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Minnesota Crop Production Retailers

REGULETTER

Agriculture Recognized as Essential Critical Infrastructure by DHS

The Department of Homeland Security (DHS) has designated agriculture essential to continued critical infrastructure viability. Guidance on the Essential Critical Infrastructure (found here: <https://www.cisa.gov/sites/default/files/publications/CISA-Guidance-on-Essential-Critical-Infrastructure-Workers-1-20-508c.pdf>) workforce was issued on March 19th and states "If you work in a critical infrastructure industry, as defined by the Department of Homeland Security, such as healthcare services and pharmaceutical and food supply, you have a special responsibility to maintain your normal work schedule." Highlights include workers listed in the sectors of Food and Agriculture, Transportation and Logistics, Critical Manufacturing and Chemical.

In the wake of the coronavirus outbreak, this should allow agricultural retailers to continue operating as usual amid current and potential restrictions created to stop the spread of the virus. This designation is extremely timely for the upcoming planting season.

Asmark Institute is providing a template that can be printed on your company letterhead and edited with your company-

specific information for your employee's to carry with them. This document (found here): <http://www.asmark.org/data/ExemptionGuidance-Template.docx>, if needed, will inform law enforcement that the individual bearing the document is an employee of, and traveling to or from work, in an essential critical infrastructure sector. (Asmark Institute)

FMCSA Issues Waiver in Response to COVID-19

FMCSA has issued a waiver in response to COVID-19 outbreaks as several states are experiencing employee absences or have closed offices. As a result, many drivers are unable to renew their CDLs or are unable to provide medical certificates. In addition, many medical providers nationwide have canceled appointments to dedicate resources to the COVID-19 response. As a result, drivers are unable to obtain physicals to comply with the regulations.

Among the provisions, this waiver extends the expiration of CDLs due for renewal on or after March 1, 2020 until June 30, 2020. It also waives the requirement that drivers have a medical examination and certification, provided that they have proof of a valid medical certification that expired on or after March 1, 2020. **Drivers**

claiming relief under this waiver must carry a paper copy of their expired medical certificate. Visit: <https://www.fmcsa.dot.gov/emergency/fmcsa-cdl-waiver-32420> to review the terms, conditions and restrictions of the waiver. (Asmark Institute)

DOT Provides Guidance on Compliance with Drug & Alcohol Testing Regulations

DOT recognizes that we are facing an unprecedented public health emergency that is straining medical resources and altering aspects of American life, including the workplace. During this time compliance may not be possible in certain areas such as drug and alcohol testing requirements due to the unavailability of program resources. You should make a reasonable effort to locate the necessary resources. As a best practice at this time, employers should consider mobile collection services for required testing if the fixed-site collection facilities are not available.

If you are unable to conduct DOT drug or alcohol training or testing due to COVID-19-related supply shortages, facility closures or imposed quarantine requirements, you should document why

a test was not completed. If training or testing can be conducted later (e.g., supervisor reasonable suspicion training at the next available opportunity, random testing later in the selection period, follow-up testing later in the month), you are to do so in accordance with the applicable regulations. For example, without a "negative" pre-employment drug test result, an employer may not permit a prospective or current employee to perform any DOT safety-sensitive functions.

Additionally, DOT is aware that some employees have expressed concern about potential public health risks associated with the collection and testing processes. It is the employer's responsibility to evaluate the circumstances of the employee's refusal to test and determine whether or not it should be considered a refusal. However, as the COVID-19 outbreak poses a novel public health risk, DOT asks employers to be sensitive to employees who indicate they are not comfortable or are afraid to go to clinics or collection sites. For more information, visit: <https://www.transportation.gov/odapc/compliance-with-dot-drug-and-alcohol-testing-regulations>, to read the official guidance issued. (Asmark Institute)

CVSA Postpones International Roadcheck

Every year, the Commercial Vehicle Safety Alliance (CVSA) sets inspection and enforcement initiatives, such as International Roadcheck, which was scheduled for May 5-7. However, with public health and safety as its top concern, CVSA has decided to postpone International Roadcheck to later in the year.

The Alliance will monitor the status of the coronavirus (COVID-19) pandemic and select the new dates when it's safe and reasonable to do so. Once the rescheduled

dates have been selected, MCPR will pass along the information we received.

(Asmark Institute)

Respirator Demand Surges

Fear of the coronavirus has caused a worldwide shortage of disposable respirators and now many reusables have become back-ordered as well. Supplier stocks continue to deplete and manufacturers are reporting extended lead times on most respirator supplies. This comes at a very bad time as season is starting. Right now, various suppliers are quoting 8-10 week lead times with large-volume requests continuing to flood in. We do not see this issue being rectified in the short term and expect order status to continue to fluctuate. Visit: https://www.asmark.org/data/COVID-19_Channel_Update_Letter_3.2.20-1.pdf to read the announcement from 3M.

(Asmark Institute)

CFATS Program Extended Temporarily

The Department of Homeland Security's (DHS) Chemical Facilities Anti-Terrorism Standards (CFATS) program was set to expire in April but has been temporarily extended until July 23, 2020. The extension comes as part of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, which provides emergency assistance related to the pandemic. Have questions on CFATS? (Asmark Institute)

Department of Labor Suspends Hearings Due to COVID-19

The U.S. Department of Labor has suspended all hearings until May 15, 2020 in view of the risks presented by the novel coronavirus COVID-19. An administrative order will be issued no later than May 4, 2020 on whether hearings will continue to be suspended beyond May 15, 2020. All procedural deadlines in cases currently pending are also suspended but it does not apply to cases not yet docketed. Until further notice email filings are encouraged. COVID-19 control efforts have resulted in reduced staffing at agency locations, and consequently have limited the ability to serve orders and decisions.

(Asmark Institute)

