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Announcement

To: FWAA Membership and Associates
From: James F. Fitzgerald, Executive Director
Subject: Ag Retailers Win OSHA PSM Case
Date: September 23, 2016

The D.C. Court of Appeals today ruled the Occupational Safety and Health Administration violated the Occupational Safety and Health Act when it issued an enforcement memorandum on July 22, 2015, redefining the "retail facility" exemption to the Process Safety Management Standard.

The Agricultural Retailers Association and The Fertilizer Institute, which brought the suit to court, are pleased with the decision.

"OSHA made a bad decision in regulating ammonia in response to an ammonium nitrate incident, and the agency made that decision incorrectly," said ARA President & CEO Daren Coppock. "Although ARA could only challenge on the procedural point and not the decision itself, we're still very pleased to see the Court rule in our favor and to provide this relief to our members."

Ag retailers are exempt from PSM until OSHA completes a notice-and-comment rulemaking process regarding PSM, which could take several years to finalize.

Far West would like to thank and acknowledge the Agricultural Retailers Association and The Fertilizer Institute for their efforts and victory for ag retailers across the nation.