



~ MJS SAFETY NEW OFFICES/TRAINING CENTER ~

1760 BROAD ST, UNIT H, MILLIKEN, CO 80543...located halfway between I-25 and Hwy8 on Hwy60

▶ MJS SAFETY TRAINING ANNOUNCEMENT

MJS SAFETY LLC is proud to announce that we are now available to perform Operator Qualification [OQ] Performance Evaluations under the MEA EnergyU system as well as Veriforce. [call to schedule](#) [read more...](#)

▶ Schedule of classes Sept 2017: • TRAINING CENTER – SEE LOCATION ABOVE • [read more...](#)

OSHA/CONSTRUCTION NEWS SUMMARY

▶ ALERT: Important Inspect Notice on Select 'GUARDIAN KERNMANTLE ROPE HORIZONTAL LIFELINES'

IF YOU HAVE PURCHASED A GUARDIAN KERNMANTLE ROPE HORIZONTAL LIFELINE (HLL) BEFORE AUGUST, 2017 — The manufacturer is asking that you stop use and inspect your lifeline. [read more...](#)

▶ OSHA Revises Its Online Whistleblower Complaint Form

The Occupational Safety and Health Administration recently revised its [online whistleblower complaint form](#) to help users file a complaint with the appropriate agency. [read more...](#)

OIL AND GAS NEWS SUMMARY

▶ Agreement Signed Renewing an Alliance between the Denver Area U.S. DOL Office of OSHA and the DJ Basin Safety Council

The [DJ Basin Safety Council](#), as part of The **OSHA Alliance Program**, renewed a [four-year agreement](#) to address safety and health hazards in the upstream oil and gas industry... [read more...](#)



▶ NIOSH and CDPH-OHB video released: Oil and Gas Tank Gauging

The National Institute for Occupational Safety and Health (NIOSH) and the California Department of Public Health, Occupational Health Branch (CDPH-OHB), recently released a video to help protect oil and gas extraction workers from the hazards they face when measuring oil storage tanks. [read more...](#)

TRANSPORTATION NEWS SUMMARY

ELDs...front and center

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Federal Motor Carrier Safety Administration's policy reversal of sorts...determining whether a truck is exempted from the electronic logging device mandate by its model year or not. [read more...](#)

▶ **CDOT Breathalyzer Program to Focus on DUI Offenders**

Statewide - First-Time DUI Offenders Being Recruited to Use Smartphone Breathalyzers [read more...](#)

▶ **Commercial Driver's License Drug and Alcohol Clearinghouse**

The **Federal Motor Carrier Safety Administration** is establishing a database that contains information specific to violations of the U.S. Department of Transportation drugs and alcohol testing program for holders of a Commercial Driver's License. [read more...](#)

▶ **TEXAS' ROADCHECK NUMBERS OFFER PREVIEW OF NATIONWIDE INSPECTION BLITZ EFFORT**

Enforcement officials in Texas placed nearly 2,000 trucks out-of-service during the 72-hour Commercial Vehicle Safety Alliance's International Roadcheck inspection blitz held June 6-8. [read more...](#)

▶ **CVSA Releases 2017 International Roadcheck Results**

Commercial motor vehicle enforcement personnel in Canada and the United States conducted more than 62,000 driver and vehicle safety inspections on large trucks and buses during the Commercial Vehicle Safety Alliance's (CVSA) 30th annual [International Roadcheck](#), June 6-8, 2017. [read more...](#)

▶ **CVSA's Brake Safety Day is Sept. 7, 2017**

Thursday, Sept. 7, 2017, is **Brake Safety Day** — law enforcement agencies across North America will conduct inspections on large trucks and buses to identify out-of-adjustment brakes, and brake-system and antilock braking system (ABS) violations as part of the CVSA's Operation Airbrake Program. [read more...](#)

▶ **Traffic Fatalities Linked to Marijuana are Up Sharply in Colorado. Is Legalization to Blame?**

Authorities say the numbers cannot be definitively linked to legalized pot [read more...](#)

▶ **Enforcement Personnel on the Lookout for Unsafe Commercial and Passenger-Vehicle Drivers During Operation Safe Driver Week, Oct. 15-21** [read more...](#)

MSHA NEWS SUMMARY

▶ **METAL/NONMETAL MINE FATALITY** – On July 27, 2017, a miner was fatally injured when his light-duty truck was run over by a haul truck.

BEST PRACTICES [read more...](#)



▶ **MSHA Implements Medical Standards Action Plan**

The U.S. Department of Labor's **MSHA** is announcing immediate action to address a longstanding issue by implementing an action plan for employees who do not meet the Agency's medical standards. [read more...](#)

▶ **"Wear Your Personal Hearing Protection, and Keep it Clean!"**

In addition to the use of engineering and administrative controls to reduce noise exposures to permissible levels, personal hearing protection is used to supplement these measures. [read more...](#)

MONTHLY SAFETY TIP NEWS SUMMARY

▶ **Flu season is right around the corner... here are some things to consider!**

Vaccination: Who Should Do It, Who Should Not and Who Should Take Precautions
[read more...](#)

MJS SAFETY TRAINING ANNOUNCEMENT

MJS SAFETY LLC is proud to announce the addition of ENERGY worldnet, Inc. [EWN] to our OQ Services.

MJS SAFETY LLC is an "Authorized Assessment Center" for Proctoring and Testing for ENERGY worldnet, Inc., as well as OQ Performance Evaluation Services.

MJS SAFETY LLC continues to offer Proctor and Testing Services, as well as Operator Qualification [OQ] Performance Evaluations under the "EnergyU" system – a service of Midwest ENERGY Association – as well as Veriforce.

MJS SAFETY LLC has "Authorized" Performance Evaluators on staff that can perform this service for specific "Covered Tasks."

MJS SAFETY LLC is also available to assist with the Knowledge Based Training for these tasks. Knowledge-based training is designed to help personnel successfully pass the OQ Knowledge Based Testing as well as the Performance Evaluation process.

The Operator Qualification Rule – commonly referred to as the "OQ Rule" addressed in Title 49 of the Code of Federal [US DOT] regulations, mandates that individuals who perform "Covered Tasks" on covered pipeline facilities be qualified through the Operator Qualification Process.

The intent of the OQ rule is to ensure protection of both pipeline personnel and the public at large. Providing individuals with the necessary knowledge and skills is an essential element of any Operator and Contractor OQ plan.

Acceptable requirements for qualification are determined by the operator. The quality and validity of data related to OQ training, testing, and performance is critical to meet these requirements.

If we can be of assistance with these types of services for your company, please [call to schedule](#).

Make MJS Safety your "GO TO" Resource in 2017

"SAFETY STARTS WITH YOU"

Schedule training at our Training Center in Milliken...or On-Site at your facility

Just Some of the Courses Offered Include:

- ~PEC SafelandUSA Basic Orientation
~OSHA 10 Hour General Industry
~OSHA 30 Hour General Industry
~NUCA Confined Space
~Hydrogen Sulfide [H2S] - Awareness
~Respirator: Medical Evaluation & Fit Testing
~Hazard Communication - GHS Training
~Teens & Trucks Safety
~1st Aid/CPR Course- Medic 1st Aid
~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
~NUCA Competent Person for Excavation & Trenching
~Hands-on Fire Extinguisher training
~DOT Hazmat Training
~MSHA Sand & Gravel Training [Part 46 only]
~Fall Protection for the Competent Person
~Defensive Driving Safety for large and small vehicles
~Instructor Development for Medic 1st Aid/CPR
~Bloodborne Pathogens Compliance Training
~Respiratory Protection Training

MJS SAFETY offers these courses as well as custom classes to fit the needs of your company

Schedule of classes Sept 2017: TRAINING CENTER - NEW LOCATION - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543

- PEC Safeland Basic Orientation: September 1(Spanish), 8, 14, 25
• First Aid/CPR/AED / BLOODBORNE PATHOGENS: September 15 - 8 a.m.
(We offer both MEDIC FIRST AID & AMERICAN HEART ASSOCIATION)
• TEEX H2S Operator Training - Awareness (ANSI Z390 Course): September 1(Spanish), 15 - 1 p.m.
• Confined Space Training - Attendant, Supervisor & Entrant: September 28, 29

NEED ANY OF THESE CLASSES IN SPANISH? CONTACT carriejordan@mjsafety.com TO SCHEDULE TODAY

GO TO mjsafety.com FOR UP-TO-DATE CLASS LISTINGS
To sign up for one of these classes, or inquire about scheduling a different class
Call Carrie at 720-203-4948 or Jeremy at 720-203-6325 or Mike at 303-881-2409

FEATURED TRAINING PROGRAMS
•Safeland Basic Orientation •Hydrogen Sulfide Awareness •First Aid/CPR
•OSHA 10 Hour for General Industry or Construction •Confined Space for Construction
ALSO OFFERING
•PEC Basic 10 - 2 days that cover both Safeland and OSHA 10 for General Industry in 1 class

Unable to attend a class?

MJS SAFETY offers multiple "ONLINE TRAINING COURSES" including OSHA Construction, General Industry, Environmental, Hazardous Waste Public Safety, DOT, Human Resource, Storm Water & ISO Training Courses.

Order First Aid & other Safety Supplies
www.mjsafety.com
Jeremy 720-203-6325
Carrie 720-203-4948 or Mike 303-881-2409

Online courses provide a convenient way for EMPLOYERS & EMPLOYEES to complete MANDATED, REQUIRED or HIGHLY RECOMMENDED training in today's industry
~ MANY COURSES ARE ALSO AVAILABLE IN SPANISH ~

FOR ADDITIONAL INFORMATION CALL MJS SAFETY
JEREMY - 720-203-6325 CARRIE - 720-203-4948 MIKE - 303-881-2409

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PICS
BROWZ
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SOURCES FOR THIS ISSUE INCLUDE
OSHA
FMCSA
MSHA
Overdrive
CCJ
CDOT
CVSA
Moody Ins Agency
Denver Post
Transport Topics
CDC
NIOSH
preferredsafety.com
djsafety.org



OSHA / CONSTRUCTION

ALERT: Important Inspect Notice on Select 'GUARDIAN KERNMANTLE ROPE HORIZONTAL LIFELINES'

IF YOU HAVE PURCHASED A GUARDIAN KERNMANTLE ROPE HORIZONTAL LIFELINE (HLL) BEFORE AUGUST, 2017 — The manufacturer is asking that you stop use and inspect your lifeline. **THIS IS NOT A PRODUCT RECALL** and there have not been any accidents or injuries related to this issue.

How to identify affected HLLs: Identify the HLL part #, which is located on the HLL label. If the HLL part # is included in this notice, immediately remove the product from service and inspect as specified by this notice. If the shown "INSPECTED BY" label is affixed to the HLL tensioner, the product has been inspected by a Guardian representative, and can be returned to service and used as normal.

Part Numbers Affected:

- #04638 (30' Kernmantle Rope HLL)
- #04639 (60' Kernmantle Rope HLL)
- #04640 (100' Kernmantle Rope HLL)
- Any custom part that uses #04638, #04639, or #04640 as its base part.

PLEASE TAKE IMMEDIATE ACTION TO COMPLETE THE FOLLOWING STEPS:

STEP 1. Inspect Affected HLLs:

Distributors: Contact Guardian regarding an on-site inspection by a Guardian representative, or immediately return product to Guardian for replacement as specified in Step 2.

End users: Inspect HLL tensioner to determine if rope is properly threaded, or contact Guardian regarding an on-site inspection by a Guardian representative.

End user inspection: With the tensioner nut facing you, and with the shock pack oriented to the right of the tensioner, ensure that the knotted (*dead*) end is positioned below the un-knotted (*live*) end. If dead end is positioned above live end, the rope is improperly threaded. To confirm proper rope threading, pull on live end; the rope must remain locked. If the rope is improperly threaded, the device must be removed from service and returned to Guardian as specified in **Step 2. DO NOT ATTEMPT TO RE-THREAD ROPE.**

> To review an inspection video, click the following link: [Kernmantle HLL Rope Threading Inspection](#)

> To view Guardian's HLL inspection form, click the following link: [HLL Inspection Form](#)

Step 2. What to do if HLL Rope is Improperly Threaded:

Customers with affected units should contact the Guardian Customer Service Department to coordinate repair.

Guardian will issue a unique identification number (IN) for every return product shipment. **DO NOT RETURN PRODUCTS WITHOUT AN IN NUMBER.** Obtain a new IN number for each shipment.

All affected units will be repaired and returned to the customer by Guardian free of charge (including all shipping costs). Customer Service will provide instructions for shipping returned product on Guardian's shipping account.

Please direct any questions to the Guardian Customer Service Department.

Email — cs@guardianfall.com

Call — 1-800-466-6385

OSHA Revises Its Online Whistleblower Complaint Form

The Occupational Safety and Health Administration recently revised its [online whistleblower complaint form](#) to help users file a complaint with the appropriate agency. The form provides workers with another option for submitting retaliation complaints to the **U.S. Department of Labor's OSHA.**

The updated form guides individuals as they file a complaint through the process, providing essential questions at the beginning so they can better understand and exercise their rights under relevant laws. One significant improvement to the system includes pop-up boxes with information about various agencies for individuals who indicate that they have engaged in protected activity that may be addressed by an agency other than **OSHA.** The new form is available in [English](#) and [Spanish.](#)

"Workers who report unsafe conditions and wrongdoing have a range of legal protections from retaliation," said Deputy Assistant Secretary of Labor for **Occupational Safety and Health** Loren Sweatt. "The revised online complaint form works to ensure whistleblowers file their complaints with the appropriate federal agency for prompt action."

In addition to the online form, workers can file complaints by fax, mail, or hand-delivery; contacting the agency at 800-321-6742; or calling an [OSHA regional or area office.](#)

OSHA enforces the whistleblower provisions of 22 statutes protecting employees who report violations of various securities laws, trucking, airline, nuclear power, pipeline, environmental, rail, public transportation, workplace safety and health, and consumer protection laws. Detailed information on employee whistleblower rights, including fact sheets, is available [online.](#)

Agreement Signed Renewing an Alliance between the Denver Area U.S. DOL Office of OSHA and the DJ Basin Safety Council

The [DJ Basin Safety Council](#), as part of The [OSHA Alliance Program](#), renewed a [four-year agreement](#) to address safety and health hazards in the upstream oil and gas industry, including hydrocarbon exposures, fires/explosions, falls, struck-by, and transportation/driving.

The [OSHA Alliance Program](#) fosters collaborative relationships with groups committed to worker safety and health. [Alliance](#) partners help [OSHA](#) reach targeted audiences, such as employers and workers in high-hazard industries, and give them better access to workplace safety and health tools and information.

The [U.S. Department of Labor's Occupational Safety and Health Administration \(OSHA\) Denver Area Office](#) (*Herb Gibson, Area Director*) and the [DJ Basin Safety Council](#) (*MJSSafety's Carrie Jordan, Council President*) continue to recognize the value of maintaining a collaborative relationship to foster safer and more healthful workplaces. To that end, [OSHA](#) and the [DJ Basin Safety Council](#) signed the [Alliance](#) renewal July 11, 2017 with continued emphasis on safety and health issues in the upstream oil and gas industry. Specifically, both organizations are committed to providing [DJ Basin Safety Council](#) members and others with information, guidance, and access to training resources that will help them protect the health and safety of workers and understand the rights of workers and the responsibilities of employers under the [Occupational Safety and Health Act \(OSH Act\)](#).

This renewal agreement provides a framework and objectives for the [Alliance's](#) activities. [Alliance](#) participants will summarize specific activities and timeframes for completion in a written work plan.

Through the [Alliance](#), the organizations will continue to address hazards identified by [OSHA](#) emphasis programs, strategic areas of interest and [OSHA](#) campaign efforts. The [Alliance](#) will also explore and implement selected options to evaluate the effectiveness of the [Alliance](#) and measure the impact of its overall effort on improving workplace safety for employers and workers.

The organizations will continue to address:

Raising Awareness of OSHA's Rulemaking and Enforcement Initiatives

The [Participants](#) intend to work together to achieve the following goals related to raising awareness of [OSHA's](#) rulemaking and enforcement initiatives:

- To share information on OSHA's National/Regional/Local Emphasis Programs, Regulatory Agenda, and occupational safety and health laws and standards, including the rights and responsibilities of workers and employers.
- To convene or participate in forums, roundtable discussions, or stakeholder meetings on OSHA strategic focus hazards, hydrocarbon exposures, fire/explosion, falls, struck by hazards and transportation/driving hazards to help forge innovative solutions in the workplace or to provide input on safety and health issues. As a member of the STEPS Network the DJ Basin Safety Council will help communicate safety and health information to the oil and gas community.
- To encourage worker participation in workplace safety and health by including workers as members of the alliance implementation team and other planning committees as they are formed; and, providing training and increased access to safety and health information.

Training and Education

The [Participants](#) intend to work together to achieve the following training and education goals:

- To deliver or arrange for the delivery of semi-annual OSHA seminars on a wide variety of topics.
- To deliver or arrange for training events during the term of the agreement. Training may be delivered via webinar and/or appearances at DJ Safety Council meetings or OSHA events.

Outreach and Communication

The [Participants](#) intend to work together to achieve the following outreach and communication goals:

- To develop information on the recognition and prevention of workplace hazards, and to develop ways of communicating such information (e.g., print and electronic media, electronic assistance tools, and OSHA's and the DJ Basin Safety Council web sites) to employers and workers in the industry.
- To speak, exhibit, or appear at OSHA's or DJ Basin Safety Council's local meetings, or other events.
- To work with other Alliance participants on specific issues and projects that are addressed and developed through the Alliance Program.
- To share information among OSHA personnel and industry safety and health professionals regarding best practices or effective approaches through training programs, workshops, seminars, and lectures (or any other applicable forum) developed by the participants.

[OSHA's Alliances](#) provide parties an opportunity to participate in a voluntary cooperative relationship with [OSHA](#) for purposes such as raising awareness of [OSHA's](#) rulemaking and enforcement initiatives, training and education, and outreach and communication. These [Alliances](#) have proved to be valuable tools for both [OSHA](#) and its [Alliance](#) participants. By entering into an [Alliance](#) with a party, [OSHA](#) is not endorsing or promoting, nor does it intend to endorse or promote, any of that party's products or services.

An implementation team made up of representatives of each organization will meet to develop a plan of action, determine working procedures, and identify the roles and responsibilities of the participants. In addition, they will meet at least three times per year to track and share information on activities and results in achieving the goals of the [Alliance](#). [OSHA](#) team members will include representatives of the Denver Area Office and any other appropriate offices.

NIOSH and CDPH-OHB video released: Oil and Gas Tank Gauging

The **National Institute for Occupational Safety and Health (NIOSH)** and the **California Department of Public Health, Occupational Health Branch (CDPH-OHB)**, recently released a video to help protect oil and gas extraction workers from the hazards they face when measuring oil storage tanks. The video, [Protecting Oil and Gas Workers from Hydrocarbon Gases and Vapors](#), weaves together a narrative of the health and safety risks involved with this activity, and how employers and workers can reduce injuries and fatalities from exposure to toxic gases and oxygen-deficient atmospheres.

Over **500,000** workers are employed in the **oil & gas industry**, a workforce that is critical to the energy infrastructure of the nation. In the video, the experiences of oil and gas workers who are responsible for measuring tank levels, or tank gauging, and the sampling of crude oil are told from the heart by a truck owner/operator, a company operations superintendent, and the widow of a man who **died of sudden cardiac death while gauging**.

These workers often work long shifts, the weather can be severe, and many work at night or alone. From **2010-2014**, there were **at least 9 deaths** associated with exposure to a mixture of hydrocarbon gas and insufficient oxygen when the thief hatch at the top of the storage tank was opened. The results of an overexposure can be immediate; the gases affect eyes, lungs and the central nervous system, and can cause the heart to have abnormal rhythms resulting in dizziness and disorientation, loss of consciousness, and even sudden cardiac death.

The new video highlights **crucial information** that is covered in the 2016 [NIOSH-OSHA Hazard Alert: Health and Safety Risks for Workers Involved in Manual Tank Gauging and Sampling at Oil and Gas Extraction Sites](#). Visuals depict the reality of this type of work and the following recommendations are described and demonstrated:

- **Employers:** Implement engineering controls that eliminate the need to open tank hatches (i.e. thief hatches); conduct hazard assessments and determine necessary controls to protect workers; communicate information to onsite workers and offsite contractors; train workers on proper use of controls and in emergency response procedures.
- **Workers:** Inform designated personnel when beginning and finishing work; remove all items that could spark or ignite flammable gas; wear appropriate PPE, including a properly calibrated and tested multi-gas monitor; bleed off pressure using the right tools; determine wind direction when manually gauging; stay informed.

The **potential hazards** to workers who manually gauge or sample fluids on production and flowback tanks, such as exposure to hydrocarbon gases and vapors, oxygen-deficient atmospheres, and fires and explosions, are ones that **can be prevented**.

The **operations superintendent** featured in the video, who has been in the industry for **more than thirty-five years**, describes how he feels: **“Our main goal is to get these workers off the tank where they don’t need to be and back home safe with their families.”** This, too, is **NIOSH’s goal**.

ELDs...front and center

ELD Citations, Fines Begin Dec. 18, but Inspectors Won't Enforce OOS Criteria Until April

Inspectors will, at their discretion, begin issuing citations for non-compliance with the federal electronic logging device mandate on the **Dec. 18 deadline** for adoption, the **Commercial Vehicle Safety Alliance** announced. However, the **10-hour out-of-service order** associated with non-compliance with the mandate will begin **April 1, 2018**, **CVSA** also announced.

CVSA, which is made up of enforcement officials and meant to provide uniformity in enforcement of trucking and bus regulations, says it has notified **FMCSA** of its plan to begin **citation enforcement Dec. 18** and **out-of-service enforcement in April**.

The **Federal Motor Carrier Safety Administration** confirmed **CVSA's** enforcement plans. **FMCSA** also confirmed that the delay in **out-of-service enforcement** does **not affect** the date by which truckers must adopt an automatic onboard recording device (**AOBRD** — *a form of electronic logging system with more limited functionality than an ELD*) if they want to **extend** their **ELD compliance to December 2019**.

"After **Dec. 18, 2017**, if you **don't have** an **AOBRD** or **ELD** the violation will be cited, and a driver could be fined, but they **won't be put out of service**. Companies that continually violate the rule could be subject to federal investigation as well," says **FMCSA** spokesperson Duane DeBruyne.

The slight delay in the enforcement of the **out-of-service criteria** "will provide the motor carrier industry, shippers and roadside enforcement community with time to adjust to the new requirement before vehicles are placed **out of service** for **ELD violations**," **CVSA** said in its announcement. This strategy is in line with how **CVSA** has handled enforcement of other major trucking regulations, the group said.

Inspectors and roadside officers will begin **documenting ELD violations** on the **Dec. 18 deadline**, and citations will be issued to drivers "at the **jurisdiction's discretion**," **CVSA** says.

Violations related to **ELDs** will, in a way, be considered **hours of service violations** for purposes of the **out of service criteria**. Various **ELD-related violations** will ultimately come with the **out-of-service equivalent** of not having a logbook, having false logs and not maintaining previous seven days of duty status. For instance, a driver or carrier not using a logging device that fits with federal requirements will be "**considered to have no record of duty status**," according to updated **out-of-service criteria** issued by **CVSA** earlier this year.

[Read more](#) on the **out-of-service details**.

The announcement confirms what two **FMCSA** representatives hinted at in a special **ELD seminar** held at the **Great American Trucking Show**.

Asked by an audience member about rumors of "**soft enforcement**" of the **ELD mandate December deadline** during the session, **FMCSA** representatives would say only that officers "**may or may not**" take enforcement action against drivers not utilizing **ELDs**. **CVSA's** slight delay in the out of service criteria related to **ELDs answers** the trucker's question, in part, delaying the perhaps most severe enforcement action that could be brought.

Reports have indicated **CVSA's** approach will be "**phased-in**" enforcement, but the **CVSA** noted it will **begin enforcement** of the **ELD mandate** on the **Dec. 18 compliance date**.

Motor carriers have had **two full years** to prepare for the **2015 final rule**. **FMCSA's** own research has found that the use of **ELDs** results in a **reduction** in a **motor carrier's crash rate** and **hours-of-service violations**.

[Find relevant information](#) on the **ELD Rule**.



Roadside with ELDs:

Inspectors Talk Leeway on Exemptions, DOT Officials on Malfunctions

Roadside inspectors, at least in **Texas**, will give drivers the "**benefit of the doubt**" when it

comes to verifying electronic logging device mandate exemptions in the months following the **Dec. 18 ELD adoption deadline**.

That was the message from Sgt. Dana Moore of the **Texas Department of Public Safety** in a panel with **DPS Lt. Monty Kea** and **Overdrive Senior Editor Todd Dills**. Panelists intended to clarify questions related to **ELD enforcement** at roadside inspections.

"**The question is**: Do we go forward and cite something or do we back off and check on it later?" Moore asked. The **Federal Motor Carrier Safety Administration** recently changed the **exemption** to using **ELDs** to **pre-2000 model year engines**. The earlier interpretation stressed the model year of the truck to determine the exemption.

"We're just going to accept the **drivers' word at roadside**" of the **year-model** of the engine, he said, "unless we have some evidence to say otherwise." Officers will file requests with **FMCSA** enforcers to follow-up if the engine year can't be verified in a roadside inspection. That approach is in line with **FMCSA's** direction on the **pre-2000 exemption**: If an officer can't verify the engine's year, they're told to file a request with **FMCSA** to verify.

FMCSA recently altered the **pre-2000 exemption** from the truck's year-model, as indicated by the truck's **VIN number**, to the **engine year-model**, as indicated on the **engine plate**. Carriers are **required to keep documentation** of the **year-model** of their **engine** at their **principal place of business**, but **not in the truck itself**. If an operator tells a roadside inspector he's exempt from the mandate, officers will try to determine the engine year-model on the engine itself.

Moore noted the **difficulty** likely associated with that, however, as plates can be "at the very bottom of the engine, under an inch of dirt and grease."

Officers in **Texas** will allow operators to continue operating, Moore noted, rather than slapping them with the **10-hour out-of-service order** associated with a lack of **ELD compliance**. As a follow-up, officers in such cases will submit a request to **FMCSA** to investigate further. **FMCSA** could send auditors to verify the exemption is warranted.

Similarly, if a driver claims an exemption at roadside related to not operating more than **eight days** in a **thirty-day period** beyond the **short-haul air mail radius**, inspectors will try to verify the claim. If it can't be determined at roadside, inspectors are likely to give the operator a pass, then file a request with **FMCSA** to follow up, says Moore.

“There’s so much at a roadside inspection that we won’t be able to determine,” Moore says. “If we do suspect a driver is not using an ELD (*and should be*), we’re going to submit that,” which could prompt “auditors to come out and start checking records,” he adds.

Roadside with ELD malfunctions

Should an operator’s ELD fail or malfunction, they must notify their carrier within **24 hours** and reconstruct their **previous seven days’ logs** on a **paper log**, blank copies of which are required to be kept on hand.

“They must continue to manually prepare records of duty status on paper logs until the **malfunction** has been **corrected**,” says La Tonya Mimms, a **transportation specialist** in **FMCSA’s** enforcement division. Carriers will then have **eight days** to repair or **replace their unit**.

Should an **ELD continue** to properly record records of duty status but fail to **transfer** the data at **roadside** to an officer via the **four methods** specified in the [rule](#), they must be able to either **print their logs** or show an inspector their **current-logs display screen**. “It doesn’t have to do both, just one or the other,” says Mimms.

Logging in the ELD Environment:

Annotations/Notes Section is Driver’s Friend When ‘Weird Situations’ Arise, FMCSA Says

The **Federal Motor Carrier Safety Administration Office of Enforcement and Compliance** Director Joe DeLorenzo spelled out what he sees as a **key point** in many of the **multitude** of scenarios he’s **presented** with where **exemption** from the agency’s **electronic logging device mandate** is questioned. Where there’s a **question** about an exemption — such as in the case of **agricultural operations** — or use of **special driving categories** like yard moves or personal conveyance, **annotating** the logs with **notes** about **particular statuses** will be key for drivers as **ELDs** come into play.

In “**any weird situation**,” he said, “**annotate** it in the **driver’s record** so that the **situation** would be clear if somebody asked you for it.”

Depending on what the situation is, it may not avoid a **violation**, but a **clear record** will make the **roadside process** proceed with least friction — and give **drivers/carriers** the best chance of **defending themselves** in the case of **audits/future inspections**.

PERSONAL CONVEYANCE

DeLorenzo spoke at **TMW Systems/PeopleNet’s** user conference in Nashville, Tenn. About the “**personal conveyance**” **allowance** in the **hours of service rule**, he urged drivers to use it in the **ELD** environment like they might today with paper. In **ELDs**, personal conveyance will be a **special driving category** that allows vehicle movement under an **off-duty status**.

However, he did emphasize that **personal conveyance** should be properly understood as **truly personal use** of the vehicle. Traveling to and from **shipping/receiving locations**, for instance, isn’t the place to use it, though compliance consultants have argued otherwise, particularly for **self-dispatched** or **independent owner-operators**. Presented with a circumstance of an **exceedingly lengthy delay** at the shipper or receiver that causes the driver’s **14-hour clock** to run out, DeLorenzo said proceeding to a **safe haven/parking location/truck stop** would not be considered **personal conveyance**.

Rather, he urged drivers to make the trip, **annotate** the **circumstances accordingly**, again “in case somebody asks for it,” and thus **avoid charges** of a “**false log**” for incorrect **personal conveyance** use.

YARD MOVES

At the same time, during his talk DeLorenzo **clarified** a point about the other **special driving category** specified in the **ELD rule**: yard move. Utilizing this **category** will move a driver to the **on-duty not-driving status** though the vehicle is in motion. Just where it can be used hasn’t **been fully understood** to date through the industry. DeLorenzo said locations like **fleet terminals** aren’t the **only places** where it’s **OK** to use, but also **within facilities** away from public roads like ports, **railyards**, customer locations and the like. At distances of **no more than 3-5 miles**, DeLorenzo said, “it’s **OK**. If it starts to **accumulate** more than that, people are going to **start asking questions**.”

The **FMCSA** has worked with at least **one carrier** on the question of **whether auto-assigning** yard moves within a **geofenced area** around a terminal would be **allowed**. DeLorenzo emphasized again that such **would be permissible** as long as it’s “**within a reasonable distance**.”

Yard moves, after being **categorized** by the driver, or **registered automatically** in a **geofenced area**, must be signed off on by the **administrator** — in the case of an **independent owner-operator**, that makes use of the **yard move** a **two-step process** he/she will attend to on **his/her own**.

THE AGRICULTURAL EXEMPTION

For those running under the **agricultural exemption** to the **hours of service** but also running **commercially** at other times or far enough (*beyond 150 miles*) to **require keeping hours** and utilizing an **ELD**, DeLorenzo noted there were a **variety** of ways some **ELD vendors** were dealing with that **particular exemption**. At once, he said, **annotations** to the **driver’s record** during the **exempt times** would be enough for **roadside enforcement** to **ensure compliance**.

The Cost of Pre-2000 ELD Regulatory Indecision: One Winner, and Potential Losers, Among Owner-Ops

Owner-operator Randy Carlson of Minnesota hadn't heard the recent news of the **Federal Motor Carrier Safety Administration's** policy reversal of sorts when it comes to just how the feds envisioned roadside enforcement would determine whether a truck was exempted from the electronic logging device mandate by its model year or not. Back late last year he was mulling a variety of potential moves for his unique situation.

Carlson has plenty mechanicking in his past, and decades around trucking, much of the time as an owner-operator doing the majority of his own work on the truck. It's a 2001 Freightliner Classic chassis powered by an older, fully mechanical Caterpillar engine. With the pre-2000 model year exemption tied exclusively to the model year of the truck, he'd have been required to invest in an **ELD** workaround to keep that truck in compliance, or back-fit his finely-tuned mechanical engine within a pre-2000 cab/chassis, to keep running it legally after the mandate.

When he heard that **FMCSA** was now prepared to direct enforcers to default to the engine model year for exemption determinations in situations where truck and engine model years differed, "Sounds like it's a good day for me," he said.

A good day for a lot of glider owners, too. **FMCSA** spokesman Duane DeBruyne confirmed the change in guidance on the exemption and noted the agency's rationale centered around costs of retrofitting solutions for situations at least somewhat like Carlson's, glider-type situations where the truck is of a considerably newer model-year vintage than the engine. "The original intent of the provision was to address the fact that pre-2000 model year trucks may not allow an electronic logging device to easily and inexpensively connect to the engine."

While the **Agency** has confirmed that there are ways of equipping pre-2000 model year vehicles to use an **ELD** consistent with the rule's technical specifications, these are typically neither cost-beneficial nor practical for owners.

At once, there's been a cost for Carlson to the indecision the **Agency** has shown on the exemption, particularly with this recent move after so long (*a full year and a half*) holding to the line in the rule that the truck's model year would be the defining factor in determining the exemption. In Spring this year, Carlson located a 1996 Freightliner powered by a same-year Detroit Series 60 that had been "an old Crete truck," he says. He paid \$4,500 for it, then another couple thousand over the subsequent months toward getting it in some working order. "I was going to maybe drive that one," he adds, in the interim until he could find a pre-2000 cab/title to go with his mechanical Caterpillar engine. "I'm probably not going to do that now" in spite of the near \$7,000 investment he's already made in the 1996 unit. He was "just working on it last weekend, buffing it up after being faded from sitting around" for 10 years unused. He "fixed the door on it the week before," all in preparation to get it "ready to drive." It wasn't there yet, though. "I figured I would have had about \$12-\$13,000 in it to get it ready to go down the road."

He can rest a little easier now, he says, but not so anyone out there who "had a 1999 truck who bought a 2003-'04" engine to put in, Carlson says. Anybody in that spot now? As for the new guidance — not capital-G "Guidance," as it were, but pretty much all there is for official word on this subject thus far, DeBruyne notes — "the FAQ is it" in terms of the guiding policy on this subject at this point, DeBruyne says.

Drivers taking the exemption by virtue of the model year of their engine would do well to carry documentation of the engine year if it's not visibly, clearly stamped somewhere on the engine itself, a notion DeBruyne says he concurs with. Without an obvious model-year/date-of-manufacture stamp visible on his mechanical Cat, owner-operator Carlson notes he's likely to get a print-out from the engine maker to carry, given his 2001 year truck.

Carlson adds he ran across a private party in Missouri selling a 1997 or '98 model-year "Freightliner Classic extended hood like mine (*a 2001*)," the for-sale rig powered by "a newer Detroit in the 2003-'05 range. If anybody's done that" thinking they'd avoid the **ELD** mandate, "they're not going to be happy campers." Under the new policy, the need to use an **ELD** or not would follow the engine model year, not the truck's, and they'd need to run electronic.

CDOT Breathalyzer Program to Focus on DUI Offenders

Statewide - First-Time DUI Offenders Being Recruited to Use Smartphone Breathalyzers

Approximately one-third of **Driving Under the Influence (DUI)** convictions nationwide involve someone with a prior **DUI** arrest, and the rate of **DUI** recidivism is **higher** in **Colorado**.

In 2016, of the more than **21,000** **DUI** filings made in **Colorado**, 40 percent involved individuals with a prior **DUI** offense. With that in mind, the **Colorado Department of Transportation (CDOT)** is launching a program this summer to determine if **smartphone breathalyzers** help those with a previous **DUI** conviction avoid a **second offense**. In the program, **CDOT** is partnering with **BACtrack**, a leading personal and professional **breathalyzer** company, with the goal of reducing **impaired driving** crashes in **Colorado**. **CDOT** accepted **online submissions** for the program through the end of July at HealtsOnColorado.com.

“**Impaired driving** is a **major traffic safety issue** in **Colorado** and a number of those charged with **DUIs** are **repeat offenders**,” said Sam Cole, **CDOT** Communications Manager. “We want to know if having a **tool** on hand that provides information about your **level of impairment** prevents you from getting behind the **wheel**.”

CDOT is reaching out in **Adams**, **Jefferson** and **Weld** counties to connect with first-time **DUI** offenders to **participate** in the **breathalyzer program**. In 2016, **Adams** (21), **Jefferson** (16) and **Weld** (18) counties had a combined **55 fatalities** involving impaired drivers, representing **33.7 percent** of all **traffic fatalities** in these counties.

Information gauging the **effectiveness** of **breathalyzers** will be gathered in two ways. First, surveys will evaluate how participants feel **smartphone breathalyzers** influence their **behavior**. Second, data from the smartphone breathalyzer itself is **logged** every time a participant uses their **smartphone breathalyzer**, tracking **Blood Alcohol Concentration (BAC)**, time and location. This provides valuable information – in aggregate - on how the **devices** are being used.

“**BACtrack** is honored to work with **CDOT** to help people make **informed** decisions by providing the industry’s **most accurate**, innovative and affordable **breath alcohol testing devices**,” said Stacey Sachs, Vice President of Marketing at **BACtrack**. “We believe the **participants** in this program will greatly benefit from using our **BACtrack Mobile** to gain both specific and **objective information** about their level of impairment.”

CDOT first launched its **breathalyzer outreach** in 2015 and the program has continued to grow and evolve since. In summer 2016, **CDOT** recruited **225 participants** to see how owning a **smartphone breathalyzer** might change behavior. After a **summer** of use, 84 percent of program participants **agreed** that owning a **smartphone breathalyzer** reduced their risk of getting a **DUI**. This summer, **CDOT** has adapted the program to **focus** on a group that is at a **high risk for driving impaired** – those who have already received a **DUI**.

Through the partnership with **BACtrack**, **CDOT** planned to provide **smartphone breathalyzers** to at least **200 participants** for their use during the summer. Participants will **complete surveys** about drinking habits, **driving** and their **breathalyzer** usage. In September, **CDOT** will compile information **gathered** from participants and **share it with the public**.

Commercial Driver's License Drug and Alcohol Clearinghouse

The **Federal Motor Carrier Safety Administration** is establishing a database that contains information specific to violations of the U.S. Department of Transportation drugs and alcohol testing program for holders of a Commercial Driver's License.

The Clearinghouse rule became effective January 4th, 2017 and has a compliance date of January 6th, 2020, which requires **FMCSA** regulated employers to report to the Clearinghouse regarding violations of Federal drug and alcohol regulations.

The purpose of the final rule is to ultimately increase safety and significantly reduce costs.

The following are additional requirements of the Clearinghouse:

- ▶ Employers query the Clearinghouse for current and prospective employees before operating a commercial vehicle on roads.
- ▶ Employers annually query for each commercial driver they employ.
- ▶ Requires State Drivers Licensing Agencies to query whenever a CDL is issued, renewed, transferred, or upgraded.

To obtain additional information on this rule please refer to the **FMCSA** website.

TEXAS' ROADCHECK NUMBERS OFFER PREVIEW OF NATIONWIDE INSPECTION BLITZ EFFORT

Enforcement officials in Texas placed nearly 2,000 trucks out-of-service during the 72-hour Commercial Vehicle Safety Alliance's International Roadcheck inspection blitz held June 6-8.

In total, the Texas Department of Public Safety inspected 8,182 commercial vehicles during the blitz, placing 1,938 of those (or 23.6 percent) out-of-service. The department says issues with brakes and defective vehicle lighting were among the most common violations that led to out-of-service orders.

With Texas having some of the busiest highways in the nation, the state's inspection numbers from Roadcheck could offer a glimpse into what truckers experienced in other parts of the country during the inspection blitz.

Last year, Texas DPS placed approximately 22.5 percent of inspected CMVs out-of-service during Roadcheck, while inspectors nationwide ordered 21.5 percent of inspected trucks out-of-service.

In addition to the nearly 2,000 trucks sidelined during the event, 225 drivers were also ordered out-of-service for driver's license violations, improper logs and hours-of-service violations.

Texas DPS issued a total of 1,994 citations and 22,346 warnings during the 72-hour Roadcheck event.

CVSA Releases 2017 International Roadcheck Results

Commercial motor vehicle enforcement personnel in Canada and the United States conducted more than 62,000 driver and vehicle safety inspections on large trucks and buses during the Commercial Vehicle Safety Alliance's (CVSA) 30th annual [International Roadcheck](#), June 6-8, 2017. 23 percent of vehicles and 4.2 percent of drivers that received Level I Inspections were placed out of service.



International Roadcheck is a three-day enforcement event when CVSA-certified inspectors conduct high-volume, large-scale, high-visibility roadside inspections of large trucks and buses. Commercial motor vehicles and their drivers were checked at inspection sites, weigh stations and roving patrol locations along roadways in North America throughout the 72-hour enforcement initiative.

- A total of 62,013 Level I, II and III Inspections were conducted during 2017 International Roadcheck.
- 19.4 percent of commercial motor vehicles inspected (Level I, II or III Inspections) were placed out of service. 4.7 percent of all drivers inspected (Level I, II, and III Inspections) were placed out of service.
- 40,944 inspections were [North American Standard \(NAS\)](#) Level I Inspections. A Level I Inspection is a 37-step procedure that includes examination of both the driver and vehicle. Other inspections conducted included the NAS Level II Walk-Around Inspection (12,787) and the NAS Level III Driver-Only Inspection (8,282).
- 7,713 inspections were conducted in Canada; 54,300 were conducted in the United States.

Vehicle-related results are as follows:

- Of the 40,944 Level I Inspections conducted, 23 percent (9,398) percent were placed out of service for vehicle-related violations.
- The top three out-of-service vehicle violations were for brake systems (26.9 percent of vehicle out-of-service violations), cargo securement (15.7 percent) and tires/wheels (15.1 percent).
- Of the 2,267 vehicles carrying hazardous materials/dangerous goods that received a Level I Inspection, 12.8 percent were placed out of service for vehicle-related violations.
- The top three vehicle violations related to the transportation of hazardous materials/dangerous goods were for loading and securement (40.4 percent of all out-of-service hazardous materials/dangerous goods violations), shipping papers (22.7 percent) and placarding (20.8 percent).
- 398 motorcoaches received Level I Inspections; 10.1 percent (40) were placed out of service for vehicle-related violations.
- Of the vehicles placed out of service, brake adjustment and brake system violations combined to represent 41.4 percent (7,743) of all out-of-service vehicle violations.

Driver results are as follows:

- Of the 62,013 total Level I, II, and III Inspections conducted, 4.7 percent (2,940) of drivers were placed out of service for driver-related violations.
- Of Level I, II and III Inspections of vehicles carrying hazardous materials/dangerous goods, 1.9 percent were placed out of service for driver-related violations.
- Out of the 598 motorcoaches that received Level I, II or III Inspections, 3.8 percent (23) of drivers were placed out of service for driver-related violations.
- The top three driver-related violations were for hours of service (32.3 percent of driver out-of-service violations), wrong class license (14.9 percent) and false log book (11.3 percent).
- There were 710 safety belt violations.

Each year, International Roadcheck places special emphasis on a category of violations. This year's focus was cargo securement. While checking for compliance with safe cargo securement regulations is always part of roadside inspections, CVSA highlighted proper cargo securement this year as a reminder of its importance. Cargo securement violations (not including hazardous materials/dangerous goods loading/securement) represented 15.7 percent of all vehicle out of service violations during 2017 International Roadcheck.

The top five violations related to cargo securement (out of a total of 3,282) in the United States were:

1. No or improper load securement (423)
2. Failure to secure vehicle equipment (379)
3. Leaking, spilling, blowing, falling cargo (281)
4. Insufficient tiedowns to prevent forward movement for load not blocked by headerboard, bulkhead or cargo (256)
5. Failure to secure load (178)

The specific out-of-service (OOS) violation percentage distributions (numbers indicate a percentage of the total out-of-service violations by category) from 2017 International Roadcheck are shown below:

Vehicle OOS Violations Category	Percentage of Vehicle OOS Violations	Driver OOS Violation Category	Percentage of Driver OOS Violations	Hazmat OOS Violation Category	Percentage of Hazmat OOS Violations
Brake Systems	26.9%	Hours of Service	32.3%	Loading/Securement	40.4%
Cargo Securement	15.7%	Wrong Class License	14.9%	Shipping Papers	22.7%
Tires/Wheels	15.1%	False Log Book	11.3%	Placarding	20.8%
Brake Adjustment	14.5%	Suspended License	3.4%	Package Integrity	4.3%
Lighting Devices	11.6%	Drugs/Alcohol	1.6%	Transport Vehicle Markings	0.8%
Suspensions	4.7%	Driver's Age	0.4%		
Steering Mechanisms	2.3%				
Frames	1.0%				
Coupling Devices	0.8%				
Fuel Systems	0.6%				
Driveline/Driveshaft	0.2%				
Exhaust Systems	0.2%				

Once violations of the regulations have been identified and documented on a roadside inspection report, roadside enforcement personnel use the CVSA NAS [Out-of-Service Criteria](#) as the pass-fail criteria for inspections. During an inspection, if an inspector identifies critical violations, he or she will render the driver or vehicle out of service, which means the driver cannot operate the vehicle until the critical vehicle mechanical conditions or defects, and/or driver qualifications, are corrected.

If no critical violations are found during an eligible inspection, a [CVSA decal](#) will be applied as a visual indicator that the vehicle successfully passed inspection conducted by a CVSA-certified inspector. The NAS Level I Inspection and NAS Level V Vehicle-Only Inspections are the only inspections eligible for issuance of a CVSA decal.



During International Roadcheck, inspectors primarily conduct the NAS Level I Inspection, which is a 37-step procedure that includes examinations of both the driver and vehicle. The vehicle inspection includes checking braking systems, cargo securement, coupling devices, driveline/driveshaft components, exhaust systems, frames, fuel systems, lighting devices, steering mechanisms, suspensions, tires, van and open-top trailer bodies, wheels, rims and hubs, and windshield wipers. Additional items for buses include emergency exits, electrical cables and systems in the engine and battery compartments, and seating. Drivers are asked to provide their operating credentials and hours-of-service documentation, and will be checked for seat belt usage. Inspectors will also be attentive to apparent alcohol and/or drug impairment.

CVSA's Brake Safety Day is Sept. 7, 2017

Thursday, Sept. 7, 2017, is **Brake Safety Day**, an enforcement and compliance campaign where law enforcement agencies across North America will conduct inspections on large trucks and buses to identify out-of-adjustment brakes, and brake-system and antilock braking system (ABS) violations as part of the **Commercial Vehicle Safety Alliance's (CVSA) Operation Airbrake Program**.

The goal of **Brake Safety Day** is to reduce the number of crashes caused by poorly maintained braking systems on commercial motor vehicles (CMVs) by conducting roadside mechanical fitness inspections, and identifying and removing vehicles with critical brake violations from our roadways.

On **Brake Safety Day**, inspectors will primarily conduct the [North American Standard Level I Inspection](#), which is a **37-step procedure** that includes an examination of both driver operating requirements and vehicle mechanical fitness. Inspections conducted will include inspection of brake-system components to identify loose or missing parts, air or hydraulic fluid leaks, worn linings, pads, drums or rotors, and other faulty brake-system components. **ABS malfunction** indicator lamps are also checked. Inspectors will measure pushrod stroke, where applicable. Vehicles with defective or out-of-adjustment brakes will be placed out of service.

Furthermore, in the 10 jurisdictions using [performance-based brake testing \(PBBT\)](#) equipment, vehicle braking efficiency will be measured. **PBBT systems** include a slow speed roller dynamometer that measures total vehicle weight and total brake force from which braking efficiency is determined. The minimum braking efficiency for trucks is 43.5 percent, required by U.S. federal regulation and the **CVSA out-of-service criteria**.

This year's **Sept. 7 Brake Safety Day** follows up on **CVSA's May 3, 2017**, unannounced **Brake Safety Day** and replaces the **seven-day Brake Safety Week** campaign from previous years.

Traffic Fatalities Linked to Marijuana are Up Sharply in Colorado. Is Legalization to Blame?

Authorities say the numbers cannot be definitively linked to legalized pot

The number of drivers involved in fatal crashes in Colorado who tested positive for marijuana has risen sharply each year since 2013, more than doubling in that time, federal and state data show. A Denver Post analysis of the data and coroner reports provides the most comprehensive look yet into whether roads in the state have become more dangerous since the drug's legalization.

Increasingly potent levels of marijuana were found in positive-testing drivers who died in crashes in Front Range counties, according to coroner data since 2013 compiled by The Denver Post. Nearly a dozen in 2016 had levels five times the amount allowed by law, and one was at 22 times the limit. Levels were not as elevated in earlier years.

Last year, all of the drivers who survived and tested positive for marijuana use had the drug at levels that indicated use within a few hours of being tested, according to the Colorado Department of Transportation, which compiles information for the [National Highway Traffic Safety Administration's Fatality Analysis Reporting System](#).

The trends coincide with the legalization of recreational marijuana in Colorado that began with adult use in late 2012, followed by sales in 2014. Colorado transportation and public safety officials, however, say the rising number of pot-related traffic fatalities cannot be definitively linked to legalized marijuana.

Positive test results reflected in the **NHTSA** data do not indicate whether a driver was high at the time of the crash since traces of marijuana use from weeks earlier also can appear as a positive result.

But police, victims' families and safety advocates say the numbers of drivers testing positive for marijuana use — which have grown at a quicker rate than the increase in pot usage in Colorado since 2013 — are rising too quickly to ignore and highlight the potential dangers of mixing pot with driving.

"We went from zero to 100, and we've been chasing it ever since," Greenwood Village Police Chief John Jackson said of the state's implementation of legalized marijuana. "Nobody understands it and people are dying. That's a huge public safety problem."

The 2013-16 period saw a 40 percent increase in the number of all drivers involved in fatal crashes in Colorado, from 627 to 880, according to the **NHTSA** data. Those who tested positive for alcohol in fatal crashes from 2013 to 2015 — figures for 2016 were not available — grew 17 percent, from 129 to 151.

By contrast, the number of drivers who tested positive for marijuana use jumped 145 percent — from 47 in 2013 to 115 in 2016. During that time, the prevalence of testing drivers for marijuana use did not change appreciably, federal fatal-crash data show.

And the numbers probably are even higher.

State law does not require coroners to test deceased drivers specifically for marijuana use in fatal wrecks — some do and some don't — and many police agencies say they don't pursue cannabinoid tests of a surviving driver whose blood alcohol level is already high enough to charge them with a crime.

Among The Post's other findings:

Marijuana is figuring into more fatal crashes overall. In 2013, drivers tested positive for the drug in about 10 percent of all fatal crashes. By 2016, it was 20 percent.

More drivers are testing positive for marijuana and nothing else. Of the drivers involved in fatal crashes in 2014 who tested positive for cannabinoids, more than 52 percent had no alcohol in their system. By 2016, it had grown to 69 percent.

The average age of drivers in deadly crashes in 2015 who tested positive for marijuana was nearly 35, with a quarter of them over 40.

In 2016, of the 115 drivers in fatal wrecks who tested positive for marijuana use, 71 were found to have Delta-9 tetrahydrocannabinol, or THC, the psychoactive ingredient in marijuana, in their blood, indicating use within hours, according to state data. Of those, 63 percent were over 5 nanograms per milliliter, the state's limit for driving.

"We are discouraged by the rising numbers. We had awareness campaigns four months after legalization and thought we were getting out ahead of it," said Sam Cole, spokesman for the traffic safety division of the **Colorado Department of Transportation**, where the **FARS** data for the state is collected.

Pointing to a number of different studies, the industry counters that the data is imprecise and does not definitively link fatal crashes to marijuana use.

"Unlike alcohol, THC can remain detectable in the blood stream for days or weeks, when any impairment wears off in a matter of hours," said Taylor West, former deputy director of the [National Cannabis Industry Association](#). "So all those numbers really tell us is that, since legal adult-use sales began, a larger number of people are consuming cannabis and then, at some point, are driving a car."

Estimates vary for how much marijuana use has increased in Colorado since legalization. Surveys by the federal [Substance Abuse and Mental Health Services Administration](#) found that use within 30 days rose from about 12 percent of Colorado adults in 2013 to 17 percent in 2015, a 42 percent increase. But the [Colorado Department of Public Health and Environment](#) published a survey last year putting adult use at 13 percent in 2015, indicating a slower rate of growth.

The number of drivers involved in fatal crashes testing positive for marijuana rose 88 percent from 2013 to 2015, **FARS** data show. The numbers are not strictly comparable as the usage estimates would take into account Colorado's population growth rate of roughly 1.8 percent a year.

Law enforcement officials, prosecutors and public policy makers concede there's still too little information about marijuana and how it's detected to understand just how much the drug is affecting traffic fatalities. Even coroners who occasionally test for the drug bicker over whether to include pot on a driver's death certificate.

"No one's really sure of the broad impact because not all the drivers are tested, yet people are dying," said Montrose County Coroner Dr. Thomas Canfield. "It's this false science that marijuana is harmless, but it's not, particularly when you know what it does to your time and depth perception, and the ability to understand and be attentive to what's around you."

Critics see the data as proving Colorado moved too fast in legalizing the drug without first understanding its impact behind the wheel — as if handing over the keys to the car without knowing who was driving.

“Colorado has chosen not to measure the outcomes of legalized marijuana, paying more attention to the commercialization,” said Ed Wood of [DUID \(Driving Under the Influence of Drugs\) Victim Voices](#), an organization he founded after his son’s traffic death caused by a drugged driver. “People have referenced this as the grand experiment, and the only outcome they measure is the tax revenue, and that’s shameful and a disgrace.”

The Colorado State Patrol said officers believed marijuana was a factor in more than 17 percent of all DUI arrests they made in 2016. The year before, it was about 13 percent. In the first six months of 2017, it was at 14.5 percent, although the number of fatal crashes in which alcohol and drugs were a factor has increased by 28 percent.

“We’ve definitely seen an increase in the number of DUI cases in which marijuana is involved,” said Rich Orman, deputy district attorney for the 18th Judicial District covering Arapahoe, Douglas, Lincoln and Elbert counties. “And that’s been just since the legalization of recreational marijuana.”

The science of testing for marijuana impairment is hazy, and evolving

Proponents of legalization say it’s too early to tell whether marijuana is the culprit in the rising numbers of fatalities in which a driver tested for use of the drug, and that additional years of data are required before any conclusions can be drawn.

“The state’s analysis on crash data acknowledges an increase in crashes in Colorado. However, the increase is not specifically attributed to cannabis,” said Kristi Kelly, executive director of the [Colorado-based Marijuana Industry Group](#).

Unlike alcohol, which offers decades of scientific research and traffic data toward an understanding of its impact on a person’s ability to drive, marijuana’s effect is still a mystery. No one’s really sure how it impacts the cognitive functions necessary to drive a car safely, or how much is too much for different people.

Federal data about fatal crashes only indicate the presence of the drug, not whether it’s Delta-9 THC or one of its harmless metabolites that linger long after the drug is ingested, sometimes for weeks. Delta-9 THC interacts with brain receptors, producing the “high” associated with marijuana use. The metabolites found in a urine test, for example, are only indicative of past use while Delta-9 reflects more recent use, often in just the past few hours.

“There needs to be better understanding about what constitutes impairment,” Kelly said.

The trends in the state appear nearly identical in Washington state, where recreational marijuana was legalized at about the same time. Officials there have been tracking the drug’s impact on driving much more carefully and for a longer period, statistics show.

What Washingtonians have been seeing is starting to be revealed here: “Drug-impaired driving is now eclipsing alcohol, and that’s frustrating,” said Darrin Grondel, director of **Washington’s Traffic Safety Commission**, which is gathering and studying the data.

However, Colorado’s understanding is due to deepen. The legislature last session passed **House Bill 1315**, which mandates a vigorous analysis of traffic fatalities statewide and the extent to which marijuana and other drugs are involved and prosecuted. As part of that project, state police have re-analyzed about a third of blood samples taken from suspected drunk drivers in 2015 and, according to a person familiar with that project, found that more than three in five also tested positive for active THC.

Coroners and police say they have no idea just how many drivers – dead or alive – have active THC in their system because so few of them are tested for it in the first place.

Colorado’s Department of Public Safety in March 2016 said barely half of all drivers involved in fatal crashes were tested for drugs – and 81 percent of the ones tested were dead. That has remained relatively unchanged since 2012, when 45 percent of all drivers in fatal crashes were tested. That’s because Colorado’s DUI laws are such that a positive reading for alcohol impairment quickly results in a suspended license.

Not so for marijuana.

“We test for alcohol, and when we get a reading, then we don’t bother with the marijuana,” said Lt. Robert Rock of the Denver Police Department’s traffic investigations division. “That’s a function of the law.”

Greenwood Village Chief Jackson agreed: “With alcohol, if you blow (0.08 blood alcohol level), law enforcement is done and doesn’t care about the marijuana there,” he said. “It’s \$500 for that test, a two-hour wait, staff time, and it makes little difference if there is marijuana.”

Said Rock: “A lot of departments just can’t afford to do that all the time.”

The vast majority of drivers who survived fatal crashes and were tested for cannabinoids showed they had used the drug within hours of testing. In 2016, for example, all 22 of the surviving drivers suspected of marijuana impairment tested positive for levels of Delta-9 THC — and seven of them at levels deemed illegal to drive.

It was nearly the same in 2015, *The Post* found, with 18 of 22 drivers who survived a crash testing positive for Delta-9 THC. Five of them tested at or above 5 ng/mL, the legal limit.

The biggest testing lab in the state — [ChemaTox](#) in Boulder — is finding the same trend. The lab has found that of the tests that were positive for marijuana use, more than 80 percent were for active THC, indicating use within hours of when the sample was taken.

Aside from a lack of consistent testing, the numbers are probably even higher because of incomplete federal data, experts say.

The federal **FARS** traffic data only log up to three drugs found in the body of someone killed in a crash, even if there were more. Sometimes marijuana doesn’t make the **FARS** report. And any death that happens on private property or doesn’t involve a moving vehicle is not included in the **FARS** system.

Also, **FARS** records only the presence of the drug — not its potency; how recently it had been used; whether it was a factor in the crash; and whether the driver who tested positive was at fault or even ticketed.

“That doesn’t mean we should dismiss any concern about cannabis-impaired driving,” **NCIA’s** Taylor said, “but it does mean we should be very careful about what gets read into data that doesn’t actually give us any specific insight into the issue.”

Transportation officials are concerned not only with pot-related fatalities but with the overall rise in traffic deaths. While **CDOT** doesn’t see the number of drivers involved in fatal crashes as “a reliable measurement,” preferring metrics such as the number of actual crashes and fatalities, it does note that those are also on the rise.

The reason, said **CDOT’s** Cole, is probably due in part to an increase in motorcycle fatalities, pedestrian deaths, cellphone use — and marijuana.

“But how much remains a mystery until **CDOT** obtains better data on the type of THC involved in fatal crashes,” Cole said. “Only crashes involving an at-fault driver with active THC can be attributed to marijuana use. Currently, most toxicology results do not include this.”

Higher levels of THC

Coroners began seeing a troubling trend last year: Toxicology tests on dead drivers were revealing higher levels of Delta-9 THC.

In Denver, THC levels were reading as high as 24 ng/mL, with one hitting 68, coroner records obtained by The Post show.

THC levels in drivers killed in crashes in 2016 routinely reached levels of more than 30 ng/mL, records show. The year before, levels only occasionally topped 5 ng/mL, records show.

Coroners' records along the Front Range show the same trend.

“Potency is the extreme problem, with an extreme lack of understanding about what today’s marijuana really is,” Police Chief Jackson said. “This is not your grandfather’s weed. It’s not even marijuana; it’s THC, oils and concentrates, at levels of acute overdose. That’s what seems to be driving these numbers so high.”

Still, because of the uncertainty around what constitutes impairment, coroners don’t agree on whether the presence of THC should be listed on a death certificate.

“One of the three contract physicians I have is adamantly opposed to have it listed on there,” said Jill Romann, Douglas County’s coroner. “There are others across the state who feel the same way and won’t use the word intoxication with it. Despite the fact we are all coroners, everyone does as they want.”

Enforcement Personnel on the Lookout for Unsafe Commercial and Passenger-Vehicle Drivers During Operation Safe Driver Week, Oct. 15-21

Law enforcement agencies throughout North America will engage in heightened traffic safety enforcement and educational outreach as part of the **Commercial Vehicle Safety Alliance’s (CVSA) Operation Safe Driver Week, Oct. 15-21, 2017**. Throughout the week, enforcement personnel will identify and issue warnings and/or citations to commercial motor vehicle (CMV) drivers and passenger-vehicle drivers exhibiting unsafe driving behaviors on our roadways.



Unsafe driver behaviors by CMV drivers and passenger-vehicle drivers continue to be the leading cause of crashes. The **Federal Motor Carrier Safety Administration’s (FMCSA) “[Large Truck Crash Causation Study](#)”** cites driver behavior as the critical reason for more than 88 percent of large truck crashes and 93 percent of passenger-vehicle crashes.

CVSA’s [Operation Safe Driver Program](#) was created to help to reduce the number of crashes, deaths and injuries involving large trucks, buses and passenger vehicles due to unsafe driving behaviors. During **Operation Safe Driver Week**, there will be increased CMV and passenger-vehicle traffic enforcement.

Examples of dangerous driver behaviors that enforcement personnel will be tracking throughout **Operation Safe Driver Week** are speeding, distracted driving, texting, failure to use a seatbelt while operating a CMV or in a passenger vehicle, traveling too closely, improper lane change, failure to obey traffic control devices, etc.

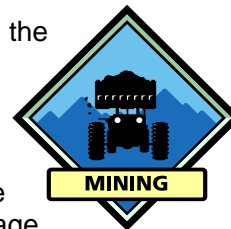
Operation Safe Driver Week is sponsored by CVSA, in partnership with FMCSA and with support from industry and transportation safety organizations, and aims to help improve the behavior of all drivers operating in an unsafe manner – either in or around a CMV – through educational and traffic enforcement strategies to address individuals exhibiting high-risk driving behaviors.

To find out about **Operation Safe Driver Week** enforcement events going on in your area, contact the [agency/department](#) responsible for overseeing CMV safety within your jurisdiction.

METAL/NONMETAL MINE FATALITY – On July 27, 2017, a miner was fatally injured when his light-duty truck was run over by a haul truck. The victim was pronounced dead at the scene.



This is the 7th fatality reported in calendar year 2017 in metal and nonmetal mining. As of this date in 2016, there were 10 fatalities reported in metal and nonmetal mining. This is the 2nd Powered Haulage fatality in 2017. There were two Powered Haulage fatalities in the same period in 2016.



BEST PRACTICES

- Do not park smaller vehicles in a large truck's potential path of movement.
- Before moving mobile equipment, be certain no one is in the intended path; sound the horn to warn possible unseen persons; and wait to give them time to move to a safe location.
- Ensure all persons are trained to recognize workplace hazards - specifically, the limited visibility and blind areas inherent to operation of large equipment and the hazard of mobile equipment traveling near them.
- Establish procedures that require smaller vehicles to maintain a safe distance from large mobile equipment until eye contact is made or approval to move closer is obtained from the mobile equipment operator. Provide training on these procedures.
- Install cameras and collision avoidance systems on large trucks to protect persons.
- Regularly monitor work practices and reinforce their importance. Take immediate action to correct unsafe conditions or work practices.

MSHA Implements Medical Standards Action Plan

The U.S. Department of Labor's **Mine Safety and Health Administration (MSHA)** is announcing immediate action to address a longstanding issue by implementing an action plan for employees who do not meet the Agency's medical standards. Some employees have not met medical standards for several years.

MSHA inspectors and technical personnel are required to have periodic medical examinations and meet **U.S. Office of Personnel Management (OPM)**-approved medical standards as a condition of employment. Medical examinations, including tests for vision and hearing, are required. **MSHA** reviewed examination results and determined that approximately 15 to 20 percent of **MSHA** inspectors and technical personnel do not currently meet the Agency's medical standards and that the problem had been growing over the past several years.

The **Department of Labor** is taking immediate action to develop an effective, consistent, and equitable plan to resolve the issue. In response, **MSHA** will implement an individualized assessment process for employees who do not meet medical standards. The process will incorporate requirements for reasonable accommodation, resolve issues efficiently and effectively, and be conducted in a consistent and fair manner.

MSHA will be transparent throughout this process, while being mindful of employees' privacy concerns. **MSHA** will work with stakeholders, including the employees' union, and keep them informed.

"Wear Your Personal Hearing Protection, and Keep it Clean!"

In addition to the use of engineering and administrative controls to reduce noise exposures to permissible levels, personal hearing protection is used to supplement these measures. In fact, for a few occupations (*like jackleg drill operators*) hearing protectors may be your only means of protection.

The following tips are for the use of personal hearing protection in the mining industry.

- *Carefully select hearing protection that is sufficient for the noise exposure. There are three main types of personal hearing protection: 1. Ear plugs 2. Ear muffs 3. Canal caps*
- *Contact your Health & Safety Coordinator or Industrial Hygienist for assistance.*
- *Be sure you are trained to use and maintain the selected personal hearing protection.*
- *Wear hearing protection when in high sound levels.*
- *Clean re-usable hearing protection in as specified by the manufacturer.*
- *Insert earplugs or wear earmuffs and canal caps as specified by the manufacturer.*
- *Always inspect your hearing protection before each use. Alert your supervisor if you find a crack, puncture, tear, leak, or unusual condition.*
- *Maintain seals on earmuffs.*

Flu season is right around the corner... here are some things to consider!

Vaccination: Who Should Do It, Who Should Not and Who Should Take Precautions

Everyone 6 months and older is recommended for annual flu vaccination with rare exception. For the 2016-2017 season, CDC recommends use of injectable flu vaccines—inactivated influenza vaccine (or IIV) or the recombinant influenza vaccine (RIV). The nasal spray flu vaccine (live attenuated influenza vaccine or LAIV) should not be used during 2016-2017.

This page lists all people recommended to get a flu vaccine, who can and can't get the flu shot and who should take precautions or talk to their doctor or other health care professional before vaccination. Talk to your doctor or nurse if you have any questions regarding which flu vaccine is best for you and your family.

Vaccination is particularly important for people who are at high risk for serious flu [complications from influenza](#).

People who can get the flu shot:	People who can't get the flu shot:	People who should talk to their doctor before getting the flu shot:
<ul style="list-style-type: none"> Different flu shots are approved for people of different ages (<i>see Note below</i>), but there are flu shots that are approved for use in people as young as 6 months of age and up. Flu shots are approved for use in pregnant women and people with chronic health conditions. 	<ul style="list-style-type: none"> Children younger than 6 months are too young to get a flu shot. People with severe, life-threatening allergies to flu vaccine or any ingredient in the vaccine. This might include gelatin, antibiotics, or other ingredients. <p>(<i>See Special Considerations Regarding Egg Allergy below for more information about egg allergies and flu vaccine.</i>)</p>	<ul style="list-style-type: none"> If you have an allergy to eggs or any of the ingredients in the vaccine. Talk to your doctor about your allergy. <p>(<i>See Special Considerations Regarding Egg Allergy below for more information about egg allergies and flu vaccine.</i>)</p> <ul style="list-style-type: none"> If you ever had Guillain-Barré Syndrome (a severe paralyzing illness, also called GBS). Some people with a history of GBS should not get this vaccine. Talk to your doctor about your GBS history. If you are not feeling well, talk to your doctor about your symptoms.

Note: There are certain flu shots that have different age indications. For example, people younger than 65 years of age should not get the [high-dose flu shot](#) or the [flu shot with adjuvant](#), and people who are younger than 18 years old or older than 64 years old should not get the [intradermal flu shot](#).

Special Consideration Regarding Egg Allergy: The recommendations for vaccination of people with egg allergies were changed for 2016-2017 flu season. People with egg allergies can receive any licensed, recommended age-appropriate influenza vaccine and no longer have to be monitored for 30 minutes after receiving the vaccine. People who have severe egg allergies should be vaccinated in a medical setting and be supervised by a health care provider who is able to recognize and manage severe allergic conditions.