(Address to Representative VIA EMAIL, CC to Legislative Aide)

Re: OSHA’s Removal of the Retail Exemption from the Process Safety Management Standard

Dear (Congressman or Senator):

I (we) farm \_\_\_\_\_ acres in \_\_\_\_\_\_\_County, Nebraska. We rely on a stable supply of nitrogen based fertilizer as our primary crop fertilizer. It is the most economic and efficient means of fertilizing our crops.

We have been informed of the substantial likelihood of supply shortages, interruption and delays in distribution and delivery and the real possibility that anhydrous ammonia may not be available due to the pending deadline of September 30, 2016 before OSHA begins enforcing its Memorandum of July 22, 2015, in which it notified the public that it would no longer recognize a retail exemption for retail facilities that handle highly hazardous chemicals like anhydrous ammonia.

Even as a user of dry or liquid nitrogen based fertilizer or if required to convert to those products from anhydrous ammonia, as an alternative, cost of those products will increase dramatically. We estimate our additional costs would be approximately $\_\_\_\_\_\_. We are already at or below cost of production with current commodity prices.

We need your active assistance to require OSHA to conduct formal rule making and consider all the economic impacts before enforcing PSM standards on agricultural retail facilities.

We understand that our three Nebraska congressmen along with many other ag state Members of the House of Representatives have written the Appropriations Subcommittees on Labor, Health and Human Services, Education, and Related Agencies in the House, to encourage that the following language be added to the statutory text (not just the explanatory statement or report language) of their respective appropriations bills:

The revised enforcement policy relating to the exemption of retail facilities from coverage of the Process Safety Management of Highly Hazardous Chemicals standard (29 CFR 191 0.119(a)(2)(i)) issued by the Occupational Safety and Health Administration on July 22, 2015, shall not be enforced nor deemed by the Department of Labor to be in effect in fiscal year 2017, or future years, until: the Bureau of the Census establishes a new North American Industry Classification System code under Sector 44 or 45 Retail Trade for Farm Supply Retailers; the Secretary of Labor, acting through the Assistant Secretary of Labor for Occupational Safety and Health, has carried out all notice and comment rule-making procedures and invited meaningful public participation in the rule-making; and the Secretary, acting through the Assistant Secretary of Labor for Occupational Safety and Health, arranges for an independent third-party to conduct a cost-benefit analysis of such proposed rule, and the Secretary includes such analysis in the publication of the proposed rule.

We understand that you may have either signed a group letter to the House Sub-Committee, or in the Senate sponsored or co-sponsored an amendment to stop implementation of the PSM standard to agricultural retail facilities. We are grateful for that effort, but more needs to be done. Please join or encourage other agricultural state representatives, republican and democrat, to begin actively speaking out and engaging the relevant Committees or Sub-Committees about this issue. This is not an issue which should be partisan.

In this difficult farm economy, our ability to continue to farm is threatened by OSHA’s actions.

Sincerely: