



MJS Safety EXPANSION

• **We've Doubled our Office Space** •
More Room for Fit Testing, Audiometric Testing
and Operator Qualifications
As Well As Drug Testing Collections

▶ **MJS SAFETY TRAINING ANNOUNCEMENT**

MJS SAFETY LLC is proud to announce the addition of 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...](#)

▶ **Schedule of classes August 2019:** • *TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543* • [read more...](#)

OSHA / CONSTRUCTION NEWS SUMMARY

▶ **Death in a Manhole: Utility Worker Killed in Fire**

An **Arizona Public Service (APS)** employee was killed recently in a fire following an explosion in an underground electrical vault in downtown Phoenix. [read more...](#)



▶ **Join us for *Safe + Sound Week*, August 12-18, 2019**

A nationwide event to celebrate the successes of businesses that have implemented safety and health programs in the workplace. [read more...](#)

▶ **U.S. Department of Labor Provides Compliance Assistance Resources to Find and Fix Workplace Hazards**

The U.S. Department of Labor's **Occupational Safety and Health Administration (OSHA)** has developed compliance assistance resources to help employers find and fix workplace hazards before they cause injury or illness. [read more...](#)

▶ **U.S. Department of Labor Redesigns OSHA's Whistleblower Website**

The streamlined design highlights important information for employers and employees on more than 20 statutes enforced by the agency. [read more...](#)

TRANSPORTATION NEWS SUMMARY

▶ **Nationwide Brake Inspection Spree...**

The **Commercial Vehicle Safety Alliance's (CVSA) Brake Safety Week** is scheduled for Sept. 15-22. Throughout that week, enforcement officials will conduct roadside safety inspections on commercial motor vehicles throughout North America. [read more...](#)



▶ **Congress Eyes Trucking Insurance Changes, Mandating Automatic Emergency Braking**

Two trucking-focused bills were introduced in the House recently. One aims to boost the required liability insurance coverage required of trucking companies, and the other would mandate that new trucks come equipped with automatic emergency braking systems. [read more...](#)

▶ **FMCSA Proposes CDL Testing Change to Allow Drivers to Take Knowledge Test Away from Home State**

The **Federal Motor Carrier Safety Administration** is proposing another rule to make changes to how drivers can obtain a commercial driver's license. [read more...](#)

▶ **HIGH LIABILITY RATES BECOMING THE NORM**

The biggest chunk of an independent's insurance costs is liability coverage, which pays for injuries and property damage from a wreck. [read more...](#)

▶ **FMCSA DRUG AND ALCOHOL CLEARINGHOUSE - COMING SOON**

The Clearinghouse will improve highway safety by helping employers, FMCSA, State Driver Licensing Agencies, and State law enforcement to quickly and efficiently identify drivers who are not legally permitted to operate commercial motor vehicles (CMVs) due to drug and alcohol program violations. [read more...](#)



▶ **U.S. Department of Labor Orders Kentucky Trucking Company to Reinstate Driver who Refused to Operate Vehicle During Inclement Weather**

OSHA has ordered a freight company to reinstate a truck driver terminated after he refused to operate a commercial motor vehicle in hazardous road conditions caused by inclement winter weather. [read more...](#)

▶ **ATA Reports Higher Driver Turnover at Large Fleets in 1Q, But a Dip Year Over Year**

The annualized turnover rate at large truckload fleets rose 5 percentage points in the year's first quarter from the quarter prior, according to the ATA, while the turnover rate at smaller truckload fleets fell four percentage points — the first dip for small fleets in three quarters. [read more...](#)

▶ **Owner-Operators Earn More, Work More Than Company Drivers, Convoy Analysis Finds**

Owner-operators earn on average about \$6,000 more a year than company drivers, according to analysis released recently by brokerage app Convoy. [read more...](#)

▶ **Processes to Verify Compliance with Driver Training Standards Bumped to 2022**

The compliance date for two key provisions in a looming federal rule that sets training standards for new truck drivers will be delayed. [read more...](#)

▶ **FMCSA Panel Takes Steps to Revise Obsolete Medical Examiners Handbook**

The Federal Motor Carrier Safety Administration's update to its Medical Examiners Handbook is a step closer to completion. [read more...](#)



▶ **DOT to Begin Process of Clarifying HOS Exceptions for Ag Haulers**

The Federal Motor Carrier Safety Administration will soon begin accepting feedback on what freight is considered agricultural commodities and to what extent haulers of those commodities should receive exemptions from federal hours of service regulations. [read more...](#)



MSHA NEWS SUMMARY

▶ **Fatal Summary Update for First Half of 2019**

Metal/non-metal mine fatalities are on pace with 2018, with six reported in the first half of both years, while Coal is showing one fewer in 2019 than in 2018. [read more...](#)



▶ **Court Rejects MSHA's Revisions to Workplace Examination Rule**

Source: Margaret S. Lopez, Ogletree Deakins

Due to a recent court decision, metal/nonmetal mine operators are again facing the possibility of having to comply with two of the more onerous provisions of the MSHA's workplace examination rule, 30 C.F.R. §§ 56.18002, 57.18002, as it was originally issued in 2017. [read more...](#)

MONTHLY SAFETY & HEALTH TIP NEWS SUMMARY

▶ **Immediate Stop Use and Recall:**

Twin Leg Nano-Lok Edge and Twin Leg Nano-Lok Wrap Back Self Retracting Lifeline [read more...](#)



Emergency
Police - Fire - Medical

▶ **Emergency Services**

Today, 911 emergency service is available almost everywhere in North America. In nearly all locations ... a 911 call over a land-line telephone will link the caller to an emergency-dispatch center. [read more...](#)

MJS SAFETY TRAINING ANNOUNCEMENT

MJS SAFETY LLC is proud to announce the addition of NCCER and O.Q.S.G. 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](#).

MJS SAFETY — your “GO TO” Safety Resource in 2019

“SAFETY STARTS WITH YOU”

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

Just Some of the Courses Offered Include:

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

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

Schedule of classes August 2019: • *TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543*

- PEC Safeland Basic Orientation: August 8, 20, 29; 8 – 4:30
- First Aid/CPR/AED/BLOODBORNE PATHOGENS (We offer MEDIC FIRST AID): August 7, 22; 8 – noon
- TEEK H2S Operator Training – Awareness (ANSI Z390-2017 Course): August 7, 22; 12:30 – 4:30
- Confined Space Entry: August 4, 12; 8 – 4:00
- Excavation & Trenching Competent Person (NUCA Course): Call to schedule a class

[For any last minute schedule updates, go to www.mjssafety.com]

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

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

— FEATURED TRAINING PROGRAMS —

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

— ALSO OFFERING —

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

Unable to attend a class?

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

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

Online courses provide a convenient way for
EMPLOYERS & EMPLOYEES to complete
MANDATED, REQUIRED or HIGHLY RECOMMENDED
 training in today's industry

~ **MANY COURSES ARE ALSO AVAILABLE IN SPANISH** ~

FOR ADDITIONAL INFORMATION CALL

MJS SAFETY

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- PEC/Premier
- PICS
- BROWZ

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OSHA / CONSTRUCTION

Death in a Manhole: Utility Worker Killed in Fire

An **Arizona Public Service** (APS) employee was **killed** recently in a fire following an **explosion** in an **underground electrical vault** in downtown Phoenix. **News sources** say a 41-year-old employee **died** in the incident, which **happened** at **approximately 10:30 p.m.** on June 30. Another **APS** employee was able to **escape** the fire but **suffered burn injuries** to his hands and **face**. He was **transported** to the Maricopa Medical Burn Center where he was reported to be in **stable condition**.



The Phoenix Fire Department **firefighters** responding to the fire were **unable** to **extinguish** it until **APS de-energized** the **electrical vault**.

"We are **deeply saddened** to report that an **APS** **employee died**, and another was **injured**, in an accident on **Sunday night** while they were **performing** planned **maintenance**," **APS** said in a **statement**.

Some **buildings** in downtown Phoenix were **left** without power until **post-fire repairs** were **completed**, including the **Phoenix Municipal Building**, the Maricopa County Administration Building and the **Phoenix Civic Plaza South**.

Arizona Public Service is the state's **largest utility** company.

APS, Phoenix **Police** and **Fire**, and **OSHA** are **investigating the incident**.

Join us for **Safe + Sound Week**, August 12-18, 2019

Safe + Sound Week is a nationwide event to celebrate the successes of businesses that have implemented safety and health programs in the workplace. Throughout the year, businesses show their commitment to safety by focusing on management leadership, worker participation, and a systematic approach to finding and fixing hazards in workplaces. Each August we invite them to celebrate their safety successes and efforts to be #SafeAndSoundAtWork.

Why Participate?

Safe workplaces are sound businesses. Successful safety and health programs can proactively identify and manage workplace hazards before they cause injury or illness, improving sustainability and the bottom line.

Participating in **Safe + Sound Week** can help get your program started or energize an existing one.

Who Participates?

Organizations of any size or in any industry looking for an opportunity to celebrate their commitment to safety to workers, customers, the public, or supply chain partners should participate.

How to Participate

Participating in **Safe + Sound Week** is easy. To get started, select the activities you would like to do at your workplace. You can host an event just for your workers or host a public event to engage your community. After you've completed your events, you can download a certificate and web badge to recognize your organization and your workers.

Need ideas...Want more information?
Click this [link](#).

U.S. Department of Labor Provides Compliance Assistance Resources to Find and Fix Workplace Hazards

The U.S. Department of Labor's **Occupational Safety and Health Administration (OSHA)** has **developed compliance assistance resources** to help employers find and **fix workplace hazards** before they cause **injury or illness**.

Workplace injuries and illnesses are preventable when employers **implement a proactive, systematic process** for identifying and **correcting** hazards. **OSHA** is working with **industry stakeholders** to provide informative **compliance assistance** resources.

- [OSHA's Safe + Sound campaign webpage](#) has resources and activities for finding and fixing hazards.
- **OSHA's** [Recommended Practices for Safety and Health Programs](#) identifies key actions for [hazard identification and assessment](#) and [hazard prevention and control](#).
- A [fact sheet](#) guides employers through the process of using an **OSHA 300 log** to identify workplace hazards, and prevent injuries and illnesses.
- A guide for [managers](#) and [safety officers](#) provides tips for conducting safety walk-arounds to identify hazards in the workplace and communicate with workers about hazards in their jobs.

OSHA's [On-Site Consultation Program](#) provides **valuable services** for job **creators** that are separate from **enforcement**. Job **creators** who implement workplace **improvements** can reduce **lost time** due to injuries and **illnesses**, improve **employee morale**, increase **productivity**, and **lower** workers' compensation **insurance premiums**.

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 **help ensure** these conditions for **America's working** men and women by **setting and enforcing standards**, and providing training, **education** and assistance. For **more information**, visit www.osha.gov.

OCI (Office of Compliance Initiatives) – *housed within the **Department of Labor's Office of the Assistant Secretary for Policy** – fosters a compliance assistance culture within the Department designed to complement its ongoing enforcement efforts.*

This Office focuses on helping enforcement agencies more effectively use online resources to deliver information and compliance assistance to help the American people.

*In August 2018, **OCI** launched [Worker.gov](#) and [Employer.gov](#) to provide information about workers' rights and the responsibilities of job creators toward their workers.*

U.S. Department of Labor Redesigns OSHA's Whistleblower Website

OSHA recently redesigned the Whistleblower Protection Program's website.

The streamlined design highlights important information for employers and employees on more than 20 statutes enforced by the agency.

The new [whistleblower homepage](#) utilizes video to showcase the covered industries, which include the railroad, airline, and securities industries.

The improved navigational structure allows visitors to easily access information on protected activities, filing deadlines, and resources.

MJS SAFETY offers onsite assistance
with all of your safety questions and concerns.

GIVE US A CALL TO SCHEDULE A VISIT

CARRIE – 720-203-4948 MIKE – 303-881-2409 JEREMY – 720-203-6325

We are a family business — treating our customers like family!

**"SAFETY
STARTS
WITH
YOU"**

Nationwide Brake Inspection Spree...

September 15-22

The **Commercial Vehicle Safety Alliance's (CVSA) Brake Safety Week** is scheduled for **Sept. 15-22**. Throughout that week, **enforcement officials** will conduct **roadside safety inspections** on commercial motor vehicles throughout North America. **Vehicles with critical brake violations, or other critical vehicle inspection item violations, will be restricted from traveling until those violations are corrected.** Vehicles **without critical vehicle inspection item violations** are eligible to receive a **CVSA decal** indicating that the **vehicle passed inspection**.



During this year's **Brake Safety Week**, inspectors will be **paying special attention to brake hoses/tubing**. While checking these **brake system components** is always part of the [North American Standard Inspection Program](#), **CVSA is highlighting brake hoses/tubing** as a reminder of their **importance** to vehicle **mechanical fitness and safety**.

Routine brake system inspections and component replacement are vital to the **safety of commercial motor vehicles**. The brake systems on **commercial motor vehicles** are comprised of **components that work together** to slow and **stop** the vehicle and **brake hoses/tubing** are **essential** for the proper **operation** of those **systems**. Brake hoses/tubing **must be properly attached**, undamaged, without **leaks** and **appropriately flexible**. Brake hoses/tubing are an **important part of the braking system** so when they do **fail**, they can **cause problems** for the rest of the **braking system**.

"We all know **how important** a properly **functioning brake system** is to vehicle **operation**," said **CVSA** President Chief Jay Thompson with the Arkansas Highway Police. "**All components** of the brake system **must always** be in **proper operating condition**. Brake systems and their **parts** and components must be **routinely checked** and carefully and **consistently** maintained to ensure the **health** and safety of the **overall vehicle**."

Out-of-adjustment brakes and brake-system **violations** represented **45 percent** of all **out-of-service vehicle** violations issued during last year's **three-day International Roadcheck** enforcement **campaign**. And, according to the **Federal Motor Carrier Safety Administration's (FMCSA) 2018 Pocket Guide to Large Truck and Bus Statistics**, **brake-related violations** accounted for **six of the top 20 most frequently cited vehicle violations** in **2017**.

The goal of **Brake Safety Week** is to reduce the **number** of crashes caused or **made more severe** by **faulty brake systems** on commercial **motor vehicles** by conducting **roadside inspections** and identifying and **removing unsafe** commercial motor vehicles from our **roadways**.

In addition to **inspections** and enforcement, **outreach** and awareness efforts by **law enforcement agencies** to educate drivers, **motor carriers**, mechanics, **owner-operators** and others on the **importance** of **proper brake maintenance**, operation and performance are **integral** to the success of this **safety initiative**.

In the **14 jurisdictions** using **performance-based brake testers (PBTT)**, vehicle **braking efficiency** will be **measured** using that tool. **PBTTs** determine **overall vehicle** braking **efficiency** or the **total brake force** over the effective **total gross weight**. The **minimum required** braking efficiency for trucks or combinations with **gross vehicle weight** rating above **10,000 pounds** is **43.5 percent**, required by [§ 393.52](#) of the **U.S. Federal Motor Carrier Safety Regulations** and the **CVSA North American Standard Out-of-Service Criteria**.

Brake Safety Week is part of the [Operation Airbrake Program](#), sponsored by **CVSA** in partnership with **FMCSA** and the **Canadian Council of Motor Transport Administrators**.

Congress Eyes Trucking Insurance Changes, Mandating Automatic Emergency Braking

Two trucking-focused bills were introduced in the House recently. One aims to boost the required liability insurance coverage required of trucking companies, and the other would mandate that new trucks come equipped with automatic emergency braking systems.

Both bills were filed to the House's Committee on Transportation and Infrastructure.

Rep. Jesus "Chuy" Garcia (D-Illinois) and Rep. Matt Cartwright (D-Pennsylvania) introduced the "INSURANCE Act" (H.B. 3781), which would not only raise the minimum liability insurance requirements for carriers but also tie the minimum to the inflation rate of medical costs, as determined by the Bureau of Labor Statistics.

The text of the bill had not been released as of Thursday afternoon, July 18, so the new proposed liability minimum is not yet known, but Garcia said in a press conference earlier that week to introduce the bill that the insurance minimum "should be nearly 6.5 times higher to account for today's inflation and healthcare costs, according to the Bureau of Labor Statistics." If the liability insurance minimum was increased by that much, the new minimum would be nearly \$4.8 million, up from the current \$750,000 minimum.

The Federal Motor Carrier Safety Administration explored the possibility of raising the liability minimum for carriers with an advanced notice of proposed rulemaking in 2014, but the agency withdrew the ANPRM in 2017 due to "a lack of data from key stakeholders."

In a report released in 2014, FMCSA concluded that \$750,000 did not "adequately cover catastrophic crashes" due to inflation and increased medical costs. The report stated that had the liability minimum kept pace with the consumer price index, the minimum required insurance would have been \$1.62 million in 2014. However, if the minimum had kept up with the medical consumer price index, which measures annual increases in medical costs, carriers would have been required to have \$3.18 million in liability insurance in 2014.

Both the American Trucking Associations and the Owner-Operator Independent Drivers Association rallied against FMCSA's rulemaking, arguing that claims in fewer than 1 percent of truck-crashes breach the current \$750,000 minimum.

The other bill, dubbed the "Safe Roads Act of 2019" (H.B. 3773), introduced by Rep. Hank Johnson (D-Georgia), would mandate truck manufacturers to equip all new commercial vehicles with an automatic emergency braking system. This is the third time Johnson has introduced a bill to require AEB systems on trucks, following bills in 2011 and 2015.

As with the INSURANCE Act, the text of the bill has not yet been made public. However, Johnson said in a statement that if the bill passes, it would require OEMs to make the systems standard one year after its enactment.

FMCSA Proposes CDL Testing Change to Allow Drivers to Take Knowledge Test Away from Home State

The Federal Motor Carrier Safety Administration is proposing another rule to make changes to how drivers can obtain a commercial driver's license.

The agency announced Wednesday, July 24, a notice of proposed rulemaking that will allow CDL applicants to take general and specialized knowledge tests in states other than the driver's state of residence.

FMCSA says the proposal "will increase flexibility for driver applicants by reducing time and travel expenditures, while having no detrimental impact on safety."

The rule, if eventually made final, would not require states to offer CDL knowledge tests to out-of-state drivers, but it would give states the option to offer the tests, then transmit the results to the driver's home state, which would be required to accept the results.

The NPRM applies to the general knowledge test, as well as specialized knowledge tests for the passenger (P), school bus (S), tank vehicle (N), double/triple trailer (T) and hazmat (H) endorsements. Additionally, CDL holders who wish to add an endorsement can take the applicable knowledge test outside their home state under the proposal.

FMCSA says the proposal will make the knowledge testing process more consistent with the skills testing process, which can already be conducted outside the driver's home state with the results transmitted back to their home state and the home state issuing the license.

"Reducing burdens and expenses on CDL applicants has the potential to increase the number of available drivers," said FMCSA Administrator Ray Martinez. "With the American economy continuing to grow at record pace, the need for more commercial drivers is critical. This proposal offers commonsense regulatory changes that will help CDL applicants, without compromising safety."

The proposal has not yet been published in the Federal Register, but it will be open for comments for 60 days when it is published in the coming days.

This is the third step the agency has taken this year to ease the path to obtaining a CDL. In March, FMCSA published a final rule to streamline the process to upgrade from a Class B to a Class A CDL. Then, earlier in July, the agency published a deregulatory proposal to allow third-party CDL trainers to administer the skills test to their own students.

HIGH LIABILITY RATES BECOMING THE NORM

The biggest chunk of an independent's insurance costs is liability coverage, which pays for injuries and property damage from a wreck.

For over-the-road drivers, the **Federal Motor Carrier Safety Administration** requires \$750,000 in primary or auto liability coverage. However, most shippers and brokers do not do business with trucking companies that carry less than \$1 million in liability coverage. Certain hazmat haulers, especially those hauling chemicals, are required to have \$5 million in liability coverage.

Liability coverage costs have increased markedly. Premiums for a \$1 million liability policy now can range from around \$6,000 to \$16,000 or more a year.

The 2008 recession caused insurance companies to reduce premiums, says Bob Holtzman, president of California-based Western Truck Insurance Services.

"The marketplace was competing for what business was still there, and rates got really low," he says. As the economy rebounded, he adds, insurers were slow to react and started taking losses "well in excess of premiums."

In the last three to four years, insurers increased rates. Holtzman says rates are now much higher than the low that was seen around 2011 and are expected to remain at that level for the foreseeable future.

That "high" level, though, is relative. Holtzman says most insurance companies still run their commercial trucking business at combined ratios of over 100%. At 105%, for example, every \$100 the insurance company brings in costs them \$105.

As the economy has gotten hot in recent years, there have been more motorists on the road and more freight. These are possible factors in what the insurance community calls "nuclear verdicts," Holtzman says, in which small accidents end up with large settlements in court.

Such verdicts point to the need for tort reform, says David Owen, president of the National Association of Small Trucking Companies. The absence of that reform affects the rising costs of liability insurance, he says.

"Ambulance-chasing lawyers are sucking the blood out of trucking," Owen says. "They're taking absolutely frivolous lawsuits and running into settlements because of the system. It's cheaper to pay the fraudulent claim than to fight it."

Some of the bigger factors affecting an independent's liability rates are the type of freight, age of equipment, typical length of haul and states normally driven through. If you're going up the East Coast or to places such as Chicago and Los Angeles and other urban centers frequently, your insurance rates will be higher because of the associated risk.

Other factors concern the driver: home base, age, driving record, length of trucking experience, insurance claim history and length of time with the same insurer.

FMCSA DRUG AND ALCOHOL CLEARINGHOUSE

COMING SOON

Commercial Driver's License Drug and Alcohol Clearinghouse

The Clearinghouse will improve highway safety by helping employers, FMCSA, State Driver Licensing Agencies, and State law enforcement to quickly and efficiently identify drivers who are not legally permitted to operate commercial motor vehicles (CMVs) due to drug and alcohol program violations. This secure online database will provide access to real-time information, ensuring that drivers committing these violations complete the necessary steps before getting back behind the wheel, or performing any other safety-sensitive function.

WEBSITE UPDATES

[Updated FAQs, Timeline, New Resources](#)

The Clearinghouse website has been updated with additional information, including an interactive timeline and revised frequently asked questions.

- ▶ **December 5, 2016**
Clearinghouse Final Rule Published
- ▶ **Fall 2019**
Registration Begins
- ▶ **January 6, 2020**
Clearinghouse Implementation
- ▶ **January 6, 2023**
Clearinghouse Three-Year Mark

[HOW WILL I USE THE CLEARINGHOUSE?](#)

[GET NEWS AND UPDATES](#)

[FACT SHEET](#)

Drivers with trucks **under 15 years old** often don't have a **problem getting** insured, Holtzman says. Insurers often won't **accept older trucks** or will want them **inspected**.

Following the **good times** seen by **independents** in the last couple of years, the **pace** of leased **operators** getting their **operating authority** has increased. Unfortunately, though, obtaining **liability coverage** has become a **major** hurdle for those **seeking** to make that **step**.

"The **reality** is that **liability insurance** for new authorities has **historically** been a **segment served** by a limited number of **carriers**," says Lou Holmes, a product manager for Progressive, which **still serves** that market.

"That **dynamic continues** to exist today" and has **gotten worse**," he says. "Feedback from our **agency** partners suggests that **over the last several years**, companies have **tightened** their underwriting **appetite** in part to **address** some of the **commercial auto** profitability issues."

Because of that **tightening**, Holmes says, many **insurance companies** have instituted **stricter** requirements on **operating experience**.

The **best thing** a new **authority operator** can do to get the best rate **possible**, Holtzman says, is to **narrowly define** your operation. Determine who your **main shipper** is going to be, the **states** you will **run through** and other **specifics**.

"If you can **deal directly** with **shippers** rather than brokers, that can be a **big help**," Holtzman says. "You'll be able to tell the **insurance** company that you're **working** with **one shipper** giving you **all your work**."

The more **experience** you have behind the **wheel** of a truck, the **better** you'll look to **insurers** as well, especially if your **record shows** no **at-fault accidents** or violations. Holtzman also **suggests** a prospective **new carrier** entrant get a **reference letter** from their **current employer** to show insurance companies. A **solid** reference on **safety** and **dependability** can help lower your **rate**.

Holtzman says that after the **first year**, if you keep your **nose clean** regarding **accidents** and **violations**, you should **be able** to see your **premium drop** a little. However, it usually takes **two years** to see a **noticeable difference** and have **preferred insurance** carriers open up to you.

OTHER FORMS OF LIABILITY INSURANCE

While **auto liability** is the **only type** of **liability insurance** required by **FMCSA**, other **forms** of liability insurance can further **protect independents**.

➤ **GENERAL LIABILITY** *insurance covers incidents that the driver is responsible for that happen away from the insured vehicle. If you travel with a four-legged furry companion, this type of insurance would cover you if your pet were to bite someone.*

➤ **CARGO LIABILITY** *covers anything that happens to the cargo while in transit. Auto liability typically doesn't cover damage to the cargo, so cargo liability insurance covers that gap in case of damage from an accident, fire, theft, reefer breakdown and more.*

➤ **POLLUTION LIABILITY** *is an option for hazmat haulers. Depending on the insurance company, coverage for pollution, usually defined as a continuous seepage, can be added as an endorsement to an existing liability policy or it can be purchased separately.*

LOWERING YOUR RATE

Taking **steps** to **enhance safety**, such as **completion** of the **National Association of Small Trucking Companies' Management and Safety Program**, can help **new authorities** look better to **insurers**, says **NASTC** President David Owens.

"I think our **MSP** and **New Entrant Survival Training** are some of the **fastest**, most measurable ways to get **lower rates**," Owen says. "If you **spend some money** on safety, put **decals** on your **truck** to say 'How am I driving?', doing **drug testing** and things like that, you will be **viewed** as a **better risk**."

Progressive recently **launched** its **Smart Haul program**, which allows its **owner-operator** and **small fleet customers** to receive **discounts** if they agree to **share data** from their **electronic logging devices**.

"With **Smart Haul**, available in **select states**, truckers share the **information** on their **ELD** with **Progressive** to earn savings on their commercial truck **insurance premium**," says Progressive's Lou Holmes. "**Qualifying truckers** save an average of **\$1,384** as a **new business**." Those with **above-average safety** rates can receive larger **discounts**.

Also, while **dashcams** – both road- and **driver-facing** – may not lower your insurance **premiums**, they can help you **avoid lengthy** lawsuits and **unfair verdicts** if the **video proves** you were not at **fault**.

Another way to **reduce** your **insurance premium** is to go with a **higher deductible** on your **policy**. It's wise to **assess** the **deductibles** on all your **insurance policies** to ensure that you can **cover all front-end costs** in case one event **necessitates** filing more than **one claim**.

U.S. Department of Labor Orders Kentucky Trucking Company to Reinstate Driver who Refused to Operate Vehicle During Inclement Weather

The U.S. Department of Labor's **Occupational Safety and Health Administration (OSHA)** has ordered a **freight company** – based in **Florence, Kentucky** – to reinstate a **truck driver** terminated after he **refused** to operate a **commercial motor vehicle** in **hazardous** road conditions **caused** by **inclement winter** weather. **OSHA** ordered the **company** to pay the driver **\$31,569** in **back wages** and interest, **\$100,000** in **punitive damages**, **\$50,000** in **compensatory damages**, and reasonable attorney fees, and to **refrain** from **retaliating** against the **employee**.



OSHA inspectors determined that the **employee** advised the company's **management** of his **reasonable apprehension** of danger to **himself** and to the **general public** due to the **hazardous road conditions**. The termination is a **violation** of the [Surface Transportation Assistance Act \(STAA\)](#).

In addition to **reinstating** the **employee** and clearing his **personnel file** of any reference to the **issues involved** in the **investigation**, the employer must also **post** a **notice informing** all **employees** of their **whistleblower protections** under **STAA**.

"**Forcing** drivers to **operate** a **commercial motor vehicle** **during inclement weather** places their **lives** and the lives of **others** at **risk**," said **OSHA** Regional Administrator Kurt Petermeyer, in Atlanta, Georgia. "This **order underscores** the agency's **commitment** to protect **workers** who exercise their **right** to ensure the **safety** of themselves and the **general public**."

OSHA enforces the **whistleblower provisions** of **STAA** and [21 other statutes](#) protecting **employees** who report **violations** of various airline, **commercial motor carrier**, consumer product, environmental, financial reform, **food safety**, motor vehicle safety, **healthcare reform**, nuclear, pipeline, **public transportation** agency, railroad, maritime, and securities **laws**. For more information on **whistleblower protections**, visit **OSHA's** [Whistleblower Protection Programs webpage](#).

ATA Reports Higher Driver Turnover at Large Fleets in 1Q, But a Dip Year Over Year

The **annualized turnover rate** at **large truckload fleets** rose **5 percentage points** in the year's **first quarter** from the **quarter prior**, according to the **American Trucking Associations**, while the **turnover rate** at **smaller truckload fleets** fell **four percentage points** — the first **dip** for **small fleets** in **three quarters**. The parity between the **two rates** "demonstrated a **muddled picture**" of the **driver market**, said **ATA**.

"While the **market** for drivers in **certain segments** continues to be **tight**, we're seeing the **impacts** of a **softer freight** environment," said Bob Costello, chief economist at **ATA**. "Despite **weaker freight growth**, it is clear that there is still **strong demand** for quality **drivers** industry **wide**, which will **continue** to put carriers **under pressure** to recruit and **keep good ones**."

Larger carriers are defined as those with **more than \$30 million** in annual **revenue**, while **smaller truckload** carriers are those with **less than \$30 million** in revenue.

The **turnover rate** at **large truckload fleets** in the first quarter was **83%** — **6 percentage points lower** than **2018's average** and **11% lower** than the same quarter a **year ago**. At **smaller truckload carriers**, the rate fell to **73%** — the **same rate** as **2018's first quarter**.

Owner-Operators Earn More, Work More Than Company Drivers, Convoy Analysis Finds

Owner-operators earn on average about \$6,000 more a year than company drivers, according to analysis released recently by brokerage app Convoy.

The company analyzed data from the U.S. Census Bureau from 2005-2017, concluding that owner-operators earn more per hour on average and work more hours than their company driver counterparts, accounting for the overall greater pay.

The research was compiled by Aaron Terrazas, Convoy's director of economic research. He notes that, despite the averages, owner-operators have the opportunity to significantly out-earn company drivers. The top 10 percent among owner-operator earners take home 52 percent more — about \$19,200 a year — more than company drivers when controlling for factors like age, experience, education, family status and sex.

"But it is not all guaranteed upside for drivers considering going independent," he said. "The bottom decile of owner operators earn 30 percent less per hour than company drivers, about \$11,000 less over the course of a year."

Convoy concluded that 11 percent of all drivers are self-employed, either as independent owner-operators or leased owner-operators. That's slightly lower than the national percentage across all industries, 15 percent.

Processes to Verify Compliance with Driver Training Standards Bumped to 2022

The **compliance date** for two key provisions in a **looming federal rule** that sets **training standards** for **new truck drivers** will be **delayed**. In a **proposal**, slated to be **published** July 18th, the **Federal Motor Carrier Safety Administration** will announce it **intends** to delay by **two years** — from **Feb. 7, 2020**, to **Feb. 7, 2022** — the **requirement** that **trainers upload** drivers' **certification information** into the agency's **database** and the **requirement** that states **confirm** that **CDL applicants** have complied with the **new training standards** before allowing them to take a **CDL skills or knowledge test**.

However, **FMCSA** insists that the **new curriculum** and the **required behind-the-wheel training** established by the **entry-level driver training rule** will **take effect** Feb. 7, 2020, **despite** the delay in the **methods** meant to **verify compliance** with the **regulations**.

Likewise, **FMCSA** says that **training providers** — including carriers who **train CDL applicants in house** — must be **registered** in the agency's **Training Provider Registry**.

Officially titled [Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators](#), the **final rule** was **published** by the **Federal Motor Carrier Safety Administration** in **late 2016**, intended to create a **federal standard** for **training drivers** and establishing the **registry of certified trainers**.

It also **sets standards** for **theory instructors** and **behind-the-wheel trainers**.

The **rule requires** schools to **teach 31 specific** theory courses and **19 behind-the-wheel** skills courses, and it **requires trainees** to score an **80 percent** on a **theory assessment** and show **proficiency** in the **19 skills** tests to be **certified** to take a **state-issued CDL skills test**.

These **stipulations** of the rule will still **take effect** Feb. 7, 2020, **FMCSA** says. But **trainers** will have an **extra two years** to comply with the **requirement** that they **upload certification** that drivers have **completed** their training. State **driver licensing agencies (SDLAs)** will also receive an **additional two years** to comply with the **requirement** that they **check** to ensure **CDL applicants** have **completed training** at a registered **training provider** before issuing a **knowledge test** or completing a **skills test**.

The **two-year extension** is due to a lag in **IT infrastructure** needed to allow training **providers** to upload and **transmit drivers'** records, **FMCSA** says. The **extension** also will **allow states** to ensure their **systems** are in place to receive **CDL applicant** information.

The **agency** will accept **public comments** on the **proposed delay** for **30 days** from its' **publish date** in the **Federal Register** (*July 18*). Comments can be made at the **regulations.gov** rulemaking portal via **Docket No. FMCSA-2007-27748**.

FMCSA Panel Takes Steps to Revise Obsolete Medical Examiners Handbook

The **Federal Motor Carrier Safety Administration's** update to its **Medical Examiners Handbook** is a **step closer to completion**. The handbook **serves** as a guideline for **physicians** who use it to **assess truck driver health**.

FMCSA's Medical Review Board spent two days **reviewing** a **rewrite** of the **agency's handbook** that is **ultimately** aimed at keeping **unhealthy commercial motor vehicle** drivers off the **road** and ensuring that **drivers** who mind their **health** remain behind the **wheel**.

The **rewrite offers** the agency's suggested "**best medical practices**" for the more than **50,000 certified medical** examiners who **evaluate** such complex **medical conditions** as **diabetes, sleep apnea** and **cardiovascular disease**.

It also **offers** the examiners, who give **truck drivers** physical **exams** at least once **every two years**, information on regulatory **requirements** for such **problems** as **high blood pressure, inadequate vision** and **poor hearing**, as well as when to **disqualify** a driver or **limit** the length of a **driver's medical certification** period.

The five-member **medical board's review** of the **handbook** was **July 15-16**. The last version of the handbook was deemed **out of date** in **2015**, but **board members** said that some examiners **still use it**.

"We started **working** on the **handbook** last year and we got **bogged down** very quickly because we **didn't think** we could make **changes** to it," Brian Morris, a Boston **occupational medical doctor** who serves on the **medical board**. "Changes would require **publishing** in the **Federal Register** and getting **opinions** on it. So if we wanted to **make** any **major changes** it would become a very **complicated process**."

Since then, the **agency assigned** its **recently named** chief medical **officer**, Joseph Sentef, to **trim** the previous **handbook** and **update changes** or **improvements** in diagnosing **driver medical** health. Sentef cut the **length** of the **revised draft** handbook from **260 pages** to less than **80 pages**.

Now, the **recommendations** of the **medical review** board will be **sent back** to **FMCSA** to produce a **final draft** version of the **handbook** and then gain **final approval** by the board in a **subsequent meeting**.

During its **two-day review** the board **tweaked** (and left unchanged) a number of **medical best practices**, including:



- The board decided to give examiners broad authority to assess diabetes conditions, but suggested a diabetes study be conducted that could possibly lead to establishing a firm A1C test result number to diagnose drivers with serious diabetes risk. The A1C test is a blood test that reflects an individual's average blood glucose levels over the past three months.

- Although some prominent health groups have recommended tougher blood pressure standards, the board kept in place a requirement that a driver's systolic blood pressure be lower than 140 mm Hg and diastolic blood pressure lower than 90 mm Hg to avoid being evaluated as having stage 1 hypertension. Changing the standard would require FMCSA to submit a change to the lengthy regulatory process, board members agreed. "Plus, we'd lose a lot of drivers if we adopted the lower standard," Morris said.

- While the board discussed the proliferation of marijuana decriminalization in a number of states, it decided that it should not burden medical examiners with the job of enforcing the outright ban of marijuana use by truck drivers. However, it did caution truck drivers about the use of CBD oils derived from legal hemp. "But if you're a medical examiner, the drug stream is not really part of the examination," said board member Michael Kelley, senior medical director of Ambulatory Services for OhioHealth Neighborhood Care in Columbus, Ohio. The problem with CBD oils, according to Larry Minor, the agency's associate administrator for policy, is that mislabeling of the THC content in hemp could cause a driver to fail a drug test. "You use CBD products at your own risk," Minor said.

- The board decided to leave the current policy in place that permits a driver to have 20/40 vision in both eyes.

- The board agreed to leave examiners wide latitude in determining whether a driver needed to be referred to a costly sleep study for sleep apnea. The revised handbook, which is now headed for review by the agency, refers examiners to 2016 medical review board criteria that drivers not be referred to a sleep study unless the driver has multiple risk factors ranging from hypertension and high body mass index to diabetes, a neck greater than 17 inches, a history of stroke or coronary artery disease and loud snoring.

"I'm **very pleased** to see the **medical review board** taking big **strides** in trying to **advise medical** examiners," said Abigail Potter, manager of **safety** and **occupational policy** for **American Trucking Associations**. "Major **steps** have occurred in giving more **clarification** for **medical examiners**."

DOT to Begin Process of Clarifying HOS Exceptions for Ag Haulers

The **Federal Motor Carrier Safety Administration** will soon begin **accepting feedback** on what **freight** is considered **agricultural commodities** and to what extent **haulers** of those commodities should **receive exemptions** from **federal hours of service regulations**.

In an **advanced notice of proposed rulemaking (ANPRM)** recently slated to be published, **FMCSA** will **solicit input** on questions like **whether** the **agency** should form a list of **exactly what** products are **considered ag commodities** (*and therefore covered by HOS exemptions*), what **animals** are **considered livestock** and what **roadblocks** or financial **liabilities** hours of service regs **cause ag and livestock haulers**.

The **agency** will **accept** feedback on these **questions**, which you can read in full in the **ANPRM** at this [link](#), for 60 days, beginning when the **notice is published** in the **Federal Register**. Comments can be filed at [regulations.gov](#) under **Docket No. FMCSA-2018-0348**.

FMCSA says the **potential rulemaking** is intended to **add clarity** to **existing exemptions** and potential **new exemptions**, as well as **create uniformity** in enforcement of those **exemptions**. The agency **currently relies** on state-defined **harvest** and **planting seasons** for the existing **150-air-mile radius** exemption afforded to **ag commodities haulers**, but there are “**indications** that the **current** definition of these terms may **not be understood** or enforced **consistently** when determining whether the **HOS exemption applies**.”

The **150-air-mile radius** exemption allows drivers **hauling ag commodities** to run **without** keeping records of **duty status** within **150 air miles** of the **commodities’ source**. Once they **exit** that radius, they **must begin** keeping records of **duty status**.

Currently, the **agency defines** ag commodities as “**any agricultural commodity**, non-processed food, **feed**, fiber, or livestock,” but that **definition could change** should the **agency**



proceed with the **rulemaking process** after it **solicits feedback** with the **ANPRM**.

The agency **potential move** comes as **regulators** and lawmakers **grapple** with timeliness of **food deliveries** since the implementation of the **electronic logging** device mandate. **FMCSA’s** own **clarification** of just how the **150 air mile radius** exception to the hours of service **applies for ag haulers** was **finalized** just more than a year ago — as **hard enforcement** of the **ELD mandate** began.

Likewise, the **issue’s** been in front of **Congress**. Bills in the U.S. House have proposed **instituting** a **special set of hours rules** for haulers of **livestock** and **ag commodities**, potentially **expanding** the short-haul **air-mile radius** to **300 miles**.

Likewise, a bill in the Senate **introduced** last year would have required **FMCSA** to establish a **working group** with state and **ag industry** officials to **examine hour**, ELD and other **regulations** as they **pertain** to the **ag- and livestock-hauling** sector.

The agency’s **pre-rule** related to defining **ag haulers** is **separate** from, and in **addition to**, the agency’s **looming proposal** to **overhaul hours** of service **regulations** for the **entirety** of the **industry**. That proposal has also been **filed** to the **OMB** and is still **awaiting approval**.

Fatal Summary Update for First Half of 2019



2019 Fatal Comparison Chart (based on preliminary report data, fatal alerts, & final reports) Updated: 7/9/2019

2019 - Month	MNM	Coal	Totals	Difference	Totals	2018 - Month	MNM	Coal
January	0	2	2	+1	1	January	1	0
February	0	0	0	-2	2	February	0	2
March	2	1	3	0	3	March	1	2
April	0	0	0	-1	1	April	1	0
May	2	1	3	+2	1	May	1	0
June	2	0	2	-1	3	June	2	1
July					1	July	1	0
August					2	August	1	0
September					6	September	0	2
October					2	October	5	1
November					2	November	2	0
December					4	December	0	4
2019 Total:	6	4	10	-1	27	2018 Total:	15	12

Metal/non-metal mine fatalities are on pace with 2018, with six reported in the first half of both years, while Coal is showing one fewer in 2019 than in 2018.

The graph below shows that most of the fatalities occurred in surface mines or the surface area of underground mines. Powered haulage is, once again, the leading cause of miner deaths with three reported, but it is closely followed by two fatalities related to Machinery and one death related to Slip and fall of persons.

This report is meant to remind us that safety should always be first and foremost at mining operations. The goal of all producers is that their employees go home from work in the same condition they reported to work.

2019 Fatal Comparison Chart (based on preliminary report data, fatal alerts, & final reports) Updated: 7/9/2019

MNM Total	6	Fatal #'s	Coal Total	4	Fatal #'s	Total
Underground (UG)	0		Underground (UG)	3	1, 2, 9	3
Surface & Sur of UG	6	3, 4, 6, 8, 10, 11	Surface & Sur of UG	1	5	7
Contractor	2	10, 11	Contractor	2	1, 2	4
Powered Haulage	3	8, 10, 11	Powered Haulage	1	2	4
Non-Powered Haulage			Non-Powered Haulage			
Machinery	2	3, 6	Machinery	2	1, 5	4
Roof, Rib, Highwall Fall			Roof, Rib, Highwall Fall	1	9	1
Electrical			Electrical			
Slip & Fall of Persons	1	4	Slip & Fall of Person	0		1
Fall & Sliding Materials			Fall & Sliding Materials			
Ignition/Exploding Gas			Ignition/Explosion/Fire			
Hoisting			Hoisting			
Inundation			Inundation			
Exploding Vessel			Exploding Vessel			
Explosive/Breaking Agent			Explosive/Breaking Agent			
Maintenance/Repair Involved			Maintenance/Repair Involved			
Examiner, Supervisor, Owner	1	6	Examiner, Supervisor, Owner	0		1
Other			Other			

Court Rejects MSHA's Revisions to Workplace Examination Rule

Source: Margaret S. Lopez, Ogletree Deakins

Due to a recent court decision, metal/nonmetal mine operators are again facing the possibility of having to comply with two of the more onerous provisions of the Mine Safety and Health Administration's (MSHA) workplace examination rule, 30 C.F.R. §§ 56.18002, 57.18002, as it was originally issued in 2017. Those provisions concern the timing of when the examination must be performed and what adverse conditions must be recorded on the examination record.

At the very end of the Obama administration in January 2017, MSHA promulgated a rule imposing new requirements for workplace examinations: [Examinations of Working Places in Metal and Nonmetal Mines](#), 82 Fed. Reg. 7680 (January 23, 2017). Under the Trump administration, MSHA delayed enforcement of the 2017 version of the rule and then issued a significant revision: [Examinations of Working Places in Metal and Nonmetal Mines](#), 83 Fed. Reg. 15,055 (April 9, 2018). It is the 2018 revision that has now been vacated in *United Steel, Paper and Forestry, Rubber, Mfg., Energy, Allied Indus. and Serv. Workers Int'l Union*, No. 18-1116 (D.C. Cir. 2019), a decision brought by labor unions against the U.S. Department of Labor (MSHA).

The 2018 revision changed two requirements imposed by the 2017 rule:

Timing of Exam. *The 2017 rule requires that each working place be examined at least once each shift before miners begin work in that place. The 2018 revision states that operators are to perform the shift workplace exam either before work begins or as work is beginning in the working place. This revision provided more flexibility to operators on this important element of timing. It also reduces the potential risk of a hazard arising during the interval between completion of the exam and miners entering the area to begin work.*

Recording of Conditions. *The 2017 rule requires that all adverse conditions found in the exam be recorded. The 2018 revision only requires recording of adverse conditions that could not be corrected promptly. This revision relieves operators of the burden of documenting conditions that are fixed right away and therefore pose no safety risk. It also creates an additional incentive to fix conditions quickly.*

Basis for the Court's Decision

The U.S. Court of Appeals for the D.C. Circuit rejected the 2018 revision of the rule based on a Federal Mine Safety and Health Act provision, 30 U.S.C. § 811(a)(9), which prohibits MSHA from promulgating a rule that reduces the protection afforded miners by an existing safety or health standard. The court found that MSHA did not offer sufficient justification in the 2018 rulemaking for making the revisions to the 2017 rule under this no-less-protection limitation. Consequently, the court struck down the 2018 revision and ordered the agency to reinstate the 2017 version of the rule.

What Should Operators Do Now?

It is important to note that the court's decision has not yet become final and MSHA has not yet announced any change in its requirements for exams. MSHA still has until early August to decide what action to take in response to the D.C. Circuit's decision. Even if the agency does seek review of the court's ruling, it is possible that MSHA may take other action short of immediate enforcement of the 2017 rule. If MSHA follows the same process it did previously on implementing the workplace examination rule, mine operators could expect the agency to phase in enforcement over time, while providing operators further information on what will be required and time to adjust their workplace exam program to the new requirements.

Another factor that may influence MSHA's next steps is the case currently pending in the U.S. Court of Appeals for the Eleventh Circuit that challenges the original 2017 version of the rule: *National Mining Ass'n v. U.S. Dep't of Labor*, No. 17-11207. The case has been briefed, but has been stayed pending resolution of D.C. Circuit case.

Updates on this issue will be published as further key developments occur.

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Global versions of Twin Nano-Lok edge and Wrap Back models

Through continuous testing of our **Twin Leg Nano-Lok Edge** and **Twin Leg Nano-Lok Wrap Back SRL's**, 3M has determined that in the event of a fall and under certain conditions, the energy absorber may not properly deploy which could expose the worker to serious injury or death.

► **The issue was discovered through internal testing - no one has been hurt or injured.**

▪ Here is how to move forward:

1. Look at this [list of effected part numbers](#) to determine which products are part of this recall.
2. Visit www.nanolokedgerecall.com and follow the instructions to send back the effected items - this website will be live at 5PM EDT on Thursday, July 25, 2019.
3. Choose one of the options below:
 - a. As soon as a product solution is available, 3M will repair or replace the units and return to the customer at 3M's Expense.
 - b. Customer can elect to receive cash buy back of \$200/Twin Leg Nano-Lok Edge or Nano-Lok Wrap back when the unit is Returned to 3M.
If a customer participates in the \$200 Buy Back Option the customer is not eligible for free replacement when it becomes available
 - c. As an interim solution for applications requiring 100% continuous connection in leading edge applications with sufficient fall clearance, 3M recommends the DBI-SALA® EZ-Stop Leading Edge 100% Tie-Off Cable Shock Absorbing Lanyard.
** (Part Numbers: 1246067, 1246069, 1246068, 1246495, 1246178, 1246412)**
 - d. Customers can elect to use a Single Leg Nano-Lok Edge SRL (Run through the webbing of their OSHA Approved harness below the back d-ring) with a single leg EZ-Stop Leading Edge Lanyard attached to the workers d-ring.
 - e. If the customer has two Single Leg Nano-Lok Edge SRL's, the customer can attach those two lifelines to the d-ring with our 3M™ DBI-SALA® Nano-Lok™ edge Web Loop Harness Adaptor 3500046 (See Image to the right) and click here to [download the PDF with part numbers](#).



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**Emergency
Police - Fire - Medical**

Emergency Services

Today, **911 emergency service** is available almost everywhere in North America. In nearly all locations in the United States and Canada, a **911 call** over a land-line telephone will link the caller to an emergency-dispatch center. In the United States, most localities with **911 service** also have so-called "**Enhanced 911**," which will not only connect the land-line caller to a dispatcher, but also will automatically provide the caller's location to the emergency dispatcher.

This automatic-location information is critical for emergency responders in cases when the **911 caller** does not know his/her exact location or does not have enough time to provide such information.

Although the automatic transmission of location information to emergency dispatchers is customary for land-line telephones, the task of automatically transmitting location information is more complex when the emergency call originates from a wireless telephone.

The revisions address the problem of locating callers, usually cell-phone callers, in remote areas that do not have automatic-location capability.

In such areas, **OSHA's** revisions require employers to **post** in a **conspicuous location** either the latitude and longitude of the worksite or other location-identification information that effectively communicates the location of the worksite.

The revisions also require employers to ensure that the communication system they use to contact ambulance service is effective.

When using wireless telephones as a communication system, that system's availability varies based on the location of the caller. If an employer is relying upon a communication system at a worksite, it must be effective at the worksite.

You can access the **Final Rule** [online](#).