



MONTHLY NEWSLETTER

FEBRUARY 2017

VOLUME 9

ISSUE 2

OSHA / CONSTRUCTION

▶ MJS SAFETY TRAINING ANNOUNCEMENT

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

▶ **Schedule of classes Feb 2017:** • *TRAINING CENTER – 246 BASHER DRIVE #1, BERTHOUD, CO 80513* • [read more...](#)
Effective April 1, 2017 — see new training center address >>>>>

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TRANSPORTATION NEWS SUMMARY

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[Seek Urinalysis Exemption for Driver Screening](#)

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~ **MJS Safety is moving to a new facility – Opening April 1, 2017** ~
1760 Broad St, Unit H, Milliken, CO 80543 – conveniently located halfway between I-25 and Hwy8 on Hwy60

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A Jan. 20 order issued by President Trump to federal agencies directing them to halt publication of new and pending regulations could affect a freshly published rule setting training standards for new truck drivers. [read more...](#)

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OIL & GAS SUMMARY

▶ **New PHMSA Rule Requires Faster Pipeline Accident Notification**

The U.S. Department of Transportation's **Pipeline & Hazardous Materials Safety Administration** issued a [final rule](#) entitled, "**Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Pipeline Safety Changes**," addressing mandates included in the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011. [read more...](#)

2017 WELD COUNTY DAMAGE PREVENTION BREAKFAST

▶ Join the Weld County Damage Prevention Council for the annual **Weld County Damage Prevention Breakfast** on Feb. 15, 2017. [read more — RSVP](#)

MSHA NEWS SUMMARY

▶ **US Mining Deaths Drop to Another New Low in 2016**

*Preliminary data released by the U.S. Department of Labor's **MSHA** indicate that in 2016, 26 miners died in work-related accidents at the nation's mines – down from 29 in 2015. The figure represents the lowest number of mining deaths ever recorded and only the second year that mining deaths dropped below 30.* [read more...](#)



▶ **MSHA HAZARD ALERT — THINK QUICKSAND**

Mine operators should equip feed hoppers with mechanical devices, grates/grizzlies or other effective means of handling material so that persons are not required to work where they are exposed to entrapment by sliding material. [read more...](#)

▶ **Best Practices to Prevent Structural Failures**

Structural integrity can be taken for granted, but failures can be sudden and unforgiving. Train miners and supervisors on these simple measures to help prevent these potentially catastrophic incidents. [read more...](#)

MONTHLY SAFETY TIP NEWS SUMMARY

▶ **11 Tips For Effective Workplace Housekeeping**
every worker plays a part

To some people, the word "housekeeping" calls to mind cleaning floors and surfaces, removing dust, and organizing clutter. But in a work setting, it means much more. Housekeeping is crucial to safe workplaces. It can help prevent injuries and improve productivity and morale, as well as make a good first impression on visitors. It also can help an employer avoid potential fines for non-compliance. [read more...](#)

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

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

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

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

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

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

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

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

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

Make MJS Safety your "GO TO" Resource in 2017

Check here each month for a current class schedule!

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

Just Some of the Courses Offered Include:

- ~PEC SafelandUSA Basic Orientation
- ~OSHA 10 Hour General Industry
- ~OSHA 30 Hour General Industry
- ~NUCA Confined Space
- ~Hydrogen Sulfide [H₂S] - Awareness
- ~Respirator: Medical Evaluation & Fit Testing
- ~Hazard Communication – GHS Training
- ~Teens & Trucks Safety
- ~1st Aid/CPR Course- Medic 1st Aid
- ~HAZWOPER 8, 24 & 40 Hour
- ~PEC'S Intro to Pipeline
- ~Confined Space Rescuer Training
- ~PEC Core Compliance
- ~OSHA 10 Hour Construction
- ~OSHA 30 Hour Construction
- ~NUCA Competent Person for Excavation & Trenching
- ~Hands-on Fire Extinguisher training
- ~DOT Hazmat Training
- ~MSHA Sand & Gravel Training [Part 46 only]
- ~Fall Protection for the Competent Person
- ~Defensive Driving Safety for large and small vehicles
- ~Instructor Development for Medic 1st Aid/CPR
- ~Bloodborne Pathogens Compliance Training
- ~Respiratory Protection Training

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

Schedule of classes Feb 2017: • TRAINING CENTER – 246 BASHER DRIVE #1, BERTHOUD, CO 80513 •
Effective April 1, 2017 – see new training center address

- PEC Safeland Basic Orientation: Feb 2, 6 (Spanish), 9, 11 (special Saturday class), 17
- First Aid/CPR/AED / BLOODBORNE PATHOGENS: Feb 3, 13 8 a.m.
(We offer both MEDIC FIRST AID & AMERICAN HEART ASSOCIATION)
- TEEEX H2S Operator Training - Awareness: Feb 3, 13 1 p.m.
- OSHA 10 Hour Outreach for Construction Course: Feb 23 & 24

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

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

— FEATURED TRAINING PROGRAMS —

- Safeland Basic Orientation
- Hydrogen Sulfide Awareness
- First Aid/CPR
- OSHA 10 Hour for General Industry or Construction
- Confined Space for Construction

— ALSO OFFERING —

- PEC Basic 10 – 2 days that cover both Safeland and OSHA 10 for General Industry in 1 class

Unable to attend a class?

MJS SAFETY offers multiple "ONLINE TRAINING COURSES" including
OSHA Construction, General Industry, Environmental, Hazardous Waste
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Online courses provide a convenient way for
EMPLOYERS & EMPLOYEES to complete
MANDATED, REQUIRED or HIGHLY RECOMMENDED
training in today's industry

~ MANY COURSES ARE ALSO AVAILABLE IN SPANISH ~

FOR ADDITIONAL INFORMATION CALL

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■ PEC/Premier
■ PICS
■ BROWZ
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CCJ
Transport Topics
CVSA
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Oil&Gas Journal
PHMSA
IMA-NA
Safety & Health Magazine
NFPA
NIOSH
CCOHS



'Truck Driver' Was the Most Fatal Occupation in 2015

According to a recently released U.S. Bureau of Labor Statistics study, 745 truck drivers died on the job in the United States in 2015, the **most** of any profession within the national total of workplace deaths.

Transportation and material moving occupations recorded fewer fatal injuries in 2015 than in 2014, but still accounted for over one-fourth of all fatal work injuries in 2015.

The number of fatal work injuries involving transportation incidents, the incident leading to the most fatal work injuries, increased in 2015. Roadway incidents were up 9 percent in 2015 to 1,264 and accounted for 26 percent of all fatal work injuries. Almost half of these fatalities (629) involved a semi, tractor-trailer, or tanker truck. Of the 253 non-roadway fatalities in 2015, the most frequent vehicle involved was a farm tractor (73). Fatal injuries involving pedestrians were lower in 2015, as were rail and water vehicle incidents.

Key findings of the 2015 Census of Fatal Occupational Injuries:

- Annual total of 4,836 fatal workplace injuries in 2015 was the highest since 5,214 fatal injuries in 2008.
- The overall rate of fatal work injury for workers in 2015, at 3.38 per 100,000 full-time equivalent (FTE) workers, was lower than the 2014 rate of 3.43.
- Hispanic or Latino workers incurred 903 fatal injuries in 2015—the most since 937 fatalities in 2007.
- Workers age 65 years and older incurred 650 fatal injuries, the second-largest number for the group since the national census began in 1992, but decreased from the 2014 figure of 684.
- Roadway incident fatalities were up 9 percent from 2014 totals, accounting for over one-quarter of the fatal occupational injuries in 2015.
- Workplace suicides decreased 18 percent in 2015; homicides were up 2 percent from 2014 totals.
- Heavy and tractor-trailer truck drivers recorded 745 fatal injuries, the most of any occupation.
- The 937 fatal work injuries in the private construction industry in 2015 represented the highest total since 975 cases in 2008.
- Fatal injuries in the private oil and gas extraction industries were 38 percent lower in 2015 than 2014.
- Seventeen percent of decedents were contracted by/performing work for another business or government entity in 2015 rather than for their direct employer at the time of the incident.

[See more statistics](#)

OSHA / CONSTRUCTION

OSHA Issues Recommended Practices to Promote Workplace Anti-Retaliation Programs

The Occupational Safety and Health Administration issued [Recommended Practices for Anti-Retaliation Programs](#) to help employers create workplaces in which workers feel comfortable voicing their concerns without fear of retaliation. The recommendations are intended to apply to all public and private sector employers covered by the [22 whistleblower protection laws](#) that OSHA enforces.

The recommendations are adaptable to most workplaces, and employers may adjust them for such variables as number of employees, the makeup of the workforce, and the type of work performed. The concepts can be used to create a new program or enhance an existing one.

The document outlines five key elements of an effective anti-retaliation program:

1. Management leadership, commitment, and accountability
2. System for listening to and resolving employees' safety and compliance concerns
3. System for receiving and responding to reports of retaliation
4. Anti-retaliation training for employees and managers
5. Program oversight

"These recommended practices will provide companies with the tools to create a robust anti-retaliation program," said Jordan Barab, acting assistant secretary of labor for occupational safety and health. "In the long run, it's good for workers and good for business."

An initial draft of the [Recommended Practices](#) was posted for review and comment in the fall of 2016. The final document incorporates many of these comments, as described [here](#).

These recommendations are advisory only and do not interpret or create any legal obligations, or alter existing obligations created by OSHA standards or regulations.

OSHA enforces the whistleblower provisions of Section 11(c) of the OSH Act, and 21 other statutes protecting employees who report violations of various securities laws, trucking, airline, nuclear power, pipeline, environmental, rail, maritime, health care, workplace safety and health regulations, and consumer product safety laws.

[Read more information.](#)

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance.

FMCSA Selecting Random Carriers to Submit Driver Drug Testing Results for 2016

Certain trucking companies are being randomly selected by the **FMCSA** to submit their 2016 U.S. DOT drug testing results to the agency.

The random selection is part of **FMCSA's** annual Drug and Alcohol Information Survey. The results of the survey are used to determine random drug testing rates for the next year.

FMCSA says companies are already being notified and are required to complete the annual survey by March 15. Fleets that fail to respond could face civil penalties, the agency adds.

In December, **FMCSA** announced it would keep the random drug testing rate for drivers at 25 percent based on information provided in last year's survey. As long as the positive test rate remains below 1 percent, **FMCSA** can keep the random testing rate at 25 percent. If the positive test rate rises above 1 percent, the random testing rate automatically jumps to 50 percent.



DOT Proposes adding Four HEAVILY ABUSED OPIOIDS to its Drug Testing Program

The **Department of Transportation** is proposing to amend its pre-employment drug-testing program regulation to add testing for four heavily abused opioids — **hydrocodone, hydromorphone, oxycodone, and oxycodone** — to its drug-testing panel. The notice of proposed rulemaking is intended to harmonize with the revised mandatory guidelines established by the **U.S. Department of Health and Human Services** for federal drug-testing programs for urine testing. "This proposal also adds clarification to certain drug-testing program provisions where necessary, removes outdated information in the regulations that is no longer needed and proposes to remove the requirement for employers and Consortium/Third Party Administrators to submit blind specimens," **DOT** said in a pre-publication posting.

DOT said **HHS** monitors drug abuse trends and reviews information on new drugs of abuse from sources such as federal regulators, researchers, the drug-testing industry and public and private sector employers. The proposal noted that **HHS** said its recommendation for adding the four semisynthetic drugs was based on a review of scientific information and on input from the **Drug Testing Advisory Board** on the methods necessary to detect the analytes of drugs and on drug abuse trends.

Centers for Disease Control and Prevention data from 2012 indicates that 259 million prescriptions were written for prescription opioids, which is more than enough to give every American adult their own bottle of pills, **DOT** said. According to the **SAMHSA National Survey on Drug Use and Health 2014** data, almost 2 million Americans misused or were dependent on prescription opioids, and according to the **National Center for Health Statistics**, the number of overdose deaths involving opioids rose from 28,647 in 2014 to 33,091 in 2015. In addition, the **National Center for Health Statistics** data indicates that every year since 2002 more than 40% of the total number of overdose deaths in the United States have been related to prescription opioids.

There's no date set for when the proposed changes would take effect. Another **Federal Register** entry will be required by the **DOT** later this year to make the changes final and set a date for the changes to begin. Public comments will be accepted on the proposed changes until March 24. [Read](#) the **DOT's** full notice and file a comment.

The **DOT's** drug testing panel was last updated in 2010. New, mandatory guidelines published January 23 are slated to take effect this October.

FMCSA, States Using New Investigative Techniques in Carriers' On-Site Compliance Reviews

The **U.S. DOT** is honing the techniques it uses to perform on-site compliance reviews of trucking companies by expanding the number of interviews performed with carrier employees and checking carriers' social media accounts.

The **DOT's Federal Motor Carrier Safety Administration** has in recent years found an appreciation for "Enhanced Investigative Techniques," says compliance consultant Jeff Davis of **Fleet Safety Services**. "FMCSA is changing the way they're doing audits throughout the U.S.," Davis told attendees of November's annual **National Association of Small Trucking Companies** meeting.

In the past, when **FMCSA** came calling to do a full on-site compliance review at company headquarters, contact with company representatives might be limited to safety directors and a handful of other administrative personnel, said Davis.

He used the example of the requirement for carriers to have for each of its trucks an annual inspection. "In the past," he said, "what you'd been able to do was, as long as you had that piece of paper" showing you did the inspection, "the auditor would check the box and move on. What they're doing now is looking past the documents and looking into the culture of the company. They're holding sequestered one-on-one interviews with accounting, with sales, with drivers, and checking social media."

In the quarterly **Guardian** publication from the **Commercial Vehicle Safety Alliance** (second quarter 2015), **FMCSA** training center director, Ron Crampton, outlined the intention to make training in **EIT** available to state auditing personnel, to add to the already-trained federal force. "The training is taught by seasoned investigators and uses case studies to help students apply the techniques," Crampton wrote on p. 12 of the publication. "Since implementing the **EIT** program at **FMCSA**, the agency has significantly increased the enforcement rate for investigations and has issued numerous out-of-service orders."

Davis says carriers should seek the "Part C" of the audit report from any compliance reviews conducted by **FMCSA** or state officials. Obtaining the Part C may require a **Freedom of Information Act** request, Davis says, but the information provides "invaluable learning" for carriers, he said. Carriers do receive Parts A and B, which detail general company information and violations found, respectively.

"They do not release Part C to you," Davis said, and what it shows essentially are the auditor's notes, the method of operation of how you went through your audit. "It will list who they talked to and what their responses were, down to the nth degree of detail."

Carriers Ask to Test Hair

Seek Urinalysis Exemption for Driver Screening

Federal regulators recently revealed that six large motor carriers are seeking an exemption to hiring that, if granted, would allow them to conduct pre-employment drug and alcohol testing for drivers using hair samples in lieu of the current requirement that the tests be conducted using urine samples.

The exemption request, originally filed by the carriers Oct. 28 with the Federal Motor Carrier Safety Administration, was not made public before a Jan. 19 agency Federal Register notice. Some of the country's largest carriers, *J.B. Hunt Transport Inc.*, *Schneider National Carriers Inc.*, *Werner Enterprises Inc.*, *Knight Transportation Inc.*, *Dupré Logistics Inc.* and *Maverick Transportation*, have filed the request.

All of the companies making the request conduct the pre-employment tests using urine and hair samples, but all have complained for several years that doing both tests is redundant and costly and that hair testing is more reliable.

"Petitioners have utilized such procedures to augment urinalysis testing for several years, and the data they have collected from the hair analysis overwhelmingly demonstrates that it is a more reliable and comprehensive basis for ensuring detection of controlled substance use," according to an 18-page [petition letter](#). The carriers said that doing urine and hair testing for a large carrier can cost an additional \$450,000 a year. The average hair test cost is about \$70, while a urine test costs about \$35, the letter said.

The petition letter also argued that, from May 2006 to May 2016, the six carriers collectively had more than 7,000 drivers whose tests showed controlled substance use on hair tests but who passed urine tests. FMCSA said that if the exemption is granted, the carriers would be permitted to conduct pre-employment tests using hair analysis only. However, they would be required to share positive hair testing results with prospective employers in response to safety performance inquiries, the agency said in its announcement.

FMCSA spokesman Duane DeBruyne acknowledged receipt of the exemption request but declined further comment. Although FMCSA has the authority in certain cases to exempt carriers from regulatory requirements, allowing the hair sample exemption could be an uphill battle for the carriers. But even if the exemption is denied, a hair-testing rule could soon be on the books.

American Trucking Associations, which supports hair sample testing, played a role in supporting a mandate in the 2015 transportation law known as the [Fixing America's Surface Transportation \(FAST\) Act](#) that required the Department of Health and Human Services to implement a hair-test rule by Dec. 4, 2016, said Abigail Potter, ATA's manager of safety and occupational health policy. "ATA was pleased to help several trucking companies secure language in the FAST Act that permits hair testing as an alternative to urinalysis but unfortunately did not permit these types of exemptions," Potter said.

But the Dec. 4 congressional deadline for a hair-test rule has passed, and progress on the hair option has been delayed until a drug-testing advisory board of the Substance Abuse and Mental Health Services Administration, an HHS subagency, eliminates potential concerns "regarding the scientific methodology and forensic defensibility of hair testing" as well as legal and public policy questions, advisory board Chairman Ron Flegel said.

A spokesman for SAMHSA did not respond to a request for comment by press time.

"ATA will continue to work with the Department of Transportation and the Department of Health and Human Services to implement the requirements put forth in the FAST Act in an expeditious and scientifically sound fashion, and we will encourage adoption of this important safety policy as quickly as possible," Potter said. Until then, the Omnibus Transportation Employee Testing Act of 1991 requires FMCSA to follow HHS mandatory guidelines that are adopted by DOT.

FMCSA said that while DOT has discretion with many aspects of the regulations governing testing in the transportation industries' regulated programs, it must follow HHS mandatory guidelines for the laboratory standards and procedures for regulated testing.

The six carriers don't want to wait. "The applicants believe their data demonstrates that hair analysis is a more reliable and comprehensive basis for ensuring detection of controlled substance use, and the exemption would enable these fleets to discontinue pre-employment urine testing," according to the FMCSA announcement.

FMCSA has begun collecting comments on the petition at the [rulemaking portal](#) (Docket No. FMCSA-2017-0002). FMCSA will accept public comment on the exemption request through Feb. 18.



A follow-up to the previous story...

A group representing dozens of transportation workers' unions is asking the Federal Motor Carrier Safety Administration to extend the public comment period past the Feb. 18th date noted above.

The agency published the carriers' petition and set a 30-day comment period.

Nonetheless, the Transportation Trades Department, part of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), has requested an extra 60 days to comment on the request beyond the current Feb. 18th deadline. TTD says it wants to more thoroughly assess the petition and the data behind it.

TTD says that because HHS currently requires urine samples for drug tests, the exemption would be "wholly unprecedented" if granted.

The group adds that because truckers and other transportation workers have to pass drug tests to get and keep jobs, current drug testing regulations should not be undermined.

To that end, TTD says an extra 60 days is required to provide enough time for the public to offer "valuable input" on the exemption request.

The full exemption request from the carriers can be seen [here](#), and comments can be made [here](#).

Rule Setting Driver Training Standards, Registry Could Be Hit by Trump's Regulatory Order

A Jan. 20 order issued by President Trump to federal agencies directing them to halt publication of new and pending regulations could affect a freshly published rule setting training standards for new truck drivers.

Trump's memo, distributed to staffers by Trump's Chief of Staff, Reince Priebus, orders executive agencies to "temporarily postpone" the effective date of rules published in the Federal Register but not yet effective. The Federal Motor Carrier Safety Administration's Entry-Level Driver Training rule was published December 8, and the rule was slated to take effect Feb. 6, 2017 — seemingly covered by the January 20 memo.

Trump's order tells agencies like FMCSA to postpone the effective date of such rules for 60 days from the date of the memo so that the new administration can review them and alter them if deemed necessary.

FMCSA's driver training standards rule establishes a classroom curriculum for those seeking a CDL, as well as a requirement for behind-the-wheel proficiency. It also establishes a registry of certified trainers and requires entry-level drivers to receive training from an FMCSA-approved trainer.

The rule provides a three-year implementation window and applies to truckers receiving their CDL after Feb. 7, 2020.

The rule in its proposed form, issued earlier last year, garnered widespread industry support. The December-published final rule, however, lost support among some trucking groups and safety groups for its lack of required behind-the-wheel time. The proposed rule called for a minimum of 30 hours of behind the wheel training. The final rule does not, requiring trainers to train new truckers to proficiency, as deemed by the trainer.

An FMCSA spokesperson said the memo was "under assessment."

The DOT's electronic logging device mandate, published in December 2015, was made law in January 2016 and gave carriers a two-year compliance window — until December 2017. It was not affected by Trump's regulatory order.

ELD Mandate Sees Another Court Victory, OOIDA Plans to Appeal to Supreme Court

A three-judge panel for the U.S. 7th Circuit Court of Appeals has denied the Owner-Operator Independent Drivers Association's request for the court to rehear its case against the U.S. DOT's electronic logging device mandate, which takes effect later this year. OOIDA says it plans to appeal to the decision to uphold the mandate to the U.S. Supreme Court.

The owner-operator advocacy and lobbying group sought a rehearing en banc — a rehearing by all 12 judges on the 7th Circuit. Three of the twelve judges heard OOIDA's case in September and issued a ruling in late October upholding the ELD mandate. OOIDA filed its motion for a rehearing December 14.

The denial by the 7th Circuit appellate court to rehear the case leaves OOIDA and the owner-operators involved in the lawsuit one remaining judicial option: A hearing by the Supreme Court. OOIDA says it plans to ask the nation's high court to hear its case.

For the case to go to the Supreme Court, four of the nine Justices on the court (currently eight as of the date of posting this article, given the vacancy left by Justice Antonin Scalia) must vote in favor of hearing the lawsuit.

OOIDA has not said when it plans to appeal its case to the Supreme Court.

OOIDA filed the lawsuit against the mandate in March on behalf of two owner-operators, Mark Elrod and Richard Pingel. The trio asked the court to strike down the Federal Motor Carrier Safety Administration's December 2015-issued rule requiring nearly all truck drivers to use ELDs to track duty status instead of paper logs, with a few exceptions.

In the suit, OOIDA argued the rule violated truckers' 4th Amendment rights to privacy and did not meet Congress' stipulations for the rule.

The 7th Circuit judges that heard the case disagreed, however, dismissing all of OOIDA's arguments against the rule and upholding the Dec. 18, 2017 compliance date of the rule.

The association also said it plans to work with Congress and the incoming Trump administration to reevaluate the rule. Congress called for the mandate in 2012, however, with broad Republican support.



New PHMSA Rule Requires Faster Pipeline Accident Notification

The U.S. Department of Transportation's **Pipeline & Hazardous Materials Safety Administration** issued a [final rule](#) entitled, "*Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Pipeline Safety Changes*," addressing mandates included in the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011.

The rulemaking lays out a specific **time frame requirement** for telephonic or **electronic notifications** of pipeline accidents and **incidents**. Specifically, it will **require operators** to report an **incident** or accident **within 1 hr** of its **discovery**, and revision or **confirmation** within **48 hrs** of the confirmed **discovery**.

Quicker reporting will benefit the **public** and the **environment**, and limit **property damages**, the US Department of Transportation **agency** said in a **Jan. 23 Federal Register** notice.

The **rule** also amends **drug** and **alcohol testing requirements** and incorporates **consensus standards** by reference for **in-line inspection** and **Stress Corrosion Cracking Direct Assessment**, it indicated.

It also **adds provisions** for cost **recovery** for design reviews of **certain new projects** and for the **renewal** of expiring **special permits**, and sets out the **process** for requesting **protection** of confidential **commercial information**, **PHMSA** said.

The **final rule** is effective **Mar. 24**, and is **currently** on [public inspection](#). The rulemaking will become effective 60 days from the date of its publication.

2017 WELD COUNTY DAMAGE PREVENTION BREAKFAST



2017



Weld County Damage Prevention Breakfast

Wednesday, February 15, 2017
 Island Grove Exhibition Building
 525 N. 15th Ave
 Greeley, CO
 7:00 am



Free Breakfast | Drawings | Giveaways

Join the Weld County Damage Prevention Council for the annual Weld County Damage Prevention Breakfast on Feb. 15, 2017. Speakers will discuss the current state of safety culture and One-Call legislation. Participants and presenters include DJ Basin Safety Council, MJS Safety and Colorado 811.



Attendees include: Excavators, Facility Owners, Operators, Utility Locators, Regulatory and Compliance Entities, Emergency Responders and anyone interested in protecting life and property through utilizing safe digging practices.

Please RSVP by February 1, 2017. Various sponsorship levels and booths spaces are available. Booth fees are \$150 and include a 6-foot table and chairs, for large equipment, such as vac truck an addition \$500 fee will be applied to your invoice.

Anyone interested in donating a Door Prize, Promotional Item, or to RSVP please contact Don Marshall at (303) 981-9416 or Donald.Marshall@anadarko.com

Join the
 Weld County Damage Prevention Council
 for the annual
**Weld County Damage
 Prevention Breakfast**
 on Feb. 15, 2017.

Speakers will discuss the current state of
 safety culture and One-Call legislation.

* * * * *

Participants and Presenters include
 DJ Basin Safety Council,
 Carrie Jordan with MJS Safety
 and Colorado 811.

Please RSVP to Don Marshall at
 (303) 981-9416
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 by February 1, 2017.

US Mining Deaths Drop to Another New Low in 2016

Preliminary data released by the U.S. Department of Labor's MSHA indicate that in 2016, 26 miners died in work-related accidents at the nation's mines – down from 29 in 2015. The figure represents the **lowest number of mining deaths ever recorded** and only the second year that mining deaths dropped below 30.

Joseph A. Main, assistant secretary of labor for mine safety and health, credited the agency's use of strategic enforcement tools, including targeted impact inspections that address problem mines quickly, the pattern of violations regulation reigning in chronic violators, special initiatives aimed at preventing deaths that occur commonly, compliance assistance, training and outreach – along with improved compliance by the mining industry.

"While these deaths show that more needs to be done to protect our nation's miners, we have reached a new era in mine safety in the **past few years**," said Main. "Each year since 2009, injury rates have dropped, and the number of mining deaths and fatality rates were less than in all prior years in history except in 2010, when the Upper Big Branch mine disaster occurred.

"We have created a new roadmap to protect our nation's miners," Main added.



MSHA HAZARD ALERT THINK QUICKSAND

Mine operators should equip feed hoppers with mechanical devices, grates/grizzlies or other effective means of handling material so that persons are not

required to work where they are exposed to entrapment by sliding material.

This short video, [Quicksand](#), illustrates engulfment hazards.

MSHA standards 30 CFR §§56/57.16002(b) address bins, hoppers, silos, tanks and surge piles. They state, "Where persons are required to move around or over any facility listed in this standard, suitable walkways or passageways shall be provided." 30 CFR [§§ 56/57.16002\(c\)](#) require a safety belt or harness equipped with a lifeline suitably fastened.

BEST PRACTICES

- Signs that warn, "**CONFINED SPACE, ENGLUFMENT HAZARD**", should be posted at all access points to hoppers, bins, silos, tanks and surge piles.
- Mobile or stationary platforms from which miners may work should be made available at locations where there is risk of being engulfed by sliding material.
- Assign a safety harness and lanyard to each individual miner who may work at an elevated height, or who may work on or near locations where an engulfment hazard exists.
- Construct stable, durable and secure anchor points to which miners can attach a fall protection lanyard at all locations where an engulfment hazard exists, and inspect these anchor points frequently. Post signage, "**FALL PROTECTION IS REQUIRED HERE**".

Read the entire [Hazard Alert](#)



Best Practices to Prevent Structural Failures

Structural integrity can be taken for granted, but failures can be sudden and unforgiving. Train miners and supervisors on these simple measures to help prevent these potentially catastrophic incidents.

Good Housekeeping — Structural damage can go undetected due to poor housekeeping; accumulations of wet material can cause corrosion. Remove spillage from around the base of structures, columns and off the flanges of horizontal beams. Prevent further spillage and damage by front-end and skid-steer loaders and forklifts.

Inspections — Safety and supervisory personnel should inspect structures during audits, and miners should be trained to notice and report potential structural problems. Periodically, a structural engineer should perform a formal assessment of structural integrity. Examine steel, concrete, wood, masonry, aluminum and fiber reinforced polymer. Take all appropriate personal safety precautions while performing inspections, such as using fall protection at height and following safe confined space entry procedures.

What to look for (signs of damage that can be spotted and reported by anyone):

- Cracked, corroded, delaminated or flaked metal
- Holes, thinned or missing sections of beams or columns
- Bent, buckled or crushed beams or columns; missing or damaged struts or braces
- Damage from equipment impact
- Missing, loose or corroded bolts
- Cracked, broken or inadequate welds
- Bulging or deformed bin sides or tops; gapped joints
- Damaged building siding
- Cracked, broken, spalled or undermined concrete
- Delaminated plywood or water-weakened wooden structures

Report and Repair — Miners should be empowered to and feel comfortable about reporting suspected damage. Mine operators should take all reports seriously, determine the validity of each concern and take appropriate action. A qualified engineer should be consulted when there is any doubt. Barricade and post warning signs at affected areas and prevent entry pending repairs or rehabilitation.

New or Modified Construction — A registered professional engineer should design or review new or modified structures and equipment. New construction, and modifications to or demolition of existing facilities, should be performed by competent persons using accepted safe procedures and equipment and tools appropriate for the work.

11 Tips for Effective Workplace Housekeeping

every worker plays a part

To some people, the word “housekeeping” calls to mind cleaning floors and surfaces, removing dust, and organizing clutter.

But in a work setting, it means much more. Housekeeping is crucial to safe workplaces. It can help prevent injuries and improve productivity and morale, as well as make a good first impression on visitors. It also can help an employer avoid potential fines for non-compliance.

The practice extends from traditional offices to industrial workplaces, including factories, warehouses and manufacturing plants that present special challenges such as hazardous materials, combustible dust and other flammables. Experts agree that all workplace safety programs should incorporate housekeeping, and every worker should play a part. In addition, housekeeping should have management’s commitment so workers realize its importance. Here are 11 tips for effective workplace housekeeping.

1. Prevent slips, trips and falls

Slips, trips and falls were the second leading cause of nonfatal occupational injuries or illnesses involving days away from work in 2013, according to data from the Bureau of Labor Statistics. **OSHA’s Walking-Working Surfaces Standard (1910.22(a))** states that all workplaces should be kept clean and orderly and in a sanitary condition. The rule includes passageways, storerooms and service rooms. Floors should be clean and dry. Drainage should be present where wet processes are used. Employers should select adequate flooring (e.g., cement, ceramic tile or another material), as different types of flooring hold up better under certain conditions. Then, develop and implement housekeeping procedures using appropriate cleaners. Things like oils and grease – if the right kind of cleaning protocols are not followed, will just spread slipperiness around rather than getting it up and off the floor.

To help prevent slip, trip and fall incidents, the following are recommended:

- Report and clean up spills and leaks.
- Keep aisles and exits clear of items.
- Consider installing mirrors and warning signs to help with blind spots.
- Replace worn, ripped or damaged flooring.
- Consider installing anti-slip flooring in areas that can’t always be cleaned.
- Use drip pans and guards.

In addition, provide mats, platforms, false floors or other dry standing places where useful, according to **OSHA**. Every workplace should be free of projecting nails, splinters, holes and loose boards. Employers should audit for trip hazards, and encourage workers to focus on the task at hand.

2. Eliminate fire hazards

Employees are responsible for keeping unnecessary combustible materials from accumulating in the work area. Combustible waste should be stored in covered metal receptacles and disposed of daily, according to **OSHA’s Hazardous Materials Standard (1910.106)**.

The National Safety Council “Supervisors’ Safety Manual” includes these precautionary measures for fire safety:

- Keep combustible materials in the work area only in amounts needed for the job. When they are unneeded, move them to an assigned safe storage area.
- Store quick-burning, flammable materials in designated locations away from ignition sources.
- Avoid contaminating clothes with flammable liquids. Change clothes if contamination occurs.
- Keep passageways and fire doors free of obstructions. Stairwell doors should be kept closed. Do not store items in stairwells.
- Keep materials at least 18 inches away from automatic sprinklers, fire extinguishers and sprinkler controls. The 18-inch distance is required, but 24 to 36 inches is recommended. Clearance of 3 feet is required between piled material and the ceiling. If stock is piled more than 15 feet high, clearance should be doubled. Check applicable codes, including **Life Safety Code, ANSI/NFPA 101-2009**.
- Hazards in electrical areas should be reported, and work orders should be issued to fix them.

Read **OSHA’s standard on walking-working surfaces**.

3. Control dust

Dust accumulation of more than 1/32 of an inch – or 0.8 millimeters – covering at least 5 percent of a room’s surface poses a significant explosion hazard. This dust accumulation is about as thick as a dime or paper clip. An industrial hygienist should test the workplace for exposures if air quality and dust are concerns. **NFPA 654 – a standard on preventing fire and dust explosions** – addresses identifying hazard areas, controlling dust and housekeeping. The standard states that vacuuming is the preferred method of cleaning. Sweeping and water wash-down are other options. Blow-downs using compressed air or steam is allowed for inaccessible or unsafe surfaces. Industrial vacuums can clean walls, ceilings, machinery and other places.

“You want to use wet methods or have high-efficiency vacuum systems,” said Steve Ahrenholz, senior industrial hygienist at **NIOSH’s Division of Surveillance, Hazard Evaluations and Field Studies**. “You don’t want to use just a shop vac or dry-sweep it – definitely not using compressed air to blow it. Then you’re just re-suspending the dust and distributing it all over.” Dust also can affect equipment’s length of life and quality of products, Ahrenholz added.

4. Avoid tracking materials

Work-area mats – which can be cloth or sticky-topped – should be kept clean and maintained. This helps prevent the spread of hazardous materials to other work areas or home. Check all mats to ensure they are not tripping hazards. Additionally, separate cleaning protocols may be needed for different areas to prevent cross-contamination. Avoid using the same mop to clean both an oily spill and in another area, for example. If the materials are toxic, industrial hygiene testing, uniforms and showering facilities might be needed. Employees who work with toxic materials should not wear their work clothes home, Ahrenholz added.

5. Prevent falling objects

Protections such as a toe board, toe rail or net can help prevent objects from falling and hitting workers or equipment. Other tips include stacking boxes and materials straight up and down to keep them from falling. Place heavy objects on lower shelves, and keep equipment away from the edges of desks and tables. Also, refrain from stacking objects in areas where workers walk, including aisles. Keep layout in mind so workers are not exposed to hazards as they walk through areas.

6. Clear clutter

A cluttered workplace can lead to ergonomics issues and possible injuries because workers have less space to move. Cluttered areas can lead to cut or laceration injuries and prohibit efficient set up of your workstation. Twisting your body rather than moving your whole body to perform tasks can cause injuries. Workers should return tools and other materials to storage after using them, and dispose of materials that are no longer needed. Keep aisles, stairways, emergency exits, electrical panels and doors clear of clutter, and purge untidy areas. Empty trash receptacles before they overflow.

7. Store materials properly

According to **OSHA's Materials Handling, Storage, Use and Disposal Standard (1926.250)**, storage areas should not have an accumulation of materials that present hazards for tripping, fire, explosion or pests. Some workers make the mistake of storing ladders or other items inside electrical closets where they can block an electrical panel, creating a fire hazard and violating **OSHA** regulations. It's important to remember it's not just the manufacturing floor, maintenance area, warehouse or main storage areas, but these little areas in buildings that create a problem with storage. Unused materials and equipment should be stored out of the way of workers. Avoid using workspaces for storage. Always remember to put everything back in its proper place.

Ahrenholz recommends keeping a storage space nearby so workers are encouraged to use it. "There's a responsibility to keep your work area in order and return tools to where they belong," he said. "The storage space, if readily useable, is designed in such a way where it can be used without stretching too far or lifting heavy loads. They're more likely to use it than if they have to go quite a ways to place something. Or they're going to keep something rather than go back because they have to take the extra time to get it."

8. Use and inspect personal protective equipment and tools

Workers' compensation cases have stemmed from employees who did not wear PPE when cleaning up spills or other material, such as broken glass or plywood, and then suffered cuts or splinters. Wear basic PPE – such as closed-toe shoes and safety glasses – while performing housekeeping. Determine what type of PPE to don based on the potential risks. Regularly inspect, clean and fix tools. Remove any damaged tools from the work area.

9. Determine frequency

All workers should participate in housekeeping, especially in terms of keeping their own work areas tidy, reporting safety hazards and cleaning up spills, if possible. "**Every worker does have a role in housekeeping,**" Ahrenholz said. "If they see something is becoming a problem, they need to report it." Before the end of a shift, workers should inspect and clean their workspaces and remove unused materials. This dedication can reduce time spent cleaning later, experts say. How much debris or contaminants the workplace releases can help determine the frequency of housekeeping. A company should have a mixture of deep cleaning and more frequent, lighter cleaning that involves sweeping and responding to spills.

10. Create written rules

Experts agree that housekeeping policies should be put in writing. That way they are formal and defined. Written protocols could specify which cleaners, tools and methods should be used. Research has found that there are many gaps in the effectiveness of floor cleaning in operations. It is an area that sometimes gets overlooked. That's why it's important to maintain the written part of protocols and defined training so people are aware of and follow the proper procedures.

11. Think long-term

Housekeeping should be more than a one-time initiative – it should continue through monitoring and auditing. Keep records, maintain a regular walkthrough inspection schedule, report hazards and train employees to help sustain housekeeping. Set goals and expectations, and base auditing on those goals.

• **HOUSEKEEPING ISSUES ARE VERY COMMON** •

• **THEY CAN BE EASY TO FIX** •

• **EFFECTIVE HOUSEKEEPING TAKES PERSISTENCE AND DEDICATION** •