



Minnesota Crop Production Retailers

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# REGULLETER

## 2020 ERG Books Pushed Back Again

As previously announced, the updated DOT 2020 Emergency Response Guidebooks (ERGs) are being pushed back yet again due to the challenges encountered by COVID-19. Originally expected in the Spring, they were pushed back to this Summer. It has now been announced it will likely be late Fall before the updated version is released.

Until the updated version is made available, you will want to continue using the 2016 books. DOT requires hazardous materials shipments to be accompanied by emergency response information (49 CFR 172.602), and the ERG book can help you meet this requirement. A copy of the 2016 ERG should be placed in each vehicle that transports a DOT hazardous material until the new, updated version is released. (*Asmark Institute*)

## DOT Extends Waiver Until the End of the Year

DOT has extended the [waiver](#) for expiring Commercial Driver's Licenses (CDLs) and permits, as well as Non-CDL licenses for commercial motor vehicle (CMV) drivers, until December

31, 2020 in response to the COVID-19 public health emergency. Some CMV drivers have been unable to renew their licenses and are unable to provide medical certificates to their State Driver Licensing Agencies. In addition, many medical providers have cancelled regularly scheduled appointments and drivers have been unable to obtain appointments for physical examinations with medical examiners who comply with the Federal Motor Carrier Safety Regulations.

Drivers claiming relief under this waiver must continue to carry a paper copy of their expired medical certificate. If your physician is accepting appointments, it's recommended not to wait until the last minute to get your records updated. (*Asmark Institute*)

## Pilot Program for Younger Drivers Announced

DOT has announced that it is proposing and seeking public comments on a new pilot program to allow 18 to 20-year-old commercial driver's license (CDL) holders to operate commercial motor vehicles

(CMVs) in interstate commerce. Under the proposed pilot, the drivers must take part in a 120-hour probationary period and a subsequent 280-hour probationary period.

This must be done under an apprenticeship program established by an employer or be 19-20 year-old drivers who have operated CMVs in intrastate commerce for a minimum of one year and 25,000 miles. The study group drivers would not be allowed to operate vehicles hauling passengers or hazardous materials or special configuration vehicles. [Click here](#) for more information on the proposal. (*Asmark Institute*)

## EPA Concludes Registration Review of Triazines

EPA has released interim registration review decisions for atrazine, propazine and simazine. With this action EPA is finalizing new, stronger protections for both human health and the environment. Health protections include reduced application rates for turf applications and additional Personal Protective Equipment (PPE). Look for updated

glove statements and for respirators to be required for workers who apply the products.

Environmental protections include adding mandatory spray drift reduction language and herbicide resistance management language to the label requirements. Each registered pesticide must be re-reviewed every 15 years, so EPA will complete the next round of registration reviews for these products by 2035. (Asmark Institute)

**CDL Number Added to Federal Drug Testing Form**

DOT has announced that a revised [Federal Drug Testing Custody and Control Form](#) (CCF) is approved for use. One of the updates in the new CCF is the addition of “CDL State and No.” to the line that captures donor identification information. Including a driver’s commercial driver’s license (CDL) number and State of issuance for all DOT-regulated tests will greatly assist medical review officers (MROs) in reporting violations in the Drug and Alcohol Clearinghouse. The old CCF can be used until August 30, 2021 to allow existing supplies to be depleted. (Asmark Institute)

**Pilot Program to Allow Pausing the 14-Hour Driving Window**

DOT has proposed a pilot program to allow temporary regulatory relief from the hours-of-service requirement that all driving by drivers of property-carrying commercial motor vehicles (CMVs) be completed within 14 hours after coming on duty. During the pilot program, known as the Split Duty Period Pilot Program, participating CMV drivers would have the option to pause their 14-hour on-duty period (also called a driving window) with one off-duty period of no less than 30 minutes and no more than 3 hours.

Participation would be limited to a certain number of commercial driver’s license holders who meet the criteria specified for participation. This pilot program seeks to gather statistically reliable evidence whether decisions concerning the timing of such flexibility can be aligned with employers’, shippers’ and receivers’ scheduling preferences to optimize productivity while ensuring safety. Click [here](#) for more details. (Asmark Institute)

**OSHA Conducts the Most Inspections Since 2015**

OSHA posted its 2019 Enforcement Summary, which highlights the Agency’s inspection statistics. The data shows an uptick of both programmed and unprogrammed inspections. In fiscal year (FY) 2019, OSHA conducted 33,393 inspections, including 18,493 (about 55 percent) unprogrammed inspections, which includes employee complaints, injuries/fatalities and referrals.

The high percentage of unprogrammed inspections indicates that OSHA continues to devote considerable resources responding to referrals and complaints. Of the 33,393 inspections, 14,900 (about 45 percent) were programmed inspections. Programmed inspections focus OSHA’s enforcement resources towards the industries and operations where known hazards exist (e.g., combustible dusts, chemical processing). See [graph below](#). (Asmark Institute)



**FDA Outlines New Era of Smarter Food Safety**

The US Food and Drug Administration (FDA) has launched a web portal that lays out a plan for the full implementation of the Food Safety Modernization Act (FSMA) over the next decade. The world around us is changing rapidly and many believe we will see more changes in the food system over the next 10 years than we have in decades.

The plan, called the *New Era for Smarter Food Safety Blueprint*, is centered around four core elements:

- Tech-enabled Traceability;
- Smarter Tools and Approaches for Prevention and Outbreak Response;
- New Business Models and Retail Modernization; and
- Food Safety Culture.

Overall, the plan is to create a more digital, traceable and safer food system that advances food safety and better prepares us for unexpected events that could impact the food supply, such as the one we are experiencing now. Keep an eye out as the blueprint develops into a detailed action plan over the next decade. (Asmark Institute)

OSHA Inspection Statistics	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
Total Inspections	36,163**	35,820	31,948	32,408	32,023	33,393
Total Programmed Inspections	19,222	16,527	12,731	14,377	13,956	14,900
Total Unprogrammed Inspections	16,941	19,293	19,217	18,031	18,067	18,493
~ Fatality/Catastrophe Inspections	850	912	890	837	941	919
~ Complaints Inspection	9,570	9,037	8,870	8,249	7,489	7,391
~ Referrals*	3,829	6,569	6,691	6,286	6,463	6,718
~ Other Unprogrammed Inspections	2,525	3,686	2,766	2,659	3,174	3,465

\* As of FY 2015 referral inspections encompass all sub-types of referrals such as those received from compliance safety and health officers, safety and health agencies, other city/county/state/federal governments, media, and employer-reported.  
 \*\* The October 2013 Government shutdown occurred during this time.