



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



**OSHA / CONSTRUCTION NEWS SUMMARY**

▶ **OSHA announces...**

National Safety **Stand-Down** To Prevent Falls in Construction [read more...](#)

**MAY 6-10, 2019**

▶ **Statement from OSHA Regarding Decline in Workplace Fatalities in 2017**

As thousands enter the workforce, there were 43 fewer workplace fatalities in 2017 than the previous year... [read more...](#)

▶ **OSHA has made Trenching and Excavation a High Enforcement Priority**

The U.S. Department of Labor's Occupational Safety and Health Administration updated the **National Emphasis Program** (NEP) on preventing trenching and excavation collapses in response to a recent spike in trenching fatalities. [read more...](#)

▶ **Hot Work Done Right** No, we aren't talking about working when it's hot. [read more...](#)

▶ **Safe+Sound**

The **Safe+Sound Campaign's** top 3 **most downloaded** safety and **health program resources** in **2018** were: [read more...](#)

▶ **Welding Screens**

One of the hazards of welding is flash burn. [read more...](#)



▶ **Food for Thought for 2019...** [read more...](#)

▶ **Combating the "DANGERFIELD EFFECT" in Gas Detection**

Over the past few years, the oil and gas industry has seen a large spike in four-gas monitor usage in their gas detection programs. [read more...](#)

**MORE ON GAS DETECTORS & BUMP TESTING . . .**

**Bump Testing Gas Detectors should be Second Nature** [read more...](#)



**TRANSPORTATION NEWS SUMMARY**

▶ **Carriers, Drivers Exempt from California Break Laws, FMCSA Rules**

In a significant decision that rebukes a major 2014 ruling by a federal court, the **Federal Motor Carrier Safety Administration** has said that carriers do not have to comply with California laws requiring employers to provide workers with regular meal breaks and paid rest breaks. [read more...](#)



Wishing you a Safe & Prosperous 2019!

▶ **FMCSA Revised Eligibility for Drivers with Diabetes**

On November 19, 2018, revised **Federal Motor Carrier Safety Administration (FMCSA)** regulations went in to effect. [read more...](#)



▶ **TRUCK DRIVER WORKPLACE FATALITIES HIT RECORD HIGH IN 2017**

Truck driver occupational fatalities rose in 2017 to the highest number since at least 2003 [read more...](#)

▶ **EPA Launches Second Probe into Glider Kits Emissions Studies**

The U.S. Environmental Protection Agency's Office of Inspector General announced that it will investigate concerns surrounding the agency's use of research by Tennessee Tech University. [read more...](#)

▶ **FMCSA Announces Denial of 10 ELD Exemption Requests**

In a *Federal Register* notice set to be published Friday, Dec. 7, the **Federal Motor Carrier Safety Administration** announced the denial of 10 electronic logging device exemption requests from various trade organizations and associations. [read more...](#)



▶ **Colorado State Patrol message to drivers...**

The Colorado State Patrol and police around the state warned they were cracking down on drivers under the influence as the year drew to a close. [read more...](#)

▶ **Split-Sleeper Berth Study Cancelled Due to FMCSA's Push for Quick HOS Proposal**

The **Federal Motor Carrier Safety Administration** has cancelled a study meant to gauge the safety aspects of allowing truck drivers to split their on- and off-duty time into segments. [read more...](#)

▶ **Hours of Service Proposal Could Come by End of March**

In early December, former owner-op Scott Reed and small fleet owner Scott Jordan of the Independent Carrier Group brought together a host of other small fleet owners and owner-operators for a call with Joe DeLorenzo, **FMCSA** director of the office enforcement and compliance, and enforcement chief Bill Mahorney. [read more...](#)

## MSHA NEWS SUMMARY

▶ **Is 2018 Still on Track to be Least Fatal Year in U.S. Mining History**

The year 2018 was on track to be the least fatal year in United States mining history, *Mining Technology* reported. [read more...](#)



▶ **MSHA Issues Report of Investigation on Truck Driver Who Drowned in Texas**

In early December, the **Mine Safety and Health Administration (MSHA)** released its [Report of Investigation](#) regarding the fifth fatal accident of 2018 that occurred at the King Sand and Gravel Mine in Kerens, Texas. [read more...](#)

## MONTHLY SAFETY & HEALTH TIP NEWS SUMMARY

▶ **AED and Epinephrine Auto-Injectors in the Workplace**

Colorado law allows businesses to stock and administer epinephrine auto-injectors, including EpiPen, Auvi-Q, or other types of auto-injectors.



**AED's**

Automated external defibrillators (**AEDs**) are an important lifesaving technology and may have a role to play in treating workplace cardiac arrest. [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 [H<sub>2</sub>S] - Awareness
- ~Respirator: Medical Evaluation & Fit Testing
- ~Hazard Communication – GHS Training
- ~Teens & Trucks Safety
- ~1st Aid/CPR Course- Medic 1<sup>st</sup> 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 1<sup>st</sup> 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 Jan 2019:** • **TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543**

- **PEC Safeland Basic Orientation: January 4, 14, 24; 8 – 4:30**
- **First Aid/CPR/AED/BLOODBORNE PATHOGENS: January 9, 30; 8 – noon**  
(We offer MEDIC FIRST AID)
- **TEEX H2S Operator Training – Awareness (ANSI Z390-2017 Course): January 9, 30; 12:30 – 4:30**

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

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

**GO TO [mjssafety.com](http://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](http://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**

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

**Need Help With**

- ISNETworld
- PEC/Premier
- PICS
- BROWZ

**CALL US!!!**

**SOURCES FOR THIS ISSUE INCLUDE:**  
OSHA  
FMCSA  
Occusafe  
Overdrive  
CCJ  
Safe + Sound  
Campaign  
MSHA  
Aggregates Mgr  
Occupational  
Health & Safety  
ISHN  
IndustrialScientific  
Colorado State  
Patrol  
Denver Post  
Mining Technology  
Colorado Dept of  
Public Health &  
Environment



## OSHA announces...

### National Safety **Stand-Down** To Prevent Falls in Construction

**MAY 6-10, 2019**

Fatalities caused by falls from elevation continue to be a leading cause of death for construction employees, accounting for **370** of the **991** construction fatalities recorded in **2016** (*BLS data*). **Those deaths were preventable.** The **National Safety Stand-Down** raises fall hazard awareness across the country in an effort to **stop fall fatalities and injuries.**

**Employers and workers** are invited to **participate** in the **fourth annual [National Safety Stand-Down to Prevent Falls in Construction](#), May 6-10, 2019.** The weeklong **outreach event** encourages **employers and workers** to **pause** during the workday to **discuss fall hazards** and how to **prevent them.** For resources on fall prevention visit [OSHA's webpage](#).

### Statement from OSHA Regarding Decline in Workplace Fatalities in 2017

As thousands enter the workforce, there were **43 fewer workplace fatalities** in **2017** than the previous year, according to the **Bureau of Labor Statistics' National Census of Fatal Occupational Injuries in 2017** (*CFOI*) [report](#) released recently. The **fatal injury rate** also **decreased** from **3.6 percent** in **2016** to **3.5 percent** in **2017.**

"While today's report shows a decline in the number of workplace fatalities, the loss of **even one worker** is too many," said Loren Sweatt, Acting Assistant Secretary for the **Occupational Safety and Health Administration.**

"Through comprehensive enforcement and compliance assistance that includes educating job creators about their responsibilities under the law, and providing robust education opportunities to workers, **OSHA** is committed to ensuring the health and safety of the American workforce."

In addition to the decline in overall fatalities, crane-related workplace fatalities, and fatal occupational injuries in the private manufacturing industry and wholesale trade industries reached their lowest points since the CFOI started in 1992.

"The scourge of opioid addiction unfortunately continues to take its toll on workers across the country, demonstrating the importance of this Administration's efforts to tackle this crisis."

The number of unintentional overdoses due to the nonmedical use of drugs or alcohol while at work increased by **25 percent** – the **fifth consecutive year** overdose deaths rose by at least **25 percent.**

Employers who need assistance in meeting their safety obligations, including drug and alcohol awareness...call **Carrie** (720-203-4948) or **Mike** (303-881-2409) at **MJS Safety.** Check out our course offerings on pg4 of this newsletter or visit our [website](#) for up to date class information.

### OSHA has made Trenching and Excavation a High Enforcement Priority

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) updated the [National Emphasis Program](#) (NEP) on preventing trenching and excavation collapses in response to a recent spike in trenching fatalities.

The emphasis program began October 1, 2018, with a three-month period of education and prevention outreach. During this period, OSHA continued to respond to complaints, referrals, hospitalizations, and fatalities. Enforcement activities will begin now that the outreach period has ended. OSHA-approved State Plans are expected to have enforcement procedures that are at least as effective as those in this instruction.

OSHA's NEP increases education and enforcement efforts while its inspectors will record trenching and excavation inspections in a national reporting system, and each area OSHA office has developed outreach programs.

"Removing workers from and helping workers identify trenching hazards is critical," said Deputy Assistant Secretary of Labor for Occupational Safety and Health Loren Sweatt. "OSHA will concentrate the full force of enforcement and compliance assistance resources to help ensure that employers are addressing these serious hazards."

OSHA has developed a series of [compliance assistance resources](#) to help keep workers safe from trenching and excavation hazards. The [trenching and excavation webpage](#) provides information on trenching hazards and solutions.

# Hot Work Done Right

*Look at safety equipment first. Does the facility have fire sprinklers, and are they in service? Are there extinguishers of the correct type? Are there extinguishers throughout the work area?*

**HOT WORK**— No, we aren't talking about working when it's hot. We're talking about working on equipment, making it hot, and having to be careful with the heat we generate and the surrounding environment.

**OSHA** says hot work is work that includes "welding or cutting operations, use of spark-producing power tools, and chipping operations," but what does that mean to you and me in the workplace?

In the normal course of events, equipment breaks and needs to be repaired. Some repairs are easy: Take the broken piece out and put the new piece in. Others are not that easy. You need to turn off the energy, lock out and tag the equipment, disassemble and remove a guard, and then another half-dozen pieces of machinery must be removed to get to the damaged section. That section cannot be removed, so it has to be repaired in place. The repairs include grinding down some edges; cutting out a section with a saw and a grinder; and then welding the new piece in place.

That is the type of hot work we will be discussing.

If the equipment were in the middle of a building with nothing else around, we wouldn't have to worry any of our sparks from the cutting or welding would ignite flammable vapors. We wouldn't have to worry that the heat from the repaired piece would ignite combustible materials because they were in close proximity. But that is not the real world. In the real world, you need to make these repairs in the middle of your manufacturing plant, while your production lines are running full speed, perhaps filling aerosol bottles with flammable liquids. Or you have to weld that new piece on the printing press with bundles of paper all around.

## **What Do I Need to Know to Be Safe?**

### **Flammable and combustible.**

We don't have enough space in this article to go into all of the definitions of what a flammable or combustible liquid is. The definition depends on the agency with which you have to comply, and that is changing. For now, **OSHA** defines a flammable liquid as a liquid that has a flash point of less than 100 degrees Fahrenheit (deg. F.), and combustible liquids are equal to or greater than 100 deg. F. but less than 200 deg. F.

### **Ignitable.**

Although OSHA does not define ignitables, let's define them as solids that can burn when sufficient heat is applied. Examples are paper, plastics, wallboard coverings, and wood;

this also would apply to flammable metals, such as aluminum and magnesium.

Sodium and potassium also are known as flammable metals, but only if they come in contact with moisture. Aluminum, magnesium, and several others will burn furiously if heated enough.

### **Hot work.**

Expanding on **OSHA's** definition, hot work means welding, brazing, cutting, soldering, thawing pipes, using heat guns, torch applied roofing and chipping operations, or the use of spark-producing power tools, such as drilling or grinding. It could also be mechanical friction from gears rubbing or a static discharge from an employee's shoes. Flammable, combustible, or ignitable materials should be kept a minimum of 20 to 35 feet away from the hot work, or those materials should be covered with a flame-retardant covering for protection.

### **Hot Work Program.**

Companies that have flammable, combustible, or ignitable materials and need to perform hot work in and around these materials need to have a **Hot Work Program**.

The program should:

- Be in writing
- Require an inspection of the work area before the work starts
- Have a permit signed to show that all phases of the work have been inspected and approved.

### **Development of the Program.**

Develop a written **Hot Work Program** that is specific for your facility. In developing the program, the safety or engineering professional who will be heading up the development should ensure all necessary precautions are discussed in the program.

### **Safety equipment.**

Look at safety equipment first. Does the facility have fire sprinklers, and are they in service? Are there extinguishers of the correct type? Are there extinguishers throughout the work area? Does maintenance have a sufficient number of backup extinguishers for use during hot work projects?

Do you have fire-retardant tarps or thin sheets of metal for covering combustible and ignitable materials?

Have your employees been trained to understand what hot work is and what has to be done before, during, and after the work is done? Do they know how to sound the alarm to summons help?

### **Work practices.**

Many companies require a minimum of 20 to 35 feet of separation between hot work and combustibles or ignitables. Other companies may require at least 50 feet of separation

from flammable liquids. Still other companies require that a flammable gas meter be used to determine whether vapors are present and, if so, their concentration. If the meter reads anything other than zero, hot work would not be allowed.

Any time the sprinkler system is impaired (*not working*), hot work should not be permitted, except under very special circumstances— and then with extra measures of protection.

The **Hot Work Program** should detail how the work area is to be inspected. Floors are to be swept clean of combustibles within so many feet of the work. Combustible floors are to be wet down or covered with damp sand or fire-resistive sheets. Wall and floor openings will be covered and fire-resistive tarpaulins suspended beneath the work if hot work is performed on walls, ceilings, or open-rack flooring. Work that will be performed within 3 feet of a sprinkler head will require either metal sheeting or damp cloths, or a combination of both.

Procedures need to be developed when work will be close to smoke or heat detectors. Some companies allow them to be temporarily bagged, but the bags must be removed after the work is finished and during breaks or lunch.

Remove all flammable liquids and gases from the work area. Other combustibles, if not removed, should be protected with fire-resistive tarpaulins or metal shields.

Any hot work in confined spaces should follow confined space entry procedures first. Atmospheric monitoring during the hot work should ensure sufficient oxygen levels for the workers. Ensure that sufficient time has elapsed for purging vapors from the space before entry and/or hot work takes place.

Lockout/tagout needs to be followed, depending upon the type of work being performed. Construction is noncombustible and without combustible covering or isolation.

Hot work should not be allowed if any of the above conditions cannot be corrected or made safe.

## Contractors.

From a CSB report on a 2001 incident: “. . . contractors were repairing grating on a catwalk in a sulfuric acid storage tank farm when a spark from their hot work ignited flammable vapors in one of the storage tanks.” In this refinery incident, where one person was killed and eight others were injured, there was off-site environmental impact. Situations like this are all too frequent at manufacturing facilities, chemical plants, and refineries. If you have contractors working in your facility, you need to develop a contractor safety program that includes a hot work procedure and ensure it is being followed.

Whether the contractor follows your program or has his own, the program that he will follow needs to be worked out ahead of time. All of the contractor’s employees must know what they will be doing and also have had training in whichever program will be utilized.

## Fire Watch.

Another vital piece of the safety setup is the fire watch. This is a person whose only duty is to scan the hot work area looking for potential fires or hot spots. This person has a fire extinguisher and a means of communication to reach emergency service personnel. The fire extinguisher should be the correct type for the materials in the area and of a large enough size to be useful in the event of a flare-up only after the fire department has been notified.

## Permit.

To show that all of the above steps were checked, inspected, cleaned, or evaluated, a written permit is used. You can find examples of hot work permits on the Internet, but your permit should be developed so that it provides your personnel with the specific information they need for your facility.

---

## Safe+Sound

The **Safe+Sound Campaign** is **organized** by the **Occupational Safety and Health Administration**, American Industrial Hygiene Association, American Society of Safety Professionals, The Center for Construction Research and Training, National Institute for Occupational Safety and Health, National Safety Council, and Voluntary Protection Programs Participants’ Association.

The **Safe+Sound Campaign’s** top 3 **most downloaded** safety and **health program resources** in **2018** were:

1. [10 Ways to Get Your Program Started](#)
2. [Making Safety Personal](#) (editable)
3. [Safety Walk-Arounds for Managers](#)

For **more information** and [additional resources](#) to help you **establish** or **improve** your **safety and health program**, visit the **Safe+Sound Campaign** [website](#).

## Welding Screens

One of the **hazards** of **welding** is **flash burn**. The eyes, particularly the **cornea**, (*the clear tissue in front of the eye*) can be **affected** by **exposure** to **ultraviolet radiation** from the **welding arc**. Although the **employee** performing the **welding** has the **greatest exposure**, **welders working** in the **area**, other **workers nearby**, and **visitors** to the **area** may also **suffer flash burn**.



### Symptoms of flash burn include:

- pain that may be mild to very severe, usually starting a few hours after the incident
- bloodshot eyes
- light sensitivity
- watery eyes
- blurred vision
- the feeling of having something in your eye.

One way to **protect employees** from **exposure** to **ultraviolet radiation**, is to enclose the **welding** with **permanent** or **portable enclosures**. Under [1910.252\(b\)\(2\)\(iii\)](#) **OSHA** requires: “*Protection from arc welding rays: Where the work permits, the welder should be enclosed in an individual booth painted with a finish of low reflectivity such as zinc oxide (an important factor for absorbing ultraviolet radiations) and lamp black, or shall be enclosed with noncombustible screens similarly painted. Booths and screens shall permit circulation of air at floor level. Workers or other persons adjacent to the welding areas shall be protected from the rays by noncombustible or flameproof screens or shields or shall be required to wear appropriate goggles.*”

Where **welding** is performed at a **fixed welding station**, a **permanent enclosure** is best. If the **welding location** must be **expanded** and **contracted** depending upon the **size** of the **work**, the use of **portable welding screens** is effective and **readily available** from **welding supply**, safety supply, and other **retail outlets**. For **welding jobs** that are **mobile** or where **welding** is done in **elevated** or **confined locations**, light weight **collapsible accordion screens** are also **commercially available**.

Since **flash burn** is not always **considered** a **serious injury**, many locations where **welding** is performed do not **adequately protect** their **welders** or other persons who **work** or **pass through** the **area**. However, an **individual** who experiences **flash burn** will tell you that it is a **very painful** and **frightening experience**. As with any **hazard**, employers should try to **minimize** and **control exposure**.

### PROTECT AGAINST FLASH BURN!

---

### Food for Thought for 2019...

A DREAM written down with a date  
becomes a GOAL

A GOAL broken down into steps  
becomes a PLAN

A PLAN backed by action  
becomes REALITY

... Plan to “Pay it Forward” every day!!

# Combating the “DANGERFIELD EFFECT” in Gas Detection

By Kyle Krueger |[Safety Culture](#)| – Industrial Scientific

## Dangers of the “Dangerfield Effect” in Gas Detection

Over the past few years, the oil and gas industry has seen a large spike in four-gas monitor usage in their gas detection programs. The reason behind the increase is that many companies are starting to realize that there are more common gas hazards outside of just hydrogen sulfide (H<sub>2</sub>S). For many users, this is their first time wearing a four-gas monitor. As four-gas monitor usage has increased, I have been witnessing an interesting phenomenon that I am calling the “**Dangerfield Effect**”. In short, the monitors are getting, as the great actor and comedian Rodney Dangerfield would say, “No Respect.” That’s right, the four-gas monitor is quickly turning into the Rodney Dangerfield of the oilfield, it gets “*No respect I tell ya!*” Unfortunately for the individual user, and the companies who mandate these monitors, there needs to be a correction. If not, there can be some dire consequences. But why did this effect take hold, and what can we do to fix it?

## To explain the Dangerfield Effect, one needs only to look at how we maintain our relationships with our electronic devices.

The health of that relationship comes down to a simple input/output equation. Let’s use our cell phones as an example. After all, a phone and a gas detector are two extremely common devices that an oilfield worker would wear and interact with on a daily basis. That being said, I have a confession to make. **I LOVE MY PHONE.** It provides me with important updates about work, I can access information anywhere, and I can FaceTime with my family when I travel. Those are great outputs. And the only inputs that it requires are that I charge it, pay for a data plan, and don’t abuse it. If I didn’t value these outputs then I can guarantee you that I would have the cheapest phone with no features and it would hardly be used. However, I continue to invest in a high-quality device that requires more inputs because these outputs are so valuable and important. My phone and I have a very healthy relationship, in part because the outputs far outweigh the inputs.

## Now let’s look at the relationships that users (many are first time) have with their four-gas monitor.

Here we have a situation where the device is asking for the following regular inputs: [Bump Testing](#), charging, and calibrating. However, users often associate the main outputs negatively. The outputs (alarms) are sometimes considered false, annoying, or disruptive. These outputs can equate to stopping work, which can be associated with an immediate loss to productivity (money). Keep in mind, these outputs are arguably some of the most important outputs in your life. Additionally, users are now finding that there are far more alarms than they were used to with their previous single gas H<sub>2</sub>S monitor. This is leading to the manifestation of the “**Dangerfield Effect**” in gas detection where the inputs far outweigh the outputs leading to a loss of respect for these life-saving gas monitors. When the outputs aren’t valued, then the inputs start to wane, lose their importance, or stop completely. Users question why do I even wear this thing? The only output they really want is for the device to provide little or no outputs! What this means is that the hard-inconvenient *truths* (the aforementioned inputs) behind the technology and the reasons for wearing it, become *unimportant or forgotten*. For example, **ALL** manufactures recommend a **Bump Test** for an **IMPORTANT** reason (check the fine print in each manual). We can’t ignore or market this reality away.



**Steps to fix it:** Often companies and users gain respect once there has been an unfortunate accident surrounding gas detection that they have witnessed firsthand. But it doesn’t, and shouldn’t have to be that way.

**Step 1:** Invest in [external or internal training](#) on the proper use and limitations of gas detectors and what to do in case of an alarm. Use this time to share stories from first person accounts, company incidents, or industry accidents. If your workforce can’t make a personal connection with the content, then you are starting off this journey on the wrong path.

**Step 2:** Pay attention to your gas detection program. Are people properly maintaining the equipment? How are they using the monitors? What are they being exposed to? These clues exist in the [data logs](#) (all you must do is look). If you aren’t paying attention, then why mandate that employees wear them?

**Step 3:** Feedback, act, and reward. Based on the data, talk with your employees about the monitors. What do they feel about them? Can the tasks be changed so that exposures don’t happen? Or can these be mitigated? What are their thoughts? Can you reward employees for taking the right actions and properly maintaining them?

By no means is this intended to be comprehensive list. The intention is to start a conversation with your workforce about why gas detectors are being worn and what they can and cannot expect from them. Your company invested in gas detection equipment to enhance worker safety, not to become electronic “**Boy Who Cried Wolf**” devices. This relationship can be saved. There is a cure for the “**Dangerfield Effect**”, a healthy dose of education, mindfulness, and truth. By bringing respect to the outputs, the inputs make sense. Listen, gas detectors won’t ever be “cool.” They will always be the equivalent to an electronic work chaperone. But please understand the ubiquitous truths surrounding the inputs and **ALWAYS** act on the output.

***A Gas Detector Could Save Your Life One Day.***

### Bump Testing Gas Detectors should be Second Nature

by Bryan Szczur | [Gas Detection Education](#), [Safety Culture](#) | – Industrial Scientific

You wouldn't drive a vehicle without putting on your seat belt. You wouldn't ride a bike without putting on a helmet. You don't go to bed at night without locking your doors. Everyday practices like these create good habits that make our lives easier and safer.

When it comes to gas detection, safe and simple practices like these are no different. Gas detectors that are used every day require the same type of attention. You may not think much about putting on a seat belt in a vehicle, but it sure does help when you need it. You may also not think much about bump testing a gas detector, but it sure does help to know that your gas detector works when you need it most.

#### What is a bump test?

Bump testing is the only way to ensure proper sensor and alarm functionality. A bump test is defined as the process of briefly exposing sensors in a gas detector to an expected concentration of gas that is greater than the alarm set points. The purpose of the bump test is to check for sensor and alarm functionality. However, it does not check for accuracy. It is important to note that accuracy is ensured through calibration, which is a completely different process than bump testing.

Think of bump testing a gas detector like using a flashlight. What's the first thing everyone does when they pick up a flashlight? They try turning it on to see if it works! If the flashlight does not turn on, you know that you either need a new bulb, a new battery, or a new flashlight, because the one you have cannot help you. Gas detectors are no different. The first thing you should do before using your gas detector is to make sure it works. Without a bump test, how do you know that the gas detector you have can perform the way you need it to? Applying gas to the sensors in a detector is just like checking to see if your flashlight works. If the bump test fails, you know that troubleshooting or further maintenance is required.

#### Why is bump testing important?

Gas detectors are made to survive harsh environments. They are often dropped, exposed to extreme temperatures, humidity, moisture, dust, mud, and sludge. Any of these can factor into a gas detector's performance. Sensors can become dislodged if a monitor is dropped. Filters can become clogged from moisture or dust. Enough mud or sludge can completely block a sensor from seeing gas. Because of these factors, manufacturers recommend bump testing gas detectors before each day's use. You may not realize it, but all of these factors that occur during day-to-day use can impact a gas detector's performance.

#### How does bump testing work?

For toxic and combustible sensors, the typical output in clean air is zero, whether reading in parts per million (PPM), percent of lower explosive limit (LEL), or percent by volume. One main exception to this is an oxygen sensor, which should read around 20.9% volume in ambient air when functioning. So bump testing a standard four-gas instrument will drive the gas readings up on your toxic and combustible sensors, while driving the reading for the oxygen sensor down.

The problem is that toxic and combustible sensors will generally read zero in an ambient environment whether they are functioning or not. Therefore, the only way to know if they will respond to gas is by, you guessed it, exposing them to gas.

#### How can I bump test my instrument?

Because of the broad range of gas detector applications, manufacturers have come up with many different ways to perform bump tests. The easiest and usually most efficient way to bump test is by using docking stations, which are often connected to web-based gas detection management software. Through this software, users can schedule bump tests to occur every day. If a failure occurs, the software can notify the user or safety manager of the failure, so they know that further action is needed. Docking stations draw gas through a connected cylinder, and then apply that gas to the detector that is docked. The stations are designed to resemble a manual bump test.

Manual bump tests are performed simply by using a gas bottle, a regulator, tubing, a calibration cup (if using a diffusion instrument), and a gas detector. Users can put the instrument into bump test mode, then apply the gas. The gas detector will either cycle through each individual sensor or do them all at once, depending on instrument settings. After the test is complete, the instrument will display results, showing whether it was a passed or failed test.

Alternatively, users can perform a manual bump test simply by applying gas to the instrument while it is on its main gas reading screen. If each sensor shows readings in response to the gas and the detector goes into alarm, then that instrument is good to go.

#### What are the challenges of bump testing?

The need for bump testing can create some challenges. The number of instruments a company has, the applications, and locations of equipment can all come into play. For this reason, gas cylinders come in a variety of sizes. Users may need larger cylinders to connect to docking stations that are used every day. Users may also need smaller, more portable cylinders to bump test instruments when workers are on the go. Luckily for users, there is a wide array of cylinders available to fit the right application. Cylinders come in all shapes and sizes, and come in specific gas blends available for all types of sensors.

Another challenge of bump testing is the training aspect. It is often difficult for safety managers to find time to train users, and workers often do not have time to train one another. Luckily, gas detection companies offer a wide array of training resources available to end users. Trainers can travel to customer locations for on-site training to give a more hands-on approach. Alternatively, gas detection companies post videos, informational pieces, articles, and many other resources for end users to utilize to meet their needs.

#### The bottom line...

The bottom line is that bump testing saves lives. Users should never risk using a gas detector without checking to make sure it is functioning. With the right training, understanding, and repetition, bump testing a gas detector can become as routine as putting on a seat belt when you get into your car. It is just as important, so why not start now?

## Carriers, Drivers Exempt from California Break Laws, FMCSA Rules

In a **significant decision** that rebukes a major **2014 ruling** by a federal court, the **Federal Motor Carrier Safety Administration** has said that **carriers do not** have to comply with California **laws** requiring **employers** to **provide workers** with **regular meal breaks** and **paid rest breaks**.

The agency **announced** Friday, Dec. 21, that it will **grant** a petition filed in September by the **American Trucking Associations** asking that the agency **exempt carriers** from the California-specific **break laws**, arguing they interfere with **federal hours** of **service** regulations. **FMCSA** said it **agrees**, stating that the **1996 Federal Aviation Administration Authorization Administration Act (F4A)** dictates that federal law **supersedes state laws** on **regulating drivers' work schedules**.

**ATA** had attempted to **override** the **2014 court decision**, coming from the **9th Circuit Court of Appeals** in the case of *Dilts v. Penske*, in Congress for years. Via the so-called "**Denham Amendment**" (named for Rep. Jeff Denham of California, who lost his seat in the last election), **ATA** pressed Congress to **intervene** and **re-establish** the federal government's authority in **regulating drivers' schedules**. Those **years-long efforts** were unsuccessful, and, in September, **ATA** turned its attention to the **U.S. DOT** on the matter.

Allied with **ATA** on seeking to **overturn** the decision was the **Western States Trucking Association**, who argued that the **ruling** created a wave of **litigation** against trucking companies, and **not only** large fleets but also **small carriers**. Litigants and their attorneys **sued** seeking payouts to drivers for **not allowing** them to take, or **compensating** them for, the California-required **meal and rest breaks**.

California **labor laws** require that **employers** provide a **30-minute meal break** every **five hours** at work and a paid **15-minute rest break** for every **four hours** of **work time**.

"Safety is **FMCSA's** top priority and having **uniform rules** is a **key component** to increasing **safety** for our truck drivers," said **FMCSA** Administrator Ray Martinez. "During the public **comment period**, **FMCSA** heard directly from **drivers**, small business owners, and **industry stakeholders** that California's **meal and rest rules** not only pose a **safety risk**, but also lead to a loss in **productivity** and ultimately hurt **American consumers**."

Though the decision **only applies** to the **meal and rest break laws**, it could impact other **trucking cases** ongoing in California. **Specifically**, the **DOT's** move could play a **role** in a decision in the **WSTA's** case against another ruling, *Dynamex v. Superior Court*, that set **new criteria** for how to **determine** a driver's status as an **independent contractor** or an employee.

**WSTA** argues the *Dynamex* decision, made by the California Supreme Court in April, could **hamper** the use of **owner-operator truckers** in the state and has **filed a lawsuit** seeking to **overturn** the decision.

**WSTA's** Joe Rajkovic, a **former owner-operator** and the group's director or **government affairs**, said the decision by **DOT** could help their **case** in **reversing** the California Supreme Court's *Dynamex* decision.

**FMCSA's** ruling on California's **break laws** could also add **pressure** for appeals to the **Supreme Court** to review the **9th Circuit's** decision in the *Dilts v. Penske* case.

Both **ATA** and the **Truckload Carriers Association** applauded the **DOT's** decision.

"This is a **victory** for **highway safety**, not trial lawyers," said **ATA** President and CEO Chris Spear. "We hope **today's ruling** will once and for all **underscore** the importance of a single, **national standard** for work and **safety rules** for truck drivers."

In a statement, **TCA** said **FMCSA's** decision "is an **important step** toward creating a **more reliable** and consistent **regulatory environment** for **truck drivers**."

"A **consistent set of rules** **directly benefits** drivers, consumers, **small businesses** and the **American economy**," the group said.

### FMCSA Revised Eligibility for Drivers with Diabetes

On November 19, 2018, revised **Federal Motor Carrier Safety Administration (FMCSA)** regulations went in to effect. These regulations enable an individual with a stable insulin regimen and properly controlled insulin-treated diabetes mellitus (*ITDM*) to be qualified to operate commercial motor vehicles (*CMVs*) in interstate commerce, if they meet the physical qualification standards in §§ 391.41, 391.45, and 391.46.

Previously, *ITDM* individuals were prohibited from driving *CMVs* in interstate commerce without an exemption from **FMCSA**.

Under the new process, the individual must have an evaluation by the treating clinician who manages and prescribes their insulin. The individual will also need to complete the *ITDM* Assessment Form, MCSA-5870. The *ITDM* Assessment Form must be submitted to **FMCSA** within 45 days after being signed by the certified Medical Examiner (*ME*) during the exam. The *ME* will determine whether the individual meets **FMCSA's** physical qualifications and can authorize a Medical Examiner's Certificate (*MEC*), MCSA-5876 for up to maximum of 12 months.

Waivers granted under the old process will become void after November 19th, 2019.

For more information on the regulation, visit **FMCSA's website**.



## TRUCK DRIVER WORKPLACE FATALITIES HIT RECORD HIGH IN 2017

Truck driver occupational fatalities rose in 2017 to the highest number since at least 2003, according to numbers released by the Department of Labor's Bureau of Labor Statistics.

BLS says the 840 truck drivers killed on the job in 2017 represented 77 percent of the 1,084 motor vehicle operators killed on the job last year — the most since it began tracking occupational statistics in 2003. There were 786 truckers killed on the job in 2016.

In total, there were 1,443 fatal injuries in the transportation and material moving occupations in 2017, a nearly 4 percent increase over the 1,388 fatalities in 2016, according to BLS.

BLS' numbers are in line with those released in October (*see chart below*) by the National Highway Traffic Safety Administration. NHTSA's numbers showed there were 841 occupants of large trucks killed in crashes in 2017.

Across all occupations in the U.S., there were 5,147 workplace fatalities in 2017, down slightly from the 5,190 reported in 2016.

Other occupations with high fatalities in 2017 were:

- Construction – 965 fatalities
- Installation, maintenance and repair occupations – 414 fatalities
- Management occupations – 396 fatalities
- Building and grounds cleaning and maintenance occupations – 326 fatalities

*The National Highway Traffic Safety Administration's Fatality Analysis Reporting System shows an increase in large truck fatalities in 2017 when compared to 2016.*

### People Killed in Crashes Involving Large Trucks\*, 2016–2017

Person Type		2016	2017	Change	% Change
Occupants of Large Trucks	Single Vehicle	458	498	+40	+8.7%
	Multiple Vehicle	267	343	+76	+28.5%
	Total	725	841	+116	+16.0%
Other People	Other Vehicle Occupant	3,170	3,450	+280	+8.8%
	Nonoccupant	474	470	-4	-0.8%
	Total	3,644	3,920	+276	+7.6%
Total		4,369	4,761	+392	+9.0%

Sources: Fatalities—FARS 2016 Final File, 2017 ARF

over alleged improper contact between EPA researchers and representatives from Volvo Trucks. Volvo is a proponent of limiting production of glider kit trucks, as are Daimler Trucks and Cummins.

The inquiry into the Tennessee Tech study was requested by four members of the U.S. House in October. They asked the EPA's OIG to launch an investigation into how and why the study was used in a 2017 proposal by EPA that sought to rescind regulations that cap glider kit manufacturers to building just 300 glider kits annually. The EPA has, for now, tabled that proposal, and the annual 300-truck limit, which took effect in January of this year, remains in place.

The lawmakers cited the university's relationship with Fitzgerald Glider Kits as a key reason for the inquiry.

Fitzgerald, whose headquarters is located about 40 miles from TTU, is the country's largest glider kit manufacturer.

Fitzgerald paid \$70,000 to TTU to complete the study. It isn't uncommon for companies to pay colleges to perform research, but the lawmakers and faculty members cited other contributions and relationships between Fitzgerald and the university as creating a potential conflict of interest. For instance, Fitzgerald entered into a public-private partnership with the school to build a new research facility two months after the study was released.

Fitzgerald has maintained that it did not sway the study's results. The company told *CCJ* this year that it "has every confidence in the integrity of the Tennessee Tech study and the personnel who conducted it. The results were not predetermined. Fitzgerald Glider Kits employees had no involvement in the monitoring or testing performed in connection with the study, nor were they involved in compiling the test data."

Trudy Harper, TTU Vice Chair of the Board of Trustees, said in an Oct. 23 letter to EPA that the school's review "determined that the data does not support the statement" that remanufactured engines used by Fitzgerald in its glider builds produce the same or fewer emissions than new engines.

## EPA Launches Second Probe into Glider Kits Emissions Studies

The U.S. Environmental Protection Agency's Office of Inspector General announced that it will investigate concerns surrounding the agency's use of research by Tennessee Tech University. The school last year produced a study claiming that gliders do not produce greater emissions of greenhouse gases or particulate matter than new trucks.

However, officials from the university have since determined that the study was flawed, and that EPA should ignore its conclusions, particularly as the agency evaluates whether to roll back Obama-era emissions regulations that limit the manufacturing of glider kit trucks.

By opening this investigation, announced Dec. 3 by EPA, the agency's inspector general now has two active investigations into studies regarding glider kit emissions.

EPA's OIG in September announced it was investigating a competing study, performed by EPA, that concluded that gliders do produce emissions of GHG, NOx and particulate matter at greater levels than new engines equipped with emissions control components.

However, that study came under scrutiny



# FMCSA Announces Denial of 10 ELD Exemption Requests

In a *Federal Register* notice set to be published Friday, Dec. 7, the **Federal Motor Carrier Safety Administration** announced the denial of 10 electronic logging device exemption requests from various trade organizations and associations. The agency officially denied the requests in June and July, but it is required to publicly announce the denials in the *Federal Register*.



## FMCSA'S LATEST ELD EXEMPTION REQUEST DENIALS ARE:

- **Owner-Operator Independent Drivers Association:** OOIDA asked the agency for a five-year exemption for small trucking businesses that do not have an “unsatisfactory” safety rating and have no at-fault crashes.
  - **FMCSA** said in its denial that the association’s request challenged the basis of the ELD rule itself rather than justifying an exemption and provided no consideration “of the significant difficulty that would be encountered in trying to identify and validate drivers who meet the proposed exemption criteria, especially during roadside inspections.”
- **Power and Communication Contractors Association:** PCCA requested that carriers and drivers operating trucks in the power and communications construction industry be allowed to use paper logs instead of ELDs. The group said these drivers spend considerable time off-road on varying jobsites, and a single truck may have multiple drivers each day, moving the truck short distances around a jobsite. The group added that the drivers spend a limited time driving on public roads.
  - **FMCSA's** denial said the agency couldn't ensure the exemption would provide a requisite level of safety.
- **Western Equipment Dealers Association:** WEDA requested an ELD exemption on behalf of several organization and their members that would eliminate the requirement for agricultural equipment dealers to install ELDs in their trucks. The group said equipment dealer operations in agriculture “present unique circumstances that warrant the requested exemption and that the failure to grant it would pose an undue burden” on dealers and their customers.
  - **FMCSA** denied the exemption because it could not ensure an adequate level of safety.
- **Association of Energy Service Companies:** The requested exemption would have, if granted, allowed drivers of well service rigs to use paper logs instead of ELDs when exceeding the short-haul exemption requirements. The group said complying with the ELD mandate would be “overly burdensome” for well service rig contractors who spend little time on public roads.
  - **FMCSA** again said the it could not ensure that the exemption would provide an adequate level of safety in its denial.
- **Cudd Energy Services:** Cudd’s exemption request was for its “specially-trained drivers of specially-constructed” trucks used in oilfield operations. It would have, if granted, allowed the drivers to use paper logs instead of ELDs.
  - **FMCSA** denied the request because it couldn't ensure it would meet safety requirements.
- **SikhsPAC and North American Punjabi Trucker Association:** These groups sought an ELD exemption on behalf of their fresh produce shippers and small truck business members. The exemption would have allowed members to delay using ELDs for one year from the Dec. 18, 2017, compliance date. The groups said the exemption would give the marketplace time to develop cost-effective and practical solutions for ELDs.
  - **FMCSA** denied the request because the information provided “failed to distinguish the drivers who would be included under the exemption” and that it failed to show how the exemption would meet the same level of safety as using ELDs.
- **American Disposal Service:** The trash hauling and recycling company sought an exemption from both ELDs and paper logs because it doesn't believe ELDs can accurately record driving time when the truck makes constant short movements with the driver often exiting the truck. The company normally operates under the multiple stop rule, treating all stops in a town as one, and the 100 air-mile radius short-haul exemption. However, its drivers sometimes exceed the 12-hour driving limit eight days out of 30, which would require the company to install ELDs.
  - **FMCSA** said ADS did not clearly explain how its non-use of ELDs and its discontinued use of paper logs would be as safe as operating under hours of service rules.

## Colorado State Patrol message to drivers...

The Colorado State Patrol and police around the state warned they were cracking down on drivers under the influence as the year drew to a close.

The Colorado Department of Transportation said there would be saturation patrols and extra law enforcement officers on duty from Friday through Wednesday, with over 100 agencies participating.

Last year, 357 impaired drivers were arrested during the 5-day period around New Year's.

The increased enforcement came as the head of the state patrol made an **impassioned plea** urging drivers to be **more careful throughout the year**. As of Thursday, Dec. 27th, 600 people had died on the state's roads in 2018, including nine in less than 72 hours.

In a [video](#) posted on social media, Col. Matthew Packard blamed “**selfish driving**”, from impairment to not paying attention, for the latest deaths.

## Split-Sleeper Berth Study Cancelled Due to FMCSA's Push for Quick HOS Proposal

The **Federal Motor Carrier Safety Administration** has cancelled a study meant to gauge the **safety aspects** of allowing truck drivers to **split their on- and off-duty time** into segments. The agency's new — and pressing — **move to propose changes to hours of service regulations** has rendered the study moot, according to sources familiar with the **agency's decision**, including a senior official at **FMCSA**.

David Heller, vice president of **regulatory affairs** for the **Truckload Carriers Association**, said a **high-level official** at the agency told him in late October that the study had been **nixed**. The **FMCSA** official said then that the "**study is no longer needed**," Heller says, because of the **advanced notice of proposed rulemaking (ANPRM)** published in August that sought feedback on ways to **potentially reform hours of service regulations**.

The study has been in the works for **several years**, and a **pilot program** was scheduled to begin this year. Researchers hoped to study **200 truck drivers** operating in **real-world conditions**, with some of them **abiding** by current **hours of service regulations** and some **operating** under rules that **allow them** to split their **10-hour off-duty period** into segments of **5-5, 6-4 and 7-3**. Current hours of service regs only allow for **rolling splits** where the **longest period** is at least **eight hours**.

"The administration wants to **fast track** any changes to **hours of service**," Heller said. **FMCSA** Administrator Ray Martinez used the same "**fast track**" phrasing in August. Heller said a **proposed rule** is expected to be **published** within the **first few months** of 2019 — much **quicker** than the **study's results** could be obtained.

A senior official at **FMCSA** confirmed that the agency has "**pulled the plug**" on the study, saying it **wouldn't be finished** in time to provide any **insight** into the **agency's proposal** to alter **hours of service** regulations.

Heller also pointed out that the **website** that the agency was using to **promote** the study and **provide updates**, [sleeperberthstudy.com](http://sleeperberthstudy.com), is **no longer active**.

Trucker Bob Stanton noted that among those **likely to challenge** any shift in **hours of service**, the study held the potential to help **tamp down criticism** from **crash victims' advocates** of the perceived "**lack of data** to support the **proposed changes**."

Such advocates, Stanton added, have "said they would **litigate** without research to **support the changes**."

**FMCSA** published its **ANPRM** in late August and solicited feedback for **45 days** on how and why it should make any **changes** to the existing **HOS rule**. The agency received **roughly 5,200 comments** on the **ANPRM**. Adding **split-sleeper berth options** to hours of service regs and in other ways **changing** how the **split works** is among **hours revisions** proffered by groups in **petitions** highlighted in the **agency's ANPRM**.

## Hours of Service Proposal Could Come by End of March

In early December, former owner-op Scott Reed and small fleet owner Scott Jordan of the Independent Carrier Group brought together a host of other small fleet owners and owner-operators for a call with Joe DeLorenzo, **FMCSA** director of the office enforcement and compliance, and enforcement chief Bill Mahorney. It was a big group on the call, all told 10 people in addition to Reed and Jordan, who cast the purpose of the call as one acting on hope for a more collaborative relationship between the group and **FMCSA** "to improve our industry," Jordan said. "By working together on solving problems ... we can improve the quality of life for trucking, as well as the nation. Our hope is we can work with the **FMCSA** in monthly collaboration meetings."

In this initial call, Jordan and Reed and others continued dialogue on, principally, the agency's ongoing efforts to determine if and how to move forward with flexibility-enhancing measures in the hours of service and the notion of an exemption to the electronic logging device mandate for carriers with 10 or fewer power units. The former, hours, began the discussion, with Jordan presenting an idea for tweaking the hours of service that would retain 11 and 14 daily limitations but allow for more liberal splitting of on-duty and off-duty periods, with as little as a single hour available to stop the clock. It's a proposal the group handed to Administrator Martinez himself in early April this year, Reed notes, a short time after the MATS hours session that ran off the rails.

Under the proposal, carriers would retain the option to require more than just a single hour to split. Ultimate completion of the 10 hours off, however taken, would "reset the daily working limits," Jordan said. DeLorenzo acknowledged the proposal as well as the "several others" the agency has since received in advance of and after its Advanced Notice of Proposed Rulemaking requesting flexibility comments from the industry this summer, including comments about formal petitions from OOIDA and TruckerNation (the latter group's petition is somewhat similar to what Jordan laid out). DeLorenzo re-emphasized the reality of where **FMCSA** is in the process on hours. "The next step is the decision point — do we have enough to move forward?" he said. "If we decide it's yes, the next document that everybody sees is an actual proposal. ... I can't give you a day or a time or a month — the administrator has said he wants

this done as quickly as possible. A lot of people are working very hard, and once that decision is made, then a more formal schedule will be out there.”

In response to a question from Reed about timing, specifically referencing the month of March 2019, DeLorenzo guessed that “I think that process-wise, by the Spring, we should have a good feeling for where things are. It’s a little early to say. I think I’ll have a better feel for it once we’ve gone through those comments” on the agency’s Advance Notice of Proposed Rulemaking asking for comments “and figured out where everything is.”

Reed says he believes the agency will have a proposal in hand before the end March.

Viz a viz the small-fleet (10 trucks or fewer) ELD exemption idea, also codified in a Congressional bill — **H.R. 5948** — that would at this point seem to have little to no chance of passing before the new Congress is seated this coming year, owner-operator Steve Bussone noted he believed that such an exemption would “take undue financial hardships off of small motor carriers” and “give freedom of choice back to our industry. Many of us do not want older power units to avoid using an ELD system. Our demographic studies have shown most motor carriers desire to have fleet management systems when they start growing to above 10 power units. This would help small carriers know **FMCSA** understands them and it’s not always on the side of the megacarriers.”

DeLorenzo noted that “anybody can file an exemption request” to any regulation with **FMCSA**. The standard for granting any exemption **FMCSA** has to consider, then, he emphasized repeatedly.

An exemption request must provide evidence of:

1. *“Why is it difficult to comply” with the regulation in question and*
2. *“What’s the equivalent level of safety” that will be achieved by the carrier thus exempted.*

It is currently unknown if anyone has put forward an official exemption request with the agency to exempt 10-or-fewer-truck carriers from the mandate. OOIDA’s denied small-fleet exemption request was based on annual revenues as a cutoff point. Another request, still pending, asked for a small-company exemption from the ELD mandate based on a number-of-employees threshold. News published today shows the agency denying nine other exemption requests in addition to the one from OOIDA already denied.

Congress has been the avenue for limited exemption from the mandate in place now for livestock haulers, the only one outside of what’s in the rule itself. Congress, I suspect, given **FMCSA** was required by legislators to promulgate the ELD rule in the first place, may be the best avenue for an exemption that includes a big class of carriers like that. Never know until you try, though.

Other avenues explored on the call included opening dialogue on driver training as well as the disparities in enforcement nationwide, depending on the inspecting state jurisdiction or officer. **FMCSA’s** Bill Mahorney emphasized the now well-known DataQs system for challenging violations as an avenue to report instances where particular jurisdictions depart from accepted interpretation or practice.

“A big part of what Joe’s and my office in particular do,” Mahorney said, “after we put out guidance or policy, we have a series of webinars with the state and local enforcement personnel to make sure the same thing’s happening in the D.C. and Maryland — and Iowa and the like.” At once, “We and people in the states recruit out of the human race. And people make mistakes. When they make mistakes, that’s what we need to know.” (*Being involved in the Commercial Vehicle Safety Alliance at whatever level, too, is an avenue for carriers to air particular problems where an inspection practice of a particular jurisdiction needs attention.*)

As Scott Jordan put it, **“If they don’t know it’s broke, they can’t fix it.”**

# Is 2018 Still on Track to be Least Fatal Year in U.S. Mining History



The year 2018 was on track to be the **least fatal year** in United States mining history, *Mining Technology* reported. As of June 5, 2018, there had been four metal/non-metal **mine** fatalities and four **coal mine** fatalities — a total of eight mining-related fatalities. This is an improvement over 10 fatalities in 2017 and 13 fatalities in 2016 during the same time period, and if that pace continued, the mining industry could see a significant improvement over 2017's 28 fatalities.

2018 would likely see 16 fatalities, a significant improvement on the 28 recorded in 2017, and the 53 recorded a decade ago in 2008. Also, the slight increase in fatalities seen from 2016 to 2017, where the number of deaths increased from 25 to 28, would be reversed. That was the first time mining fatalities increased from one year to the next since 2012-2013.

A focus on safety around machinery has contributed to the overall reduction in fatalities in US mines. Following the death of a miner at the Gateway Eagle mine in West Virginia last year, when a worker was trapped between a coal rib and a cutter head, the **Mine Safety and Health Administration (MSHA)** concluded that: “the mine operator did not provide administrative controls and acceptable work practices to prevent the proximity detection system from being overridden during normal mining operations”.

The International Council on Mining and Metals reported only a single fatality involving equipment in the US in 2017 among its member companies. In February this year, **MSHA** announced that a new mobile [Inspection Application System \(IAS\)](#) would be deployed across the US to aid around 1,500 mine inspectors in their work.

“Enabling mine inspectors to work more efficiently means more time to focus on the health and safety of America’s miners,” said **MSHA** assistant secretary David G Zatezalo. “**MSHA’s Mobile IAS** is expected to improve the quality of information by eliminating redundancy and provide more timely information for inspectors.”

As 2018 closes, and accident/fatality statistics become available for the year, it will be determined if 2018 stayed on pace to be the **Least Fatal Year**.

## MSHA Issues Report of Investigation on Truck Driver Who Drowned in Texas

In early December, the **Mine Safety and Health Administration (MSHA)** released its [Report of Investigation](#) regarding the fifth fatal accident of 2018 that occurred at the King Sand and Gravel Mine in Kerens, Texas. On June 13, a 65-year-old truck driver with **four years** of experience, **drowned** when the **articulated haul truck** he was driving traveled through a **berm** and submerged in a **water impoundment**.

On the morning of the **accident**, two other **haul truck drivers** had noticed the victim being a **bit distracted** while driving, but didn't **think much** of it. Then, one of the **other drivers** said he was **heading** for the **pit** around 10 a.m. when he noticed **tire tracks** on the berm and some **spilled material** that had not been there **earlier** in the shift. He **did not stop** to investigate, but on his **return trip**, he encountered **another driver** on the road where the **spilled material** and tracks were on the **berm**. They both stated the **spilled material** and tracks were **new**, but they **did not observe** anything **abnormal** in the water, but started looking for the **victim**. One looked in the **plant**, while the other looked in the **pit area**. One of the drivers looked around the **yard, shop, and ready line** and finally stopped at the **mine office** at 11:40 a.m. to **report** that he couldn't find the missing driver. The **dispatcher immediately** notified the **plant manager** of the concern. He and the victim's son went to the **berm** where the drivers had seen the **tracks and spilled material** and concluded that the **truck** must have traveled **over the berm** and entered the **water impoundment**.

The plant manager called the **MSHA** Dallas District office to report that a **miner was missing** and possibly **submerged** in a **water impoundment**. He then **called 911** at 12:02 p.m. When the **MSHA** inspector arrived on the **scene** shortly after 3 p.m., divers had **already entered** the water and **found** the miner **unrestrained** inside the cab of the **haul truck**.

Investigators **determined** that the **haul truck** had **functional steering**, and emergency park and **service braking systems** capable of **stopping and steering** the truck in an **emergency**.

Several **non-contributory issues** were **discovered** during the **examination** — the **audible low** air pressure **alarm** had been disabled; the **accumulators** for both **front and rear service brake** circuits **failed** the accumulator test specified by Volvo's **service manual**; and both the **front and rear service brake circuits** had hydraulic components that were **leaking back** to the tank, allowing both **accumulators circuits** to lose hydraulic pressure without **cycling the brakes**.



The **truck** was sent to ROMCO Equipment Co. for **service** after the **brakes** were reported to have **locked up** on the **rear axle** in April 2018. It was put **back in service** on June 7, 2018, **one week** before the **fatal accident**, with all systems **working properly**.

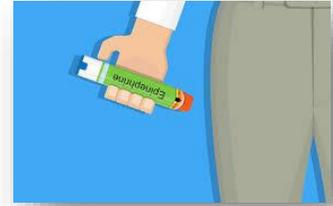
**MSHA** investigators also **determined** that the **victim**, and all the **haul truck drivers** were **properly trained** and had received their **annual refresher** on February 10, 2018. The victim had received **New Miner Training** on February 10, 2015, and was **task trained** to drive the Volvo A40D Haul Truck on July 20, 2015.

### CONCLUSION

The **miner drowned** when the **articulated haul truck** he was operating **left the road**, traveled over a **berm**, and entered a **water impoundment**. There were **no eye witnesses** to the **accident** and, from the **investigation**, the investigators were **unable to determine** why the **driver was unable** to maintain **control of equipment**.

## AED and Epinephrine Auto-Injectors in the Workplace

Colorado law allows businesses to stock and administer epinephrine auto-injectors, including EpiPen, Auvi-Q, or other types of auto-injectors. Under the [law](#), an employee or agent at a business may use an auto-injector on any individual believed to be experiencing anaphylaxis.



### Requirements

- Be an authorized entity, including all businesses other than a school or hospital.
- Designate an employee or agent to complete required training on epinephrine auto-injectors.
- Maintain proper storage, maintenance, control and oversight of the epinephrine auto-injectors.
- Report the use of the epinephrine auto-injectors by any employees or agents.

### Training

All businesses that maintain epinephrine auto-injectors are required to assure that staff responsible for this device complete a nationally recognized training course. The course must issue a certificate and include these topics:

- How to recognize signs and symptoms of severe allergic reactions including anaphylaxis.
- Standards and procedures for storage and administration of an epinephrine auto-injector.
- Emergency follow-up procedures.

Use of epinephrine auto-injectors at your business must be [reported](#).

## AED's

Automated external defibrillators (AEDs) are an important lifesaving technology and may have a role to play in treating workplace cardiac arrest. Most sudden cardiac deaths occur outside of the hospital. It is estimated that 5 percent or less of victims of sudden cardiac deaths are successfully resuscitated and discharged alive from the hospital.



In a study of Public-Access Defibrillation (PAD), communities with volunteers trained in CPR and the use of AEDs had twice as many victims survive compared to communities with volunteers trained only in CPR. Public access defibrillation programs that place automated external defibrillators (AEDs) in areas where cardiac arrests may occur can reduce the response time up to three to five minutes.

### Training

Emergency medical service teams typically respond to cardiac arrest where early defibrillation improves survival. In order to respond more rapidly to cardiac arrest, automated external defibrillators (AEDs) have been developed which may be used by trained people in the workplace.

**MJS Safety offers training for both of these potentially life-saving procedures.**

**Don't wait until it's too late ... Call today to schedule a class!**

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