



# News & Views

*A Monthly Publication Dedicated to the Feed, Seed, Grain and Farm Supply Industries of Wisconsin*

## Annual Dues Notices ■

We're getting dues renewals in at a healthy clip. Thank you for your support and it is appreciated. If you have any questions or comments on any issue, please let us know so we may help you.

## Facility Registration Update ■

Congress last year passed a law directing DHS to regulate the security of "high-risk" chemical facilities, and required that it issue regulations establishing risk-based performance standards for security of chemical facilities. Under the regulations issued by DHS on April 9, the agency would evaluate a facility's risk, in large part, by classifying it based on the particular chemicals it stores or handles. The regulations require that a facility must complete and submit an on-line preliminary screening assessment, dubbed "Top Screen," if it possesses or comes into possession of any chemicals of interest to DHS at specified threshold levels.

The Department also issued a draft list of chemicals and the related threshold levels that would require "Top Screen" registration. This draft list, referred to as Appendix A, had chemicals and threshold levels which would force registration by most, if not all, grain elevators and feed mills, and surprisingly many rural private home owners.

In an earlier communication to the membership, we told you that during a May 29 meeting of a joint government-chemical industry advisory council, DHS officials indicated that in response to about 4,000 public comments, the list of chemicals is undergoing significant changes and will **not** be issued until late this month or early July. DHS officials said they now realize the draft list of chemicals would cause a much greater number of agricultural facilities and producers (and private citizens) to register and complete the "Top Screen" analysis than the agency had intended. They also

indicated that five or six of the chemicals listed in the draft list may be deleted entirely (DHS did not indicate which ones) while the threshold levels for others will be increased, some significantly.

While the regulations took effect June 8, DHS officials have said that until the final version of the Appendix A chemical list is issued, they would advise that grain, feed and processing firms and other agricultural companies wait to register with DHS or undertake the "Top Screen" web-based analytical process. They noted there is **no** regulatory requirement to complete the DHS chemical facility security registration process until **after** the final version of Appendix A is issued. Further, they advised that once that chemical list is issued, the DHS interim final rule provides 60 calendar days for facilities that may be covered to register and complete the Top Screen assessment process.

In addition, there will be another joint government-industry advisory council later this month specifically covering the food and agriculture industries and there are expected to be even further revisions to the Appendix A list. The result of that meeting could be to push the final version out even further.

Bottom line; sit tight, don't be scared by any mailings soliciting you to assist in complying with the rule. It's not final yet and it may not even affect you. As more developments come about, we'll keep you informed.

Source: NGFA

## Feed Profitability Workshop ■

WASA, in conjunction with both Texas A & M and Kansas State Universities, will be presenting a three-day workshop for feed mill managers and supervisors August 7<sup>th</sup> through 9<sup>th</sup> in Green Bay. This workshop has been presented in other areas of the country and has drawn national audiences. WASA members will now have the opportunity to

attend this workshop in their own state for the first time.

The instructors will be two nationally recognized individuals for their knowledge of the feed industry. And this is a program, that, as a feed manager, you can't afford to miss. And an additional benefit as a WASA member, you can register at a 10% discount to the regular fee. Only WASA member company employees are eligible for the discount. A top-notch, nationally known program and a discount, you can't beat that.

We have included a program brochure with this issue, so if you're interested there's more information there. Space is limited, so be sure and register early as this workshop has sold out in other parts of the country, and we expect that to happen here as well.

## **Grain Bin Construction Permits■**

**W**e became aware late last month of an issue regarding new grain bin construction and construction permitting. The short story is the grain facility planning on putting up the bins, followed procedure as they always had; county or township zoning, county building permits etc. Everything was fine until the new local building inspector stated that he couldn't issue the building permit until state plan reviewers signed off on the building plans. He believed grain bins fell under a particular portion of the state Department of Commerce's Building regulations. These regulations, which required all buildings with an equivalent of 40,000 bushels of space under a roof to have plans signed off by state reviewers before a building permit could or would be issued.

This is where your association was called and asked to assist in the process. What was going on, this had never happened before when a bin was built? Was this something new? Had a mistake been made?

Using the contacts we have developed at the department, as well as utilizing David Crass of the law firm of Michael Best & Friedrich (a WASA member), we learned that the rule had been slightly misapplied and the construction of this grain bin,

even though larger than 40,000 bushels in size, did not, in fact, require state plan review. The member, after answering some minor questions posed by the local building inspector, will in all likelihood receive their building permit, just a couple weeks later than they had originally planned. There are a couple twists in the rule, so not every new grain bin will be exempt from a state level plan review, but in this particular case, the bin was exempt from that requirement.

We have asked a senior official at the state department of Commerce's Safety and Buildings Division to write up an explanation of the rule and its applicability, which we will hopefully be able to provide in next month's newsletter. A consistent comment that staff receives from the membership is wishing to go about their business with no surprises. Let them know what the rules and regs are up front, rather than as surprises along the way. Hopefully, next month's update will allow that to happen.

Lastly, this is a simple example, but one which had the potential to impact every member in the state, of the work for members which your association staff does virtually every single day of the week. If you have an issue, please give us a call, we can help.

## **DOT Hazmat Registration■**

**O**ne item that you do have to be aware of is the deadline to register with the U.S. Department of Transportation as a facility that transports or offers for transport any placardable amount of hazardous material, such as fuels, propane, anhydrous ammonia and pesticides is July 1, 2007. And just a heads up; if you send unused pesticides back to the manufacturer or distributor using your vehicles, you become a "shipper" and may be offering for transport a placarded amount of hazardous material which requires you to be registered.

Each year, you should receive a notice from DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA) that it's time to renew your annual registration statement. It's easiest to register on-line at <https://hazmatonline.phmsa.dot.gov/services>.

Under "Welcome" click on HAZMAT Registration Applications. If you pay your fee by credit card online, you will receive a registration number and be able to print the registration certificate right away. For more information about registering, fees, and to see the form, go to:

<http://hazmat.dot.gov/regs/register/register.htm>

### **What if you never registered before?**

This rule has been in effect since 1992-1993, so if you have been shipping placardable amounts of hazardous materials any time between 1992 and the present and never registered, you will have to pay the back fees, but no other penalty fees.

**Registration is required for interstate as well as intrastate commerce.**

### **What kind of record keeping is required?**

You must keep copies of both the "Registration Statement" that you filed with PHMSA, and the "Certificate of Registration" issued back to you. Keep both on file for 3 years. **PLUS: You must keep a copy of the "Certificate of Registration" on board each truck used to haul hazardous materials subject this rule. It must be presented to any enforcement officer upon request.**

### **What penalties are involved if you don't register?**

Both Federal and State officers have the authority to enforce the registration requirement. Penalties may be assessed up to \$27,500. Again, if you haven't registered in the past or skipped a year, you can still register and pay the fee for those years without extra penalties.

Source: Agribusiness Association of Iowa

### **Federal Minimum Wage Poster**

Last month, President Bush signed a bill which increased the Federal Minimum Wage rate. The increase is the first since 1997. In approximately 60 days, the new rate will take effect and employers will have to revise the required labor law poster on federal minimum wages rates.

For members of the WASA Loss Control Program, we'll automatically send you revised versions of the poster which can be taped right over the old one on your SuperPoster. For other members, please contact us and we'll get you a new version as well for \$1.00.

And if you don't already have a WASA SuperPoster in your facility, what are you waiting on?! We sell them for \$6.00 delivered.

The Feds don't even have the new minimum wage poster available yet, but as soon as they do, we'll get them made up and in the mail. Remember, if you're a Loss Control member we'll get it to you automatically, otherwise please contact us for your update.

### **WASA Directory Update**

The following updates should be made to your WASA Directory.

**New:**

**Olsen's Mill**  
**W13136 County Rd. KK**  
**Ripon, WI 54971**  
**Phone: (920) 748-7999**

**Schuld/Bushnell**  
**650 W Davis St.**  
**Bushnell, IL 61422**  
**Phone: (309) 772-3106**

### **Looking Down the Road**

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| <b>June 28</b>              | <b>WASA Golf Outing</b><br><b>Trappers Turn, Wisconsin Dells</b>  |
| <b>July 31 &amp; Aug. 1</b> | <b>Grain Quality Management School</b><br><b>presented jointly by NGFA &amp; GEAPS</b><br><b>Marriott St. Louis Airport Hotel</b>   |
| <b>Aug. 7-9</b>             | <b>Feed Industry Profitability</b><br><b>Workshop presented jointly by</b><br><b>WASA, Texas A&amp;M Univ. and</b><br><b>Kansas State Univ. (see insert)</b><br><b>Northeast Wisconsin Technical</b><br><b>College, Green Bay</b> |
| <b>Sept. 11</b>             | <b>WASA Golf Outing</b><br><b>SentryWorld, Stevens Point</b>  |