



2009 National Ag Safety School

August 18, 2009

Richard Gupton

VP, Legislative Policy & Counsel

www.aradc.org





**In Memory of
Jack Eberspacher
ARA President & CEO
1954-2009**





“Sam and Maggie Eberspacher Educational Trust”

Contributions should be sent to:

Bank of America N.A.

c/o Carolyn F. Grant

8300 Greensboro Drive, Suite 500

McLean, VA 22102.





Mission of ARA

- The Agricultural Retailers Association (ARA) is a nonprofit trade association, representing the interests of ag retailers and distributors across the United States on Federal public policy issues before the legislative and executive branches of government to ensure members an optimal business environment.
- ARA also educates members on important issues affecting the industry, as well as provides professional educational training.



2009 ARA Officers

Chairman – Ken Manning, *Wilbur-Ellis (OR)*

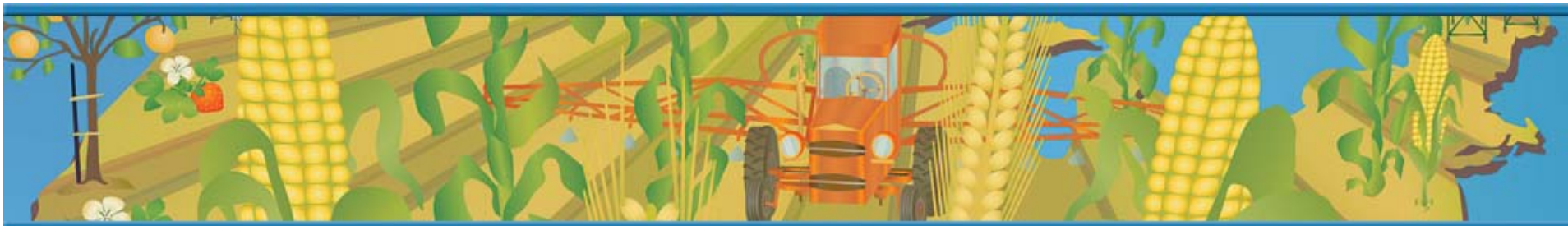
Chairman-elect – Scott Ramsdell, *Ramsdell F & M Ltd. (SD)*

Vice Chairman – Doyle Pearl, *J.S. Pearl Sales & Service (KS)*

Sec./Treasurer – Jon Nienas, *Monsanto (MO)*

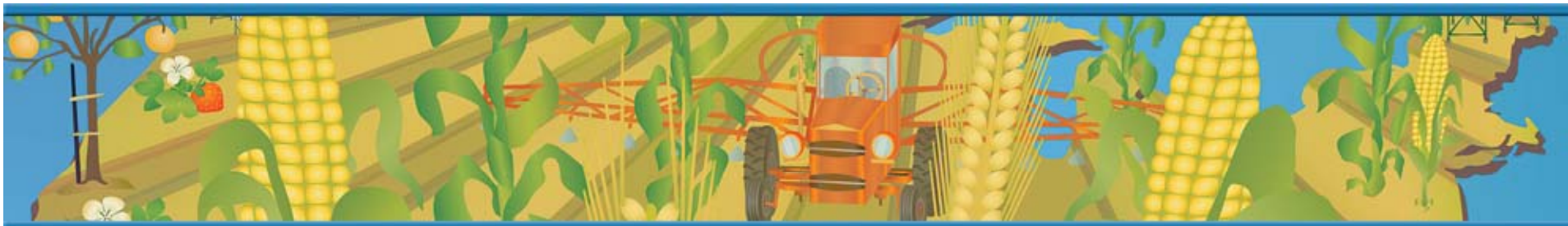
Immediate Past-Chair – Dan Weber, *Ceres Solutions (IN)*





Spray Drift

- ARA is working with the Environmental Protection Agency (EPA) to address a variety of issues regarding spray drift under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).
- EPA is scheduled to release a Spray Drift Proposed Rule notice in the near future for public comment



ARA Suggested Definition of “Spray Drift”:

- Spray drift is the physical movement of liquid droplets or solid particles of pesticide spray solution through the air from the target site to any off-target site at the time of pesticide application. Volatilization, movement by inversions and pesticide movement in soil are not considered spray drift.
- Management of drift issues through policies, application technology, pesticide use instructions, applicator training, and enforcement must acknowledge and take into account the physical processes that govern off-target transport and deposition of air-borne spray solution droplets or dust particles.



De minimus Levels of Spray Drift:

- The EPA has concluded that some level of spray drift would occur from nearly all pesticide spray applications (i.e., using a nozzle or other atomization device) due to the physical dynamics governing transport of pesticide particles or droplets through the air.
- FIFRA, the primary law regulating pesticides, allows the registration of a pesticide if “*when used in accordance with widespread and commonly recognized practice it will not generally cause an unreasonable adverse effect on humans or on the environment.*” Therefore, a level of spray drift that does not cause a risk of unreasonable adverse effect on human health or the environment is permitted under FIFRA.



Technical Service Providers (TSP)

- 2008 Farm Bill Passed May 22, 2008
 - Included “Fair and Reasonable” payment rates for third party TSPs
- ARA worked with NRCS to ensure the rates would be “fair and reasonable”
- State NRCS offices to establish payment rates using guidance from the national NRCS
- Rates are to be based on local cost, market, and procurement data as appropriate for the practice



TSP Cont.

- The NRCS National Office will review and approve State payment rates to ensure regional consistency and fairness, and provide a mechanism for review and quality control for the guidelines established
- It is important to build a relationship with the state NRCS office and work closely with them during implementation of the new payment rate system



Employee Free Choice Act

- AKA – “Card Check”
- S.560 and H.R. 1409
- Three Provisions
 - 1) Elimination of Secret Ballot Election
 - 2) Binding Arbitration
 - 3) Increased Penalties on Employers
- Currently does not have 60 votes for passage



NH3 Nurse Tank Testing History

- 2003 Calamus, Iowa accident
- Resulting 2004 NTSB report- NH3 tanks need testing- all other pressure vessels require testing
- Additionally, 1/3 of the approximately 200,000 tanks do not have ASME plates- should be out of service because of non-compliance.
- 2005, TFI applied and obtained a special permit to keep tanks with missing data plates in service if they are in compliance with SP 13554.



Special Permit 13554

- **Special Permit 13554-** allows NH3 nurse tanks with missing ASME plates to stay in service as long as tested every 5 years and properly maintained.
- **4 Requirements-** External Visual, Thickness, Pressure, and Marked
- **Record keeping-** Copy of current special permit and copy of test inspection report

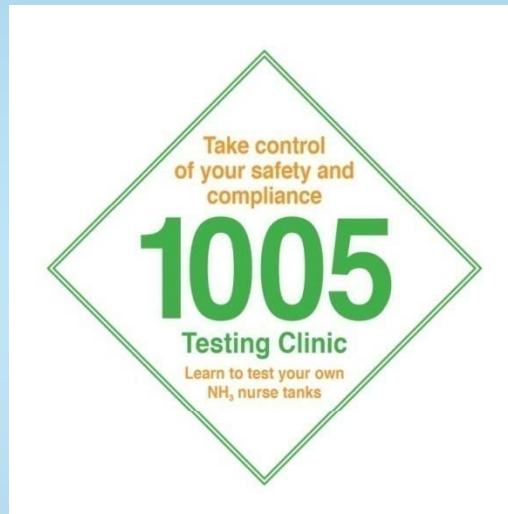


NH3 Nurse Tank Testing

- Since Nov. 2008, DOT enforcement in the Midwest. Finding wide noncompliance.
- Outstanding 2004 NTSB recommendation that DOT require testing of all NH3 nurse tanks.
- Dec. '08- TFI, with ARA's support, sent DOT a petition for rulemaking on tank testing.
 - All tanks be tested (external and pressure)
 - Only non-plated tanks require thickness
 - Ag retail employee can test facility's tanks



1005 NH3 Testing Clinics



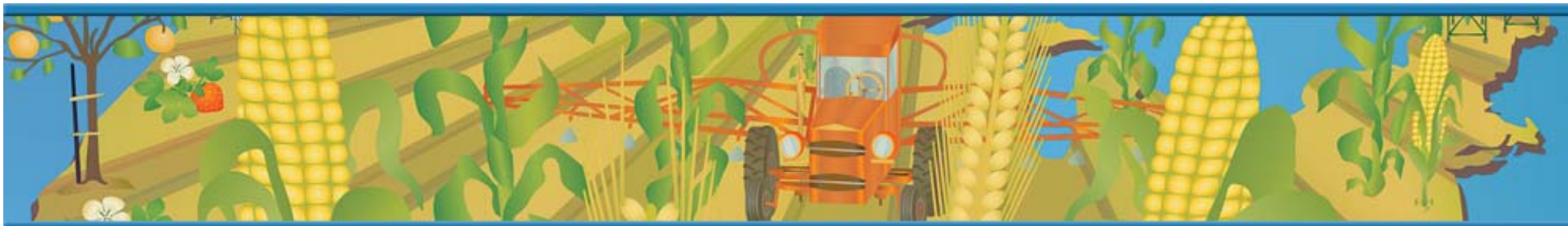
At the **1005 Testing Clinic**, attendees learn how to become registered as a cargo tank tester, how to test nurse tanks, and the class will serve as the educational requirement for becoming registered.



**1005 Testing Clinic
West Lafayette, Indiana
July 22-23, 2009**



**2009 ARA Conference & Exposition
Champions of Retail: Managing Your Game
Sawgrass Marriott Golf Resort & Spa
Ponte Vedra Beach • Florida • DECEMBER 1-3, 2009**



ARA

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Association of Strength
Strength by Association