



## Important Message to our fellow Business Owners, Clients and Communities

We are closely following the latest guidance from the Centers for Disease Control (CDC), the World Health Organization (WHO), local governments, and public health agencies and are prepared to navigate these challenging circumstances with everyone's safety in mind.

Like all of you, we are closely following the latest guidance from the Centers for Disease Control (CDC), the World Health Organization (WHO), local governments, and public health agencies and are prepared to navigate these challenging circumstances with everyone's safety in mind.

Our physical office remains open to continue to serve our clients during this evolving situation. Social distancing protocols, class size limitations, and pre-entry screening have become a part of our daily lives.

Due to heightened health and safety measures recommended by the CDC and implemented by state and local health departments, we have enacted the following:

- Capacity is limited to not more than 10 people at a time in one area.
- Our staff disinfects all common surfaces after each class
- Masks may be required when social distancing cannot be maintained
- 1st Aid/CPR courses will require each student utilize their own mannequin. There will be no sharing of supplies of mannequins during class.
- Respiratory fit tests, drug test collections, and alcohol breath collections will be conducted according to the current best practices.

Our sincerest gratitude for your business and the opportunity to serve you. Considering the current global situation surrounding the Coronavirus (COVID-19) pandemic, we wanted to reach out and share the actions [MJS Safety LLC](#) is taking to keep your operations up and running.

[carriejordan@mjssafety.com](mailto:carriejordan@mjssafety.com) — [mjs@mjssafety.com](mailto:mjs@mjssafety.com) — [jeremyjordan@mjssafety.net](mailto:jeremyjordan@mjssafety.net)

*Because information regarding COVID-19 and its widespread effects is ever-changing, articles in this month's newsletter referring to COVID-19 will show the release date of the information. We will do our best to pass along the most current information. However, if an article relates to you or your industry directly, you may want to check for any updates that might affect you.*

Here are some of the many helpful Resource links:

- [CDC – Centers for Disease Control](#)
- [CDPHE – Colorado Department of Public Health and Environment](#)
- [WHO - World Health Organization](#)
- [Water and COVID-19 Frequently Asked Questions](#)
- [OSHA Guidance on Preparing Workplaces for COVID-19](#)
- [OSHA Alert — Prevent Worker Exposure to Coronavirus \(COVID-19\)](#)
- [DOL Resources to help Workers and Employers Prepare for the COVID-19 virus](#)
- [Colorado Works — Temporary Assistance for Needy Families \(TANF\) program](#)
- [Colorado PEAK - Medical, Food, Cash, and Early Childhood Assistance programs](#)
- [Covid19.colorado.gov](#)

Check out ODCinfore Wildfire Smoke precautions & 2020-2021 Flu Shots ..... Please remain Safe & Healthy!



**COLORADO**  
Department of Revenue

**Important Updates from the State of Colorado/ Colorado Department of Revenue**

Home page for Colorado Department of Revenue – Division of Motor Vehicles - [link](#)

→ Please see the Home page for detailed information on what will be required prior to visiting one of the locations. Here's the [link](#) for complete details.

► **MJS SAFETY TRAINING ANNOUNCEMENT**

**MJS SAFETY LLC** is proud to continue offering Operator Qualifications through a variety of programs such as NCCER and O.Q.S.G. to our OQ Services.

**MJS SAFETY LLC** is an "Authorized Assessment Center" for Proctoring Final Assessments and completing Performance Evaluations for O.Q.S.G. and NCCER – as well as other OQ disciplines such as MEA-EnergyU, Veriforce & EnergyWorldNet. [call to schedule](#) [read more...](#)

► **Training Summary / Class Schedule** • *TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543* • [read more...](#)

→ **Distance Learning & Video Conference classes:** *We are excited to announce that PEC will be allowing us to temporarily offer Safeland and the PEC H2S Clear courses via video conferencing until the end of May. We are also able to offer the 1<sup>st</sup> aid/ CPR classes with an online blended learning option, and remote skills verification – as well as our In-House H2S Awareness Course. Ask about other distance learning opportunities for more information.*

→ **Video Conference Courses Must Be Scheduled Separately and Are Available Upon Request.**

**OSHA / CONSTRUCTION NEWS SUMMARY**

► **4 Quick Tips to Help You Ace OSHA Secondary Container Labeling**

**What Does Secondary Container Mean? ...and Other Terms to Know Before Starting** [read more...](#)

► **The Benefits of having a Happier Workplace**

Remember that workplace safety is not only about physical dangers, but also about how employees treat one another. [read more...](#)

► **Join the National Safety Stand-Down** to prevent falls in construction — **September 14-18, 2020**

Fatalities caused by falls from elevation continue to be a leading cause of death for construction employees, accounting for 320 of the 1,008 construction fatalities recorded in 2018 (*BLS data*). [read more...](#)

► **Are You Confident Your Remote Workers Are Safe?**

With tens of millions of Americans returning to work after the COVID-19 quarantine, the workspaces they are returning to aren't the same places as when they left them months ago. [read more...](#)



► **Ensure Productive Facility Safety Inspections**

Facility safety inspections are important for all businesses, regardless of their size. [read more...](#)

**OIL & GAS SUMMARY**

► **Sudden Uncontrolled Pressure Release Precautions for Oil and Gas Industry – Hazard Alert**

Increased pressure released during the commissioning/decommissioning, maintenance, and repair of pressurized lines and equipment such as gases (well, natural, liquefied), steam, crude oil, petroleum products, slurry, chemicals, water, hydraulic, and air can be fatal. [read more...](#)

**TRANSPORTATION NEWS SUMMARY**

► **Reminder: Chain Law Carry Requirements Start Tuesday**

Reminder, the requirement to carry adequate chains on I-70 between Morrison and Dotsero begins on Sept 1<sup>st</sup>. [read more...](#)

► **FMCSA Extends Emergency Relief Declaration to Sept. 14**

The **FMCSA** has again extended its emergency declaration relaxing hours-of-service rules for motor carriers that are providing direct assistance in support of coronavirus-related relief efforts. [read more...](#)

► **Severe Physical Setback Might Not End Career**

The **Federal Motor Carrier Safety Administration** has come a long way in acknowledging that drivers with certain disabilities are safe to be on the road. [read more...](#)



▶ **REGULATORY LIMBO: As larger carriers tout benefits of hair sample drug testing, mandated reforms nowhere in sight**



Though a band of the country's largest for-hire motor carriers continue to promote the benefits of screening drivers for drug use via hair sample testing over a urine sample test... [read more...](#)

▶ **Top 15 Most Intense States for Maintenance, Brake Violations**

Even with the long-underway priority drift toward an emphasis on traffic enforcement in the truck-enforcement community writ large, violations of the **Federal Motor Carrier Safety Regulations** as captured on inspection reports remained dominated by vehicle-related violations. [read more...](#)

▶ **TSA Extends Hazmat Endorsement Renewal Waiver Through October**

The Transportation Security Administration is extending for 90 days a waiver from renewal of the **Hazardous Materials Endorsement Security Threat Assessment** for certain individuals. [read more...](#)



▶ **Tough Brake: With Inspection Blitzes Looming, Brake Issues Continue to Dominate Out of Service Violations**

The **Commercial Vehicle Safety Alliance's** (CVSA) conducted its **Brake Safety Week** August 23-29. [read more...](#)

▶ **At Roadside, Inspectors are Asking More Drivers, Fleets to Transfer E-Log Data Remotely**

Ensure your drivers know how to transfer e-log data to inspectors at roadside via the web transfer ... [read more...](#)

▶ **FMCSA Enforcement Chief Details How Drivers Can Pause 14-hour Clock Under New Regs**

Most significantly, the new rule, which takes effect Sept. 29 at 12:01 a.m. ET... [read more...](#)



▶ **Your Remedies When a Fleet Blacklists You**

If you've been defamed by a former trucking employer, you have the right to tell your side of the story. [read more...](#)

▶ **Tire Maintenance: It's Not Just Checking Tire Pressure**

Have you read articles on tires until you are blue in the face? [read more...](#)

▶ **With Expanded Authority, FMCSA Ramps Up Offsite Compliance Reviews of Motor Carriers**

Leveraging new authority granted as part of the federal government's **COVID-19** emergency declaration, the **FMCSA** this year has ramped up its offsite compliance reviews of motor carriers' records and safety practices. [read more...](#)

▶ **Trucking Law: WHEN TRYING TO HELP AT ACCIDENT SCENE CAN HURT YOU INSTEAD**

If you are in an accident, always keep in mind your own legal protection. [read more...](#)

## MSHA NEWS SUMMARY

▶ **MINE FATALITY** — On July 29, 2020, a miner was injured when his arm became entangled in a stacker conveyor belt. [read more...](#)

▶ **Mobile Equipment at Surface Mines**

Haul trucks and other large surface mining vehicles are capable of destroying smaller vehicles that cannot be seen by the operator. [read more...](#)



▶ **Seat Belt Usage**

One of the easiest things an equipment operator can do to stay safe is to fasten his or her seat belt. [read more...](#)



## MONTHLY SAFETY & HEALTH TIP NEWS SUMMARY

▶ **3 Ways to Keep Employees Safe When Social Distancing is Not Possible**

[read more...](#)



**MJS SAFETY LLC** is proud to offer NCCER, OQSG, Energy Worldnet, MEA EnergyU, and Veriforce Operator Qualifications.

**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](#).

## MJS Safety OFFERS DRUG & ALCOHOL TESTING to comply with DOT/FMCSA, PHMSA & Non-DOT requirements.

*We offer an in-house drug testing consortium pool with customer service that cannot be beat.*

We also provide assistance with 3<sup>rd</sup> party Drug Testing Compliance Auditing through NCMS, TPS Alert & Veriforce, as well as DISA account management.

**“Training Spotlight”**

*(there will be a different course featured monthly)*

**PEC CORE COMPLIANCE COURSE (3 Day) & PEC CORE REFRESHER COURSE (1 day)**

This course is an expanded course that goes more in-depth on many different topics that the Safeland Basic Orientation. This course is required by some operators in the Oil & Gas industry, and is ideal for supervisors, foremen, safety personnel, and others who need an expanded knowledge of the basic requirements as well as compliance and mitigation strategies. The annual refresher is a 1day course.

For all of our Course Offerings visit the [MJS Safety website](#)

► *MJS Safety also offers custom classes to fit the needs of your company* ◀

**SOURCES FOR THIS ISSUE INCLUDE:**  
 OSHA  
 FMCSA  
 MSHA  
 Overdrive  
 CDC  
 CCJ  
 Avery Industrial  
 NIOSH  
 OH&S  
 ISHN  
 tt Express  
 AdvancedUrgent  
 Care&Occupational  
 Medicine  
 Mayo Clinic  
 RigDig.com  
 Trucking Law  
 WORDTRUCK  
 LesSmart, pres.  
 SmartFleetMgmt

**Schedule of classes Aug 2020:** • *TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543*

• [SEE MORE INFORMATION FOR](#) Distance Learning & Video Conference classes

- \*PEC Safeland Basic Orientation: September 10, 18, 30; 8 – 4:30;  
*This class is available through video conference instructor led distance learning through 12/31/2020 - only upon request*
- \*First Aid/CPR/AED/BLOODBORNE PATHOGENS (We offer MEDIC FIRST AID): September 15, 29; 8 – noon;  
*This class available for blended learning (online) with remote or in-person skills assessment*
- \*Hydrogen Sulfide Awareness [ANSI Z390 -2017 Course]: September 15, 29; 12:30 – 4:30;  
*This class available via Instructor Led video conference*

\* In-person classes are limited to 9 people at this time in accordance with social distancing guidelines.

[ For any last minute schedule updates, go to [www.mjssafety.com](http://www.mjssafety.com) ]

► **NEED ANY OF THESE CLASSES IN SPANISH? CONTACT** [carriejordan@mjssafety.com](mailto:carriejordan@mjssafety.com) **TO SCHEDULE TODAY** ◀

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
- Competent Person for Excavations
- HAZWOPER 8, 24 & 40 Hr Courses

Order  
**First Aid & other  
 Safety Supplies**  
[www.mjssafety.com](http://www.mjssafety.com)  
 Jeremy 720-203-6325  
 Carrie 720-203-4948  
 or Mike  
 303-881-2409

**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, and Storm Water & ISO

**or you can**

**Need Help With**

- ISNetwork
- PEC/Veriforce
- NCMS
- Avetta/BROWZ
- TPS ALERT

**CALL US!!!**

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



## 4 Quick Tips to Help You Ace OSHA Secondary Container Labeling

### What Does Secondary Container Mean? ...and Other Terms to Know Before Starting

Labeling secondary containers for chemicals is often confusing because it generally doesn't involve manufacturing or distributing hazardous chemicals, but rather using them in the workplace. In order to be sure your secondary chemical labels are **OSHA-compliant** it's important to understand a few key terms.

#### Primary Container Definition

The original container in which a chemical arrives from the supplier is considered the primary container. The primary container label for a hazardous chemical should always be an **OSHA-compliant GHS** chemical label and contain all information needed to create a compliant secondary container label.

#### Secondary Container Definition

Once you have transferred a chemical from its original container (*in which it arrived from the supplier*) to a new one, that container is considered secondary. Ideally secondary chemical containers should follow the same **GHS** chemical container label guidelines as primary containers with a few exceptions.

Some examples of secondary containers include, chemical transfer containers (*such as a beaker or test tube in a lab*), spray bottles, large stationary tanks and smaller containers used to store chemicals that arrived in larger primary containers.

#### Immediate Use Definition

In relation to the use of hazardous chemicals, [OSHA HazCom Standard 1910.1200\(c\)](#) defines **Immediate Use** as "the hazardous chemical will be under the control of and used only by the person who transfers it from a labeled container and only within the work shift in which it is transferred."

#### Work Area Definition

**Section 1910.1200(c)** also provides a clear definition for **Work Area** as "a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present."

## 4 QUICK TIPS

### OSHA COMPLIANCE FOR SECONDARY CONTAINERS

-  **Start with OSHA-Compliant Safety Data Sheets.**  
Double check you have received updated SDSs from all upstream suppliers so you have all necessary info for secondary container labels.
-  **Play it Safe with GHS Labels for All.**  
Secondary containers are **ONLY EXEMPT** from OSHA HazCom label guidelines when they're intended for immediate use by the employee who transferred the contents from the primary container.
-  **Choose Durability & Ensure Legibility.**  
Choosing labels designed to withstand tough industrial environments ensures your labels will not be damaged, illegible or missing on inspection day.
-  **Decrease Lead Time: Print Your Own Labels.**  
Avery® Industrial delivers reliable, convenient on-site printable GHS labels. No special equipment or software needed to print on-demand from your own printer any time.

#### Tip #1: Start with OSHA-Compliant Safety Data Sheets

Every primary container containing hazardous chemicals should arrive from the supplier with an **OSHA-compliant Safety Data Sheet (SDS)** that follows **GHS** standards. The information on the **SDS** is necessary to create **GHS** chemical labels that are **OSHA-compliant**.

Before attempting to label any secondary container for chemicals, double-check you have received updated **SDS** from all upstream suppliers. This ensures you have all the required information for creating secondary container labels that pass on inspection day.

#### Tip #2: Play it Safe with GHS Labels for All Chemical Containers

**OSHA HazCom** standards allow for some limited flexibility when labeling secondary containers. For example, there are six clear elements required for primary containers but less strict, more nuanced specifications for secondary containers.

It's important to note that the less stringent requirements for secondary containers must be accompanied by auxiliary information (*such as safety data sheets*) that is readily available to employees. This ensures employees always have access to specific information regarding any hazardous chemical in the workplace.

## Information Secondary Container Labels Must Contain

**OSHA** labeling requirements for secondary containers (*that **do not** qualify for exemption*) are outlined in **HazCom standard 1910.1200(f)(6)(ii)** and summarized listed below.

- **Product Name/Identifier.** This should match the product identifier on the safety data sheet.
- **General Hazard Statement.** This can be communicated with words, pictures symbols or any combination thereof that provides at least general physical and health hazards associated with the chemical.

## Secondary Container Exemptions

Secondary containers can be exempt from **GHS** labels if specific conditions are met. Firstly, the chemicals transferred to the secondary container must be intended for immediate use. Secondly, they must be used by the employee who transferred the contents from the primary container.

One example of an exempt secondary container would be a bucket or tub used to dilute solvents for cleaning during the same shift. However, you must be careful that leftover cleaning solutions and other chemicals **originally** intended for immediate use are not stored without a proper **GHS** chemical label.

## How to Protect Your Company

Additionally, [OSHA directive CPL 02-02-079](#) reiterates that the employers who choose to use alternative labeling methods for secondary containers are still held accountable for ensuring employee hazard awareness.

Employers facing enforcement actions (*ranging from citations to civil suits and criminal charges*) must prove the hazards were communicated to employees at a level equal to or exceeding what would have been accomplished using full **GHS** labeling methods.

It's easy to see how these minute and specialized distinctions provide opportunities for error. The best way to ensure your secondary containers pass **OSHA** inspection is to play it safe and use the full **GHS** label on all chemical containers. This means following the **GHS** standards for labeling primary hazardous chemical containers regardless of transference of contents or intended use.

## Tip #3: Choose Durable Secondary Container Labels to Ensure Legibility

You've consulted the **SDS** from the supplier. Your secondary container label contains all six required elements. You're all set for inspection day, right? **Wrong.**

Regardless of whether you've followed all **OSHA** guidelines when labeling secondary containers, if the label is damaged or falls off, you can still be cited for a **HazCom** violation. Choosing [secondary container labels](#) designed to withstand tough industrial environments ensures your labels will not be damaged, illegible or missing on inspection day.

Secondary containers are often the containers most often used regularly (*if not daily*). That means they are subjected to the most wear and tear— heavy-duty use that paper labels simply cannot withstand. **Avery® Industrial GHS Chemical Labels** are made from durable polyester material, are waterproof and specifically designed to resist damage from chemicals, abrasions, UV rays and extreme temperatures.

## Tip #4: Decrease Lead Time: Print Your Own Secondary Container Labels

**Avery Industrial** gives you the tools to effectively and efficiently handle **OSHA** chemical labeling in your facility. When you have control of creating your own secondary container labels, you're always prepared for inspection day (*even if that day is today*).

Create your own custom secondary container labels with free online design templates that don't require any downloads or installation. No need to waste money on expensive specialty printers, **Avery** gives you the power to print on-demand from your own laser or inkjet printer.

Print secondary container labels on your own schedule with reliable, convenient on-site printable labels designed to work hard for you.

## Join the

# NATIONAL SAFETY STAND-DOWN

TO PREVENT FALLS IN CONSTRUCTION

SEPTEMBER 14-18, 2020

Fatalities caused by falls from elevation continue to be a leading cause of death for construction employees, accounting for 320 of the 1,008 construction fatalities recorded in 2018 (BLS data).

### Those Deaths Were Preventable.

The **National Safety Stand-Down** raises fall hazard awareness across the country in an effort to stop fall fatalities and injuries.

## What is a Safety Stand-Down?

A **Safety Stand-Down** is a voluntary event for employers to talk directly to employees about safety. Any workplace can hold a stand-down by taking a break to focus on "**Fall Hazards**" and reinforcing the importance of "**Fall Prevention**". Employers of companies not exposed to fall hazards, can also use this opportunity to have a conversation with employees about the other job hazards they face, protective methods, and the company's safety policies and goals. It can also be an opportunity for employees to talk to management about fall and other job hazards they see.

## The Benefits of having a Happier Workplace

Remember that **workplace safety** is not only about **physical dangers**, but also about how **employees treat** one another. When **workers know** that they are **employed** by a company that **truly cares** about their **well-being**, they are going to be **happier** about clocking in each **morning**. While management should **already understand** employee **respect**, it is also up to the **employees** to know how to **respect** one another.

A **hostile work environment** is one where **people** are **singled out** for anything from **bullying** to **sexual harassment**. This **negative behavior** is not always as obvious as **name-calling** but could include things like **excluding pregnant employees** from doing their **jobs** and making **off-color jokes** even when you think **no one** is listening. Those who feel **uncomfortable** in the workplace are **destined** to find other jobs, so for the sake of **employee retention**, have meetings where you **talk about** how to **properly interact** with one another, and **encourage** anyone to **come forward** if they see something **untoward** going on.

That is the **key**. Your company must **absolutely** have an **open-door policy** where **employees** can **come forward** if they are **injured** on the job or **file a complaint** when there is a **clear safety violation**. The same goes if they are being **harassed** or see the **harassment** of another employee. By **creating** this **safe space** and **encouraging communication**, you will have **employees** who will be **happy** to stay with your organization, and they will also **bring in other high-quality referrals**.

## Who Can Participate?

Anyone who wants to prevent hazards in the workplace can participate in the **Stand-Down**. In past years, participants included commercial construction companies of all sizes, residential construction contractors, sub- and independent contractors, highway construction companies, general industry employers, the U.S. Military, other government participants, unions, employer's trade associations, institutes, employee interest organizations, and safety equipment manufacturers.

## Partners

**OSHA** is partnering with key groups to assist with this effort, including the **National Institute for Occupational Safety and Health (NIOSH)**, the **National Occupational Research Agenda (NORA)**, **OSHA approved State Plans**, **State consultation programs**, the **Center for Construction Research and Training (CPWR)**, the **American Society of Safety Engineers (ASSE)**, the **National Safety Council**, the **National Construction Safety Executives (NCSE)**, the **U.S. Air Force**, and the **OSHA Training Institute (OTI) Education Centers**.

## How to Conduct a Safety Stand-Down and [FAQ's](#)

Companies can conduct a **Safety Stand-Down** by taking a break to have a toolbox talk or another safety activity such as conducting safety equipment inspections, developing rescue plans, or discussing job specific hazards. Managers are encouraged to plan a **Stand-Down** that works best for their workplace anytime. See [Suggestions to Prepare for a Successful "Stand-Down"](#) and [Highlights from the Past Stand-Downs](#). **OSHA** also hosts an **Events page** with events that are free and open to the public to help employers and employees find events in your area.

If you plan to host a free event that is open to the public, see **OSHA's Events page** to submit the event details and to contact your [Regional Stand-Down Coordinator](#).

## Certificate of Participation

Employers will be able to provide feedback about their **Stand-Down** and download a **Certificate of Participation** following the **Stand-Down**. The certificate pages will be active on September 14, 2020, for employers to enter their information and print their certificate.

[See complete details](#)

# Are You Confident Your Remote Workers Are Safe?



With tens of millions of Americans returning to work after the COVID-19 quarantine, the workspaces they are returning to aren't the same places as when they left them months ago. While the spread of the deadly virus is somewhat under control, employers now need to take different steps when protecting their team, particularly for those who are working alone. In addition to the existing workplace hazards prior to the pandemic, remote or lone workers must also be protected from a hazard that is invisible to the human eye.

With social distancing guidelines and widespread budget cuts in place, workers may now be separated or finding themselves solitary, requiring some of them to perform their jobs alone. With these new circumstances, you need to take further steps to make sure you know where your lone workers are and if they're safe.

Does it seem a bit daunting? You're not the only one who feels this way. But thankfully, there are ways to combat this microscopic enemy, giving you some peace of mind that your lone workers are out of harm's way.

## ► **Conduct a hazard-risk assessment**

Before the pandemic, there was already a number of workplace hazards to worry about. But because of the recent health crisis, your workplace may now have new risks that need to be identified for the safety of your team. The possibility of COVID-19 infection presents a new set of workplace hazards, that include sanitation and social interaction risks. Before you look at ways of protecting your lone workers, you need make an exhaustive list of all of the risks and hazards that pose a threat to your team. Your risk assessment will be an evolving document as new hazards and challenges arise.

## ► **Develop and implement a working alone policy**

A lone worker policy is an effective way to ensure that your lone workers are well-educated on your company's work-alone rules and have extensive knowledge of all workplace hazards that could be encountered on the job. It's a useful tool that ensures both employers and employees are aware of the risks involved with lone work. When developing this policy, consider the potential legal ramifications of protecting your workers. This is another reason to implement proactive safety measures before an accident occurs, not only hurting your valued team members but harming your organization as well.

## ► **Thoroughly train workers and managers**

Once you've developed your lone worker policy, you need go through the policy with your team, making sure they know how to deal with the identified risks. Training your team can involve workshops, courses and even mock scenarios where you have your team run through an emergency situation to help them practice the proper response. This training is also a valuable opportunity to engage your remote team, helping build comradery within your organization.

## ► **Provide the appropriate equipment and tools**

Along with the proper systems, policies and training in place, lone workers need the appropriate tools to safely perform their daily tasks. Well-equipped workers result in not only work being properly done, but staff who are more safe and protected from any risks. As the employer, it is your responsibility to equip your workers with the safest, most updated equipment and tools available.

## ► **Be prepared for a worst-case scenario**

This was important before but it's even more important now – make sure you have developed an emergency communications plan for when the safety of your lone workers is unfortunately compromised. When an emergency does take place, a thought-out, well-developed communications plan is integral to the safety of your workers, especially those working remotely and alone. Part of your plan can include an automated lone worker monitoring tool that include proactive check-ins, location tracking and fall detection.

## ► **Promote a culture of safety**

One of the easiest steps you can take to protect your workers is establish a culture of safety within your company. Whether it's having accessible first aid kits in the office and work area, encouraging and demonstrating tidy work areas, or posters/stickers reminding staff to regularly wash their hands or wear their hard hats, creating an environment where safety is clearly a priority, can go a long way for the well-being of your team and lone workers.

## ► **Don't forget about mental health**

The mental health of your team should be priority regardless of what industry you're in. But for those working alone, you need to pay extra attention to their emotional well-being because they are lacking that social contact and interaction. If possible, provide your workers with resources such as counselling, gym or yoga memberships, and/or meditation apps.

## ► **Proactive action during COVID-19**

Some of the most effective weapons against the spread of COVID-19 are, of course, washing your hands, wearing face masks, practicing social distancing and employing contact tracing. Contact tracing identifies those who have been in contact with an infected person, tests them for infection and then treats them if needed, isolating cases before it spreads. Contact tracing can be done manually, requiring a lot of time, or it can be performed using an automated system. A solid contact tracing system will prevent the spread of the virus within your company and the community, allowing you to continue your operations.

# Ensure Productive Facility Safety Inspections

Facility **safety inspections** are important for all businesses, **regardless** of their size. The objective of these **internal audits** is to identify hazards, monitor **Occupational Safety and Health Administration** standards, and ensure that **corrective actions** are taken **appropriately**.

The specifics of your **safety inspection** will depend on the **size and nature** of your business. For instance, if your **manufacturing site** has **large outdoor areas** you'll need to include **outside inspections**. Develop checklists for each **inspection** that must be **carried out** and involve workers in the **process** of **creating** the lists to ensure **every facet** of operations is **covered**.

Whatever the **final checklist** looks like, this **collaboration** will make employees **feel valued** and included. Promoting health and **safety** as a core value of your **company** and empowering **staff members** to uphold these standards **shows respect** for their wellbeing and **initiative**. They'll see that they are **part of a team** and be inclined to **work harder**.

Trained **safety officers** who are familiar with **legal regulations** should have the **final say** on the checklists, but **workers' contributions** are important. The **benefits** of this **team effort** are so great that some people even **count** them as one of the reasons **facility safety** inspections are important for **business**. Six other **reasons** are **listed below**.

## 1. You'll Be a Step Closer to ISO 14001 Certification

The **International Standards Organization (ISO)** has created a family of standards, the **ISO 14000**, related to environmental management. Collectively, they help companies to minimize their operations' impact on the environment, comply with environmental laws and regulations, and continuously improve their environmental management standards.

Specifically, **ISO 14001** defines the criteria for an environmental management system. Rather than stating the specific requirements of any organization, **ISO 14001** helps executives to map out the company framework and chart their course for setting up an effective management system. If you achieve **ISO 14001** compliance, you can feel confident that you're doing everything possible to keep your business environmentally friendly.

## 2. Transparency and Green Marketing Will Gain Shareholder Trust

Protecting the earth for future generations is more than enough motivation to implement **ISO 14001**, but doing so can also be very good for business. By identifying key areas where they're succeeding or failing at protecting the environment, companies can honestly show customers and shareholders the efforts that they're putting in.

If organizations share the results of inspections, state what they will be doing to better the situation, and then execute those changes, they'll distinguish themselves by going above mandatory reporting, something that is increasingly sought after in today's competitive economy. When this is done in relation to environmental measures, it also increases the company's green marketing (developing and advertising products based on environmental sustainability) which is attractive to stakeholders and clientele alike.

## 3. You'll Save Money

Small measures taken before anything goes wrong will save you a lot of money in the long run. By avoiding major incidents, you won't have to cover workers' compensation, customer temporary employees, or equipment repair or other costs.

For example, if an inspection shows that a machine isn't performing up to standard you can have it serviced before it malfunctions and causes an accident. From making sure that salon hair dryers are working properly and won't burn clients' heads to checking that factory conveyor belts are running smoothly, safety checks will identify where you need to spend a little money to save you having to spend a lot.

## 4. You'll Optimize Efficiency

When you change processes to become safer you often make them more streamlined and efficient too. To return to the examples of the salon hairdryer and the factory conveyor belt, if you make sure they're functioning properly by increasing their service schedules, they'll work faster and use less electricity. Your productivity will go up while your power costs go down, raising your profits and lowering your costs respectively.

*Not only does reducing consumption of energy optimize your organization's efficiency, this practice also reduces your carbon footprint – which you can report on in your green marketing campaign. When the best course of action for the planet matches your plans to ensure maximum profit, you're witnessing principles of best business practice at work.*

## 5. You'll be Prepared for External Audits

If you know that your company underwent a full internal audit recently, you'll feel ready for any spot external examinations from **OSHA** and other agencies. Since failure to comply with authorities' requirements can result in steep fines, it's highly recommended that you keep all health and safety measures up-to-date and in line with regulations.

When you know you're prepared, you'll have total peace of mind. Not only is your business ready for an outside audit, but your attitude will help create a positive corporate culture leading to happier and more productive employees.

## 6. Above All, the Workplace Will be Safer

The wellbeing of clients, customers and employees should be the primary concern of every manager and executive. Running internal inspections and then following up on the auditors' recommendations is the ideal way to ensure this health and safety. Showing that you care about your workforce and clientele has the added benefits of improving your public image and strengthening workers' loyalty to your company.

## Final thoughts

Regular internal safety audits using **formalized checklists** are vital to the public image, **cost-efficiency**, and worker **productivity** of all organizations. Regardless of the size of your **enterprise**, you'll **benefit** from taking these **measures**.

Take the time to **compile** thorough **checklists** for **all areas** of your workplace, on both the **office** and the **factory floor**. At the same time as **adhering** to all **legal regulations**, get input from as many **staff members** as you can.

**Hearing** from individuals who are on the front line will give you **valuable insights** into the **safety measures** and checks that you should **include** in your **inspection** – and will boost their **overall levels** of morale and **motivation**. If you use all this **information** to create **checklists** that include **environmental impact**, you'll increase the **wellbeing** not only of your **employees** and overall **organization**, but of the **planet too**. And in **today's day** and **age**, that's **equally important**.

# Sudden Uncontrolled Pressure Release

## Precautions for Oil and Gas Industry – Hazard Alert

Increased pressure released during the commissioning/decommissioning, maintenance, and repair of pressurized lines and equipment such as gases (well, natural, liquefied), steam, crude oil, petroleum products, slurry, chemicals, water, hydraulic, and air can be fatal.

When uncontrolled pressure is released, workers are also at risk of being struck by projectile materials such as valves, metal fragments, plugs, pipes, shock-waves, and hoses.

Conducting assessments to ensure controls are in place and proper safe work procedures or effective mechanical integrity programs are established and followed can keep workers safe.

### Causes and Triggers

#### Equipment, valves, and/or pipe failures:

- Improper equipment (e.g., inadequate anchors) or tools for the task
- Degraded integrity of equipment, valves, or pipes
- Mismatched pipes, hammer unions, or valve connections

#### Changing conditions:

- Change in work process, leading to unidentified hazards or unknown pressure
- Severe weather (e.g., freezing and ice plugs)
- Abnormal operating conditions (AOCs)

#### Improper work practices:

- Working on live lines without lockout/tagout (LOTO) or isolation protocol
- Relieving trapped pressure
- Improper or no installation of pipe restraints or anchors
- Entering restricted (no-go/danger) zones
- Insufficient inspection or maintenance
- Lines incorrectly rigged up, marked, or identified

### Employer Responsibilities

#### Conduct exposure and hazard assessments at the worksite and review with workers, including:

- Risk Assessment
- Job Safety Analysis (JSA)
- Hazard Assessment
- Personal Protective Equipment (PPE) Hazard Assessment

#### Establish safe work practices and procedures and provide specific training to workers for:

- Operating procedures
- LOTO work (plan, prepare, lock, tag, verify, reinstate)
- Energy isolation (e.g., blind, double block and bleed)
- Mechanical integrity
- Inspection and testing
- Proper equipment design, maintenance (able to relieve trapped pressure)
- Blow-down/bleed-off procedures
- Equipment function and drawings
- Hot work procedures
- Established restricted (no-go/danger) zones
- PPE
- Emergency procedures
- Other applicable safe work procedures

### Worker Responsibilities

- Participate in Hazard Assessments
- Follow safe operating procedures (SOPs) and JSAs
- Understand and practice energy isolation and pressure release principles
- Stand clear of the “line of fire” - watch body position relative to potential pressure release
- Follow blow-down/bleed-off procedures
- Attend job-specific training
- Use required PPE
- Focus on job tasks (think before you act, don’t skip safety procedures, and avoid complacency)
- Stop work and reassess (e.g., any components difficult to open or remove because of pressure, job scope or individual task assignments changed after the hazard assessment/JSA)

**If you’re uncertain about potential risks or have questions,  
STOP THE JOB AND ASK – IT COULD SAVE YOUR LIFE!**

[Download this](#), and other HAZARD ALERTs at National STEPS Network [OSHA / NIOSH / STEPS Alliance Products - Hazard Alerts](#)



## Reminder: Chain Law Carry Requirements Start Tuesday

As a reminder, the requirement to carry adequate chains on I-70 between Morrison and Dotsero begins on Tuesday, September 1<sup>st</sup>.

*Please alert your drivers and maintenance folks to put them on your mountain trucks.*

August 12, 2020

## FMCSA Extends Emergency Relief Declaration to Sept. 14

The **Federal Motor Carrier Safety Administration** has again extended its emergency declaration relaxing hours-of-service rules for motor carriers that are providing direct assistance in support of coronavirus-related relief efforts.

The emergency declaration, set to expire Aug. 14, has been extended to Sept. 14 and applies to all 50 states and the District of Columbia. It has been expanded to include emergency restocking of distribution centers and stores.

Specifically, the agency's declaration is limited to the transportation of:

- Livestock and livestock feed.
- Medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19.
- Supplies and equipment necessary for community safety, sanitation and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants.
- Food, paper products and other groceries for emergency restocking of distribution centers or stores.

The agency said the modified declaration became effective at 12 a.m. Eastern time Aug. 15, and expires 11:59 p.m. Sept. 14, or until the revocation of the presidentially declared COVID-19 national emergency, whichever is sooner.

## Severe Physical Setback Might Not End Career

**Source:** Dr. Alexander E. Underwood, KT Health Clinic, Springfield, MO, 417-832-8678 or mail@kthealthclinic.com



The **Federal Motor Carrier Safety Administration** has come a long way in acknowledging that drivers with certain disabilities are safe to be on the road. Many drivers come to see me after an accident, whether it be on the road or otherwise, in which they have lost a limb, an eye or their hearing. Fortunately, even after having a life-altering experience, many drivers are able to return to commercial driving.

According to federal regulations: "A person is physically qualified to drive a **CMV** if that person has no loss of a foot, a leg, a hand, or an arm, OR has been granted a [Skill Performance Evaluation](#) certificate and has no impairment of a hand or finger which interferes with prehension or power grasping."

In order to qualify to drive with a missing limb or deficit to a hand, finger or leg, the driver must take a few extra steps. The condition affecting the driver must be fixed and nonprogressive. An amputated hand, by definition, is fixed. The condition cannot progress or worsen. In some missing-limb cases, a driver is required to be fitted with and wear an appropriate prosthetic device.

Nervous system diseases such as multiple sclerosis are progressive. While a patient may have a disease such as MS, neuropathy, myasthenia gravis, etc., that causes a deficit in only one extremity, that driver still would not qualify to apply for a **Skill Performance Evaluation**.

During your **DOT** physical, your examiner will determine whether or not you qualify for an **SPE**. Certain impairments such as a missing finger or toe will not require you to obtain an **SPE** along with your regular **DOT** medical exam. If you're missing several fingers, the medical examiner will decide whether the deficit interferes with prehension or power grasping. As long as you can perform normal driving tasks such as gripping a steering wheel and operating other controls, an **SPE** wouldn't be required.

If the medical examiner determines there is a fixed deficit but you're otherwise medically qualified, the examiner will issue a medical card with the stipulation that you receive an **SPE**. After completing your physical, you must obtain the **SPE application package** from **FMCSA's** website.

Once that's filled out and you're examined by a board-qualified or -certified psychiatrist or orthopedic surgeon, you'll submit the packet. The application asks for a fair amount of detail regarding your driving plans, such as transmission type, number of speeds, types of trailers to be pulled and any modifications to the truck to accommodate you. Many questions relate to the medical evaluations and recommendations that will have been completed by this point.

Over time, I have certified many drivers that went on to obtain an **SPE**. **FMCSA** says it has granted more than **3,000 SPE** certificates to truckers. Whether it is from a congenital limb defect or an accidental amputation of a hand or leg, many drivers go on to have a successful career, even with physical limitations.

Click [here](#) for contact information.

## REGULATORY LIMBO: As larger carriers tout benefits of hair sample drug testing, mandated reforms nowhere in sight



Though a band of the **country's largest** for-hire **motor carriers** continue to promote the **benefits** of screening **drivers** for drug use via **hair sample testing** over a **urine sample test**, a rule from the **U.S. DOT** to allow carriers to **perform hair sample tests** in lieu of **urine testing** is still hung up in **years-long** regulatory limbo.

That's despite a **Congressional statute** passed in **2015** requiring the **Department of Health and Human Services (HHS)** to develop **guidelines** for hair sample **drug tests specific** to trucking — and **despite** what proponents say is a large body of **evidence showing** that hair **sample testing** is more **accurate** in **detecting** prior drug use and, thus, should be a **federally** accepted standard for **drug testing truck drivers**.

"We're looking at some time into **2021** before these **guidelines** would even possibly be **finalized**," said Lane Kidd, director of the **Trucking Alliance**, a coalition of carriers that includes **Schneider, U.S. Xpress, Maverick, Knight-Swift** and **others**. "There's **no reason** to wait that **long**."

The delay by **federal agencies** to enact the **Congressional mandates**, which were set by the **2015 FAST Act**, has **hair-testing proponents** like the **Trucking Alliance** searching for **legal alternatives** that could allow fleets to **drug test** drivers exclusively via **hair sample**. That could mean another **appeal** to Congress, said Kidd, or working with the **Federal Motor Carrier Safety Administration** to find a legal basis for taking up a **rule absent guidelines** from HHS.

In the **meantime**, Kidd advocates for carriers having the **ability** to **upload positive hair sample drug tests** to the new [CDL Drug & Alcohol Clearinghouse](#) so that other fleets have **access** to that **information** when hiring or performing **annual queries**. "That makes so much **sense** I can't see why anyone would oppose that. It makes **highways safer**. It mitigates truck crashes and it **reduces drug-impaired driving**," he said.

HHS is now **bearing down** on being four years **overdue** in publishing the **required guidelines**, which Congress requested to be **completed** by **December 2016**.

A set of **proposed guidelines** should be published in the **Federal Register** within the **next few months**, as an HHS spokesperson said **mid-August** they have cleared the White House's **Office of Management and Budget**. But once those **guidelines** are published, they must still go **back through** the same rulemaking process to become **finalized**. Then, **FMCSA** must take the guidelines and **produce** its own rulemaking to **allow carriers** to opt for **hair tests** over **urine sample tests** — a process that will include a **proposed rule** and a **final rule**, both of which must make their way through the **drawn-out bureaucratic** rulemaking process.

Wilson Risinger, vice president of safety at **KLLM Transport Services**, said in a recent webinar that his **company** has seen a positive drug test rate **10 times higher** with **hair testing** compared to urine. The company began **hair sample testing** in March 2018, but it still must **complete urine** sample tests to **comply** with federal regulations. That's **costly** and **duplicative**, especially for smaller and **medium-sized fleets** that may want to test drivers **via hair**, but can't **afford** to perform both a hair and **urine test**. Allowing carriers to skip **urine sample tests** would remove those **barriers**.

For the first year at **KLLM**, **hair sample tests** yielded a **13.1% positive rate**, and urine testing had a **2.52% positive** rate. In 2019 hair was **10.9%** and urine **1.88%**. This year, the **positive rate** for hair has been **10.7%**, while **urine decreased** to 1.07%.

**Collectively**, since March 2018, more than **900 driver applicants** for KLLM who **tested positive** via a hair test **cleared** a urine test.

"You are going to **lose some drivers**, but that is the **objective**," Risinger said. "We were **good** with that. You have to **train recruiting** to don't waste time and resources on a **candidate** you can't **qualify**."

KLLM has seen a **year-over-year** improvement in **productivity** in terms of miles a **driver** has driven **per week**, month and **quarter**, said Risinger. Likewise, the **fleet** has seen a **reduction** in accidents and **lost-time injuries**. "I can't say it's all due to **hair testing**, but it is a **portion** of that."

Though **hair sample testing** used to be more **expensive** than urine tests, **costs** have come down over the **past two** to three years, said Albert Berger, CEO of Confirm Biosciences, a **drug testing provider** that works with **fleets** on simplifying the **drug screening process**. A key element promoted by **Alliance** and its member fleets, Berger said **hair tests** provide a more **accurate view** of prior drug use, and **hair samples** are more difficult to **adulterate**, he said.

With **urine test**, "because of the **window of detection**, someone could be **using drugs**, then stop using **drugs**, take a **urine** or oral fluid test and **test negative**," he said. "That's **not an option** with hair. The **window of detection** goes back many months."

Maverick USA started **hair testing** in August 2012, said Dean Newell, vice president of **safety** and training. Through **June** of this **year** the company has seen **324 failed hair tests** compared to **18 failed urine tests**. Despite disqualifying those drivers from his **fleet**, Newell is **frustrated** at the **possibility** that anyone able to **skate by** on a urine test that **otherwise** would have failed a **hair test** could still be out on the **highway**, and said the industry should **raise its standard** in an effort to **remove drivers** with a history of **drug abuse** from the road.

"The **scary part** is that **306 people** that have **failed** with me are **possibly driving** with somebody **else**," he said. "I don't think that's **acceptable**. My family is **up and down** the road. It's **critical** that we continue to look at this **issue**."

"It's just the **right thing to do** — to get drivers who are **using drugs** out of the **truck**, period, **end of story**," said Greg McQuagge, vice president of safety at **U.S. Xpress**.

He has been **shocked** by the **number** of drivers who are **testing positive** for cocaine and other **hard drugs**. His assumption was that **marijuana** would **test high** because it is **legalized** in some states.

Since U.S. Xpress **began hair testing** in that latter part of 2018, it has seen a **nine-times-greater positive test rate** with **hair** versus **urine**. About 50% of its hires used to come from **CDL** schools. It started **testing student drivers** in the **fourth quarter** of 2018 before **rolling it out** to the rest of the **fleet**.

The **hair test positive rate** for student drivers **initially** was higher than the **fleet average**. Overall, through **July 2020**, the company has seen a **0.9% positive rate** for urine and **8.55% positive** for **hair tests**.

During the **recruiting process**, "as soon as you **tell drivers** you are doing a **hair test**, they will hang up the **phone** and go to another **company** who is **not performing** a hair test. It is **one** of the **best things** we've **ever done**."

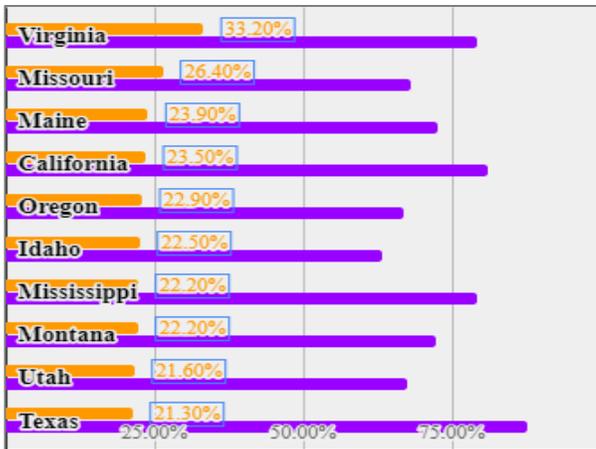
# Top 15 Most Intense States for Maintenance, Brake Violations

Even with the long-underway priority drift toward an emphasis on traffic enforcement in the truck-enforcement community writ large, violations of the **Federal Motor Carrier Safety Regulations** as captured on inspection reports remained dominated by vehicle-related violations.

In 2019, as in prior years, more than 70% of all violations written nationally were for items that contribute to carriers' scores/rankings in the **Vehicle Maintenance Behavioral Analysis and Safety Improvement (BASIC)** category under **CSA**. Though lip service is continually paid to the importance of driver behavior in crashes, for inspectors the vehicle clearly remains a priority — the percentage share of maintenance-related violations, as shown in the chart, actually rose between 2016 and 2018, before falling slightly last year.

It's those vehicle violations, and the brake-related ones in particular, that received some special focus during the annual **Brake Safety Week Aug. 23-29**. For many of the maintenance "top performer" states shown on the list — ranked according to the category of violations' share of total violations in a state — brakes are also prime priorities. States shown in red and shaded on the map rank in each top 15 for the toughest states when it comes to a close focus on maintenance overall and brakes in particular.

In some ways, things have changed little when it comes to the states on the list. Compare the brakes rankings for 2019 (to the right) with the following top 10 for brakes violations (with purple bars showing each state's relevant maintenance-violation percentage) from 2014. Brake violation percentages are indicated by the small orange bar.



Just two states, **California** and **Oregon**, are no longer in the top 10 for the share of brake violations — California, the number one performer of inspections (with a high percentage of clean inspections) per lane-mile of National Highway System in our recent analysis, remains high on the overall maintenance-violation list. They're clearly attentive to vehicle violations — a part of the broader inspections set that occurred with **Brake Safety Week Aug. 23-29**.

See an [itemized table](#) of **Federal Motor Carrier Safety Administration's** violation data.

## Brakes, maintenance: Toughest 15 states

As a share of all violations

**MAINTENANCE VIOLATIONS**

- Texas - 90.1%
- California - 87.2%
- Mississippi - 82.4%
- Virginia - 80.3%
- Montana - 78.8%
- Kentucky - 78.1%
- Alabama - 75.8%
- Florida - 75.6%
- Maine - 75.5%
- New Jersey - 75.3%
- Missouri - 75.2%
- North Dakota - 74%
- Maryland - 74.4%
- North Carolina - 74.3%
- Nevada - 72.9%

**BRAKES**

- Virginia - 25.6%
- North Dakota - 25.1%
- Texas - 22.6%
- Missouri - 22.3%
- Montana - 22.1%
- Idaho - 18.8%
- Kentucky - 17.8%
- Mississippi - 16.8%
- Utah - 16.6%
- Wyoming - 15.3%
- Oklahoma - 15.2%
- Arkansas - 15.1%
- Louisiana - 15%
- Maine - 15%
- Wisconsin - 15%

**Maintenance national average 2016-'19**  
 2019: 75.8%  
 2018: 76.1%  
 2017: 75.8%  
 2016: 75%

Source: RigDigi.com. Percentages indicate that category of violations' share of a given state's total violations. For brake violations, the national average hovers year to year around 15%-16% of all violations.

## TSA Extends Hazmat Endorsement Renewal Waiver Through October

The Transportation Security Administration is extending for **90 days** a waiver from renewal of the [Hazardous Materials Endorsement Security Threat Assessment](#) for certain individuals.

TSA first published the waiver on **April 8** that allows states to extend hazmat endorsement expiration dates for those that expired on or after **March 1**. The waiver was set to expire **July 31**, and it will now be effective through at least **Oct. 29**.

The agency says states and the **American Association of Motor Vehicle Administrators** requested the extension because states continue facing challenges in maintaining regular operations at state driver's license agencies due to **COVID-19**.

**Important note:** TSA adds that drivers looking to renew their hazmat endorsements must initiate a security threat assessment at least 60 days before the end of the state-granted extension.

# Tough Brake: With Inspection Blitzes Looming, Brake Issues Continue to Dominate Out of Service Violations



The **Commercial Vehicle Safety Alliance's** (CVSA) conducted its **Brake Safety Week August 23-29**. Enforcement Officials **inspected** commercial **motor vehicles** for critical **out-of-service brake violations**, as well as other **critical vehicle out-of-service** violations, and **restricted** them from use until the **violations** were **corrected**. Vehicles that **passed eligible inspections** received a **passed-inspection CVSA decal**.

**Coming up — CVSA's International Roadcheck on Sept. 9-11.**

[International Roadcheck](#) is a **72-hour high-volume, high-visibility inspection and enforcement initiative** when **CVSA-certified inspectors** in **Canada, Mexico and the U.S.** conduct **commercial motor vehicle and driver inspections** at weigh or **inspection stations**, at designated **fixed locations** or as part of **roving mobile patrols**. Over that **three-day time frame**, law enforcement **personnel** will inspect **commercial motor vehicles** for **compliance with federal regulations** and utilize the [North American Standard Out-of-Service Criteria](#) to identify **critical inspection item violations**.

▶ Each year, **International Roadcheck** places **special emphasis** on a **category of violations**. This **year's focus** is on the [driver requirements](#) component of a **roadside inspection**. ◀

In **addition** to the **focus** on the **driver requirements component**, inspectors will be **on the lookout** for critical **out-of-service brake violations**, along with other **OOS violations**. While there are **plenty** of things to **inspect**, odds are **high** that if a **truck is pulled OOS**, that it's going to be **brake-related**.

The numbers **really don't change** much **year to year**. During **last year's** three-day **Roadcheck blitz** in June, **braking systems** topped the list at **28% of OOS citations**, followed by **tires and wheels** at **19.3%** and **brake adjustment** at **17.1%**.

It's **no secret** that **sound maintenance** is key to **cutting brake violations** and **keeping trucks on the road** but **judging** by the **high percentage** of **OOS brake violations**, some fleets can **benefit** from changes in **shop practices**, as well as **revisiting** how drivers are **handling pre-trip inspections**.

Homer Hogg, director of **technical service** at **TravelCenters of America**, pointed out a **common shop** approach to **brake maintenance** that can lead to **costly problems** down the road at a time when the **industry** is up against **rising insurance rates**, **costly litigation** and a **shaky market** brought on by the **coronavirus**.

"Don't make the **mistake** of **extending** your **lubrication intervals** too far," Hogg said. "The **tendency** is to **align chassis lubrication** with engine **oil drain intervals**, however, this can lead to **slack adjusters** getting dry and **not operating properly**."

Additionally, have your **foundation brake parts** inspected before the **vehicle** is lubricated. Worn **brake foundation parts** will prevent the **slack adjusters** from maintaining the **proper stroke**."

**Cutting corners on brake maintenance can lead to costly failures.**

"When doing an **overhaul** on **drum brakes** it is as important to **check** the **drums** as it is the **brake shoes**," said WABCO's **regional director** of marketing Collin Shaw. "The **drum** and the **brake shoe** are both **important parts** of the **friction equation** on a **drum brake**. Putting **new shoes** on a **damaged drum** will be a **waste of money** for a fleet and **potentially dangerous** and **more costly** in the **long-run**."

Fleets looking to **increase brake efficiency** may want to **invest** in **disc brakes**. Besides offering **shorter stopping distances** and a reduction in **'hot runners'**, disc brakes have internal **adjuster mechanisms** which, according to Shaw, result in far less **out of stroke** issues than **drum brakes**. There are **other benefits** as well.

"Outside of **CVSA violations**, disc brakes can also offer **significant improvements** in **maintenance costs**," Shaw said. "In a study **performed** by WABCO it can take **as little as 25 minutes** to replace **brake pads** on **disc brakes**, versus up to **55 minutes** to replace **brake shoes** on **drum brakes**. When dealing with **four to six wheel-ends** on a **truck or trailer**, this can mean a **difference** of two to **three hours** per truck or trailer. As **maintenance costs** continue to **rise**, this can mean **real savings** for a **fleet**."

Before **hitting the road**, drivers play a **vital role** in preventing **expensive violations** by conducting **thorough pre-trips**. The old adage **'an ounce of prevention is worth a pound of cure'** definitely comes to **mind**.

"Drivers should **visually inspect** brake **components** during daily **walk-arounds**, looking for **damaged** or loose-hanging **hoses**, air chambers, **pushrods** or **slack adjusters**," said Keith McComsey, director of marketing and **customer solutions** at Bendix Spicer Foundation Brake. "**Compare** the relative **position** of the **slack adjuster (angle)** on each **axle**. If they're different, it could **indicate** an **out-of-adjustment brake** or a broken **power spring** in the **spring brake**."

Drivers should be **cautious** about performing any **brake fixes**.

"Let **automatic slack adjusters** do their jobs," Shaw advised. "Typically drivers **don't need** to adjust **automatic slack adjusters**. If drivers **notice leaks** during **inspections**, or pulling to **one side** when **braking**, inform their **maintenance contact immediately**."

If time is **money**, **CVSA** director of **roadside inspection** Kerri Wirachowsky said fleets **stand to benefit** from taking the **time** to teach **drivers** how to conduct **thorough pre- and post-trip inspections**.

"If you talk to **most companies**, they'll give their **drivers 15 minutes** front-end and **back-end** of the **trip** to do **pre- and post-trip inspections**," Wirachowsky said. "You can do a **decent trip inspection** in **15 minutes**."

"I teach an industry course. A lot of people come to that course and we teach them basically what roadside inspectors do," Wirachowsky continued. "And my biggest thing is just because the guy can drive the truck doesn't mean he knows what he's looking at during the pre-trip. So, teaching drivers how to do a pre-trip is as important as teaching them how to drive the truck. And most drivers have not been trained to the extent they need to be."

Hogg said the added pressure of hours of service regulations do not have to detract from effective pre-trip inspections as long as drivers are adequately trained.

"Conducting pre-trip inspections can help identify potential problems before heading out on the road, but some training is necessary in order for drivers to be able to recognize indicators of mechanical defects," Hogg said. "Drivers are also under a strict timeline due to hours of service regulations, so it can sometimes be challenging to find the time needed to perform proper pre-trip inspections. However, planning ahead can help ensure that drivers have enough time to complete thorough pre-trip inspections of their vehicle."

Let automatic slack adjusters do their jobs. Typically drivers don't need to adjust automatic slack adjusters. If drivers notice leaks during inspections, or pulling to one side when braking, inform their maintenance contact immediately.

In a time when higher insurance rates and nuclear verdicts are taking a toll on fleets, Stemco Director of Engineering David Gonska, at Stemco said carriers could "absolutely" benefit from more training.

"Regardless if your position is within a maintenance shop or anywhere within the fleet, or within the trucking industry as a whole, I don't think you can train your people enough," Gonska said. "Whether it's the technician on how to perform the latest maintenance practice on the latest product or someone in the office learning how to more thoroughly analyze their logistics data to understand what their total cost of ownership is for a particular part. We can all always benefit from more training."

Gonska and a colleague learned first-hand at a shop how a lack of training can sometimes be painfully on display.

"We wanted to check some torques and we asked a technician there for a torque wrench and he goes, 'What's that?'" Gonska said.

After describing the tool, the tech realized what it was and said it was locked up and that he'd have to find the key.

"He comes back 15 minutes later with the torque wrench and the first thing I do is look at the calibration sticker on the wrench and it hasn't been calibrated in three or four years. Those practices are out there," Gonska said.

"So there's definitely a need for training and I think you have some shops that are very good at it and others that certainly have an opportunity to improve," Gonska added. "Going to events like TMC (ATA's Technology Maintenance Council) is an invaluable way of attaining that information and that knowledge."

August 20, 2020

## At Roadside, Inspectors are Asking More Drivers, Fleets to Transfer E-Log Data Remotely

*Ensure your drivers know how to transfer e-log data to inspectors at roadside via the web transfer ... help prevent frustration at roadside by drivers and inspection officers*



During the COVID-19 pandemic, drivers are being asked more frequently by inspection officers to do an electronic transfer of logbook data — rather than a local transfer — which flows to the U.S. DOT's web-based eRODS system to flag possible violations.

As reported recently, compliance audits of fleets also have continued during the pandemic, with more investigators asking fleets to transfer logbook data to the Federal Motor Carrier Safety Administration for review.

Fleets can upload electronic logbook and other records to a web application. Inspectors then talk to drivers and company officials about specific areas of concern.

"We are continuing to conduct investigations and issue a safety rating where appropriate," said Joe DeLorenzo, Director, Office of Enforcement and Compliance at FMCSA, during a breakout session at the virtual Trimble insight conference recently.

The agency has been using the web application to conduct offsite investigations "for quite some time," he noted, "to help maintain the same process so we continue to protect everyone's health."

For roadside inspections to go smoothly, DeLorenzo advised fleets to "make sure drivers know how to do a data transfer" in order to prevent situations where officers become frustrated and issue citations.

"At least have an instruction sheet" for drivers to do a data transfer, he stressed. Roadside officers in most cases will request drivers to do a web services transfer. This function is included in many ELDs and is the "fastest, most reliable method to speed through an inspection and get your driver moving again," DeLorenzo said.

He explained how the eRODS system "doesn't automatically say" a driver is in violation. It leaves the final decision up to the officer or auditor. Some of the most common flags are for use of the "adverse driving" condition and unidentified driving time.

Unidentified drive time could be the result of a driver failing to annotate logs for personal conveyance or by turning off the ELD, he said.

Other common flags are for drivers exceeding eight hours of on-duty time without taking a required 30-minute break or by entering or editing logbook events, he noted.

During a roadside inspection, officers can also request time records from drivers with short-haul carriers who are exempt from keeping a record of duty status and using ELDs. Short-haul property carriers must give drivers at least 10 hours off between shifts, and have a system to record a driver's start and stop times, total time spent on duty, and keep a running total of the hours worked in the past seven days.

When inspecting a short-haul driver at roadside, an officer could request a fax or emailed copy of their time records to check for compliance, he said.

# FMCSA Enforcement Chief Details How Drivers Can Pause 14-hour Clock Under New Regs



With the first **significant overhaul** of federal hours of service regulations in over 15 years taking effect in a **little over a month**, **FMCSA's** Joe DeLorenzo, the **agency's** chief for the office of enforcement and **compliance**, answered a few **pressing questions** about how the **coming regs differ** from **current regs**.

Most significantly, the **new rule**, which **takes effect Sept. 29 at 12:01 a.m. ET**, allows drivers to split their **daily required 10-hour** off-duty time into **segments** longer than the current **8- and 2-hour split**. And effectively, given a **rule change** that allows the **shorter period** to be excluded from **calculation** of the **14-hour on-duty limit**, those splits allow **drivers** to pause their **14-hour on-duty clock** while taking a **qualifying break** of at least **two hours** in the middle of their **shift**. The rule also adds **flexibility options** around the use of the **required 30-minute break**, an expansion of the use of the **adverse driving conditions** exception and an **expansion** of the **short-haul exception** to the **requirement** to keep records of **duty status** (*logbooks*).

For drivers **opting to split** any duty day, they must take **one split** of at least **7 hours** and one split of at least **2 hours**, so long as **both breaks** total at least **10 hours**. "Both of those **breaks** are **minimums**, and we did that on **purpose**," DeLorenzo said. "The **last thing** we wanted to do was to **disincentivize** rest." Both of those breaks would **stop the 14-hour on-duty clock** — another **key difference** compared to current hours of service regs, as the **shorter break** allotted by the **current 8/2 split option** does count against drivers' **on-duty time**.

**That will change Sept. 29 when the new regs take effect.**

Breaks under the **new HOS rule** can obviously run longer than the **8/2 and 7/3 splits** that add up to **10 hours**. And if the longer of the **two breaks** in any split goes a **full 10 hours**, then drivers can **reset their 14-hour and 11-hour clocks** entirely.

Thus, to maximize their **schedules**, DeLorenzo suggests that **drivers** plan and **learn** how to use the splits afforded by the **new rule**. "**Understand** how to do that **split** so you can **work your day**," he said.

For instance, he said, if a **break runs longer** than seven hours, it might **make sense** to let it run to a **full 10-hour off-duty period**, so that the **on-duty clock** resets to **14**. Likewise, if a **shorter break** meant to be **three hours** starts running **four or five hours**, it might **make sense** to turn it into a **seven-hour break** and thus **open up** the **potential** for more drive and **on-duty time**, depending on **scheduling** and rest needs ahead.

Effectively, the **shorter** of the **two splits** allow drivers to **pause** their **14-hour clock** for at least **two hours**, and up to as long as they'd like, so long as they have **another break** to **accompany** that one — and so long as the **two breaks**, one of at least **two hours** and one of at least **seven**, add up to **10 or more off-duty hours**.

DeLorenzo **provided this example**: A driver goes **on-duty** at **midnight**, and starts **drive time** at **1 a.m.** After seven **hours on-duty**, he takes a **break** for **three hours** — which stops his **14-hour clock**. He then goes back **on-duty** at **10 a.m.**, resumes **driving** at noon and drives until **5 p.m.**, at which time he's **out of hours** and must take a **seven-hour sleeper berth period** to be able to go **back on-duty**.

The **shorter split option** could be longer — four, five or **even six hours**.

But it must be **paired** with another **break** later of at least **seven hours** for drivers to **remain compliant**. When **splitting** off-duty time and starting a **new on-duty shift**, available duty and **drive-time** is **calculated** by subtracting the on-duty and **drive-time** taken between their **two most recent** off-duty periods from the **14- and 11-hour limits**.

Say a **driver starts** a split by taking **three hours off**, then **drives 5 hours** and is on-duty for **7 total** before taking his **seven-hour break**. When he **comes back** on-duty, he would have just **6 available drive hours**, and **7 on-duty hours** before he'd need to take **another break** of at least **two hours**.

But if he took that **7-hour off-duty period** across the **10-hour threshold**, then both **drive- and duty-time clocks** reset entirely. Drivers do not, **contrary** to some road rumors, **retroactively lose** the **pause value** of the **shorter break** if they extend their **longer split** all the way out to **10 hours**.

Of note, on and after the **Sept. 29 effective date**, drivers don't have to **make any changes** to their **duty days** if they choose not to. That's **simply** the date the **new options** will become **available**. DeLorenzo stressed that the new rule **adds flexibility** if drivers want to **use it**, but drivers will be **perfectly compliant** if they continue to **run** as they do now. "The **old rule** is **wrapped up** into this **new one**. It gives you **new flexibilities**. You can still take **10 hours off** and that's fine. You can still manage your **30 minute break** to take it **sooner**. In all cases the **current rule still works**," he said.

Among **other key changes** of the **looming hours** of service rule, DeLorenzo explained the **finer points** of new regs **surrounding** the **30-minute break**. Drivers since **2013** have had to take a **30-minute break** — on the off-duty line — after their **first eight hours** on-duty. Starting **Sept. 29**, that break **will now** be required after **drivers' first eight hours** of drive time, and it can be **taken** in any **duty mode** that's not **driving**.

DeLorenzo provided a **common example**: A driver stops, **fuels up** (*on-duty not driving, 15 min.*), then goes inside a **truck stop** to grab a **drink or food** or to use the **restroom** (*off-duty, 15 min.*). Under current regs, the time **spent fueling** cannot be used **toward** the **30-minute break**, because it's on-duty not **driving time**. "Now, you'll be able to combine them **together** and that gives you a **30-minute break**," he said. The break must **still be taken** as a **straight 30 minutes**. Multiple, **shorter stops** will **not satisfy** the requirement.

Often, **drivers** may not have to use the **break at all**, though, such as when you **don't reach eight hours** of drive time in a **duty cycle** or when you're using the **split-sleeper options**. Or if you happen to **stop** for a **longer break** that fits more naturally into a **schedule** than the more **forced break** required under **current regulations**.

Also available to drivers under **new regs** is an expanded **adverse driving conditions** exception. Instead of **simply giving drivers** two more hours of **drive time** if they **encounter adverse** conditions such as **weather**, road closures or a **crash** that **causes traffic** to back up, drivers will have an **extra two hours** of on-duty **time available**, too. DeLorenzo stressed that the **adverse conditions** must be “**things that were not known** or could not have **been reasonably** known at the time of their last **qualifying rest break**.”

So **encountering rush hour** traffic in D.C. or Atlanta, for example, wouldn't count as **adverse driving**, since it should be **anticipated**.

“If you do **due diligence** as a driver, you **check conditions** and off you go and everything is **good**, if something **goes wrong** you can use this **exception**,” he said. Likewise, the **new rule** puts the control in **drivers' hands** as to decide whether to use the **exception** — not on dispatchers or **others**.

If drivers do use the **adverse conditions exception**, they would be wise to **add an annotation** to their **ELD or paper logs** explaining that, he said. “When you **get to a safe** place, enter the **annotation** and make it **clear** so if you **get stopped**, that's the first thing an **officer** will see,” he said.

Lastly, DeLorenzo **discussed the coming changes** to the short-haul **exemption**, which allows **drivers** that operate in **short-haul operations** to skip **keeping records** of duty status (*logbooks*). Currently, that's **limited** to drivers who **operate** within a **100-air-mile radius** of their **home base**, and the exception **only allows drivers** 12 hours of **on-duty time daily**.

Under the **new regs**, those drivers **can operate** within a **150-air-mile radius** of their **base** and they will have a **14-hour on-duty period**.

---

## Your Remedies When a Fleet Blacklists You

---

**Source:** Paul O. Taylor, managing partner, Truckers Justice Center (855) 943-3518 — [TruckersJusticeCenter.com](http://TruckersJusticeCenter.com).

---

If you've been defamed by a former trucking employer, you have the right to tell your side of the story. In some cases, you have the right to have false information removed from your file maintained by a former employer and from reports maintained by HireRight. You also have the right to post a rebuttal on your DAC Report.

**BACKGROUND CHECK REQUIREMENTS.** *If you apply for work with a carrier, the **Federal Motor Carrier Safety Regulations (49 C.F.R. § 391.23)** require a motor carrier to perform a safety background check within 30 days after your employment as a driver begins. The check must include contacting carriers for which you worked within the past three years. The investigation may consist of interviews, letters or a **DOT** background check form. The hiring carrier must make a record of its background check. The check must include, at a minimum, a list of your **DOT** recordable accidents, including any fatalities, bodily injuries and towing of the vehicle required, along with the dates and locations. The background check also must include controlled substance or alcohol testing violations during those three years.*

**YOUR RIGHT TO REBUT A BACKGROUND CHECK.** *Upon your request within 30 days after being hired or denied employment, an employer or a prospective employer must provide you with the information obtained from your previous employers. I recommend that drivers ask for this information even if they are hired so they can learn of information that needs correction.*

*Regulations require you to send any rebuttal to the previous employer with instructions to include your statement in your safety performance history. Your previous employer must send a copy of your rebuttal to your prospective employers with any response to background checks that are made during the next three years.*

**Federal Motor Carrier Safety Administration** regulations prohibit civil suits against your former employer for defamation – slander or libel – for providing false or misleading information in response to a mandatory background check. The one exception is when the former employer knowingly provides false information, thereby becoming subject to **FMCSA** fines.

**DISPUTING CONSUMER REPORTS.** **DAC Reports** are subject to the **Fair Credit Reporting Act**. The **FCRA** requires a reporting agency, such as **HireRight**, to provide you with a free copy of your report annually. Drivers should review their report annually. If your **DAC Report** is inaccurate, you may file a dispute with **HireRight**, including supporting information, and ask them to investigate. Do it in writing, and keep a copy of the information you provided.

**HireRight** must investigate your dispute. However, for the most part, the investigation only needs to consist of asking the carrier with the inaccurate information to respond. If the carrier does not respond within 30 days, the inaccurate information must be removed from your file. If the carrier responds later than 30 days, the inaccurate information may be placed back on your report.

Should the consumer reporting agency investigate and choose to leave the inaccurate information on your report, you have the right to submit a rebuttal of up to 100 words.

**TAKING IT TO COURT.** *So the first step for drivers to resolve misinformation in their file is to ask the former employer to correct it. Failing that, the next step should be to dispute the inaccurate information with **HireRight** or other reporting agency.*

*As a last resort, you can file a lawsuit, which can be lengthy and costly. Since reporting agencies and employers have a legal obligation to provide accurate information, the **FCRA** allows you to bring civil actions in federal court and recover damages and attorney's fees.*

# Tire Maintenance: It's Not Just Checking Tire Pressure

**Source:** Les Smart, President, Smart Fleet Management LLC

Have you read articles on tires until you are blue in the face? Perhaps there will be a nugget or two in this article that you haven't thought of. Or maybe you are putting off tire maintenance because it's too costly, too much trouble, or any number of excuses.

**I will go into some of the usual topics like tire pressure and tread wear, but first ...**

You have built a \$3 to \$30 million business over one or more generations, and you are making an appropriate profit most years. Do you think about liability? I bet you do, but do you relate that to tire failures and more specifically to catastrophic tire failures? What happens to your business if a worn, damaged tire fails at speed — it doesn't even have to be high speed — and your driver loses control of your fleet vehicle and it plows into another vehicle?

## Looking for ways to save money? Look no further.

If one or more of the occupants is a young to middle-aged passenger, especially a working mother or father, your liability skyrockets. I like to call this the \$5 million accident. You don't want to lose your business in the event of one of these failures just because you were lax in making sure that your tires were in good condition. Let's see what you can do to avoid this type of situation where your tires are concerned.

### Tire Pressure

This one seems obvious, but do you (or your supervisor) check each tire's pressure periodically? Or do you leave it up to your maintenance provider? Buy a decent tire gauge and use it. There are two types of gauges. Make sure that the tire gauges read truck tire pressures and aren't only for passenger car tires, which operate at lower pressures. If properly equipped, even vans and SUVs run on light truck or LT tires.



One of the gauges reads to 100 psi while the other gauge reads to 150 psi. Make sure the gauge will read to the pressure needed for your tires. There is a decal on the door jamb or "B" pillar that tells you what to inflate your tires to; it should be in every light truck and van. If it's not there or is illegible, then go to the manufacturer's website to look for the data. There is also a maximum load/pressure embedded in the tire's sidewall.

Tire pressure needs to be consistent on dual-wheeled vehicles. If the inside dual is underinflated (and this isn't easily seen), the majority of the load is being carried by one tire, not both.

Don't mix treads on rear axle(s) on dual-wheeled vehicles. This can result in uneven wear at a minimum and a loss of traction at the most unfortunate time.

You can also add valve stem extenders (see photo below). That way, with a dual wheel vehicle, the inside dual is easier to access when adding air. I highly recommend these; they work and are inexpensive.

Additionally, you can add a central tire inflation system for units equipped with air brakes. These are expensive (approximately \$1,500 or more), but are worth it, especially on trailers (see photo below) in some regions where the weather inhibits regular tire inspection/ inflation (except when the vehicle is in the shop for maintenance).

### Tire Treads

Make sure there is adequate tread left on ALL tires. Some passenger tires have wear bars in the tread. Replace when your tires have the wear bars, even with the rest of the tread.



Most maintenance providers will not replace a tire prior to being worn down to 4/32 inches. Ideally, I like to have them replaced before that. Never let them get bald or thread bare! Remember your families, drivers, and other lives depend on you keeping your tire fleet in good shape.

If there is a mismatch in tread designs on the rear of dual-wheeled vehicles (see photo below) due to a failure replacement while in route, make sure your tire provider corrects this at its earliest opportunity. The new replacement tire can always be matched with others of the same design and used in the future.

Check that the tires are wearing smoothly.

### Tire Sidewalls

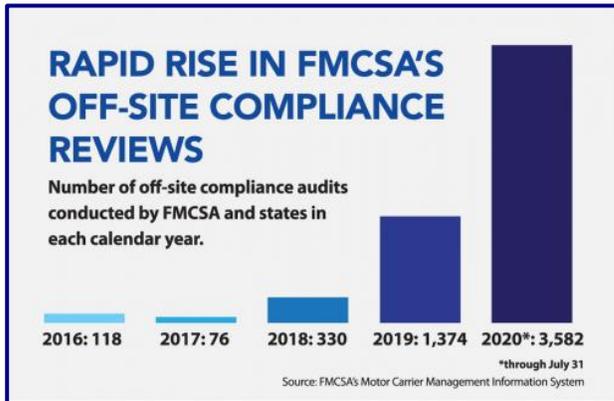
Check your sidewalls for cuts and damage (bulges). A tire can be cut on the side and appear to be serviceable, yet rain and standing water can penetrate to the steel belts and corrode the belts. This will lead to a failure of the tire.



The photo (above) with the depth gauge (showing how deep the cut was) was on an operational truck at a location that I had come to audit. Needless to say, I red-tagged that truck right then and the rear tires were replaced the next morning. This is a good example of how the \$5 million accident happens.

**Pay attention to your tires.**

# With Expanded Authority, FMCSA Ramps Up Offsite Compliance Reviews of Motor Carriers



*The total number of compliance audits conducted by FMCSA has kept pace with the prior four calendar years. However, the number of offsite audits has risen dramatically under the COVID-19 pandemic and a corresponding waiver issued in May by FMCSA.*

Leveraging new authority granted as part of the federal government's **COVID-19 emergency** declaration, the **Federal Motor Carrier Safety Administration** this year has ramped up its offsite compliance reviews of motor carriers' records and safety practices.

The agency in May issued **pandemic-related regulatory guidance** that allows offsite audits to determine carriers' safety ratings — **Satisfactory, Conditional or Unsatisfactory**. Previously, regulations required **FMCSA** to conduct an onsite compliance review to issue an **Unsatisfactory rating**. That change has allowed the agency to conduct comprehensive safety reviews of fleets remotely instead of in-person, leading to the spike in offsite audits.

"It's a new twist," said Lesley Sachs, a partner at the **national transportation-focused law firm Taylor & Associates**, based in Winter Haven, Florida. "Carriers need to pay attention. It's something to take seriously. The opportunity presented itself with **COVID**, and **FMCSA** seized it."

According to data from its **Motor Carrier Management Information System**, the agency and its state enforcement partners conducted 3,582 offsite compliance reviews through the end of July — nearly three times the number of offsite safety audits conducted in the full 2019 calendar year, 1,374. In 2017, just 76 offsite compliance reviews were conducted, and 330 were conducted in 2018, according to **FMCSA** data.

That 3,582 is more than half of the 6,942 total reviews conducted this year through July 31.

If that trend holds this year, **FMCSA** and state enforcers will have conducted nearly **7,100 remote offsite inspections** by yearend — six times as many as last year and half of the roughly 14,000 compliance reviews conducted by the agency annually over the last four calendar years. Last year, just 10% of total compliance reviews conducted by **FMCSA** and state partners were offsite.

"It was certainly already a trend," said Daren Hansen, a senior transportation safety consultant for J.J. Keller. "Now, the **pandemic shot those numbers up.**"

With those increased numbers has come an expansion in the scope of offsite reviews, said Brandon Wiseman, a partner for Scopelitis, Garvin, Light, Hanson & Feary. "Historically, offsite audits were almost always used for what are known as focused audits," he said, and not to **conduct comprehensive compliance reviews**.

It's unclear what percentage of this year's offsite audits have been comprehensive, and **FMCSA** has not broken those statistics out like it does for onsite reviews. But the consensus is clear: The **agency is leaning on offsite reviews** to conduct comprehensive audits in place of onsite reviews.

Because of the expansion in scope of offsite audits, investigators are asking carriers to produce more records and documents than they typically would for an offsite review. Likewise, **FMCSA** is including reviews of equipment maintenance, said Sachs, which typically is reserved exclusively for onsite reviews. That includes documents like maintenance records and driver vehicle inspection reports, among other equipment-related documentation.

Dave Osiecki, president and chief executive officer for Scopelitis Transportation Consulting, said an **offsite audit focused on hours of service compliance** or drug/alcohol testing normally would ask for a small sample of records, such as three driver files or three drivers' electronic logging device records from the past six months. With the new trend toward offsite comprehensive reviews, however, auditors instead are asking for a **more sweeping sample of records**.

Those records often must be turned in within a week, Sachs said. Investigators, either from **FMCSA** or a **state DOT**, will send an email to carriers notifying them of the pending investigation and requiring them to upload information such as accident records, driver lists, equipment lists, MC-90 forms and other records. They're then often required to fill out a questionnaire with **basic details such as revenue and mileage data, insurance information, addresses** and other operational information.

After carriers upload the required information, the investigator will reach out via phone to complete the process. "They talk with the carrier about their compliance program and practices to get a feel for how robust and developed the compliance program is for that carrier," Sachs said. After all that, **"they issue a report to identify any acute or critical violations** to address."

Or, in the case of a safety rating of **Conditional or Unsatisfactory** being issued, carriers then have the usual 60 days (or 45, in the case of hazmat haulers) to file a corrective action plan or an appeal with **FMCSA**. Sachs said she's seen offsite audits take place quickly — **all wrapping up within just two weeks**, typically.

That means carriers must have their documents and records organized should they face a compliance review, Osiecki said. **“Do you know where your files are? Are they in a place where you can access them? Can you access them within 48 hours?”**

Being disorganized or unable to produce requested documents is likely a fast-track to being hit with a **Conditional safety rating**, Wiseman said. **“If an auditor comes in and asks for all of these files, and you don't have them or just have them thrown in a box where an auditor has to build the files for you, that's not going to bode well,”** he said.

Like most other compliance reviews over the past decade, **FMCSA** uses carriers' percentile rankings within the **Compliance, Safety, Accountability (CSA)** program to target fleets for safety audits.

To ward off audits in the first place, Hansen suggested regularly checking **CSA scores**. **“Log in and review your data,”** he said. **“Look at trends. Review any data that can be reviewed. Take advantage of the crash accountability program, and have crashes that are clearly not preventable removed. Take steps to address what violations you can to keep your scores down.”**

**“Use the Safety Measurement System to know where you stand and work on improving those scores to get out of the crosshairs to begin with,”** Wiseman said.

## Trucking Law: WHEN TRYING TO HELP AT ACCIDENT SCENE CAN HURT YOU INSTEAD

**Source:** Attorney Brad Klepper, president, Interstate Trucker ([InterstateTrucker.com](http://InterstateTrucker.com)) and Drivers Legal Plan ([DriversLegalPlan.com](http://DriversLegalPlan.com))

If you are in an **accident**, always **keep in mind** your own legal protection. Part of that is **being careful** what you volunteer at the **scene**.

Let's say you're **involved** in an **accident** that results in **serious injury** to another **individual**. If you feel you **are not at fault**, your instinct is to **cooperate fully** with law officers. After all, you're a **professional** with nothing to **hide**. An officer asks **questions**, so you **respond**, thinking you're **being helpful**.



But **three days later**, the injured **person dies**. The **prosecutor** decides to file a **vehicular homicide** charge against you. The **slightest** details you **mentioned** could be turned **against** you in **court**.

Even if you are **familiar** with your company's **accident procedures** — and you should be — **one** of the first things you **should do** when you are **involved** in an **accident** is to call your **company** and ask what **they want** you to do. You may be **excited**. You may be **scared**. But the **safety department's** job is to **handle accidents**, so **follow** their instructions.

You also **may want** to **collect information** that could **prove helpful** to your **own cause**. Snap some **pictures** of the surroundings — **vehicular damages**, positions of the vehicles **relative** to each other, the **highway** and **relevant signage** such as a **stop sign** or traffic light, etc. Also **photograph** other **vehicles** and people on the **scene**. You want a **picture of every car tag** and person if you **can get it**, because you **never know** what they saw.

Next, **collect potential witnesses'** names and **phone numbers**. Do not try to **talk** to these **people** about the **accident**.

You're **not trained** in **interviewing people**, and you **don't want** to take the chance of **accidentally hurting** your case in the **event** one of them **ends up** on the **witness stand**. You simply want **contact information** so that your company and the **defense lawyer** can **talk** to them.

As soon as you have **finished** your **responsibilities** on the **scene**, one of the **best things** you can do is **record** — either as a **voice message** on your phone or as a **written note** — everything that happened before, **during** and after the **incident**. This information could be **valuable** to refresh your **memory** should you become a **witness** on the stand.

In court, **data recorded** at the time of the **incident** usually is **considered** more **accurate** than your **memory months** later. In addition, your **written** or recorded **information** appears **more accurate** in the court's **mind** than that of an **investigating officer** who deals with **dozens** of **traffic stops** and wrecks **every week** and yet has to recall the **specifics** of your **incident months** after it **happened**.

While **some of this** may seem **extreme**, you **never know** when an **accident** or even a basic **traffic stop**, major or **minor**, will land you in **court** defending yourself, with an **outcome** that could **destroy your future** livelihood. You have **only a brief window** at the **scene** to **collect information** that could be of **tremendous** help to you.



**MINE FATALITY** – On July 29, 2020, a miner was injured when his arm became entangled in a stacker conveyor belt. The victim was airlifted to a trauma center where he passed away a week later.



### Best Practices:

- **Turn off, lock out power sources and block against motion** before removing or bypassing a guard or other safety device to clean, repair, perform maintenance or clear a blockage on a belt conveyor.
- **Never clean pulleys or idlers manually while belt conveyors are operating.**
- **Avoid wearing loose-fitting clothing** and keep tools, body parts and long hair away from moving belt conveyor components.
- **Train all personnel in safe work procedures.**
- **Properly guard moving machine parts** to protect persons from contact that could cause injury.

### Additional Information:

This is the 12th fatality reported in 2020, and the second classified as “Powered Haulage.”

## Mobile Equipment at Surface Mines

Haul trucks and other large surface mining vehicles are capable of destroying smaller vehicles that cannot be seen by the operator. Traffic controls, training, and avoiding distractions are key to enhancing safety. Collision warning and avoidance systems can also help.



### Key Safety Practices

- **Communicate and verify with all equipment operators any planned movements and location upon entering or exiting a work area.**
- **Ensure all persons are trained to recognize workplace hazards. Specifically, train equipment operators on the limited visibility and blind spot areas that are inherent to the operation of large equipment. Do not drive or park smaller vehicles in mobile equipment's potential path of movement.**
- **Instruct all operators on the importance of using flags or strobe lights on the cabs of their vehicles to make haulage truck operators aware of their location. Flags must be high enough to be in the view of equipment operators.**
- **Install and maintain collision avoidance/warning technologies on mobile equipment.**

## Seat Belt Usage

One of the easiest things an equipment operator can do to stay safe is to fasten his or her seat belt. Wearing a seat belt protects against injury in the event of a serious accident. It can also help the operator maintain control during sudden extreme movement. Nevertheless, we continue to see serious injuries and fatalities resulting from lack of seat belt usage. **MSHA** engineers estimate that 3-4 miners' lives could be saved each year if seat belts were used universally.



**MSHA** regulations require the use of seat belts in most equipment and circumstances. Seat belt design is evolving in terms of operator comfort and responsiveness. For example, some will tighten when equipment reaches a critical tilt point. There are also a growing number of tools available to ensure that seat belts are used by operators and visible to supervisors. These range from standard reminder chimes to cab-top lights that change color when the seat belt is buckled. What's important is that functioning seat belts are made available and are used by all equipment operators at all times.

### Seat Belts Save Lives

#### Key Safety Practices

- **Implement and enforce a “condition of employment” seat belt policy; maintain zero tolerance for nonuse or misuse**
- **Reinforce the importance of seat belt use through training and orientation programs**
- **Regularly check seat belt components to be sure they function properly**

August 8, 2020

## 3 Ways to Keep Employees Safe When Social Distancing is Not Possible

We all know the [CDC's official guidelines](#) state that we should maintain 6 feet of distance between one another to avoid the spread of COVID-19. But the fact is that all workplaces are different, and many jobs require standing in close proximity. When you designed your facility and trained your employees, you probably never considered the prospect of a global pandemic.

Six feet of distance between us is just beyond the distance that our breathe carries. It's a highly effective way to avoid transmission, along with wearing a facial mask. But what if you simply can't maintain that kind of distance while doing your job? There are three actions you can take to keep employees safe.



### Engineering Controls

**You probably can't create a larger workspace, but you can affect other physical aspects of the area.**

- *Start by ensuring the building is well-ventilated. Though much is not known about the transmission of COVID-19, researchers believe air circulation may play role in the likelihood of transmission.*
- *Change the alignment of workspaces. That means if one employee faces another, consider reorienting the directions they face.*
- *Make foot traffic go one way if possible, and use physical cues like colored tape on the floor to remind employees and customers where they can walk safely.*
- *Create hand washing or hand-sanitizing stations throughout the workplace for employees and customers.*

### Administrative Policies

**Some employees can be stubborn about changes in the workplace. If word comes from the top, they'll be more likely to take it seriously, regardless of personal beliefs about the virus.**

- *First, educate your employees about COVID-19 and the ways it can be transmitted, as well as ways to prevent spreading it.*
- *Train employees on the importance of social distancing when possible, as well how to properly wear a mask, cover a cough, or avoid sharing equipment.*
- *Encourage employees to go home when they are sick, and make sure they fully understand your sick leave policies.*

### Face Coverings

**The efficacy of masks for protecting individuals from COVID-19 was in question when the pandemic first began. Now, researchers consider facial coverings (even homemade) to be [highly effective](#).**

- *Train employees how to put on and take off masks to avoid contamination. This includes washing your hands before touching the mask, as well as ensuring a snug fit against the side of your face.*
- *Employees should not wear facial coverings if their use introduces new risks, like contributing to heat-related illnesses.*
- *Recommend or require that customers or visitors also wear facial coverings when entering your facility.*
- *Please reserve the use of N-95 or surgical masks for medical professionals, unless these masks were already required to do the job before the pandemic. With a limited supply, we need to protect healthcare professionals with these scarce, yet effective resources.*

Find detailed COVID-19 information, including testing guidelines, on the CDC [website](#).

Visit your [workers' compensation](#) website for more information and resources on coronavirus.