.

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Eyesight is priceless, isn't it?

Insurance companies and Departments of Labor set a monetary value to compensate workers for loss of eyesight. But is a \$200,000 or \$300,000 payment enough if you never see your loved ones' faces again? Is it enough if you can't teach your children to shoot baskets or see your first grandchild? March is Workplace Eye Wellness Awareness month and a key time to take action at your ag retail centers.

Busy season increases risk of eye injury

During the busy application season, the potential is higher for accidents and eye injury. Employees are handling and applying anhydrous, bulk liquid and dry fertilizers and pesticides; tendering applicators; delivering fuel; and working in the shop doing urgent repairs. All these ag retail activities can lead to common workplace hazards, such as

- splashes of corrosive liquids like fertilizers, pesticides, ammonia and battery acid
- dirt, dust, metal filings and other wind-blown dusts or granules
- flying pieces of wood or metal

Eyewash stations are required

Approved, available and fully functioning emergency eyewash and shower stations are required by OSHA at locations where employees handle corrosive liquids like fertilizers, pesticides, ammonia and battery acid. They should be available in the shop, the pesticide load bay, anhydrous bulk storage sites and any other spot in the farm center where corrosive liquids are being handled.

Inspect weekly and document the inspections

It's not enough to have eyewash stations at retail facilities. They must be checked weekly to ensure they supply clean, potable water and are in proper working order. Failure to inspect eyewash stations and provide required documentation consistently appears on ResponsibleAg's List of Top 25 Audit Issues, moving from #10 to #3 in 2020. In fact, in 2021 more than 700 audited facilities failed to do the weekly eyewash check and document the practice.

Be sure the eyewash stations at your facility are ready! Watch this short video, courtesy of the Utah Local Governments Trust.

Inspect an Eyewash Station

This safety and compliance reminder brought to you by ResponsibleAg – working to help keep ag retail center employees, customers and communities safe since 2014.

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Fertilizer Facility Fire is a Harsh Reminder

News of the fertilizer facility fire in North Carolina that started the evening of Jan. 31 is the type of news no one wants to hear. The fire disrupted lives and livelihoods; destroyed property. Fortunately, there was no loss of life. Our thoughts and prayers are with the citizens and first responders of Winston-Salem and the management and employees at the fertilizer plant. Staff from ARA and TFI closely monitored the situation, providing aid and responding to media inquiries.

In 2018, members of the ResponsibleAg technical committee, ARA and TFI staff published guidelines for the safe storage and handling of ammonium nitrate fertilizer. The guide is just one of many resources available to help ensure facilities throughout our industry are compliant with environmental, health, safety and security regulations to keep employees, customers and our communities safe.

We encourage everyone to download and review this guide and to visit ResponsibleAg.org to learn more about the other safety and compliance resources available through ResponsibleAg.

- [Safe Storage and Handling of Ammonium Nitrate Guidelines](#)

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During the 2016 harvest season, Trey Hill, owner and manager of Harborview Farms in Rock Hall, Maryland, received devastating news. One of his employees had been injured while walking on top of a U-trough grain auger whose cover wasn't fully secured. While several employees had known the auger cover was loose, no one spoke up about the potentially dangerous situation, and no procedures were in place to identify the hazard.

This incident was a huge wakeup call to Hill that workplace safety needed to take top priority. He signed Harborview Farms on to the ResponsibleAg program, and his became the first farming operation in the nation to earn ResponsibleAg certification. **"Before, I'd say we were typical of most farms. I wouldn't say we were unsafe or careless. We were just unaware,"** Hill says.

Harborview Farms has reaped both intrinsic and altruistic benefits from ResponsibleAg. **"We had our insurance requoted, and our rates are down,"** Hill says. **"Our team also sees what we're doing, and it's really conveyed our appreciation for them and concern for their safety."**

Farm Operator's Journey to Safety

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Why ResponsibleAg? A Peer Shares His Thoughts

ResponsibleAg's measure of success is your success in complying with federal health, safety and environmental regulations. Here's why this company includes the ResponsibleAg certification program as part of its safety program.

"We had a fire marshal inspect our facility. He saw our ResponsibleAg certification and instantly knew our facility was going to be in compliance. The ResponsibleAg certification program, and especially recertification, significantly increases safety awareness and hazard recognition at our facilities. It gives us eyes on the entire plant and allows us to continuously improve our practices and processes."

**Norman Etchegoin, Regional Operations Manager in California
J.R. Simplot Company
Hanford, California**



[Read other stories](#) from around the industry.

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[News from Around the Industry](#)

New Entry-Level Driver Training Rule Began February 7

On Feb. 7, education requirements changed for anyone who wants to: obtain a Commercial Driver's

License (CDL), upgrade a CDL or obtain a passenger, school bus or hazmat endorsement.

Drivers now must successfully complete a specific program of theory and behind-the-wheel instruction provided by a school or other entity on FMCSA's new Training Provider Registry. A new compliance assistance document on this topic has been developed. Registered ResponsibleAg participants can find it in the Compliance Assistance Library.

Prepare for Safer Pesticide Handling and Use During National Pesticide Safety Education Month



February 2022 marks the fifth annual National Pesticide Safety Education Month, and any group interested in the safe use of pesticides is encouraged to participate. Do you have plans to join in? Download the logo to use in your February communications efforts and share helpful videos.

Find other ideas [here](#) to promote safe pesticide use.

February is also a good time to ensure the proper pesticide warning signs are posted on all buildings and areas where pesticides are stored. This is often overlooked and is #14 on ResponsibleAg's List of Top 25 Audit Issues!

Ladder-related Deaths Topped 100 in 2021. Focus on Ladder Safety in March.

The American Ladder Institute and its partners are celebrating National Ladder Safety Month throughout March 2022. Every year more than 100 people die in ladder-related accidents and thousands suffer disabling injuries. Start planning now to:

- Host a ladder safety training event
- Put posters around your workplace
- Include information about your involvement in National Ladder Safety Month in employee/customer newsletters and emails
- Join the conversation on social media at #laddersafetymonth.

[Get Your Marketing Guide to Ladder Safety here.](#)

March 1 Reporting Deadline - SARA Tier II and Annual Pesticide Product Reports

The March 1st deadline is quickly approaching for completing Tier II forms and the Annual Pesticide Production Report.

If your organization maintains supplies of hazardous chemicals above certain quantities, you're required to fill out Tier II Reports, which are submitted annually to local fire departments, Local Emergency Planning Committees (LEPC) and State Emergency Response Commissions (SERCs) to help those agencies plan for and respond to chemical emergencies.

Establishments that produce pesticides or pest control devices are required to submit a Pesticide Product Report to the EPA each year – even when no products are produced or distributed.

Injury and Illness Data is Due to OSHA by March 2

If your business meets the size and industry reporting criteria, it's time to complete your 2021 injury and illness recordkeeping obligations by posting [OSHA Form 300A](#), a Summary of Work-Related Injuries and Illnesses. **OSHA requires the form to be displayed from Feb. 1 to April 30 each year in a visible place where employee notices are usually posted.** Even businesses with no injuries or illnesses for the year must post the form. A company official also must certify the information in Form 300A was examined and deemed correct and complete.

All companies with 250 or more employees in industries covered by the [recordkeeping regulation](#) must electronically submit Form 300A data no later than March 2. The deadline also applies to companies with 20-249 employees in certain industries, including warehousing and storage. OSHA began accepting submissions on Jan. 2.

Welcome ResponsibleAg Credentialed Auditors

ResponsibleAg is excited to welcome **Brandon Lock** of American Plant Food in Galena Park, Texas, and **David E. Jenkins** of Pirkle Solutions Inc., Bennington, Nebraska, as ResponsibleAg credentialed auditors. Welcome to the team, Brandon and David!

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Sixty-six Facilities Earn ResponsibleAg Certification

Welcome to the 21 new facilities that have recently received ResponsibleAg certification. We salute your efforts to become Committed, Compliant, Safe and Certified.

We'd like to send a special shout out to the 45 locations that have completed recertification, noted below with an asterisk*. The commitment to safety by all these facilities represents an incredibly positive and important effort for our industry. Congratulations to all!

Ag Plus - Woodburn, IN
*Aa1 Farmers Co-op - Bvrdstown. TN

Nutrien Ag Solutions - Jerome, ID
Nutrien Aa Solutions - Jeromesville. OH

- *AgCentral Farmers Co-op - Maryville, TN
- *EDC Ag Products Company LLC - Elkhart, TX
- *EDC Ag Products Company LLC - Terrell, TX
- *GROWMARK New Century FS - Traer, IA
- *International Raw Materials LTD - Longview, WA
- *International Raw Materials LTD - Portland, OR
- *Mid Valley Agricultural Services, Inc. - Linden, CA
 - *Nutrien Ag Solutions - Anthon, IA
 - *Nutrien Ag Solutions - Arapahoe, NE
 - *Nutrien Ag Solutions - Arcadia, IN
 - *Nutrien Ag Solutions - Bear Lake, MI
 - Nutrien Ag Solutions - Belleville, PA
 - *Nutrien Ag Solutions - Billings, MT
 - *Nutrien Ag Solutions - Bloomsburg, PA
 - *Nutrien Ag Solutions - Bridgeport, NE
 - Nutrien Ag Solutions - Burlington, CO
 - *Nutrien Ag Solutions - Cimarron, KS
 - *Nutrien Ag Solutions - Circleville, OH
 - Nutrien Ag Solutions - Conrad, MT
 - Nutrien Ag Solutions - Coolidge, AZ
 - *Nutrien Ag Solutions - Cooter, MO
 - *Nutrien Ag Solutions - Eaton, OH
 - Nutrien Ag Solutions - Elk Rapids, MI
 - *Nutrien Ag Solutions - Ethridge, TN
 - *Nutrien Ag Solutions - Fairmount, IN
 - Nutrien Ag Solutions - Fieldton, TX
 - *Nutrien Ag Solutions - Findlay, OH
 - Nutrien Ag Solutions - Flora, IL
 - Nutrien Ag Solutions - Gilead, NE
 - *Nutrien Ag Solutions - Girdletree, MD
 - *Nutrien Ag Solutions - Homer, IN

- *Nutrien Ag Solutions - Lamar, NE
- *Nutrien Ag Solutions - Midland, OH
- *Nutrien Ag Solutions - New Roads, LA
- *Nutrien Ag Solutions - Ottawa, OH
- Nutrien Ag Solutions - Parrish, FL
- *Nutrien Ag Solutions - Plainview, TX
- *Nutrien Ag Solutions - Rushville, IN
- Nutrien Ag Solutions - Russellville, KY
- Nutrien Ag Solutions - Salinas, CA
- *Nutrien Ag Solutions - Saline, MI
- Nutrien Ag Solutions - Salisbury, MD
- *Nutrien Ag Solutions - San Jacinto, CA
- *Nutrien Ag Solutions - San Marcos, CA
- Nutrien Ag Solutions - Shelby, MT
- *Nutrien Ag Solutions - Sparks, NV
- Nutrien Ag Solutions - St Stephens Church, VA
- Nutrien Ag Solutions - Steward, IL
- *Nutrien Ag Solutions - Vado, NM
- *Nutrien Ag Solutions - Vandalia, MO
- *Nutrien Ag Solutions - Whiting, IA
- Nutrien Ag Solutions - Winchester, VA
- *Nutrien Ag Solutions - Yuma, AZ
- *Robertson Cheatham Farmers Coop - Adams, TN
- *Robertson Cheatham Farmers Coop - Ashland City, TN
- *Robertson Cheatham Farmers Coop - Orlinda, TN
- *Simplot Grower Solutions - Crystal, ND
- *Simplot Grower Solutions - Stephen, MN
- *Simplot Grower Solutions - Twin Falls, ID
- *United Farm & Home Co-op - Columbia, TN
- Valley Agronomics LLC - Ashton, ID
- Valley Agronomics LLC - Menan, ID

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OUR MISSION

ResponsibleAg is an industry-led initiative **committed** to helping agribusinesses properly store and handle farm input supplies. The program helps members ensure they are **compliant** with environmental, health, safety and security regulations to keep employees, customers and our communities **safe**.