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Minnesota Crop Production Retailers

# REGULETTER

## DOT Doubles Random Drug Test Rate for 2020

DOT announced that it is increasing the minimum annual percentage rate for random controlled substances testing for drivers of commercial motor vehicles (CMVs) requiring a commercial driver's license (CDL) from the current rate of 25 percent of the average number of drivers to 50 percent of the average number of drivers, effective January 1, 2020. DOT must increase the minimum annual random testing percentage rate when the data received under the reporting requirements for any calendar year indicates that the reported positive rate is equal to or greater than 1.0 percent.

Based on the results of the 2018 FMCSA Drug and Alcohol Testing Survey, the positive rate for controlled substances random testing increased to 1.0 percent. Therefore, DOT will increase the controlled substances minimum annual percentage rate for random controlled substances testing to 50 percent of the average number of drivers. The minimum annual percentage rate for random alcohol testing will remain at 10 percent.

Visit: <https://www.federalregister.gov/documents/2019/12/27/2019-28164/annual-random-controlled-substances-testing-percentage-rate-for-calendar-year-2020> to read the federal register notice. (Asmark Institute)

## IRS Decreases Standard Mileage Rates for 2020

The IRS has issued the 2020 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes. Beginning on January 1, 2020, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) are:

- 57.5 cents per mile for business miles driven, down from 58 cents for 2019
- 17 cents per mile driven for medical or moving purposes, down from 20 cents for 2019
- 14 cents per mile driven in service of charitable organizations (No Change)

The standard mileage rate for business is based on an annual study of the fixed and variable costs of operating an automobile. The rate for medical and moving purposes is based on the variable costs. Taxpayers always have the option of calculating the actual costs of using their vehicle rather than using the standard mileage rates. (Asmark Institute)

## AGCO 2019 Operator of the Year Announced

Mose Middleton of Nutrien Ag Solutions in Rochester, Indiana, has been selected as the AGCO 2019 Operator of the Year. The award recognizes the value of the Professional Applicators and the hard work

they do caring for crops and customers across the country, along with their involvement and service to their local communities.

Mose is known as a perfectionist, who goes above and beyond. For the past 28 years, he has made sure the customers get the best application. "We have people call and request Mose," states Curt Klein of Nutrien Ag Solutions, "we have gained new business based on his reputation as an applicator."

As a sports enthusiast, Mose has coached many local school and Little League teams, as well as playing sports with patients at the State Hospital. His willingness to volunteer and his passion for life has made Mose well-known in the community.

Mose was presented with the new title and the grand prize, a new Harley-Davidson motorcycle, on December 4th during the 2019 Agricultural Retailers Association (ARA) Conference & Expo in New Orleans, Louisiana. Congratulations to Mose Middleton for this well deserved honor! (Asmark Institute)

## OSHA's Top 3 Unchanged for 2019

Preliminary data for OSHA's Top 10 most cited violations for fiscal year 2019 was announced at the National Safety Council Congress and Expo in San Diego,

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California. The top three violations were again in the same order: fall protection, hazard communication and scaffolding. Others switched spots but remained on the list from 2018.

OSHA noted that not all violations had been added to its reporting system but the order of the list below is not expected to change. The list is always a good place to start to identify hazards in the workplace.

1. Fall Protection (29 CFR 1926.501) Total of 6,010 violations. Frequently violated requirements under the fall protection standard include failure to provide fall protection for unprotected edges and open sides in residential construction and failure to provide fall protection on low-slope roofs.

2. Hazard Communication (29 CFR 1910.1200) Total of 3,671 violations. Common violated requirements include failure to have a written hazard communication program and failure to provide employee access to safety data sheets.

3. Scaffolding (29 CFR 1926.451) Total of 2,813 violations with the most frequent violations including improper access to surfaces and lack of guardrails.

4. Lockout/Tagout (29 CFR 1910.147) Total of 2,606 violations. Frequent violations include those regarding failure to provide employee training and failure to conduct periodic inspections.

5. Respiratory Protection (29 CFR 1910.134) Total of 2,450 violations. Typically, respiratory protection violations involve those for the failure to establish a written respiratory protection program and failure to provide medical evaluations.

6. Ladders (29 CFR 1926.1053) Total of 2,345 violations with frequent violations including improper use of ladders, damaged ladders and using the top step.

7. Powered Industrial Trucks (29 CFR 1910.178) Total of 2,093 violations. Typical violations include failure to provide employee training and refresher training.

8. Fall Protection—Training (29 CFR 1926.503) Total of 1,773 violations. Frequently cited requirements include failure to train employees in identifying fall hazards and proper use of fall protection equipment.

9. Machine Guarding (29 CFR 1910.212) Total of 1,743 violations with the most frequent for failure to guard points of operation.

10. Eye and Face Protection (29 CFR 1926.102) Total of 1,411 violations with frequent violations for failing to ensure employees use appropriate eye or face protection. (Asmark Institute)

### FMCSA Website Undergoes Security Audit

At the end of October, U.S. Department of Transportation's Office of Inspector General announced in a memorandum that an audit is being initiated on the security of FMCSA's information technology infrastructure. The goal of the audit will be to "determine whether security weaknesses exist in the FMCSA's IT infrastructure that could lead to the compromise of FMCSA's systems and data."

This comes after the National Registry of Certified Medical Examiners website was taken down for months due to a security breach back in December of 2017. Although there was no personal information exposed through the breach, DOT is still wanting to take a closer look, stating in the memo the reason for the audit was "Due to the importance of FMCSA's programs to the Nation's transportation system and the sensitivity of some of the Agency's information." Visit: <https://www.oig.dot.gov/library-item/37536> to read DOT's memo.

(Asmark Institute)

### DOT Codifies "Rule on Rules"

DOT has announced a final rule codifying a series of important reforms to the Department's rulemaking, guidance and enforcement practices. The rule enhances transparency in how the Department issues rules and guidance documents, as well as strengthens due process in DOT enforcement actions. "When rules are outdated, duplicative, overly complex and contradictory, they harm the cause of safety and effectiveness. This effort enhances the department's regulatory process by providing greater transparency and strengthening due process in enforcement actions," said U.S. Secretary of Transportation Elaine L. Chao.

The rule's major components include permanently incorporating the Trump Administration's regulatory reform policies on regulatory budgeting, the "2-for-1" plan and the Regulatory Reform Task Force. The Rule will codify additional procedures for the issuance of the Department's most costly rules, including enhanced opportunities for public participation. The rule clarifies that the Department's guidance documents do not impose legal obligations and must not be used as a basis for enforcement. It also ensures due process protections for potential subjects of enforcement actions, including open and fair investigations and proceedings. Visit: <https://www.transportation.gov/regulations/administrative-rulemaking-guidance-and-enforcement-procedures> for more information. (Asmark Institute)

