



OUR NEW OFFICES/TRAINING CENTER WILL BE READY SOONER THAN EXPECTED...

- MARCH 1-14TH TRAINING WILL TAKE PLACE AT OUR CURRENT LOCATION – 246 BASHER DRIVE #1, BERTHOUD, CO 80513
- STARTING MARCH 15TH, WE'LL BE IN OUR NEW OFFICES/TRAINING CENTER AT 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543

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 Mar 2017:** • TRAINING CENTER – SEE LOCATION SCHEDULES ABOVE • [read more...](#)

OSHA / CONSTRUCTION NEWS SUMMARY

National Ladder Safety Month | March 2017

Every step matters — From step stools to extension ladders, make sure you're putting the right foot forward.

Every year over 300 people die in ladder-related accidents, and thousands suffer disabling injuries. [read more...](#)

Ladder safety will also be an important component of OSHA's annual

National Safety Stand-Down To Prevent Falls in Construction May 8-12, 2017

See [more information](#) on the Stand-Down.

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TRANSPORTATION NEWS SUMMARY

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CDOT chief says not wearing a seat belt is "idiotic"

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AS CONGRESS EYES NAFTA REWORK, FMCSA POLICY GRANTING MEXICAN CARRIERS' AUTHORITY GOES TO COURT

Cross-border trucking with Mexico saw action in Congress last week, and it is set to see action next month in court, as a federal court is slated to hear arguments March 15 against a 2014 FMCSA policy allowing Mexican carriers to apply for long-haul operating authority in the U.S. [read more...](#)

~ **MJS Safety is moving to a new facility – Opening March 15, 2017** ~
1760 Broad St, Unit H, Milliken, CO 80543 – conveniently located halfway between I-25 and Hwy8 on Hwy60

▶ **FMCSA Clarifies ELD Compliance Extensions, Non-Compliant Devices**

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A Feb. 15 letter to U.S. Department of Transportation Secretary Elaine Chao outlines trucking and bus industry concerns over the **Federal Motor Carrier Safety Administration's** pursuit of a new **Safety Fitness Determination** rulemaking. [read more...](#)

▶ **FMCSA Re-Opens Comment Period on Request for Driver Drug Testing Changes**

Granting requests made by driver trade unions, the **Federal Motor Carrier Safety Administration** has re-opened the public comment period for a request made by some of the country's largest carriers to allow them to drug test driver applicants via hair sample instead of a urine sample. [read more...](#)



MSHA NEWS SUMMARY

▶ **Alert on Recent Fatalities from Working Alone and in Hazardous Restricted Areas**

Two mining deaths occurred within 24 hours in which the victims were working alone and in restricted areas where there were hazardous conditions, highlighting the need to observe **Best Practices** to avoid hazardous areas and avoid working alone, among other tips. [read more...](#)



▶ **Spring Thaw Training Workshops**



Statistics show that mining accidents tend to increase during April and May when many intermittently operated mining operations begin producing again, often with new employees who are unaware of the hazards of mining. [read more...](#)

MONTHLY SAFETY TIP NEWS SUMMARY

▶ **Tobacco in the Workplace**

(information last updated: November 16, 2016)

Although the proportion of workers who smoke tobacco or who are exposed to secondhand smoke in the workplace has declined over the past several decades, many workers remain susceptible to the harms of tobacco smoking. [read more...](#)

[Tobacco Smoking](#)

[Electronic Nicotine Delivery Systems](#)

[Smokeless Tobacco](#)

[Reports from the Surgeon General](#)

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 Mar 2017: • TRAINING CENTER

— MARCH 1-14TH - 246 BASHER DRIVE #1, BERTHOUD, CO 80513
— STARTING MARCH 15TH - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543

- PEC Safeland Basic Orientation: Mar 1, 8, 15, 23
- First Aid/CPR/AED / BLOODBORNE PATHOGENS: Mar 10, 14, 16 8 a.m.
(We offer both MEDIC FIRST AID & AMERICAN HEART ASSOCIATION)
- Medic 1st Aid Instructor Course: Mar 10
- OSHA 10 Hour Outreach for Construction Course: Mar 6 (day 1), Mar 9 (day 2)

► **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?

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SOURCES FOR THIS ISSUE INCLUDE OSHA FMCSA MSHA Overdrive CCJ kdvr.com Denver Post NIOSH CDC CDOT American Ladder Institute pitandquarry.com

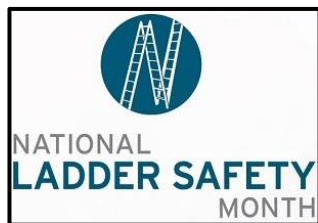


National Ladder Safety Month | March 2017

Every step matters — From step stools to extension ladders, make sure you're putting the right foot forward.

Every year over **300 people** die in ladder-related accidents, and thousands suffer disabling injuries.

Join the **American Ladder Institute (ALI)** in celebrating the first-ever **National Ladder Safety Month**, designed to raise awareness of ladder safety and to decrease the number of ladder-related injuries and fatalities.



What is National Ladder Safety Month?

National Ladder Safety Month is the only movement dedicated exclusively to the promotion of ladder safety, at home and at work.

During March 2017, **National Ladder Safety Month** will bring heightened awareness to the importance of the safe use of ladders through resources, training and a national dialogue.

ALI, the only approved developer of safety standards for the U.S. ladder industry, is the presenting sponsor for **National Ladder Safety Month**.

The "why": Every life saved is precious

ALI believes ladder accidents are preventable, but without better safety planning and training and continuous innovation in product design, we will continue to see far too many fatalities.

Please join **ALI** and its members in sharing this message with the world.

The goals of National Ladder Safety Month are to:

- Increase the number of ladder safety training certificates issued by ALI
- Increase the frequency that ladder safety training modules are viewed on www.laddersafetytraining.org
- Lower the rankings of ladder-related safety citations on OSHA's yearly "Top 10 Citations List"
- Decrease number of ladder-related injuries and fatalities
- Increase the number of competent ladder inspector trainings
- Increase the number of companies and individuals that inspect and properly dispose of old, damaged or obsolete ladders

OSHA/CONSTRUCTION

Ladder safety will also be an important component of OSHA's annual

National Safety Stand-Down

To Prevent Falls in Construction

MAY 8-12, 2017

See [more information](#) on the Stand-Down.

Employers Reminded to Post Injury and Illness Summaries Through April; Electronic Filing Not Required Until July

OSHA reminds employers of their obligation to post a copy of **OSHA's Form 300A**, which summarizes job-related injuries and illnesses logged during 2016.



The summary must be displayed from February through April in a common area where notices to employees are usually posted.

Businesses with 10 or fewer employees and those in certain low-hazard industries are exempt from OSHA recordkeeping and posting requirements. Under a new rule, many of the same employers will be required to electronically submit the 2016 data to OSHA by July 1, 2017.

A page for submitting records electronically will soon be available. Visit OSHA's [Recordkeeping webpage](#) for more information on recordkeeping requirements.

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.

Senate Panel Ok's \$300 Fine for "Careless" Texting While Driving in Colorado

The bill could tag drivers with a \$300 fine for texting and driving in a "careless" manner.

A measure to crack down on texting and driving cleared a Colorado Senate panel on Feb. 8th with bipartisan support, after lawmakers amended it to be more forgiving to motorists.

The changes reduced the proposed fine for first-time offenders from \$500 to \$300, and clarified that a motorist has to be driving in a "careless and imprudent manner" to be subject to any penalties.

Currently, the fine for first-time offenders is \$50. The bill also would assess a five-point driver's license penalty, up from one point

The measure — Senate Bill 27 — passed the GOP-led State Affairs Committee with bipartisan support after a compromise was struck between the bill's Democratic sponsor, Sen. Lois Court of Denver, and Sen. Owen Hill, a Colorado Springs Republican.

The Democrat-authored bill was widely expected to be defeated along party lines when it was assigned to State Affairs, but a recent emotional hearing in which the committee heard from victims' families and friends appeared to shift the thinking of the Republican majority.

While the bill would increase penalties from the current law, with the changes, it also would make it legal for drivers to text in some circumstances — as long as a driver didn't hit the legal threshold for careless driving. For instance, Court said, it wouldn't be illegal to send a text while stuck in gridlock traffic, or sitting at a red light.

A state Department of Transportation study found that about one in every 10 fatal crashes in 2015 involved a distracted driver. In the past two years, 934 drivers over age 18 were convicted for texting and driving.

From here, it heads to the Finance Committee, where it stands a good chance of passage. Hill, who helped iron out the compromise, serves on that committee.

CDOT Director Blames Surge in Colorado Roadway Fatalities on an "Epidemic of Distracted Driving"

CDOT chief says not wearing a seat belt is "idiotic"

Colorado's top transportation official blamed a spike in state roadway fatalities last year on an "epidemic of distracted driving," saying motorists need to take responsibility for their safety and the safety of other drivers.

"We've kind of seen the limit of taking dangerous intersections out and putting in grade-separated crossings or adding clear zones," Colorado Department of Transportation executive director Shailen Bhatt, said. "We can engineer the system as well as we can. But the behavioral stuff is not something that we can move the needle on drastically, except for our education programs."

At least 605 people died on Colorado's roadways in 2016, including an all-time high 125 motorcyclists and a 15-year high 84 pedestrians and 16 bicyclists. The overall number of deaths is an 11 percent increase over 2015, when 547 people died on the state's roadways.

"Ninety percent of crashes are a result of human error," Bhatt said. "That's why we don't call them accidents, we call them crashes." The last time the fatality count was so high was in 2005, when 606 people were killed.

"Each and every person needs to take that personal accountability," said Col. Scott Hernandez, chief of the Colorado State Patrol. "Please help us drive these numbers down. It's staggering to lose a life and the number over 600 — we have to work together to drive that down."

Hernandez and Bhatt also encouraged the public to remember to wear seat belts. They pointed to the 186 un-restrained people killed in Colorado crashes last year.

The pair said they believed Colorado should have a primary seat belt law, meaning that officers can pull over motorists who aren't wearing one. Currently, motorists in Colorado must be stopped for another offense before receiving a ticket for a seat belt violation.



"It's just idiotic that 50 years after the seat belt was invented there are people who still dispute that it might be a life-saving thing," Bhatt said

Officials say the state's limited seat belt use — an estimated 84 percent wear them — is a major factor in the rise in deaths. About half of all those killed in crashes last year were not restrained.

"On a weekly basis, we see people who have been horrifically injured in mostly high-speed or multi-vehicle collisions where they have been much more injured because they were not wearing a seatbelt," said a trauma surgeon at Swedish Medical Center. "They are ejected from the vehicle. It can make the difference between someone who goes home with nothing, or someone who gets admitted to the intensive care unit with horrible injuries." He added: "It's definitely a major problem."

The 11 percent 2016 increase in roadway deaths outpaced Colorado's estimated population growth, which the state demographer's office says was 1.7 percent in 2016.

A recent tally shows 33 people had died on Colorado's roads so far in 2017. That includes five Bennett High School students who cut class Jan. 24 and were involved in a wreck that left two of them dead and three others seriously injured.

"When you start adding up the numbers," Hernandez said, "it's staggering to say the least."

Adams County's roads were the deadliest in 2016, CDOT data shows, accounting for the deaths of 60 people in 58 crashes. The next highest was Weld County, where 57 people died last year in collisions, followed by Denver — which had 54 roadway fatalities — and El Paso and Jefferson counties, which each saw 48 deaths on their roads.

Using Denver police data, the state's largest city and county had the highest number of fatalities at 61. Denver officials say their internal data can differ from what's reported to the state.

There were at least 276 deaths on roads in Colorado's cities, CDOT reported. Colorado Springs and Aurora came in second after Denver, each reporting 31 fatalities.

High Driver Turnover Correlated with Higher OOS, Crash Volumes and CSA Scores

Here's how the SMS scores in the seven CSA BASICs worked out, with high-attribution/turnover carriers represented by the orange bar in each pair, the low turnover fleets by the blue:

• Unsafe driving	30.9	13.7
• Hours of service	50.3	27.8
• Vehicle maintenance	30.9	14.7
• Driver fitness	48.5	22.8
• Controlled substances	12.2	6.7
• Hazmat	17.1	2.7
• Crash Indicator	38.0	17.0



The differences were even more stark in metrics that drivers and carriers tend to trust as better correlating to safety performance, those outside of CSA BASIC scores, such as out-of-service inspections and volume of DOT-recordable

crashes. High-turnover carriers had a “driver out-of-service rate 189 percent higher,” Bryan said, than low-turnover carriers. The vehicle OOS volume for those high-turnover carriers was 300 percent higher.

As regards reportable crashes, the high-turnover group showed 1,177 total. The low showed just 303, a huge difference.

“CSA hurts, turnover hurts,” Bryan concluded. “I know I’m standing up here telling you about a problem carriers are well aware of — everyone would love to have better retention. “What I am hopefully bringing here is something you can take back to your company as a new lever. You know your turnover — maybe you can use some of this information to help focus your companies on how much the turnover/attrition rate can hurt you as a motor carrier in some aspects of safety.”

FAST Act CSA Requirements, Update

Bryan also offered just a bit of update on what’s happening with the aforementioned effort by the National Academies to put together recommendations for the CSA program and its Safety Measurement System. “They convened a panel of outside PhD statisticians from every walk of life,” Bryan said, from “universities all over the country. They quite frankly don’t know much about trucking, but know a lot about data and government programs.” The group was very busy in 2016 with five total meetings, three of which were public.

“What I saw was very encouraging,” Bryan said. “CSA will never come back to light again unless the FMCSA implements the reforms that the Academies suggest.”

Timeline for the Academies’ report is for it to be published by June. “We’re a few months from seeing what the Academies will suggest. My opinion is the suggestions are going to be strong, and deep and detailed. It will take time to implement it all. These are very serious people that have no interest at all in having a program that measures safety that isn’t very, very good. I think, for a guy that loves data, it will be a very interesting summer when we see that report come out.”

Stay tuned.

The Vigillo data firm, counting around 2,000 trucking fleets as customers for their compliance data mining and monitoring services, recently completed an analysis of clients’ rates of driver attrition, or turnover, and found a correlation between carriers with high turnover rates and generally more negative numbers in the FMCSA’s compliance measurement/ranking program. Speaking at Conversion Interactive Agency’s Recruiting and Retention conference, Steve Bryan, president and founder of Vigillo, laid out the results for the audience of recruiters.

The analysis was meant to ask these questions, he said: Does high driver attrition impact CSA scores? And more to the point: “When you’re battling the turnover problem – does it matter where the rubber hits the road in true safety?”

Granted, CSA as it exists at present, has no shortage of problems, all of which led to Congress ordering the FMCSA to pull SMS scores from public view and retain the National Academies to analyze the program for improvements, as Bryan outlined in his presentation. Setting those issues aside for the moment, however, Bryan urged his audience to consider what he sees as “strong correlations” between the broader “safety culture that exists in a motor carrier — I’m going to propose that it can be measured in CSA — and turnover rates.”

Vigillo’s service allows the company visibility into client carriers’ driver-employees as they enter and exit in the company’s database. He and data scientists at the company measured all client carriers’ turnover rates on the basis of such entries and exits, discarding those who fell in the middle and looking at the difference in compliance performance for equivalently-sized groups in the 25 percent with the highest turnover versus the 25 percent with the lowest turnover. Results showed that in all 9 analyzed metrics, high turnover carriers performed significantly worse than low-turnover carriers.

AS CONGRESS EYES NAFTA REWORK, FMCSA POLICY GRANTING MEXICAN CARRIERS' AUTHORITY GOES TO COURT

Cross-border trucking with Mexico saw action in Congress last week, and it is set to see action next month in court, as a federal court is slated to hear arguments March 15 against a 2014 FMCSA policy allowing Mexican carriers to apply for long-haul operating authority in the U.S.

On Feb. 16, Rep. Peter DeFazio (D-Oregon) introduced "Blueprint for America's New Trade Policy," which DeFazio described as principles for renegotiating the North American Free Trade Agreement. The resolution stipulates that a NAFTA replacement "should require all foreign service providers' vehicles and drivers entering the United States to meet all United States highway safety and environmental standards before being granted access to and use of United States distribution and transportation systems."

The Owner-Operator Independent Drivers Association and labor organizations supported HR 132, which was referred to committee with 14 co-sponsors. The resolution asks the president to initiate renegotiation or withdraw from the 1994 agreement.

It directs President Trump to initiate the renegotiation of NAFTA no later than June 1. All of the provisions included in the resolution must be agreed to by Mexico, Canada and the U.S. before the agreement can be approved.

If negotiations are not completed and all the provisions outlined in the resolution agreed to within one year of beginning talks, the resolution directs the president to consider withdrawing the U.S. from NAFTA.

President Trump had campaigned that he would renegotiate or withdraw from Trans-Pacific Partnership and began renegotiating NAFTA during his first 100 days as president. Former President Barack Obama had brokered the 12-nation TPP, but it never received congressional approval.

The DOT has faced an upward fight to implement NAFTA's trucking provisions. Congress defunded its first pilot program in 2009, but the DOT began a second one after Mexico imposed more than \$2 billion in retaliatory tariffs for not complying with agreement. Both pilot programs weathered extensive legal battles.

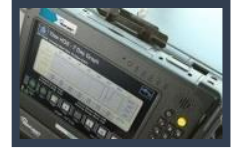
Nearly two years ago, the DOT opened the border following its final report to Congress on Mexican carriers' safety. The Teamsters union challenged that decision in the U.S. Court of Appeals Ninth Circuit and OOIDA was permitted to participate as an intervenor.

The association says the agency has provided little of the evidence used to decide to open the border, OOIDA stated in a Feb. 8 reply motion. "The scraps of information that the agency does provide are seriously flawed and fail to establish a foundation to support a finding by the court of reasoned decision-making," it wrote.

Also, the association said the DOT must seek congressional approval through statutory amendment before Mexican drivers may operate here using Mexican driver licenses.

The union argues that the final report makes a conclusion based on a pilot program that had an insufficient number of participants, yielded inadequate data, and did not adequately test the safety of Mexican carriers.

FMCSA Clarifies ELD Compliance Extensions, Non-Compliant Devices



The Federal Motor Carrier Safety Administration issued new guidance on the use of older logging devices that, while lacking compliance with the agency's electronic logging device stipulations, afford carriers two extra years — until December 2019 — to fully comply with the ELD mandate.

The agency also published clarification for carriers whose devices turn out to be non-compliant after they're in use.

When the ELD mandate was published in December 2015, carriers using so-called automatic onboard recording devices can continue running the devices to comply with the mandate until Dec. 16, 2019, as part of the ELD mandate's "grandfather" clause. That's two additional years beyond the Dec. 18, 2017 compliance date for the ELD mandate.

The FMCSA guidance, issued Feb. 15 via the agency's ELD FAQ section on its website, clarifies that carriers can transfer an AOBRD to a new truck and remain compliant with the ELD mandate so long as the truck replaces another.

AOBRDs will not be considered compliant options if they are installed in vehicles that do not replace other trucks within a carrier's operation, FMCSA says.

"If your operation uses AOBRDs and you replace vehicles in your fleet with new commercial motor vehicles, you can install existing AOBRDs in the new CMVs. However, you may not purchase and install a new AOBRD in a vehicle after Dec. 18, 2017," according to FMCSA's update.

AOBRDs differ from ELDs in a few key ways. They aren't required to automatically record location or interface with a truck's engine, among other smaller differences, though as a practical matter most such available devices today are synchronized with engines' electronic control modules as a primary source of data. AOBRDs generally do record location data, too. ELD shifts for many will be a matter of software updates not requiring much of a change for end users.

Carriers using the devices by the Dec. 18, 2017 compliance date can run the devices until Dec. 16, 2019. By that date, carriers will need to upgrade to fully compliant ELDs.

In another Feb. 15 update, FMCSA reported that carriers found to be using non-compliant devices will have eight days to replace the device with a compliant option. Though carriers are required to choose a device from the agency's registry of certified devices, the agency's vetting process for the devices does not entail testing for compliance, relying on manufacturers to self-certify their devices.

"In the event of a widespread issue, FMCSA will work with affected motor carriers to establish a reasonable timeframe for replacing non-compliant devices with ELDs that meet the requirements," FMCSA wrote in its notice.

FMCSA also noted that ELD suppliers will not be required to notify carriers if their device has been removed from the agency's registry.

Trump Orders Creation of Teams to Target Regulations for Removal

President Trump continued his pursuit of broad regulatory reform, targeting in a Feb. 24 order regulations that stifle job creation, impose unnecessary costs or are simply outdated or ineffective, according to an Executive Order issued Friday, Feb 24.

Trump directed all federal agencies, including the **Federal Motor Carrier Safety Administration**, to establish a team to evaluate existing regs and make recommendations about regulations that need “repeal, replacement or modification,” the Executive Order states. The order refers to the teams as Regulatory Reform Task Forces. Nearly all federal agencies will be required to form a task force, to be made up of senior agency officials and others.

Trump also ordered federal agencies to appoint a so-called Regulatory Reform Officer within 60 days. The officer would head each agency’s regulatory task force. The RROs will also enforce other Trump orders targeting regulations, the order states.

“Each RRO shall oversee the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms,” Trump’s order states.

The regulatory task forces established by the order will seek input from state and local governments and businesses, consumers and trade associations, according to the order’s stipulations.

This is the third executive action pertaining to existing regulations Trump has issued since assuming the presidency Jan. 20. In his first week, Trump signed a regulatory freeze, halting federal agencies from publishing or enacting any new regulations for 60 days. Later, Trump signed an order telling federal agencies to remove two regulations for each new regulation enacted. That order already is facing a court challenge and logistical questions.

The American Trucking Associations in a statement about the two-for-one order said it supports a “judicious” approach “in eliminating or reversing regulations,” and that it is “a useful exercise” to periodically review regulations to ensure their relevancy.

Agencies’ task forces are required by the order to produce their first report on regulations within 90 days.

Alert To DOT: Industry Shows Unity Against Safety-Rating Change in Light of CSA's Problems



A Feb. 15 letter to U.S. Department of Transportation Secretary Elaine Chao outlines trucking and bus industry concerns over the **Federal Motor Carrier Safety Administration’s** pursuit of a new **Safety Fitness Determination** rulemaking.

The letter, signed by a coalition of numerous trucking and bus associations, motor carriers and other logistics stakeholders, urges the DOT Secretary to rescind the Notice of Proposed Rulemaking **FMCSA** issued now more than a year ago to revamp the safety-rating process and tie it in part to the structure of the **Compliance, Safety, Accountability’s Safety Measurement System BASIC** categories of measurement.

“Our major concern with the proposal is that the new proposed methodology utilizes flawed **CSA/SMS** data and scores,” the letter’s signatories write. The Notice of Proposed Rulemaking issued by **FMCSA** in Jan 2016 followed Congress’ removal of **CSA/SMS** percentiles from public view, ordering then a study and potential revamp of the program, by little more than a month. That’s study’s results have been slow in coming to light, and at the time of the **SFD NPRM**, a smaller coalition within the trucking industry alleged the **NPRM** itself was a violation of the December 2015 **FAST Act** highway bill, which included language prohibiting developing a safety-rating rule that utilized percentiles and category alerts. Though DOT pushed back on that contention, the broad-based nature of this latest letter’s signatories is evidence it’s taken hold in a much bigger way a year later.

“It is a broad coalition,” says Joe Rajkovacz, head of regulatory affairs for the **Western States Trucking Association**, party to the initial eight-member coalition’s efforts last year as well as the new effort, “and one you don’t normally see standing together.”

The letter was followed later last year by a similar argument from another group, which included the **Owner-Operator Independent Drivers Association**, among many others.

The latest letter brings in a large variety of state and private industry associations, including the **American Trucking Associations**, **OOIDA**, the **National Association of Small Trucking Companies** and **WSTA**, among many others. The broad nature of the signatories “should indicate how seriously everyone views this issue,” Rajkovacz adds, “and the hope that with new leadership in Washington, legitimate industry concerns will finally be dealt with positively.”

Read the letter in full via this [link](#).

FMCSA Re-Opens Comment Period on Request for Driver Drug Testing Changes

Granting requests made by driver trade unions, the **Federal Motor Carrier Safety Administration** has **re-opened** the **public comment period** for a request made by some of the country's largest carriers to allow them to **drug test** driver applicants **via hair sample** instead of a **urine sample**. **FMCSA** currently only accepts test results from urine sample testing.



The **initial comment** period for the request lasted only 30 days, until **Feb. 21**. In a Feb. 23-published **Federal Registry** entry, however, the agency **extended** the **deadline** to **April 25**.

The petition was filed Jan. 19 by J.B. Hunt, Schneider, Werner, Knight Transportation, Dupree Logistics and Maverick Transportation. The carriers asked **FMCSA** to allow them to drug test drivers **via hair sample alone**. The carriers already test their driver's applicants' hair, but they're **still required** to perform **urine-based tests**, which they argue are unnecessary and costly since they already test drivers via hair sample. The carriers **argue hair testing** is more **accurate** in detecting **drug use**.

Several driver unions, including the **AFL-CIO's Transportation Trades Department** and the **Teamsters Union**, asked **FMCSA** to extend the **comment period** to give them more time to assess the petition and evaluate the data filed with the petition. Neither party has **filed comments** yet.

The **Owner-Operator Independent Drivers Association** filed public comments in the waning days of the **initial comment** period. **OOIDA** asked **FMCSA** to deny the request. The group argues **FMCSA** should wait until federal guidelines for hair sample testing are established by the **Department of Health and Human Services** before allowing carriers to test via hair sample alone.

OOIDA also argues the matter isn't pressing, as a fraction of a percent of **fatal truck crashes** involve a driver under the influence of alcohol or drugs.

Despite the **current dust-up** over hair sample testing, it's been settled long-term. The **FAST Act** highway funding law passed in 2015 opens the door for carriers to **screen drivers** with a **hair sample test** instead of a **urine test**. The law stipulates that **HHS** must develop **guidelines first**, however.

The carrier group that filed the petition argues the statutory deadline for **HHS** to publish guidelines for **hair testing** has passed, delaying carriers' ability to halt urine tests in favor of **hair tests alone**.

Click [here](#) to file a **formal comment** on the **petition**.

Alert on Recent Fatalities from Working Alone and in Hazardous Restricted Areas

Two mining deaths occurred within 24 hours in which the victims were working alone and in restricted areas where there were hazardous conditions, highlighting the need to observe **Best Practices** to avoid hazardous areas and avoid working alone, among other tips.



In the **first incident**, a miner was found in an underground limestone mine after failing to exit the mine at the end of his shift. The miner was found under material that had fallen on him from a rib in an area of the mine that had been barricaded to prevent entry due to bad roof and rib conditions.

The **second incident**, which occurred the next day in a coal mine, involved a miner who was discovered entangled at a conveyor belt drive, also after failing to exit the mine at the end of his shift.

In both of these instances, the victims were working alone and in restricted areas where there were hazardous conditions.



Best Practices

- Never enter hazardous areas that have been “dangered-off” or otherwise identified to prohibit entry.
- Develop and train miners on a method that clearly alerts miners not to enter hazardous areas.
- If possible, do not work alone. ***If working alone, communicate intended movements to a responsible person.***
- Before beginning any task, identify known and potential hazards.
- Never perform work on a moving conveyor belt.
- Ensure equipment guards are adequate and secure to prevent miners from contacting moving machine parts.
- Before working on equipment, de-energize electrical power, lock and tag the visual disconnect with your lock and tag, and block parts that can move against motion.

Spring Thaw Training Workshops

Statistics show that mining accidents tend to increase during April and May when many intermittently operated mining operations begin producing again, often with new employees who are unaware of the hazards of mining.



Each Spring, the metal and nonmetal mining industry hosts cooperative mine safety and health training workshops around the nation to increase awareness of mining hazards and improve mine safety and health.

During these educational outreach events, safety professionals from mining companies, associations, and MSHA share information and experiences in dealing with a range of mining dangers.

~ Spring Thaw 2017 Workshop Schedule ~

Dates	District	Field Office	Location	Place	Contact Number	Contact Name
2/28/2017	Western	San Bernardino, CA	San Bernardino, CA	Double Tree Ontario, 222 Vinyard Ave., Ontario, CA 91764	(916) 661-6821	Charley Rea
3/14/2017	Western	Vacaville, CA	Vacaville, CA	Hilton Sacramento Arden West, 2200 Harvard St., Sacramento, CA 95815	(916) 661-6821	Charley Rea
3/22/2017	Western	Albany, OR	Albany, OR	Eagle Crest Resort, 1522 Cilne Falls Rd., Redmond, OR 97756	(541) 924-8495	Heather L. Smith
4/13/2017	Rocky Mountain	Denver, CO	Denver, CO	Denver Federal Center Kipling St, Denver, CO 80225	(303) 866-3567	Bill York-Feirn
3/16/2017	Rocky Mountain	Topeka, KS	Emporia, KS	APAC 302 Peyton St, Emporia, KS 66801	(620) 474-2816	Jim Barta
4/5/2017	Rocky Mountain	Green River, WY	Buffalo, WY	63 N Burritt Ave, Buffalo, WY 82834	(307) 686-0254	Rory Keffer
5/5/2017	Rocky Mountain	Mesa, AZ	Scottsdale, AZ	Chararral Suites Scottsdale 5001 N Scottsdale Rd, Scottsdale, AZ 85250	(602) 271-0346	Steve Trussell

See a [full list](#) of seminars across the country. These seminars are not MSHA-sponsored.

Tobacco in the Workplace

(information last updated: November 16, 2016)

Although the **proportion** of **workers** who **smoke tobacco** or who are **exposed** to **secondhand smoke** in the **workplace** has **declined** over the past **several** decades, many workers **remain susceptible** to the **harms** of **tobacco smoking**.

The **percentage** of workers who **smoke cigarettes** varies by **industry** and **occupation**. The **highest percentages** of workers who **smoke** are in **mining** (30%), **accommodation and food services** (30%), and **construction** (29.7%) industries. **Similarly**, **smokeless tobacco** use is **relatively frequent** among workers in the **mining** (18.8%), **wholesale trade** (8.9%), and **construction** (7.9%) industries.

The use of **emerging tobacco** products, including **hookah** and **electronic nicotine delivery systems (ENDS)** or **e-cigarettes**, has **increased** in recent years. **Despite** the **increased** use of **e-cigarettes** and **marketing** of these **products**, **little is known** about **long term** health effects. In **2014**, an estimated **5.5 million** working **adults** were current **e-cigarette** users. Many **states** have laws to **prohibit smoking** and **tobacco** use in the **workplace**. Employers can also **enact policies** that **restrict** smoking and **tobacco** use in the workplace. **NIOSH** provides **recommendations** and **resources** that protect **workers** from the **hazards** of using tobacco, that help **employers** prevent **workplace exposures** to **secondhand smoke**, and that promote the **overall well-being** of workers.

Tobacco Smoking

Smoking by Industry, Occupation, & Gender

Cigarette smoking is the **leading cause** of **illness** and **death** in the U.S. In a **study** of **U.S. adults**, results showed **19.6%** of workers **smoked** overall. Current **cigarette smoking** was **highest** among the **following groups**:

- **Workers with less than a high school education** (28.4%)
- **Workers living below the federal poverty level** (27.7%)
- **Workers with no health insurance** (28.6%)
- **Workers aged 18--24 years** (23.8%)

Cigarette **smoking** by **industry** ranged from **9.7%** in **education services** to **30.0%** in **mining**. For **occupations**, smoking ranged from **8.7%** in **education, training, and library** to **31.4%** in **construction and extraction**.

Of an estimated **19 million** workers in **healthcare** and **social assistance**, **16%** reported **cigarette smoking**, while **25.9%** of an estimated **9.3 million** workers reported **smoking** in the **accommodation and food services sector**.

Gender differences for smoking by **occupation** were examined using **2004-2011 National Health Interview Survey** data for **working adults 18 years** or older. The **data showed** an estimated **22.8%** men and **18.3%** women workers were **current smokers**. Of these **workers**, **38.9%** of **women** worked as **supervisors**, and in **construction** and **extraction occupations**, while **40.5%** of the men worked in **extraction occupations**. Although, in the **healthcare** and **social assistance sector**, more **women** reported **smoking** (**16.9%**) than **men** (**12.6%**).

Tobacco policies and **programs** can serve as a **starting point** for keeping **workers safe** from the **risks** of **tobacco**.

[Read more](#) including **NIOSH Recommendations**.



Electronic Nicotine Delivery Systems



Electronic nicotine delivery systems (ENDS) such as **e-cigarettes**, **e-hookahs**, **e-pipes** and **e-cigars** are **devices** that **deliver aerosolized nicotine**, **flavorings**, and/or other **chemicals** into the **lungs** of users. Use of **ENDS** is **sometimes** referred to as **"vaping."** A typical **ENDS device** contains **three main** components: a **battery**, a **heating element**, and a **cartridge or tank** that holds the **e-liquid**. The **e-liquid** is a solution that **typically** contains a mixture of **nicotine**,

propylene **glycol** and **glycerin**. **Additionally**, **e-liquid** may also **contain** **flavoring chemicals**. When an **ENDS user** takes a **puff** from a **device**, the **e-liquid** is **heated** by the **heating element** and forms an **aerosol** that the user **inhales** into their **lungs**. A portion of the **aerosol** taken into the **ENDS user's lung** is exhaled, which may **result** in **exposure** to bystanders in **proximity** to the **user**.

Use of **ENDS** is rising among **never-tobacco** smokers and **former** or **current tobacco** smokers. While **ENDS aerosol** may differ in **some ways** from **tobacco smoke**, users of **ENDS** are still **exposed** to many different **types** of **chemical compounds** (*some of which are known carcinogens*), very **small particles**, and **numerous** **hazardous metals**. **Chemicals** emitted in **ENDS aerosols** can include **carcinogens** such as **formaldehyde**, **polyaromatic hydrocarbons**, and other **chemicals**, as well as various **organic** compounds that are **irritating** to the lung, and **flavoring** compounds. Among **flavoring** compounds emitted in some **ENDS aerosol** are **2, 3-pentanedione** and **diacetyl**, which **NIOSH** has **linked** to causing **obliterative bronchiolitis**, a **devastating lung disease** in workers. In **addition** to concerns about **chemicals** emitted from **ENDS**, there is also a **risk** of burns following **spontaneous** combustion of the **lithium battery** in the **device**.

The **long-term** health effects of **e-cigarettes** is **unknown**. [Learn](#) about possible risks.

Smokeless Tobacco

Smokeless tobacco use, including **chewing tobacco**, **dip**, **snuff**, and **snus**, is **harmful to health**. Because the **tobacco** is **not smoked**, many perceive it as being **safer** than **smoking**. However, **smokeless tobacco** typically **contains nicotine**, which is **highly addictive**. In addition, **health problems** caused by **smokeless tobacco** use include **cancer** of the mouth and **esophagus**, as well as **oral disease**. **Smokeless tobacco** use may also **increase** the risk of **death** from **heart disease** and **stroke**.



In the **CDC Morbidity and Mortality Weekly Report** titled **Smokeless Tobacco Use Among Working Adults – United States, 2005 and 2010**, data were analyzed from the **National Health Interview Survey** to determine **how many** workers in the **United States** used **smokeless tobacco** by **occupation** and by **industry**. Results showed **little differences** in the number of **workers** using **smokeless tobacco** between 2005 (2.7%) and 2010 (3.0%). Current **smokeless tobacco** use was reported as being the **highest** in 2010 among **adults** between the ages of **25- 44 years** (3.9%).

Further results for those using **smokeless tobacco** included:

- 5.6 % among males
- 4.0% of non-Hispanic whites
- 3.9% of adults with a high school education only
- 3.9% of adults living in the south
- 1.5% of adults working in education
- 18.8% of adults working in mining
- 1.3% of adults working in office and administration
- 9.0% of adults working in installation, maintenance, and repairs
- 10.8% of adults working in construction and extraction

Smokeless tobacco contains **nicotine**, which is **highly addictive**, and some **products** may contain **cancer-causing** chemicals. **Health professionals** and **employers** can play an **important part** in **helping users** to quit through **proper guidance** and **cessation** programs.

See [more resources](#) and **information**.

Reports from the Surgeon General



The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General, 2014

In the **most recent** [report](#) on **smoking** by the **Surgeon General**, it is **documented** that **disease caused by smoking** in the **United States** ranks among the **“greatest public health catastrophes of the century.”**

The **report states** that even with **significant progress** since the first **Surgeon General’s** report that was issued **50 years ago**, **smoking remains** the single **largest cause** of preventable **disease** and **death** in the **United States**.

- *Smoking rates among adults and teens are less than half what they were in 1964. Nearly 40 million American adults and about 3 million middle and high school students continue to smoke.*
- *480,000 Americans die prematurely from smoking each year.*
- *More than 16 million Americans suffer from a disease caused by smoking.*
- *On average, compared to people who have never smoked, smokers suffer more health problems and disability due to their smoking and ultimately lose more than a decade of life.*
- *Exposure to secondhand smoke causes coronary heart disease, stroke, and lung cancer in nonsmoking adults. Each year, an estimated 41,000 nonsmoking adults die from secondhand smoke exposure.*

The **following table** provides data **concerning premature deaths** caused by **smoking** and **second-hand smoke** exposure from **1965-2014**:

Cause of Death	Total Premature Deaths
Cardiovascular and metabolic diseases	7,787,000
Smoking-related cancers	6,587,000
Pulmonary diseases	3,804,000
Coronary heart disease caused by exposure to secondhand smoke	2,194,000
Lung cancers caused by exposure to secondhand smoke	3,804,000
Conditions related to pregnancy and birth	108,000
Residential fires	86,000
Total	20,830,000

Source: CDC, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, unpublished data.