



Minnesota Crop Production Retailers

REGULLETER

This information is believed to be reliable by MCPR. However, because of constantly changing government regulations, interpretations and applicability or the possibility of human, mechanical or computer error, MCPR does not guarantee the information as suitable for any particular purpose.

Executive Order on Regulatory Relief to Support Economic Recovery

The President has issued an Executive Order to combat the economic consequences of COVID-19. Federal agencies are called on to address the economic emergency by rescinding, modifying, waiving, or providing exemptions from regulations and other requirements that may inhibit economic recovery. The heads of all agencies are directed to use any emergency authorities that the President has previously invoked to support the economic response to the COVID-19 outbreak. The heads of all agencies are also being encouraged to promote economic recovery through non-regulatory actions. The measures are designed to provide businesses, particularly small businesses, with the kind of certainty and support that they may need during this challenging time. (Asmark Institute)

DOT Extends HOS Exemption

DOT has extended its emergency declaration again relaxing hours-of-service rules for motor carriers that are providing direct assistance in support of coronavirus-related relief

efforts. The declaration extends the exemption through June 14, 2020. The list of commodities includes precursors to food production such as "fertilizer," "feed," "paper" and "livestock." There is no specific documentation required for verification. Retention of ordinary business records, such as the bill of lading, may be useful later for the convenience of the motor carrier and driver to document use of the exemption during a future inspection or enforcement action. (Asmark Institute)

DOT Modernizes HOS Rules

DOT published a final rule updating the hours of service (HOS) rules for drivers of commercial motor vehicles. The rulemaking was originally proposed in August 2019. The key revisions extend the maximum duty period allowed under the short-haul exception to 14 hours and to 150 air miles. The rule allows a driver to extend the maximum "driving window" by up to 2 hours during adverse driving conditions. It requires a 30-minute break after 8 hours of driving time (instead of on-duty time) and allows on-duty/not driving periods to qualify as breaks.

The sleeper-berth exception was also modified to allow drivers to split their required 10 hours off duty into two periods: an 8/2 split, and a 7/3 split—with neither period counting against the driver's 14-hour driving window. The new hours of service rule will have an implementation date of 120 days after publication in the Federal Register. (Asmark Institute)

UCR Registration Open

FMCSA has announced the 2020 Unified Carrier Registration (UCR) period is now open. State enforcement of UCR requirements commonly begins January 1. But since the opening of the 2020 registration period was delayed by several months due to a delay in the approval of fees, and with the more recent crisis brought on by the widespread outbreak of COVID-19, UCR is requesting that states delay enforcement until July 1, 2020.

For the third consecutive year, those businesses subject to UCR will see a reduction in fees. If you operate a commercial motor vehicle (CMV) and if the vehicle, freight or passengers cross states lines, then UCR fees apply to you. UCR requires registration

and an annual fee based on fleet size. A CMV is defined as a self-propelled vehicle used on highways in commerce to transport passengers or cargo, if the vehicle: a) has a gross vehicle weight rating or gross vehicle weight of 10,001 pounds or more; b) is designed to transport more than 8 passengers (including the driver) for compensation; c) is designed to transport more than 15 passengers (including the driver) not for compensation or d) is used to transport hazardous materials in quantities requiring placarding. (Asmark Institute)

DOT Starts Crash Preventability Determination Program

DOT announced the start of the Crash Preventability Determination Program to more accurately classify the data surrounding commercial vehicle crashes. If a truck was involved in a crash deemed "not preventable" on or after Aug. 1, 2019, that incident may be reviewed and potentially removed from the carrier's safety measurement profile.

Under the program, carriers with eligible crashes may submit a Request for Data Review with the required police accident report and other supporting documents, photos or videos through the agency's DataQs website. The final list of eligible crash types includes:

- Struck in the rear
 - Wrong direction or illegal turns
 - Parked or legally stopped
 - Failure of the other vehicle to stop
 - Under the influence
 - Medical issues, falling asleep or distracted driving
 - Cargo/equipment/debris or infrastructure failure
 - Animal strike
 - Suicide
 - Rare or unusual type of crash
- (Asmark Institute)

DOT Reviews Seizure Policy

DOT is reviewing the current seizure medical policy and could eliminate the requirement that drivers with the condition request a special exemption. At a recent medical review board meeting it was stated that DOT will begin a review of the literature related to recurrence for commercial motor vehicle drivers who have experienced at least one seizure. They will also contract outside research this fall on the condition. The goal is to send a report to the medical review board in September 2021 for the board to consider any recommendations for an update to the policy. The current seizure exemption standard requires an analysis of the driver's history, the medication a driver has used, or is using, and a look at his or her driving history for the past three years. (Asmark Institute)

EPA Accepts Comments on Pethoxamid

EPA has opened the comment period on a proposed decision to register the new pesticide active ingredient, pethoxamid - a broad-spectrum herbicide that inhibits seedling shoot growth. Pethoxamid provides a new active ingredient for the control of grasses and some broadleaf weeds. Pethoxamid can provide a shorter plant-back interval than available alternatives, leading to enhanced crop rotation or cover-crop flexibility. If used in conjunction with or in rotation with other mechanisms of action, pethoxamid could be an element of resistance management programs.

The Agency is proposing to register one technical product and two end-use products to control various types of annual grasses and broadleaf weeds in soybean, cotton, and corn. EPA has evaluated the toxicity for pethoxamid and has not identified

any human health or ecological risks that require additional mitigation beyond what is already included on the mandatory product label provided with pethoxamid. The comment period closed on June 17, 2020. (Asmark Institute)

OSHA Expands Respirator Guidance to All Industries

OSHA has issued new enforcement guidance on the use of respiratory protection equipment during the COVID-19 pandemic. It applies to all workplaces covered by OSHA where there is required use of respirators. OSHA field offices will exercise enforcement discretion concerning the annual fit-testing requirements, as long as employers have made good-faith efforts to comply with the requirements of the Respiratory Protection standard and to follow the steps outlined here.

Employers should also assess their engineering controls, work practices and administrative controls on an ongoing basis to identify any changes they can make to decrease the need for N95s or other filtering facepiece respirators. In some instances, an employer may also consider taking steps to temporarily suspend certain non-essential operations. The memo will take effect immediately and remain in effect until further notice. This guidance is intended to be time-limited to the current public health crisis. (Asmark Institute)

