



OSHA / CONSTRUCTION NEWS SUMMARY

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TRANSPORTATION NEWS SUMMARY

▶ SAFETY ADVISORY

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~June 7-9, 2016~

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▶ Cone Zone Overview

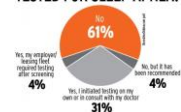


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► MSHA Increases Attention on Safety Standards Linked to Mining Deaths, Encourages Mine Operators to Monitor Compliance

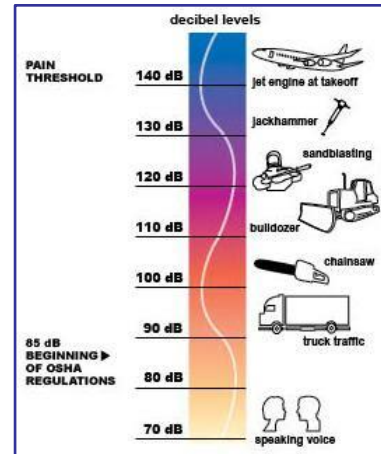
In a meeting with mining industry stakeholders, the U.S. Department of Labor's [Mine Safety and Health Administration](#) announced that the agency is enhancing enforcement of its "[Rules to Live By](#)" initiative of standards commonly cited following mining deaths... [read more...](#)



MONTHLY SAFETY TIP NEWS SUMMARY

► NIOSH Releases Study on Work-Related Hearing Loss

The [National Institute for Occupational Safety and Health](#) released a recent study in its [Morbidity and Mortality Weekly Report](#) on hearing impairment among noise-exposed workers in the United States from 2003 to 2012. [read more...](#)



Examples of occupational noise exposure.

► OSHA and NIOSH Provide Guidance for Protecting Workers from Exposure to Zika Virus

An outbreak of Zika is spreading through Central and South America, Mexico, and parts of the Caribbean, including U.S. territories. Though Zika currently isn't spreading on the mainland through mosquitoes... [read more...](#)



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- ~Teens & Trucks Safety
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- ~HAZWOPER 8, 24 & 40 Hour
- ~PEC'S Intro to Pipeline
- ~Confined Space Rescuer Training
- ~PEC Core Compliance
- ~OSHA 10 Hour Construction
- ~OSHA 30 Hour Construction
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- ~Defensive Driving Safety for large and small vehicles
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OSHA / CONSTRUCTION

OSHA Announces Drastic New Recordkeeping and Retaliation Rule

On May 11, 2016, **OSHA** announced the issuance of a final rule regarding recordkeeping. The new rule will require certain employers to electronically submit their injury and illness records to **OSHA** on an annual basis. Establishments with 250 or more employees that are required to keep injury and illness records will be required to electronically submit to **OSHA** their 300, 300A and 301 forms. Employers in certain industries (including, but not limited to, construction and manufacturing) whose establishments have between 20 and 249 employees will be required to electronically submit their 300A annual summary forms. The rule states that **OSHA** will be providing a secure website for the transmission of this information. Also, the rule allows for certain redactions to be made, such as employee names, addresses, and health care provider information.

The rule takes effect on January 1, 2017. Employers must submit their **OSHA** 300A annual summaries by July 1, 2017. The requirements for the submission of 300 logs and 301 reports do not take effect until 2018, with those forms being due on or before July 1, 2018. Beginning in 2019, the forms will be due by March 2 every year.

The new rule also contains provisions regarding “employee involvement” in recordkeeping and adds provisions related to retaliation. Employers will be required to inform each employee of their right to report injuries and illnesses and how to do so. Employers must also inform employees that they may not be retaliated against for such reporting. Procedures for reporting injuries must be “reasonable,” which **OSHA** defines as not deterring a reasonable employee from accurately reporting injuries and illnesses. The new rule also states that employers are prohibited from retaliating against employees for reporting injuries or illnesses.

Though further study of the rule will be necessary, we believe that it is flawed in many respects. Most glaringly, the new rule contains anti-retaliation provisions that already exist under Section 11(c) of the Occupational Safety and Health Act.

Whereas the statute itself calls for employees to assert individual claims of retaliation, and provides a process for doing so, this new rule will allow **OSHA** to issue citations for practices that it believes are retaliatory even in the absence of any employee complaint. Moreover, citations issued under this new rule will authorize **OSHA** to order abatement of the retaliatory practice, which could include a revision of employer policies, reinstatement, and/or monetary relief for any employee believed to be retaliated against. Employers now will be faced with more than just the prospect of citations related to safety and health conditions. They could very well find themselves defending citations relating solely to their employment practices and seeking abatement that is akin to the sort of civil damages ordered in employment litigation cases. We believe that such issues are more properly left to the courts, not **OSHA** or the **Occupational Safety and Health Review Commission**.

The rule may be accessed [here](#).

OSHA Fact Sheets

Ladder Jack Scaffolds Supported Scaffolds

A ladder jack scaffold is a system designed to perform activities, such as installing building exteriors, trim, and finishes. Contractors widely use ladder jack scaffolds because of their cost effectiveness, portability, and quick erection and dismantling procedures, as well as their adaptability for use in narrow spaces at construction worksites.

See the [Fact Sheet](#) pdf.

Is 911 your Confined Space Rescue Plan?

Permit-required confined spaces can present conditions that are immediately dangerous to workers' lives or health if not properly identified, evaluated, tested and controlled. OSHA has developed a standard for Confined Spaces in Construction (29 CFR 1926 Subpart AA) for any space that meets all of the following criteria:

- Is large enough for a worker to enter;
- Has limited means of entry or exit; and
- Is not designed for continuous occupancy.

See the [Fact Sheet](#) pdf

SAFETY ADVISORY

Immediate Re-Inspection and Retesting of Certain Cargo Tank Motor Vehicles Required

The **Federal Motor Carrier Safety Administration** is issuing this safety advisory to provide notice to owners and operators of certain cargo tanks that have been improperly inspected and tested, and must be re-inspected and retested before being used in **Hazardous Materials** specification tank service.

The tanks in question were tested by:

- H&W Tank Testing, CT#8083, Ohatchee, Alabama, and
- Christopher Humphries, CT#13131, Jacksonville, Alabama.

Cargo tanks that have been inspected and/or tested by either company from April 2011 through March 2016, must be re-inspected and/or retested in accordance with 49 CFR § 180.407 immediately by a cargo tank facility registered with **FMCSA**.



**It is a VIOLATION of the
Federal Hazardous Materials Regulations (HMR)
to use these cargo tank motor vehicles
for transportation of hazardous materials
before they have been
PROPERLY RE-INSPECTED and RE-TESTED
by an FMCSA-REGISTERED CARGO TANK FACILITY.**

The Following Actions Must Be Taken Immediately:

You must provide **FMCSA** with documentation that the required inspections and testing have been performed for all of the affected cargo tank motor vehicles;

- ▶ send to the attention of Paul Bomgardner, Chief, Hazardous Materials Division
- ▶ by email at: fmcsa.cargotank@dot.gov,
- ▶ or by fax at [202-366-3621](tel:202-366-3621),

prior to operating any cargo tank motor vehicle that was tested and/or inspected by Registered Inspectors under either of the above-listed cargo tank registration numbers.

The Documentation Must Consist Of:

- A pressure test by a cargo tank facility that is currently registered with USDOT/FMCSA and has a qualified and trained Registered Inspector.
- Documentation of the bench test, or if required, replacement of the pressure relief devices;
- An external visual inspection and an internal visual inspection in conjunction with the pressure test.
- For those cargo tank motor vehicles that do not have a manway, the Registered Inspector must document that the pressure relief devices and internal valves were removed and inspected. It is recommended, but not required, that the inspector perform a visual inspection of the tank in the area where the pressure relief devices and internal valves were removed for the accumulation of rust or other materials that could diminish their performance. This documentation must include the findings and recommendations of the Registered Inspector;
- A thickness test of all corroded or abraded areas on the cargo tank motor vehicle or a statement by the Registered Inspector that no corroded or abraded areas were identified;
- For all cargo tanks made of quenched and tempered steel (QT) a wet florescent magnetic particle exam immediately prior to and in conjunction with the pressure test that complies with Section V of the ASME Code and CGA Technical Bulletin TB-2 by a trained, qualified Registered Inspector; and
- The training certificate of the person conducting the wet florescent magnetic particle exam, dated to within 3 years of the date the exam is conducted.

For more information or questions concerning this **Safety Advisory**, please contact Paul Bomgardner, Chief, Hazardous Materials Division, at [202-493-0027](tel:202-493-0027), or by email at paul.bomgardner@dot.gov.

Commercial Vehicle Safety Alliance's 29th Annual International Roadcheck

~June 7-9, 2016~

CVSA's International Roadcheck is a 72-hour period when approximately 10,000 CVSA-certified local, state, provincial, territorial and federal inspectors in jurisdictions across North America perform large truck and bus safety inspections. It is the largest targeted enforcement program on commercial motor vehicles in the world, with nearly 17 trucks or buses inspected, on average, every minute in Canada, the United States and Mexico during the 72-hour period. During the annual three-day event, CVSA-certified inspectors conduct compliance, enforcement and educational initiatives targeted at various elements of motor carrier, vehicle and driver safety.

Each year, **International Roadcheck** places special emphasis on a category of violations. The special emphasis for the 2016 event is tire safety (*i.e.*, measuring the tire tread depth, checking the tire pressure, checking to make sure that no items are lodged between dual tires and examining the overall condition of the tire to make sure that no deep cuts or bulges exist in the sidewalls of the tire). While checking a vehicle's tires is always part of roadside inspections, CVSA is highlighting tire safety as a reminder to drivers and carriers.

During **International Roadcheck**, inspectors primarily conduct the **North American Standard Level I Inspection**, which is the most thorough roadside inspection. It is a 37-step procedure that includes an examination of both the driver and vehicle. Drivers are required to provide items such as their license, endorsements, medical card and hours-of-service documentation, and may be checked for seat belt usage and the use of alcohol and/or drugs.

The vehicle inspection includes checking items such as the braking system, securement of cargo, coupling devices, exhaust system, frame, fuel system, lights, steering mechanism, driveline/driveshaft, suspension, tires, van and open-top trailer bodies, wheels and rims, windshield wipers, and emergency exits on buses.

International Roadcheck is a CVSA program organized in partnership with the **Federal Motor Carrier Safety Administration**, Canadian Council of Motor Transport Administrators, Transport Canada and the Secretariat of Communications and Transportation (Mexico).

Since its inception in 1988, roadside inspections conducted during **International Roadcheck** have numbered more than 1.4 million. **International Roadcheck** also provides an opportunity to educate industry and the general public about the importance of safe commercial motor vehicle operations and the North American roadside inspection program.

Cone Zone Overview

Every year, the Colorado Department of Transportation (CDOT) embarks on hundreds of construction projects across the state and that does not even include the numerous maintenance activities that are conducted everyday to keep our highways safe.

With every construction zone comes equipment, workers and even daily changes in the road and alignment you may be traveling. As a result, it is critical that you do your part to make the cone zones safe. Lower speed limits, flaggers and police enforcement are all used to help keep work zones safe, but motorists still need to drive responsible to keep not only our workers safe, but yourself as well.

Here are some work zone facts to put work zone safety into perspective:

- 85% of work zone fatalities are motorists and occupants
- In Colorado in 2011, preliminary statistics showed there were 830 work zone crashes, resulting in 96 injuries and 10 fatalities, many of which could have been prevented.
- About 600 people die and more than 37,000 people are injured in work zone crashes nationwide.
- In a typical five-day work week, an average of seven motorists and one highway worker are killed nationwide.

Safe Driving Tips

Here are a few safe driving tips for traveling through cone zones. Remember, in Colorado, the fines are doubled for most infractions that occur in a work zone. By practicing these safe driving tips, you will help keep Colorado's cone zones safe.

- **EXPECT THE UNEXPECTED!** (Normal speed limits may be reduced, traffic lanes may be changed, and people may be working on or near the road.)
- **SLOW DOWN!** (Speeding is one of the major causes of work zone crashes.)
- **DON'T TAILGATE! KEEP A SAFE DISTANCE BETWEEN YOU AND THE CAR AHEAD OF YOU!** (The most common crash in a highway work zone is the rear end collision, so leave two car lengths between you and the car in front of you.)
- **KEEP A SAFE DISTANCE BETWEEN YOUR VEHICLE AND THE CONSTRUCTION WORKERS AND THEIR EQUIPMENT!**
- **PAY ATTENTION TO THE SIGNS!** (The warning signs are there to help you and other drivers move safely through the work zone. Observe the posted signs until you see the one that says you've left the work zone.)
- **OBEY ROAD CREW FLAGGERS!** (The flagger knows what is best for moving traffic safely in the work zone. A flagger has the same authority as a regulatory sign, so you can be cited for disobeying his or her directions.)
- **STAY ALERT AND MINIMIZE DISTRACTIONS!** (Dedicate your full attention to the roadway and avoid changing radio stations or using cell phones while driving in a work zone.)
- **KEEP UP WITH THE TRAFFIC FLOW!** (Motorists can help maintain traffic flow and posted speeds by merging as soon as possible. Don't drive right up to the lane closure and then try barge in.)
- **SCHEDULE ENOUGH TIME TO DRIVE SAFELY AND CHECK RADIO, TV AND WEBSITES FOR TRAFFIC INFORMATION!** (Expect delays and leave early so you can reach your destination on time.)
- **BE PATIENT AND STAY CALM!** (Work zones aren't there to personally inconvenience you. Remember, the work zone crew members are working to improve the road and make your future drive better.)



Sleep Apnea Back Front and Center of Health/Safety Conversation

Regular readers will recall the study released back in March that showed Schneider National drivers who left sleep apnea untreated were more likely to have a preventable crash than those who were treated and kept up with the treatment (using a CPAP machine). The full story, if you missed it, covered the basics of the study's conclusions as published in the journal *Sleep*:

The study release came directly on the heels of the **Federal Motor Carrier Safety Administration's** release of its **Advance Notice of Proposed Rulemaking** requesting truckers and other industry stakeholders weigh in on a bevy of questions about the condition, its relevance to safety and its treatment and screening. (See the [20 questions](#) in **FMCSA's sleep apnea ANPRM**. **Divers can still comment at this same link through the June 8, 2016 deadline**)

The **Owner-Operator Independent Drivers Association** promptly took issue with several elements of the study. Those ranged from selection bias/lack of a reflection of the wider industry (the study was focused specifically on Schneider National drivers, and study authors "failed to mention this and other limitations of the study in their public statement") to the declining number of drivers in the non-treated group over the course of the study as they quit or were terminated. Potential conflicts of interest, too, were alleged.

A big point of contention in sleep apnea testing being a requirement, following some screening protocol for those to be tested tied simply to body mass index or some other physical measurement, is the cost of such testing for drivers, of course. In Schneider's program, **OOIDA** says, that issue was moot given Schneider paid for the testing as well as the treatment for drivers found to have the condition.

Along those lines, **OOIDA** Foundation Researcher Andrew King, had this to say about an interesting finding of the research:

"Those who had the physical characteristics of someone who had sleep apnea but tested negative did not have higher crash rates than those who didn't have apnea ... But if testing hadn't been paid for by Schneider, they sure would be out a lot more money than the others. Should such drivers, simply because they're overweight, be forced to take on the cost of testing?"

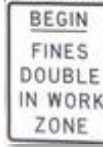
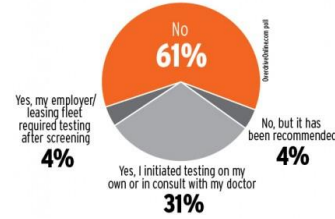
That was sure to be a topic of discussion in the apnea listening sessions. Notwithstanding those concerns, **Truckers for a Cause** cofounder Bob Stanton, writing for the "**Sleep Scholar**" website, argues that the study provides exactly what **OOIDA** has long argued didn't exist: **sound peer-reviewed science on apnea and crash risk**.

In his story, Stanton calls the study "good research, using both excellent medical criteria combined with the best of transportation accident analysis to make not only a clear crash risk correlation, but make it in preventable crashes, where all reasonably confounding variables from a transportation crash research standpoint were also controlled."

Stanton, an **OOIDA** member and working over-the-road driver, comes to this conclusion:

"Instead of trying to question the objectivity of the study, drivers and OOIDA should be chalking this up as a win. Anyone who knows a lot about a particular subject, has to make a living. In my opinion the conflicts of interest and objectivity problems raised in the OOIDA article are not valid."

HAVE YOU EVER BEEN TESTED FOR SLEEP APNEA?



MORE ON SLEEP APNEA NEXT MONTH!!

IMMEDIATE ACTION REQUIRED:

Recall of Certain Emerson / Fisher Control Pressure Relief Devices

The **Federal Motor Carrier Safety Administration** (FMCSA) is issuing this safety advisory concerning pressure relief devices (PRD) that were not manufactured or intended for use on cargo tank motor vehicles. PRDs are an integral part of the safety mechanisms for U.S. Department of Transportation (DOT) specification cargo tank motor vehicles and are vital to ensuring the safety of hazardous materials transportation by highway.

In 2013, Emerson Process Management Regulator Technologies, Inc. issued a voluntary recall on Fisher Control pressure relief devices models H732 and H832. In 2014, the recall was expanded to include models H282, H882, H5112, and H8112. After a recent crash involving a MC330 cargo tank motor vehicle, FMCSA and the National Transportation Safety Board (NTSB) investigators discovered that one of the PRDs installed on the cargo tank motor vehicle was a Fisher Controls model H282.

All owners and operators of specification MC330 or MC331 cargo tank motor vehicles, and cargo tank motor vehicles operated pursuant to 49 CFR §173.315(k), **should immediately inspect** their PRDs for these Fisher Controls model numbers. If any of the listed models are discovered, the cargo tank motor vehicle **must** be taken out of hazardous materials transportation service and the PRD must be immediately removed and replaced. Continued use of these PRDs is a violation of 49 CFR §180.405 and a safety concern.

Registered Inspectors and companies that maintain stocks of Fisher Control PRDs should take all necessary steps to ensure the model numbers listed above are not used for hazardous materials transportation service. Model numbers are located on the PRD as shown in the photo.



Rule to Establish CDL Drug and Alcohol Clearinghouse a Step Closer to Becoming Law



A **Final Rule** that would create a drug and alcohol clearinghouse for CDL holders has been sent by the **Federal Motor Carrier Safety Administration** to the **White House's Office of Management and Budget**, its last stop before being published as a legally binding rule.

The **Commercial Driver's License Drug and Alcohol Clearinghouse** will require carriers to report to **FMCSA** failed drug tests and test refusals of CDL holders.

Carriers would also be required to query the database when taking new hires and once a year for existing drivers, according to the proposed rule published in 2014 by **FMCSA**. When querying the database, however, carriers would be required to obtain written consent from a driver before doing so, and for access to information in the clearinghouse. If a driver refuses to allow the query, he or she would be barred from driving.

In addition to reporting failed drug tests and test refusals and querying for new hires, carriers would be required on an annual basis to query the database for current driver employees. They'd also be required to report traffic citations for drivers cited driving under the influence of drugs or alcohol.

FMCSA says the rule is intended to make sure drivers who have tested positive or refused a test have completed the DOT's return-to-duty process before driving commercially again, and to make sure employers are meeting their drug and alcohol testing responsibilities.

Changes could have been made between the proposed version and the final version of the rule, but that will remain unclear until the final version is published. The **OMB** has 90 days to clear the rule, then it will be published in the **Federal Register** with final dates of implementation.

Coalition in U.S. House Tells FMCSA to Shelve New CSA-Based Carrier Scoring Rule Until CSA Reforms Enacted

A group of **36 members** in the **U.S. House** have sent a letter to the **FMCSA's** top dog, **Acting Administrator Scott Darling**, urging him and his agency to halt work on its new **Safety Fitness Determination** carrier rating system pending the **FAST Act**-required reforms to the **Compliance, Safety, Accountability** program.

The **representatives' letter**, sent to Darling in **early May**, is not the **first** sent by **lawmakers** regarding the agency's **January-published Safety Fitness Determination** rule. It also comes in a **long line** of letters or **statements** from **industry groups** raising concerns over the agency's procession with the **SFD rule**, despite **Congressional direction** in the **December-passed FAST Act**. The **SFD rule** proposes, in short, to change the agency's **three-tier rating system** (*Satisfactory, Conditional, Unsatisfactory*) to a **two-tier system: Fit or Unfit**. The rule would also more heavily tie that **safety fitness determination** to data derived from **roadside inspections** and violations, like **CSA's Safety Measurement System** rankings.

Like **letters** past, the **36 lawmakers** undersigned in the letter argue that the **SFD rule**, even if not in direct violation of **FAST Act stipulations**, is in violation of the **spirit of the law** and the **required overhaul** of the **CSA program**.

"While you are in the **process** of implementing the **FAST Act reforms**, it is **inconceivable** that you would propose using the **same data** and analysis **Congress** has agreed is **faulty** in a new **safety fitness determination methodology**," the lawmakers write, adding that the **CSA reforms** should be "**fully completed**" before the **new carrier rating methodology** is formed.

FMCSA, however, has said it's **well within** its legal boundaries to produce the **Safety Fitness rule**, despite the required **CSA reforms** in the **FAST Act**. In a **media briefing** held last month, **FMCSA's** head of **compliance**, **Joe DeLorenzo**, said the rule **does not** make use of the **most questionable parts** of **CSA** — the **percentile rankings** and **alerts**, which were **pulled from public view** by the **FAST Act** — and that the rule would expand **FMCSA's ability** to target **high risk carriers**.

Trucking groups and **lawmakers** have consistently **disagreed**, with several **major trucking organizations** filing a **series** of letters with **FMCSA** and **Congress** hoping to stop the **SFD rulemaking**. Last month, a group of **33 members** of the **U.S. House**, sent a letter to **House leadership**, asking them to **take up** the matter in **upcoming legislation**.

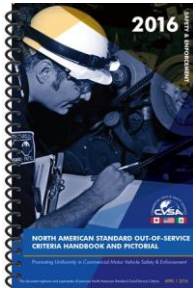
2016 Out-Of-Service Criteria Changes in Effect

The **Commercial Vehicle Safety Alliance's** changes to its **Out of Service Criteria** went into effect the first of April. The alliance's "**North American Standard Out-of-Service Criteria Handbook and Pictorial**" is a comprehensive guide to the entirety of the criteria and is available for purchase in both print and electronic formats at this [link](#) (*\$35 for members, \$45 for nonmembers*).

- **Part I** of the handbook details violations which would place a driver out-of-service.
- **Part II** identifies critical vehicle inspection items and provides direction on identifying the point at which a CMV can no longer be safely operated due to the risk of causing an accident or breakdown.
- **Part III** of the handbook provides guidance for unsafe hazardous materials transportation, including conditions which fail to communicate a hazard and those which are themselves hazards.
- **Part IV** establishes criteria for placing a motor carrier out of service.

Downloads for the new electronic version of the handbook are available on up to three devices per copy.

Changes to the criteria this year are largely clarifications/revisions to existing criteria and are outlined in this [summary document](#) detailing the changes.



Summary of new OOS criteria follow:

****TIRES** | As the linked document detailed, the **CVSA Vehicle Committee** "voted to add language to the **OOSC** establishing a new **OOS** condition for debris between tires in a dual set." A "solid object lodged between tires" now constitutes an **out-of-service condition**.

****LIGHTS** | Situations where a trailer pigtail was "left unplugged, had become unplugged in transit, or had a defect in the cord or a connector" are now **out-of-service conditions**. "After a lengthy discussion," the **CVSA** round-up notes, "the Committee agreed that a reasonable violation for this situation would be to cite § 393.23 (*having to do with lamps' power supply*), and place the vehicle **OOS**."

****STEERING MECHANISM** | The same committee previously voted to "add language to the **OOSC** making a missing power assist cylinder an **OOS condition**," in addition to refining current criteria that made a loose cylinder an **OOS condition** to better specify just how loose.

****DRIVELINE/DRIVESHAFT** | New language reflects a "missing bearing cap retainer clip" as an **OOS condition**. An "imminent hazard exists," **CVSA** says, "when a U-joint bearing cap retainer clip is not seated in the groove."

[See](#) the entire **2016 North American Standard Out-of-Service Criteria (OOSC) Update plus CVSA Bulletins Policies and Procedures**

The items below highlight the changes for 2016.

Table of Contents: Changed to reflect the revisions contained in the April 1, 2016 edition of the OOSC.

Part I – North American Standard Driver Out-of-Service Criteria

1. Action: Amend Part I, Item 3. COMMERCIAL DRIVER'S LICENSE (CDL), b. Commercial Learner's Permit (CLP), by adding a new condition for a CLP holder operating a commercial motor vehicle transporting passengers.

Rationale: This change is to make this OOS condition consistent with § 383.25(a)(5)(i) & (ii), which prohibits a driver with a CLP from transporting passengers.

2. Action: Amend Part I, Item 4. DRIVER MEDICAL/PHYSICAL REQUIREMENTS, b. Medical Certificate, by modifying the language of the out-of-service condition.

Rationale: The Driver-Traffic Enforcement Committee voted to make a series of changes to the Medical Certificate section of the OOSC, due to recent changes in Federal Motor Carrier Safety Administration (FMCSA) policy regarding verification of a valid Medical Certificate. These changes are necessary because the new requirement by FMCSA that Medical Certificates be kept on file by the State driver licensing agency, rather than by the driver. Drivers are no longer required to produce the document roadside. In addition, the Committee voted to remove the reference to Inspection Bulletins 2010-07 & 2013-03, as the information contained within the Inspection Bulletins was no longer current. The Committee also voted to add a reference under OOSC Part I, Section 4. (b)(3) to a new Inspection Bulletin. Finally, the Committee voted to strike the Note in OOSC Part I, Section 4. (b)(4). The transition period referenced in the Note ended in January and the Note is no longer valid.

3. Action: Amend Part I, Item 4. DRIVER MEDICAL/PHYSICAL REQUIREMENTS, b. Medical Certificate, by clarifying in the Note how to handle Canadian Class 5 or G licenses.

Rationale: The Driver-Traffic Enforcement Committee voted to add language to the OOSC to address a driver's licensing discrepancy when applying the Canadian and U.S. driver medical requirements. In Canada, a driver operating a CMV with a valid Class 5 or G driver's license is not required to have a medical certificate associated with it; however, when that same driver is operating a CMV within the U.S. with a valid Class 5 or G driver's license, the driver is required to have a medical certificate. To address this discrepancy, the Committee voted to amend the Note under OOSC Part I, Section 4. (b) to clarify that Canadian drivers operating a CMV within the U.S. with a valid Class 5 or G license are required to provide evidence of compliance with medical requirements.

Part II – North American Standard Vehicle Out-of-Service Criteria

4. Action: Amend Part II, I Part II, Item 2. CARGO SECUREMENT, TIEDOWN DEFECT TABLE, by modifying the Defect Classification Table.

Rationale: The Vehicle Committee voted to make an adjustment to the Defect Classification Table for synthetic webbing, under Cargo Securement. The table has two columns; one is titled "Web Size" the other is "Out-of-Service Range". The second column title is misleading and can cause confusion, which may lead to an inspector/officer declaring a vehicle out-of-service (OOS) for a defect-only violation instead of an OOS condition. Several NAS Part B instructors have noted that students, including current inspectors read the title PAGE 3 of the second column and believe that because the webbing defect meets the table, it is OOS. The change will help eliminate confusion.

5. Action: Amend Part II, Item 4. DRIVELINE/DRIVESHAFT, b. Universal Joint, by adding a new out-of-service condition.

Rationale: The Vehicle Committee voted to add language to the OOSC to reflect that a missing bearing cap retainer clip is an OOS condition. Previously, when the Driveline/Driveshaft section was developed, it did not take into consideration the lighter duty vehicles that use retainer clips rather than bolts for the bearing cap securement. The Committee determined that an imminent hazard exists when a U-joint bearing cup retainer clip is not seated in the groove.

6. Action: Amend Part II, Item 7. FUEL SYSTEMS, b. Gaseous Fuels, by modifying the language of the out-of- service conditions for both CNG or LPG and LNG.

Rationale: The Vehicle Committee voted to add language to the OOSC revising and shortening the section on CNG/LNG. The changes consolidate the existing language and establish a specific level of vapor when measuring leakage. After consultation with experts in the field, a recommended level of 5000 parts per million (ppm) was established. The current language in the OOSC indicated that any leak detected by a methane meter is an imminent hazard and the information received indicated that it is not the case.

7. Action: Amend Part II, Item 8. LIGHTING DEVICES (HEADLAMPS, TAIL LAMPS, STOP LAMPS, TURN SIGNALS AND LAMPS/FLAGS ON PROJECTING LOADS), b. At Anytime – Day or Night), by adding a new out-of-service condition.

Rationale: The Vehicle Committee voted to add language to the OOSC creating a new OOS condition for situations where a trailer light cord was either left unplugged, had become unplugged in transit, or there was a defect in the cord or a connector. Each of these conditions causes all or many of the trailer lamps to be inoperative. This potentially results in a separate violation for each individual lamp, as recording each lamp separately is required in Operational Policy 14. After a lengthy discussion, the Committee agreed that a reasonable violation for this situation would be to cite § 393.23 and place the vehicle OOS. It was also determined that a Note would be necessary to clarify that the electrical connection must be restored and then all the electrical systems should be inspected and, if violations are present, they should be documented as per Operational Policy 14 (i.e., each light violation would be recorded).

8. Action: Amend Part II, Item 9. STEERING MECHANISMS, f. Power Steering, by modifying the language of the out-of-service condition.

Rationale: The Vehicle Committee voted to add language to the OOSC making a missing power assist cylinder an OOS condition. Currently, the OOSC states that a loose power assist cylinder is OOS. After input from industry and discussion, the Committee agreed that a loose power assist cylinder does not pose an imminent hazard. The original OOS condition for a loose power assist cylinder pertained to older air assist cylinders. With current vehicle components, a missing or loose auxiliary cylinder would make it more difficult to steer, but does not constitute an imminent hazard. The Committee discussed the circumstances in which a loose or detached cylinder might create an imminent hazard. The Committee determined that a significantly loose or PAGE 4 detached cylinder could get wedged in the steering mechanism and cause steering interference and voted unanimously to amend the current language in the OOSC to quantify how loose the cylinder should be to be considered OOS.

9. Action: Amend Part II, Item 10. SUSPENSIONS, b. Spring Assembly, by adding a clarifying Note and reference to a new 'Frequently Asked Question' in Operational Policy 15.

Rationale: The Vehicle Committee voted to add language to the OOSC clarifying the OOS condition in relation to vehicles with primary coil or leaf spring suspension that have had aftermarket air bags installed. The add- on air bags are there for additional comfort, but have no real impact on the suspension and the vehicle has adequate suspension from the manufacturer. These air bags are completely secondary to the vehicle's factory leaf or coil spring suspension. In some cases, the air bags are not used when the vehicle is in operation due to the load and they are not required. Due to language in the current OOSC, which states that a deflated air bag is OOS, vehicles are being placed OOS. The change, including a reference to language in Operational Policy 15, clarifies what a secondary air bag is.

10. Action: Amend Part II, Item 11. TIRES, c. Lodged Items Between Tires of a Dual Tire Set, by adding a new out- of-service condition.

Rationale: The Vehicle Committee voted to add language to the OOSC establishing a new OOS condition for debris between tires in a dual set. The Committee determined a solid object lodged between tires poses an imminent hazard, as the item can become a projectile when dislodged. This addition was supported by a fatality that was reported due to a large rock that became dislodged from between a set of duals.

Strategic Plan: Removed from the OOSC, as CVSA is currently revising its Strategic Plan.

Inspection Bulletins: Changed to reflect the revisions contained in the April 1, 2016 edition of the OOSC.

Operational Policy 15: Changed to reflect the revisions contained in the April 1, 2016 edition of the OOSC.

CVSA works to **closely monitor**, evaluate, and **identify potentially unsafe transportation processes and procedures** as well as to help **facilitate and implement best practices** for **enhancing safety** on our **highways**. CVSA appreciates your **continued participation** and **involvement in the activities** of the **Alliance**.

Questions or difficulty accessing the materials - please contact Ken Albrecht, **CVSA's Director of Education and Training**, by email at kena@cvsa.org or by phone at **301-830-6150**.

MSHA Increases Attention on Safety Standards Linked to Mining Deaths, Encourages Mine Operators to Monitor Compliance



In a meeting with mining industry stakeholders, the U.S. Department of Labor's Mine Safety and Health Administration announced that the agency is enhancing enforcement of its "Rules to Live By" initiative of standards commonly cited following mining deaths, as well as nine underground coal mine exam rule standards for hazards that pose the greatest risk to miners in underground coal mines.

Beginning July 1, MSHA will more extensively employ its web-based Rules to Live By and exam rule calculators to determine the number of Rules to Live By and exam rule citations and orders issued during the most recent completed inspection periods for which data are available. Inspectors will provide mine operators with a copy of the results, encouraging them to use the tools to monitor their own compliance and take action to eliminate violations. The results will be added to criteria for consideration of impact inspections, particularly targeting mines with elevated noncompliance of these standards.

In an effort to prevent mining deaths, MSHA launched its Rules to Live By outreach and enforcement initiative in 2010. The effort focused on the most commonly cited safety standard violations that have caused or contributed to fatal mining accidents.

Two subsequent phases focused on preventing catastrophic accidents and preventing common mining deaths.

The agency also announced that it is adding two new standards as part of "Rules to Live By IV," specifically safe lighting of surface work areas at coal mines and protection from falling materials at metal and nonmetal mines.

"MSHA analyzed the cause of death of hundreds of U.S. mining fatalities in a 10-year period to identify the conditions and practices that contributed to the fatalities, safety standards violated, root causes and abatement practices," said Joseph A. Main, assistant secretary of labor for mine safety and health. "With this information, we can better target the causes and take action to prevent needless mining deaths."



The agency analysis shows fatalities associated with Rules to Live By standards have decreased by an average of 23 percent. Significant and substantial citations and orders issued for violations of these standards have also declined by an average of 37 percent, while MSHA issued more than 45,000 "significant and substantial" citations and orders for violations of Rules to Live By standards.

In 2012, MSHA issued new regulations requiring underground coal mine operators to identify and correct hazardous conditions and violations of nine health and safety standards that pose the greatest risk to miners. Fatalities associated with the exam rule standard – or Part 75 of the Code of Federal Regulations – have decreased by an average of 22 percent and S&S citations and orders issued for violations of this standard have declined by an average of 45 percent.

However, more than 15,000 citations and orders were issued for violations of exam rule standards since implementation of the rule. "It is absolutely imperative that mine operators conduct examinations of mines each day to assure they are in compliance with the Rules to Live By and examination standards linked to most of the mining deaths," said Main. "While we have seen some progress, we are not where we need to be if these fatalities are to be prevented. That is why we are increasing attention on these critical standards. We urge the mining industry to do the same."

Rules to Live By I: Fatality Prevention - focuses on 24 frequently cited standards (11 in coal mining and 13 in metal/nonmetal mining) that cause or contribute to fatal accidents in the mining industry in 9 accident categories.

PRIORITY STANDARDS: METAL/NONMETAL

[§56.9101](#) Operating speeds and control of equipment

[§56.12017](#) Work on power circuits

[§56.14101\(a\)](#) Brake performance

[§56.14105](#) Procedures during repairs or maintenance

[§56.14130\(g\)](#) Seat belts shall be worn by equipment operators

[§56.14131\(a\)](#) Seat belts shall be provided and worn in haul trucks

[§56.14205](#) Machinery, equipment, and tools used beyond design

[§56.14207](#) Parking procedures for unattended equipment

[§56.15005](#) Safety belts and lines

[§56.16002\(c\)](#) Bins, hoppers, silos, tanks, and surge piles

[§56.16009](#) Persons shall stay clear of suspended loads

[§56.20011](#) Barricades and warning signs

[§57.3360](#) Ground support use

Rules to Live By II: Preventing Catastrophic Accidents (RLB-II) - focuses on 9 standards which were cited during major disasters over the last 10 years, and which contributed to 5 or more fatalities.

Rules to Live By III: Preventing Common Mining Deaths (RLB-III) -

focuses on 14 safety standards - 8 in coal mining and 6 in metal and nonmetal mining - cited as a result of at least five mining accidents and resulting in at least five deaths during the 10-year period from January 1, 2001, to December 31, 2010 - developed from data gathered by reviewing accidents that resulted in five or more fatalities during that review period.

PRIORITY STANDARDS: METAL/NONMETAL

[§46.7\(a\)](#) New task training

[§56.3130](#) Wall, bank, and slope stability

[§56.3200](#) Correction of hazardous conditions

[§56.14100\(b\)](#) Safety defects; examination, correction and records

[§56.15020](#) Life jackets and belts

[§57.14100\(b\)](#) Safety defects; examination, correction and records

Rules to Live By IV: Preventing Common Mining Deaths - focuses on 2 safety standards – 1 in coal mining and 1 in metal and nonmetal mining – cited as a result of at least five mining accidents and resulting in at least five fatalities during the 10-year period from January 1, 2006 to December 31, 2015.

PRIORITY STANDARDS: METAL/NONMETAL

[§57.3201](#) Location for performing scaling

NIOSH Releases Study on Work-Related Hearing Loss

The [National Institute for Occupational Safety and Health](#) released a recent study in its [Morbidity and Mortality Weekly Report](#) on hearing impairment among noise-exposed workers in the United States from 2003 to 2012.

This study found a prevalence of 13 percent hearing loss (mild to complete) among 1.4 million audiograms studied. This study confirms and quantifies the prevalence of hearing loss among employees of nine major industry sectors.

The mining, construction and manufacturing industries had the highest prevalence of workers with any hearing impairment or moderate to severe hearing impairment.

Occupational hearing loss, primarily caused by high noise exposure, is the most common U.S. work-related illness. NIOSH estimates that 22 million U.S. workers are exposed to hazardous occupational noise.

What are the warning signs that your workplace may be too noisy?

Noise may be a problem in your workplace if:

- You hear ringing or humming in your ears when you leave work.
- You have to shout to be heard by a coworker an arm's length away.
- You experience temporary hearing loss when leaving work.

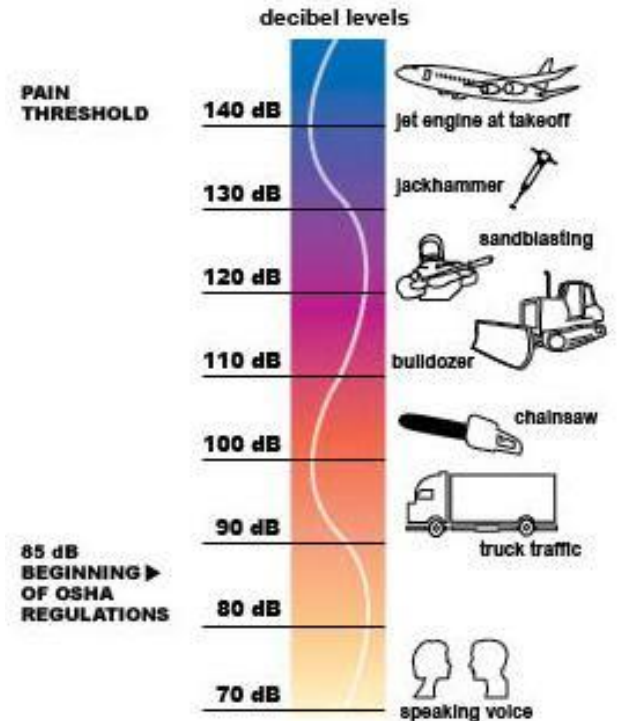
What can be done to reduce the hazard from noise?

Engineering controls that reduce sound exposure levels are available and technologically feasible for most noise sources.

Administrative controls are changes in the workplace that reduce or eliminate the worker exposure to noise.

Hearing protection devices (HPDs), such as earmuffs and plugs, are considered an acceptable but less desirable option to control exposures to noise and are generally used during the time necessary to implement engineering or administrative controls, when such controls are not feasible, or when worker's hearing tests indicate significant hearing damage.

For more information, see [OSHA's Occupational Noise Exposure webpage](#).



OSHA and NIOSH Provide Guidance for Protecting Workers from Exposure to Zika Virus

An outbreak of Zika is spreading through Central and South America, Mexico, and parts of the Caribbean, including U.S. territories. Though Zika currently isn't spreading on the mainland through mosquitoes—the main route of transmission of the virus—employers and workers should take steps to prevent or minimize the risk of Zika infection if transmission starts to occur or if they work with travelers returning to the U.S. with Zika.

An OSHA and NIOSH [interim guidance](#) provides recommendations on protecting workers who may be at risk for Zika virus infection through on-the-job exposure to mosquitoes or the blood or other body fluids of infected individuals.

Visit OSHA's [Zika webpage](#) for more information.



***Aedes aegypti* mosquitoes can become infected when they bite infected persons and can then spread the Zika virus to other persons they subsequently bite.**