

Reguletter

New Shipping Paper Requirements for 2010

DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a final rule making revisions to the emergency response information required on shipping papers. In the final rule, PHMSA will require the shipper to be clearly identified on the shipping papers. The shipper's name and emergency contact telephone number must be on the shipping paper in a prominent, readily identifiable and clearly visible manner so that it can be found quickly. This information will be required even if a shipper uses a contracted emergency response service for a 24-hour phone number. The Federal Register notice states an effective date of November 18, 2009, however, this is an error. The effective date is October 1, 2010. Voluntary compliance is authorized beginning November 18, 2009 to allow shippers flexibility when printing replacement forms or in updating their computer programs. If you use a third party emergency response provider, such as INFOTRAC, CHEMTREC, or WCEC, the new information that will be required on your shipping paper is the name of the original shipping company. The name of the company, even if displayed elsewhere on the shipping paper, must be entered again clearly near the emergency contact information. If you do not use a third party as an emergency response contact, your company name and contact information would be required as the emergency response contact. Enter: <http://www.bureaudg.com/downloads/HM-206F.pdf> into your web browser for a copy of the Final Rule. You can also visit the MCPR website, www.mcpr-cca.org, under the USDOT/MNDOT tab, to sign up for participation in the 24 Hour Emergency Response Number program provided by WCEC. (Asmark Institute)

EPA Launches New Website for Retailers

A new website dedicated to retailers was recently launched by the EPA, in collaboration with several retail organizations. The Retail Industry Portal provides one-stop access to the vast amount of the EPA's compliance, sustainability and pollution prevention resources that are specifically applicable to the retail sector. Enter: <http://www.epa.gov/retailindustry/> into your web browser for more information. (Asmark Institute)



RMP Reporting Center Relocates

The EPA Risk Management Program (RMP) Reporting Center has moved to a new location. The center's new mailing address is: RMP Reporting Center, P.O. Box 10162, Fairfax, VA 22038. UPS or Federal Express deliveries should be sent to: RMP Reporting Center, Attn: CGI Federal, Inc., 12601 Fair Lakes Circle, Fairfax, VA 22033. The Risk Management Program's phone number is 703-227-7650; fax number is 703-227-4199; and their general e-mail address is RMPRC@epacdx.net. These changes coincide with the new web-based RMP*eSubmit reporting system set to be 100% operational by the end of the year. (Asmark Institute)

NPDES Case Appealed to U.S. Supreme Court

A coalition of agriculture organizations, include the American Farm Bureau Federation, National Cotton Council, CropLife America, and the American Forest and Paper Association filed a petition for a Writ of Certiorari to the United States Supreme Court last week, asking the Court to reverse a decision by the Sixth Circuit Court of Appeals in National Cotton Council vs. EPA. If the Sixth Circuit's decision stands, pesticide applications in, over, or near waters of the United States will require National Pollutant Discharge Elimination System permits under the Clean Water Act. The Court's decision failed to consider existing pesticide-related regulation under the Federal Insecticide, Fungicide and Rodenticide Act, while simultaneously vastly expanding the scope of the Clean Water Act. (USAgnNet)

EPA Administrator Targets TSCA

In a speech on October 7th at the Commonwealth Club in San Francisco, U.S. EPA Administrator Lisa Jackson announced core principles that outline the Obama Administration's goals for legislative reform of this country's chemical management law, the 1976 Toxic Substances Control Act, TSCA. In parallel with this legislative initiative, Jackson also announced plans for a major effort to strengthen EPA's current chemical management program and increase the pace of the agency's efforts to address chemicals that pose a risk to the public. Enter: <http://yosemite.epa.gov/opa/admpress.nsf/0/d07993fdcf801c2285257640005d27a6?OpenDocument> into your web browser for more information. (Asmark Institute)

Atrazine Threatened (Again) by New EPA Evaluation

EPA is launching another “comprehensive evaluation” of atrazine. The EPA’s website indicates “This review will be based on transparency and sound science, including independent scientific peer review, and will help determine whether a change in EPA’s regulatory position on atrazine is appropriate.” Based on this evaluation, EPA will decide whether to revise its current atrazine risk assessments and whether new restrictions are necessary to better protect health and the environment. During the first year of the new evaluation, EPA will consider the potential for atrazine cancer and non-cancer effects, including data generated since 2003 from laboratory animal and human epidemiology studies. To be certain that the best science possible is used to inform its atrazine human health risk assessment, and to ensure transparency, EPA is seeking advice from the independent FIFRA Scientific Advisory Panel (SAP). EPA indicates they will engage the SAP to reevaluate the human health effects of atrazine over the coming year. The schedule is as follows:

November 3, 2009

EPA will present its plan for the new atrazine evaluation.

February 2010

EPA will present and seek scientific peer review of its proposed plan for incorporating epidemiology studies into the atrazine risk assessment.

April 2010

EPA will present and seek peer review of its evaluation of atrazine non-cancer effects based on animal laboratory toxicology studies, selection of safety factors in the risk assessment, and the sampling design currently used to monitor drinking water in community water systems.

September 2010

EPA will present and seek peer review of its evaluation of atrazine cancer and non-cancer effects based on animal toxicology studies and epidemiology studies.

EPA indicates this new review is intended to include the most recent results from the National Cancer Institute’s Agricultural Health Study, anticipated for publication in 2010. At the conclusion of this evaluation of atrazine’s human health effects, EPA will ask the SAP to review atrazine’s potential effects on amphibians and aquatic ecosystems. The meetings of the SAP will be open to the public. In addition to the scientific review of atrazine’s human health and ecological effects, EPA plans to meet with interested groups to explore better ways to inform the public more quickly about results of atrazine drinking water monitoring. (Asmark Institute)

U.S. EPA Finalizes Greenhouse Gas Reporting System

On January 1, 2010, the U.S. Environmental Protection Agency (U.S. EPA) will, for the first time, require large emitters of heat-trapping emissions to begin collecting greenhouse gas data under a new reporting system. This new program will cover approximately 85 percent of the nation’s greenhouse gas emissions and apply to roughly 10,000 facilities. EPA’s new reporting system will provide a better understanding of where greenhouse gases are coming from and will guide development of the best possible policies and programs to reduce emissions. The data will also allow businesses

to track their own emissions, compare them to similar facilities, and provide assistance in identifying cost effective ways to reduce emissions in the future. This comprehensive, nationwide emissions data will help in the fight against climate change. Enter: <http://www.epa.gov/climatechange/emissions/ghgrulemaking.html> into your web browser for more information on the new reporting system and requirements. (Asmark Institute)

DHS - Confusion Surrounds Tier Notifications

The Department of Homeland Security issued press releases about a month ago that would make one believe they were finished with their final round of Tier assignment reviews and would be mailing the notifications. While there are many anxious facility personnel eagerly awaiting the final notification of their DHS status, we were very disappointed to learn the agency has a long way to go in reviewing and finalizing the tiers for the major portion of the more than 6,048 high risk chemical facilities. DHS sees the Tier evaluation process as an “on-going process” that will never be completely finished because facilities should be continually reviewing their inventories for new regulated chemicals. The most common call we receive on this subject points out that regulated facilities have short, DHS-established deadlines to have submissions made, while DHS can respond whenever they get around to it. Extremely frustrating for the regulated community. (Asmark Institute)

Online Pesticide Registration-New and Renewals

New applicatorx may want to go online to www.mda.state.mn.us. Once on the MDA website, go to Quick links, then Online Licensing/Payment. Once you fill out the form and pay the fee make sure that you print a copy that you can bring with you to the testing location that verifies that you paid. For renewal you can also go online at the same website if your renewal form has a PIN number. If you have any changes such as company name, address or type of license change you will have to mail the renewal in to MDA. If there are any questions please call (651) 201-6615 or (651) 201-6633. (Minnesota Department of Agriculture)

FMCSA Issues Clarification on Medical Marijuana

Recently, the Department of Justice (DOJ) issued guidelines for Federal prosecutors in states that have enacted laws authorizing the use of “medical marijuana.” The Federal Motor Carrier Safety Administration (FMCSA) wants to make it perfectly clear that the DOJ guidelines will have no bearing on the Department of Transportation’s drug testing program as administered and enforced. The FMCSA will not change their regulated drug testing program based upon these guidelines to Federal prosecutors. DOT’s Drug and Alcohol Testing Regulation does not authorize “medical marijuana” under a state law to be a valid medical explanation for a transportation employee’s positive drug test result. Enter: <http://www.justice.gov/opa/documents/medical-marijuana.pdf> into your web browser for more information. (Asmark Institute)

Reminder!! As always; if you have any regulatory compliance questions please contact Jessi at 952-253-6081.

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