MONTHLY NEWSLETTER JULY 2017 VOLUME 9 ISSUE 7

~ MJS SAFETY HAS MOVED ~

NEW OFFICES/TRAINING CENTER

1760 BROAD ST, UNIT H, MILLIKEN, CO 80543…located halfway between I-25 and Hwy8 on Hwy60

► 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 July 2017: • *TRAINING CENTER – SEE LOCATION ABOVE* • read more…

OSHA/CONSTRUCTION NEWS SUMMARY

► *just a reminder*… OSHA Proposes to Delay Compliance Date for Electronically Submitting Injury, Illness Reports

On June 28, 2017, **OSHA** proposed a **five-month extension** for certain **employers** to **electronically file** their **2016 OSHA 300A Annual Summary Forms** with **OSHA.** read more…

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Answer: Criteria for Personal Protective Equipment - Title 29 CFR 1926.95(a) section states:… read more…

OIL AND GAS SUMMARY

► Mobile Engines Hazard Alert

As part of the **National STEPS Network** alliance with **OSHA** and **NIOSH,** a hazard alert was **developed** to highlight the **fatalities** and **hazards** associated with **ignition** of **vapors** by mobile **engines** and **auxiliary motors.** read more…

► Oil and Gas Well Drilling and Servicing eTool

One of the **projects** of the **National STEPS/OSHA/NIOSH Alliance** is to update the OSHA Oil and Gas e-tool. As part of this **project** a **module** was **developed** and added to the **e-tool** on Transportation. read more…

TRANSPORTATION NEWS SUMMARY

► Report Recommends Sweeping Changes to CSA Scoring System

National **Academies of Science** researchers have **issued** a **Congressionally** mandated **report** recommending that the **U.S. Department of Transportation** overhaul its **Compliance, Safety, Accountability** carrier rating **system.** read more…

► Supreme Court Rejects ELD Appeal, Ending OOIDA's Challenge Options

With Supreme Court blow to ELD legal challenge, mandate has no roadblocks remaining

In a victory for the **U.S. Department of Transportation,** the **U.S. Supreme Court** has said it will not hear a lawsuit challenging a **DOT** rule requiring truck operators to use electronic logging devices to track hours of service. read more…

▶ CVSA's Brake Safety Week is Sept 7, 2017

Thursday, Sept. 7, 2017, is **Brake Safety Day,** an **enforcement** and **compliance campaign** where **law enforcement** agencies across North America will **conduct inspections** on large **trucks** and **buses** to identify **out-of-adjustment** brakes, and brake-system and **antilock braking** system (*ABS*) **violations**... read more…

▶ FMCSA Scraps Rulemaking on Raising Liability Insurance Minimums for Carriers

The **Federal Motor Carrier Safety Administration** was slated early in June to officially withdraw a rulemaking intended to explore the pros and cons of increasing liability insurance minimums for motor carriers. read more…

▶ ~ EXPERTS: TAKE CAUTION BEFORE USING ELDS TO CAPTURE FUEL-TAX DATA ~

Small fleets **looking** to **squeeze** a little **return-on-investment** out of an **ELD** should **tread carefully** with **players** new to the **trucking industry** who claim to have **features** to automate **data collection** for the **International Fuel Tax Agreement** and **International Registration Plan.** read more…

▶ 2017 Custody & Control Form (CCF) Awaiting Federal Approval

The current 2014 version of the Federal Custody & Control Form (*CCF*) expired last month. read more…

▶ ...ANOTHER REJECTION BY THE COURTS

Supreme Court Refuses Another Trucking Case, *this one about Carriers' Access to Drivers' History*

A class-action **lawsuit** brought by **six truck drivers** — and **backed** by the **Owner-Operator Independent Drivers Association** — against the **U.S. DOT** and the **pre-employment reports** it distributes to **carriers** has been **refused** by the **U.S. Supreme Court,** handing a **victory** to **DOT.** read more…

▶ FMCSA Seeks Volunteers for Pilot Program Testing Split Sleeper Berth Time

Would splitting sleeper berth time improve driver alertness and safety performance? The **FMCSA** is hoping to find out with its new **Flexible Sleeper Berth Pilot Program.** read more…

▶ The Growing Legalization of Marijuana vs. DOT-Regulated Drug Testing: What You Need to Know

As more states legalize the sale and use of marijuana, questions continue to arise about whether drug testing protocols will change for DOT-regulated drivers. read more…

▶ Colorado Toughens Penalties for Texting While Driving

Thursday, June 1, 2017.....The bill has been signed into law by Gov. John Hickenlooper. read more…

▶ MSHA Announces Extension of Final Rule Effective Date on Exams of Working Places in Metal, Nonmetal Mines

Effective date of rule is extended to Oct. 2, 2017

The U.S. Department of Labor's **Mine Safety and Health Administration** announced today it is extending the effective date of the agency's final rule on **Examinations of Working Places in Metal and Nonmetal Mines** until Oct. 2, 2017. read more…

▶ Safety Alert - Safety Belts and Lines (30 C.F.R. §§ 56/57.15005)

Policy - **MSHA** standards require that safety belts and lines be worn when persons work where there is danger of falling; a second person must tend the lifeline when bins, tanks or other dangerous areas are entered. read more...

▶ METAL/NONMETAL MINE FATALITY – On June 8, 2017, a truck driver was operating a Caterpillar 777F haul truck, dumping a load of gravel, when the ground at the dump point collapsed. read more...

▶ Pinch Point Injuries…and how to prevent them!

Pinch point **hazards** have **historically** been associated with **power presses** and large **shearing equipment.** Conveyors, **gears,** loaders, **compactors** and other moving **equipment** are also **examples** of machinery with **pinch points.** read more...

MJS SAFETY TRAINING ANNOUNCEMENT

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 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_2S] - 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 July 2017: ● *Training Center - New Location - 1760 Broad St, Unit H, Milliken, CO 80543*

- **PEC Safeland Basic Orientation: July 7, 17, 27**
- **First Aid/CPR/AED / BLOODBORNE PATHOGENS: July 13, 8 a.m.**
  (We offer both MEDIC FIRST AID & AMERICAN HEART ASSOCIATION)
- **TEEX H2S Operator Training – Awareness (ANSI Z390 Course): July 13, 1 p.m.**

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

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

— FEATURED TRAINING PROGRAMS —
●Safeland Basic Orientation ●Hydrogen Sulfide Awareness ●First Aid/CPR
●OSHA 10 Hour for General Industry or Construction ●Confined Space for Construction

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

Unable to attend a class?

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

Order
First Aid
& other
Safety Supplies
www.mjssafety.com
Jeremy 720-203-6325
Carrie 720-203-4948
or Mike
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Online courses provide a convenient way for **EMPLOYERS & EMPLOYEES** to complete MANDATED, REQUIRED or HIGHLY RECOMMENDED training in today's industry

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

FOR ADDITIONAL INFORMATION CALL
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
MSHA
Overdrive
CCJ
J.J. Keller
USDOT
CVSA
Flame Resistant Uniforms.com
National Steps Network.org
foleyservices.com
Personal Injury San Diego.org
Denver Post
Insurance Institute for Hwy Safety

just a reminder... OSHA Proposes to Delay Compliance Date for Electronically Submitting Injury, Illness Reports

On June 28, 2017, OSHA proposed a **five-month extension** for certain **employers** to **electronically file** their **2016 OSHA 300A Annual Summary Forms** with **OSHA.** The **deadline** was set for **July 1, 2017.** As **proposed,** the **new deadline** is **Dec 1, 2017.**

OSHA's final rule to **Improve Tracking** of **Workplace Injuries** and **Illnesses** requires certain **employers** that are already **keeping** injury and **illness records** to submit their **workplace injury** and **illness data** to **OSHA.** The Agency **plans** to make this **information** public, **minus** any personally **identifiable** information.

OSHA proposed extending the **July 1, 2017** deadline because it **has yet** to develop a **computerized data** collection system **necessary** for **employers** to comply. **OSHA** now **claims** the **system** will be **up** and **running** by August 1st, **allowing** employers to **meet** the new **December 1st** deadline.

As of **now,** the **delay** is only a **proposal,** and would **not go** into effect **unless** a **final rule** is published in the **Federal Register.**

OSHA invites the **public** to **comment** on the **proposed** deadline **extension.** Comments **may be** submitted **electronically** at the Federal e-Rulemaking Portal, or by **mail** or **facsimile.** The **deadline** for submitting **comments** is **July 13, 2017.** It is **expected** that the **proposed delay** will become **final.**

Things You Should Know About Laundering Fire Retarding (FR) Clothing

Question: Under OSHA regulations 29 CFR 1926.95(a) who is responsible for the laundering of fire retarding clothing that is provided to employees?

Answer: Criteria for Personal Protective Equipment - Title 29 CFR 1926.95(a) section states:

(a) Application. *Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.*

Pursuant to the requirements of 29 CFR 1926.95(a), the standard **does not** prohibit **home laundering** of **FR** and **arc-rated clothing** if the **employer permits** it.

However, to comply with 1910.132 or 1926.95, the employer **cannot simply** instruct **employees** to follow **manufacturers'** instructions. Employers **must ensure** that **protective clothing** such as **FR garments** are adequately **maintained** in a **reliable** condition such that if the **FR garment** is **challenged** in a **flash fire,** the **garment** will perform as **designed.** In other **words,** the **employer** is responsible for **ensuring** that the **FR garment** is **laundered** such that **contaminants** (*e.g. dirt, oils, etc.*) will **not affect** the performance of the **garment** when it is in use.

If **employers** rely on home **laundering** of the clothing, they **must train** their employees in **proper** laundering **procedures** and **techniques,** and employers **must inspect** the **clothing** on a regular **basis** to ensure that it **is not** in need of **repair** or replacement. If an **employer** cannot **meet** these **conditions,** then the **employer** is responsible for **laundering** the **FR** and **arc-rated clothing.**

SOME GENERAL LAUNDERING INSTRUCTIONS:

Important note: ***Always consult the garment manufacturer for detailed instructions and precautions.***

Washing

- *Softened water provides best results.*
- *Fill the washer no more than 2/3 full and use high water level.*
- *Wash separately in a Normal or Cotton cycle at any water temperature up to a maximum of 140ºF (60ºC).*
- *Use any typical home laundry detergent. Do not use soap (tallow soap containing animal fats).*
- *Do not use chlorine bleach or hydrogen peroxide either separately or in detergents.*
- *Do not use fabric softeners, dryer sheets, or starch.*
- *Turn garments inside out before wash to reduce streaking from abrasion.*

Drying

- *Do not use extreme heat or leave in for long periods. The basket temperature should not exceed 165ºF (74ºC).*
- *Remove garment immediately when dry or when slightly damp. Complete drying on a hanger. Over drying will result in excessive shrinkage.*
- *Garments may be line dried.*

Pressing

- *Garments may be pressed to remove wrinkles.*
- *Use cotton setting.*

Note: ***Never Spray DEET on your FR garments, it is highly flammable. If you must use DEET, apply it direct to the skin and NOT the garment.***

Important: ***For Industrial Laundry, Dry Cleaning, and Stain Removal, always consult the garment manufacturer for detailed instructions and precautions. Insure that you are using reputable, knowledgeable providers.***

Mobile Engines Hazard Alert

As part of the **National STEPS Network** alliance with **OSHA** and **NIOSH,** a hazard alert was **developed** to highlight the **fatalities** and **hazards** associated with **ignition** of **vapors** by mobile **engines** and **auxiliary motors.**

Although this **alert** was **developed** for the **oil** and **gas industry** this hazard is **not limited** to this **industry.** Please **consider** using this **hazard alert** as a **training tool** for any workers with **potential exposure** to **flammable vapors.** Distribute this **alert** and others **found** at www.stepsnetwork.com to your **STEPS Network**, clients, **contractors,** vendors, and **safety contacts.**

Oil and Gas Well Drilling and Servicing eTool

One of the **projects** of the **National STEPS/OSHA/NIOSH Alliance** is to update the OSHA Oil and Gas e-tool. As part of this **project** a **module** was **developed** and added to the **e-tool** on Transportation.

The **Transportation module** is an excellent **resource** of information for **vehicle use** in the **oil** and **gas industry** and includes **modules** on transporting personnel**,** transporting equipment**,** vehicle operation at the well site**,** all-terrain vehicles (*ATVs*) and utility task vehicles (*UTVs*) and additional resources**.**

Vehicle Operation at the Well Site

— Moving equipment on site

Potential Hazard:

- *Struck-By or Caught-Between. There will be many people on the well pad, and a lot of heavy equipment moved until it is all properly in place. This will involve backing heavy equipment with the potential for vehicles to strike other equipment and/or people working behind the equipment, out of the driver's sight.*

Possible Solutions:

- *Always use at least one land guide when moving equipment on the well pad. Follow standard hand signals from the land guide and move the equipment slowly. Land guides should not walk backwards while guiding equipment as they could trip and the equipment back over them. The guide should stop the unit, move carefully to a new spot, and then continue to guide the driver. Continue in this manner.*
- *Conduct a pre-move job safety analysis (JSA) between the land guide, driver, and all others involved in the movement to agree on where the piece of equipment will be located and to avoid miscommunication.*
- *Use land guides from your own company. Avoid guides from other companies who may be unfamiliar with your company personnel and procedures.*
- *Require land guides to wear high visibility clothing and lighted flashlight wands at night.*
- *Check that backup alarms are functioning, and sound the horn before backing up.*
- *When parking vehicles, park so that the first movement is forward.*

Fatality Examples:

- *The crew was rigging up for drilling operations when a swamper was fatally backed over by a welding truck. At the time of the incident, the swamper was helping a winch truck driver move mud and water tanks. The swamper was assisting in the horizontal rigging of the tank to winch equipment, and had positioned himself along the storage tank being winched. At the same time, a welding truck was in the process of moving past the winch truck operations. At some point during the two simultaneous operations, the swamper stepped backwards into the path of the welding truck as it was backing. The welding truck ran over the swamper.*
- *During rig up of a drilling rig, a worker went to the tool trailer to get bolts needed to install a floor plate. The worker was struck by a tractor being used as a forklift. The tractor was backing up and turning to the driver's right. The left front tire hit the worker and knocked him down. He was caught under the forks and was dragged approximately 20 feet.*
- *A worker was kneeling down using a vacuum hose to vacuum up mud from the drilling rig containment area after it had been released due to a pump failure. The worker was run over by an end loader that was backing up.*
- *A worker stepped out of his truck to talk to another worker. His truck started rolling forward and he ran to the front of the truck to stop it. The worker slipped and the truck ran over him.*

— Wheel loaders and telehandlers

Potential Hazard:

- *Workers struck by equipment.*

Possible Solutions:

- *Audible back up alarms and horns should be present and functional.*
- *Use spotters for maneuvering around the well site.*
- *Train operators and workers on the ground to recognize equipment blind spots.*

Potential Hazard:

- *Overloading the rated capacity.*

Possible Solutions:

- *Train operators (both classroom and practical) on the specific equipment type and its functions/limitations.*
- *Operators must wear a seatbelt.*
- *Ensure operators perform a pre-operational check of the equipment before beginning operations.*

Potential Hazard:

- *Falls when entering and exiting the elevated cab.*

Possible Solutions:

- *Ensure operators maintain three points of contact while entering and exiting the cab.*
- *Keep steps and shoes clear of mud, snow, and debris.*

All-Terrain Vehicles (ATVs) and Utility Task Vehicles (UTVs)

ATVs and **UTVs** are used in a **number** of applications in the **oil** and **gas exploration** and production **industry.** An ATV is an **off-road,** single-rider **vehicle** intended for **transport** over **rough terrain.** ATVs **feature** a handle **bar steering** system. A **UTV** is also **intended** for use over **rough terrain,** though this **vehicle** is sometimes **known** as a **side-by-side** because **two people** can sit in the **cab** next to **each** other. **Both** can be used to **haul items,** but a **UTV** features a **truck-like** bed **specifically** for this purpose. **UTVs** also **feature** a **steering wheel** similar to that in a **car** or **truck.**

Tasks and key safety and health practices for ATVs and UTVs include:

— Loading and unloading from truck beds and trailers

Potential Hazard:

- *Rollover.*

Possible Solutions:

- *Center tires on ramps.*
- *When unloading from a truck bed, use the longest loading ramps available.*
- *Do not attempt to turn the ATV while on loading ramps.*
- *Install roll bars where practicable.*

Potential Hazard:

- *Ramps slipping when unloading from truck bed.*

Possible Solutions:

- *Secure ramps with tie-downs and/or anti-slip matting.*

— Transporting by trailer

Potential Hazard:

- *Vehicle becomes unsecure.*

Possible Solutions:

- *Use tie-downs and straps to secure vehicle to a suitable trailer.*
- *Ensure that the ATV/UTV parking brake is engaged.*

Potential Hazard:

- *Trailer becomes unsecure.*

Possible Solutions:

- *Ensure the trailer is properly attached and secured to the pulling vehicle.*

— Inspections (pre/post trip)

Potential Hazard:

- *Equipment failure.*

Possible Solutions:

- *Perform a T-CLOC inspection (Tires and Wheels, Controls and Cables, Lights and Electrical, Oil and Fuel, Chain and Chassis).*

Potential Hazard:

- *A fire on the ATV or UTV, or a personal injury can occur. In dry areas, operating an ATV/UTV can also start brush fires.*

Possible Solutions:

- *Ensure the equipment has a secured fire extinguisher and first aid kit.*

— Traversing

Potential Hazard:

- *Rollover caused by uneven terrain and slopes.*

Possible Solutions:

- *Assess steep or uneven terrain before crossing.*
- *Avoid traveling across the slope. Whenever possible, travel straight up or down the slope.*
- *Choose a route with the least grade.*
- *If you encounter slopes and you are unsure of the machine's capability, get off and walk the route.*
- *Avoid turning sharply or at excessive speeds.*
- *Apply the brake and turn at a slower speed.*
- *Ensure the vehicle is equipped with a roll bar if applicable.*

Potential Hazard:

- *Rollover from encountering obstacles (rocks/logs/mud/water).*

Possible Solutions:

- *Assess terrain before crossing.*
- *Whenever possible, remove the obstacle or go around it.*
- *Ensure the vehicle is equipped with a roll bar if applicable.*
- *Slowly approach the obstacle straight on. When the tires contact the obstacle, slowly accelerate to maintain momentum until the obstacle is cleared.*

Potential Hazard:

- *Collision with motor vehicles.*

Possible Solutions:

- *When crossing roadways, look both ways for oncoming traffic.*
- *Avoid crossing roadways where visibility is restricted.*
- *Operators must abide by traffic signage when traveling on pavement.*

Potential Hazard:

- *Crossing water.*

Possible Solutions:

- *Do not cross water that is deep and swift.*
- *Assess the water's bottom for rocks or other submerged obstacles.*

Potential Hazard:

- *Parking on slopes.*

Possible Solutions:

- *Do not park sideways on a slope.*
- *Set the park brake when getting off the equipment.*
- *Chock wheels.*
- *Park the ATV/UTV directed away from your work area.*

— Driver operations

Potential Hazard:

- *Hauling too many people.*

Possible Solutions:

- *Follow manufacturer's recommendation for how many personnel may be hauled by the ATV/UTV. Most ATVs will be limited to one rider.*
- *Use seatbelts if provided.*

Potential Hazard:

- *Lack of operator training.*

Possible Solution:

- *Ensure operators attend an industry-recognized and machine-specific safety course for ATV/UTV operation.*
- *Periodically check drivers' records for infractions (commercial and non-commercial).*

Potential Hazard:

- *Operating a vehicle while working alone where co-workers are not available to monitor the driver's condition and report vehicle accidents.*

Possible Solutions:

- *Use a vehicle monitoring device.*
- *Set up driver check-in requirements during and after each shift.*
- *Provide radios to lone workers.*

Potential Hazard:

- *Fatigue.*

Possible Solutions:

- *Take frequent rests when traveling long distances.*

Potential Hazard:

- *Operation in inclement weather.*

Possible Solutions:

- *Use chains for traction in snow or ice conditions.*
- *Use a cover on both ATVs and UTVs for protection from both rain/snow/ice and sun exposures.*
- *To prevent cold stress, wear many layers of clothing, with fire retardant (FR) being the outermost layer when required.*
- *To prevent heat stress, pack water and ice on the equipment during the warmer months. Take frequent breaks to cool down and rehydrate.*

Potential Hazard:

- *Personal injury.*

Possible Solutions:

- *Drivers must wear a DOT-approved helmet.*
- *Drivers should wear safety-toe shoes and eye protection.*
- *Follow manufacturer's recommendations for personal protective equipment (PPE).*

Go to the OSHA Oil and Gas e-tool **— click on the** Transportation tab to see information on the other topics.

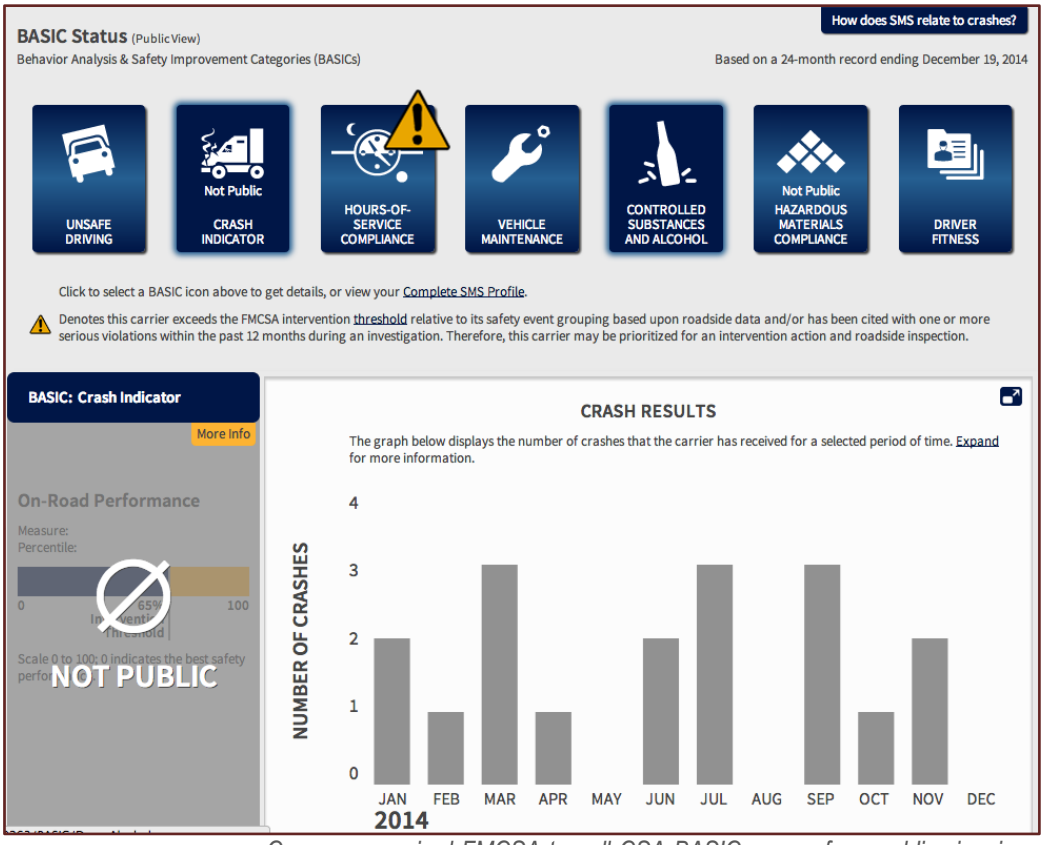
Report Recommends Sweeping Changes to CSA Scoring System

National **Academies of Science** researchers have **issued** a **Congressionally** mandated **report** recommending that the **U.S. Department of Transportation** overhaul its **Compliance, Safety, Accountability** carrier rating **system.**

The report says **DOT** needs to make CSA's Safety Measurement System more **fair** and accurate in **assessing** motor carriers' **safety risk,** and that **data** used to **create** the rankings is in **need** of **"immediate attention."**

Key recommendations from the report include:

- *Reconfiguring the SMS statistical model (the percentile ranking used to target carriers for intervention) with an "item response theory" (IRT) model that more accurately targets at-risk carriers;*
- *Making the scoring system more transparent and easier for carriers to replicate and understand; and*
- *Departing from using relative metrics as the sole means for targeting carriers.*



Congress required FMCSA to pull CSA BASIC scores from public view in late 2015. The SFD rule's reliance on the BASIC ratings to determine carrier fitness prompted the trucking industry's push back against the rule.

The **NAS** urged **further study** of the **impact** of the **public** display of **SMS** rankings. Researchers **recommend** that the **Federal Motor Carrier Safety Administration** better **collaborate** with state **partners** and other **data providers** to collect more **data** and **higher quality** data, specifically **related** to **crash reports** and to carriers' **operations** (*miles traveled, number of power units, etc.*).

NAS will provide the **roughly** 130-page report, **"Improving Motor Carrier Safety Measurement,"** to **FMCSA** and to **Congress,** which called for the **report** in the 2015 FAST Act highway **bill.** The **act** also **pulled** the **SMS' BASIC** percentile **rankings** from **public view.**

The law **stipulated** that the **NAS** must issue **recommendations** on how **FMCSA** can **fix** the data and **methodology** issues that have **plagued CSA** since its **2011 onset** — and that **FMCSA** adopt the **recommendations** — before the **SMS** can be **made public** again.

It's **unclear** yet how the **agency intends** to act on the **report's recommendations** or the **timeline** on which it **plans** to adopt any **CSA** reforms. **FMCSA** confirmed it has **received** the **report** and says it will **issue** a **response** to **Congress** within the **120 days** allotted by the **FAST Act.** An agency **spokesperson** says it is **"reviewing the findings."**

The agency has **already undertaken** an **effort** to **improve** crash **reporting** through its **Post-Accident Report Review Subcommittee** of its **Motor Carrier Safety Advisory Committee.** That group is **tasked** with making **recommendations** to improve **crash-report** utility and **standardization.**

The **NAS** report on **CSA** and its **underlying data** reaches an **oft-heard conclusion:** While the **premise** behind **CSA's SMS** is sound, **FMCSA's execution** of the program was **flawed** from the **ground** up. **CSA** relies on, in **some** ways, **inadequate** data, **NAS** researchers **conclude,** which is then **funneled** into a scoring **system** that has not been **"sufficiently empirically validated."**

Findings in other ways **reiterate** conclusions reached in one of **many analyses** of **CSA's** flaws and their **impact** on **carriers.** The report **notes** the **chief criticisms** of the **CSA** program: Some **BASICs** lack **correlation** with **crash risk,** data **insufficiency,** use of relative **rankings,** use of **non-fault** or nonpreventable **crashes,** state **variations** in **inspections** and violations, **lack** of **consistency** in **violation** coding, a **lack** of **transparency** of the **SMS** algorithm and the **public availability** of **SMS rankings.**

"Conceptually, **SMS** is **structured reasonably,"** the **NAS** report **concludes.** However, **researchers** add, "too **much** of the **detail** is **ad hoc,"** referring to **FMCSA's** execution of the **program.**

The report **doesn't go** into **depth** about its **recommendations** for a **new statistical** model to **replace** the **SMS model,** but it **touts** the **IRT model** as one that has **been proven** to work in fields such as **health care** and **education** to achieve **outcomes similar** to those **sought** by the **SMS. IRT models** are used in **health care** to assess the **quality** of care given to **patients** and in **education** to assess **teachers' performance.** In both fields, **IRT models** are used to target **poor performers** for **intervention,** just as **FMCSA** does with the **SMS rankings.**

NAS' principal **recommendation** is that **FMCSA** develop an **IRT** model over the **next two** years and then **implement** it in place of the **SMS** "if it **demonstrates** to **perform well** in **identifying** motor carriers for **alerts."** Transitioning to an **IRT** model, the **study's authors** believe, would in **part help** soothe **some** of these **problems.** It would make **violation weighting** more **data-focused** (*less reliant on severity weights*), provide **better transparency,** account for **holes** in **data,** and more.

Other **NAS recommendations** seek to **tackle SMS** flaws, too. **FMCSA** needs to work **more closely** with **states** to **homogenize** data **reporting** and collection, **researchers** recommend. The **agency** also should find **new sources** to **assess carriers'** safety risk, such as **analyzing** driver **turnover rates** and **driver** pay **methods.**

FMCSA needs to **build** a more **"user-friendly version"** of the **Motor Carrier Management Information System** (*the data well that feeds **CSA***) and make its **scoring methodology** more **accessible, NAS** says. Such **changes** would make it **easier** for carriers to **understand** how they're **being scored** and learn how to **improve** their **scores** and, **hence,** their **safety practices.**

Before **going public** with a revamped **SMS,** the **agency** should also **further analyze** the **ramifications** of publicly **displaying** the **SMS rankings.** Shippers and **brokers** have, to varying **degrees,** used the **rankings** to deny carriers **business,** while **insurers** in some **cases** used the **system** to **charge** higher **premiums.**

Researchers also **recommend FMCSA** find a **way** to implement an **absolute scoring** metric into the **SMS algorithm** to **select carriers** for **intervention,** rather than **relying** solely on **relative** rankings. Relative **ratings** can be a moving **target** for carriers **trying** to **boost** their safety **culture.**

NAS, established by **Congress** in **1863** as a **private institution,** intends to **provide** nonpartisan and **objective** research to **lawmakers** and **regulators** to help **steer policy** decisions. Congress **funneled** the funding for the **new study** through **FMCSA.**

Supreme Court Rejects ELD Appeal, Ending OOIDA's Challenge Options

With Supreme Court blow to ELD legal challenge, mandate has no roadblocks remaining

In a victory for the **U.S. Department of Transportation,** the **U.S. Supreme Court** has said it will not hear a lawsuit challenging a **DOT** rule requiring truck operators to use electronic logging devices to track hours of service. The **Supreme Court's** June 12 decision leaves in place a lower court ruling upholding the mandate and its Dec. 18 compliance deadline.

The **Owner-Operator Independent Drivers Association** spearheaded the lawsuit, with its outside legal counsel representing **OOIDA** and two independent owner operators. **OOIDA** says it's "extremely disappointed that the **Supreme Court** does not see the merit in reviewing our case with so many questions about its constitutionality."

The group says it will continue to press the issue in **Congress** and with the **Trump Administration,** as it announced at the **Mid-America Trucking Show** in March.

OOIDA has not said specifically what initiatives it will undertake in **Congress,** but it could take the form of an effort to attach an amendment to a larger piece of legislation.

ATA, meanwhile, says it concurs with the **Supreme Court's** decision. "We are pleased to see that the **Supreme Court** will not interfere with the implementation of this important, and **Congressionally** mandated, safety rule. We will continue to support **FMCSA** as they work toward the December deadline for electronic logging devices and urge them to provide certainty to the industry about when and how to comply with this rule by continuing to move toward implementing this regulation on schedule."

OOIDA sought to have the mandate struck down in court, arguing it violated drivers' **Constitutional** protections against warrantless searches and seizures and that the rule did not meet **Congressional** stipulations set for an **ELD** mandate.

In its appeal to the **Supreme Court, OOIDA** and the trucker plaintiffs argued the mandate has implications even outside of trucking, as it pertains to "millions of ordinary citizens going about their normal work days under constant, electronic surveillance without warrants," said **OOIDA** Executive Vice President Todd Spencer last month.

OOIDA brought the lawsuit in March 2016 against the **DOT** and its sub-agency the **Federal Motor Carrier Safety Administration.** A three judge panel on the **Chicago**-based **7th Circuit Court of Appeals** heard the case last September. The next month, it ruled against **OOIDA** and in favor of the **DOT,** dismissing all of **OOIDA's** arguments against the mandate.

The plaintiffs appealed the ruling to the **7th Circuit,** asking for a rehearing en banc — that is, for all 13 judges on the **7th Circuit** bench to evaluate whether the case can be reheard. That appeal was denied.

The **7th Circuit** appellate court is only outranked by the **U.S. Supreme Court.** In April, **OOIDA** filed a writ of certiorari asking the **Supreme Court** to take up the case. The justices conferred on **OOIDA's** appeal June 8. Its decision effectively ends **OOIDA's** court challenge.

CVSA's Brake Safety Week is Sept 7, 2017

Thursday, Sept. 7, 2017, is **Brake Safety Day,** an **enforcement** and **compliance campaign** where **law enforcement** agencies across North America will **conduct inspections** on large **trucks** and **buses** to identify **out-of-adjustment** brakes, and brake-system and **antilock braking** system (*ABS*) **violations** as part of the **Commercial Vehicle Safety Alliance's** (*CVSA*) **Operation Airbrake Program.**

The goal of **Brake Safety Day** is to **reduce** the number of **crashes** caused by **poorly maintained** braking systems on **commercial** motor vehicles (*CMVs*) by conducting **roadside mechanical** fitness **inspections,** and **identifying** and **removing** vehicles with **critical brake** violations from our **roadways.**

In addition, **outreach** and educational **efforts** by **CMV** inspectors, motor **carriers** and others are **integral** to the **success** of the **campaign. Brake Safety Day** activities **seek** to **educate** drivers, **mechanics,** owner-operators and **others** on the **importance** of **proper** brake maintenance, **operation** and performance.

Properly functioning brake systems are **crucial** to safe **CMV** operation. **CMV** brakes are **designed** to hold up under **tough conditions,** but they must be **routinely inspected** and **maintained** carefully and **consistently** so they operate and **perform properly** throughout the vehicle's life**. Improperly** installed or poorly **maintained** brake systems can **reduce** braking efficiency and **increase** the stopping **distance** of **trucks** and buses, **posing serious** risks to all **highway** users and **public** safety. **Antilock** braking systems **help** the vehicle, and **thus** the driver, **maintain control** in **certain** situations, which **reduces** the risk of some types of **crashes.**

Brake-related violations **comprised** the largest **percentage** (*representing 45.7 percent*) of all **out-of-service** violations cited during **Operation Airbrake's** companion **International Roadcheck** campaign in **2016,** which focused on **inspections** of both commercial **motor vehicles** and **drivers.**

On **Brake Safety Day,** inspectors will **primarily** conduct the North American Standard Level I Inspection, which is a **37-step procedure** that includes an **examination** of both **driver operating** requirements and **vehicle** mechanical fitness. **Inspections** conducted will **include** inspection of **brake-system components** to identify **loose** or missing **parts,** air or **hydraulic fluid** leaks, worn **linings,** pads, drums or **rotors,** and other faulty **brake-system** components. **ABS malfunction** indicator lamps are **also checked.** Inspectors will **measure** pushrod **stroke,** where applicable. **Vehicles** with defective or **out-of-adjustment** brakes will be **placed** out of **service.**

Furthermore, in the **10 jurisdictions** using performance-based brake testing (*PBBT*) equipment, **vehicle braking** efficiency will be **measured. PBBT systems** include a slow speed **roller dynamometer** that measures total **vehicle weight** and total **brake force** from which **braking efficiency** is determined. The **minimum** braking **efficiency** for trucks is **43.5 percent,** required by U.S. **federal regulation** and the **CVSA** out-of-service **criteria.**

This year's **Sept. 7 Brake Safety Day** follows up on **CVSA's** May 3, 2017, unannounced **Brake Safety Day** and **replaces** the seven-day **Brake Safety Week** campaign from **previous years.**

More than **3.4 million brakes** have been **inspected** since the program's **inception** in 1998.

Brake Safety Day is part of the Operation Airbrake Program, sponsored by **CVSA** in **partnership** with the **Canadian Council of Motor Transport Administrators** (*CCMTA*) and the **U.S. Department of Transportation's Federal Motor Carrier Safety Administration** (*FMCSA*).

FMCSA Scraps Rulemaking on Raising Liability Insurance Minimums for Carriers

The **Federal Motor Carrier Safety Administration** was slated early in June to officially withdraw a rulemaking intended to explore the pros and cons of increasing liability insurance minimums for motor carriers. The agency says a lack of data from key stakeholders, such as insurance providers and carriers, led to the withdrawal of the rule.

The **Advanced Notice of Proposed Rulemaking**, published Nov. 28, 2014, sought input from carriers, brokers, shippers, insurers and others about how increasing the current $750,000 minimum required of carriers would impact insurance premiums, ability to obtain insurance and more. **FMCSA** was tasked by Congress in the **2012 MAP-21 highway bill** to study whether an increase was needed. Current limits were set in the mid-1980s, and groups have argued in recent years they're too low to cover the costs of today's crashes and medical expenses. **FMCSA** in a study released prior to the **ANPRM** concluding current coverage minimums hadn't kept up with inflation or rising liability costs.

Two of the industry's top lobbyists, the **American Trucking Associations** and the **Owner-Operator Independent Drivers Association,** opposed the rulemaking. Both said an increase was unnecessary, arguing just 1 percent of crashes exceed $750,000 in liability claims and that most trucking companies carry liability insurance of $1 million or more. They also said a mandatory increase could drive premiums up and push smaller carriers out of business.

The **ANPRM** sought to quantify those impacts by surveying carriers and insurers about the costs of premiums at various liability coverage levels, how much those costs could increase if the agency raised the minimum, how often crashes exceed the minimum, how often carriers go bankrupt due to crashes whose costs exceed coverage and more.

Ultimately, the agency says it received too little feedback, particularly from insurance companies, to proceed with a rulemaking. The publication of the notice ended the rulemaking.

"Commenters did not provide sufficient cost or benefit data and the agency was unable to otherwise obtain sufficient data on industry practice with respect to the level of liability limits in excess of the agency's minimum financial responsibility requirements, the cost of such premiums and the frequency of, and the amount by which bodily injury and property damage claims exceed policy liability limits," the agency wrote. "The anecdotal and hypothetical data provided by commenters are not sufficient to allow the agency to perform a systematic cost-benefit analysis that would be required to raise motor carrier minimum financial responsibility through a rulemaking."

~ EXPERTS: TAKE CAUTION BEFORE USING ELDS TO CAPTURE FUEL-TAX DATA ~

Small fleets **looking** to **squeeze** a little **return-on-investment** out of an **ELD** should **tread carefully** with **players** new to the **trucking industry** who claim to have **features** to automate **data collection** for the **International Fuel Tax Agreement** and **International Registration Plan.**

This **recommendation** comes from Dave Gray, president of the **National American Transportation Services Association,** whose member companies **collectively** work with more than **75,000 carriers** who **operate** more than a **million trucks.**

Dave Gray also is president of **compliance services** provider Glostone Trucking Solutions. He **emphasizes** the **different standards** for **ELDs'** hours-of-service **compliance support functions** and **IFTA data's** needs, particularly in the **realm** of long-term **record-keeping.**

State IFTA and **International Registration Plan** auditors will **want records** going back **four** to nearly **seven years,** respectively, far and **away beyond** what's needed for **hours of service.** Fleets that use an **ELD service** provider for **IFTA/IRP data collection** should not be **purging mileage** and/or **trip data** they download from the **provider.** They should also **make sure** their vendor **agreement** gives ready access to that **data** years down the **line** if it's stored **primarily** in a **cloud account,** he **recommends.**

Other **differences** between **ELDs' hours-related** data requirements and **IFTA needs** are in the area of **"distance and accuracy"** for tracking purposes, Gray says. "An **ELD** doesn't need to, by **law,** be nearly as **precise** as what **IFTA** and **IRP require."**

Though many **ELD providers** do in fact **go beyond,** well beyond the **minimums required** in the **ELD rule,** if they don't, the **minimum hourly** ping of **location specified** in the **rule** isn't going to be **enough** to satisfy what an **IFTA** or **IRP** auditor will want to **verify tax/registration** filings.

The **chart below** shows divergent **minimum standards** for **distance-data-collection** devices required by the **ELD mandate** and by **IFTA/IRP** rules. It's **part** of a **freely available** publication outlining the **issue** from the **NATSA group** of third-party **service providers** to the trucking **industry.**

Gray **recommends** validating the **distances** the **ELD records** from **odometer readings** at state-line **crossings** and elsewhere "to **make** sure **every mile** is captured" before **putting** your **full trust** in any **solution.**

If not, you **could easily** end up **reporting** your **state miles** short, and an **auditor** could have a **field day** re-creating your **trips** and **calculating interest** on short **payments,** notes Gary Markham of ProMiles, also a **NATSA** member **company.**

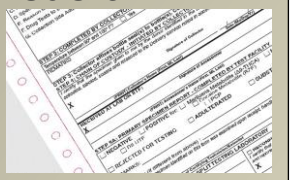
1. Distance Data Collection Requirements

Distance Data Collection Elements	Electronic Logging Device For Reporting Hours of Service	Electronic Data Recording Systems For Reporting IFTA Fuel Tax
Original GPS or other location data for the vehicle to which the records pertain	Required	Required
Frequency of GPS Readings, date & time stamps, and distance recording requirements	***Location readings every 60 minutes, every change of duty status, and engine On/Off at a precision of one mile when On-Duty and 10 miles when Off Duty**	**Date and time of each GPS or other system reading, at intervals sufficient to validate the total distance traveled in each jurisdiction. Depending on the carrier operation, this could mean location readings every 10 min or less.**
Location of each GPS or other system reading	Not Required	Required
Calculated distance between each GPS or other system reading	Not Required	Required
Routes of Travel by Unit	Not Required	Required
Beginning and ending reading from the odometer, hubodometer, engine control module, or similar device	Required	Required
Engine Hours	Required	Not Required
Total Trip Distance by Unit	Not Required	Required
Distance By Unit Each 24 Hour Period	Required	Not Required
Distance by Jurisdiction by Unit	Not Required	Required
Unit Number (id)	Power Unit and Trailer	Power Unit Only
Registrant's (Company) Name	Required	Required
Driver Name/ID	Required	Not Required

*** Pings may not be frequent enough for IFTA record keeping requirements**

Tracking standards for some special driving categories within ELDs, particularly personal conveyance, are required to be relaxed as well, and could complicate the need to track all miles – what IFTA and IRP ultimately want.

2017 Custody & Control Form (CCF) Awaiting Federal Approval



The current 2014 version of the Federal Custody & Control Form (*CCF*) expired last month. However, because the newest version hasn't yet received federal approval, all employers, laboratories and service providers will be allowed to continue using the current 2014 version of the CCF for at least 12 months – or until the newest 2017 version receives final approval.

Currently, the proposed 2017 Custody & Control Form is with the Office of Management and Budget (OMB). Once it's approved, we'll provide additional information to you regarding changes to the form, timing and the implementation process. Until then, there is no action required on your part.

If you have any questions about this upcoming change, or your other drug and alcohol testing requirements, please contact us at (800) 253-5506.

...ANOTHER REJECTION BY THE COURTS

Supreme Court Refuses Another Trucking Case,

this one about Carriers' Access to Drivers' History

A class-action **lawsuit** brought by **six truck drivers** — and **backed** by the **Owner-Operator Independent Drivers Association** — against the **U.S. DOT** and the **pre-employment reports** it distributes to **carriers** has been **refused** by the **U.S. Supreme Court,** handing a **victory** to **DOT.**

The **drivers** alleged **DOT** and its **Federal Motor Carrier Safety Administration** shared **too much** information about **drivers' violation** history to **prospective** employers in the **Pre-Employment Screening Program** (*PSP*) reports. The **drivers** claimed the **reports disparaged** their **reputations** and made it **harder** for them to **find work.** The **information** shared in their **reports,** they claimed, was **"intentionally and willfully"** beyond the **scope** of the **PSP.**

The **driver plaintiffs** argued in the **2014 lawsuit** that the **PSP reports** are only to **contain** accident **reports** and **"reports of serious driver-related safety violations."** They claim **FMCSA's** inclusion of information like **excessive weight** violations, **speeding** in the **6-10 mph** range, **violation** of certain hours **rules,** incorrect **logs** and unlawful **parking** violates **provisions** of the **1974 Privacy Act.**

DOT denied the **PSP reports** included **too much** information.

The **courts** have also **consistently disagreed** with **OOIDA**-backed **plaintiffs' assertions.**

The **U.S. First Circuit Court of Appeals** issued a **decision** last **October** in favor of **DOT,** and the **court** denied a **rehearing** in the **case** in **December.** The **Supreme Court** denied **OOIDA's** petition for the country's **high court** to hear its **case,** effectively ending **OOIDA's** bid in the **Flock vs. U.S. DOT** lawsuit.

The **Flock case** was the **second OOIDA-brought** case in as **many weeks** that the court **has refused** to hear. **Recently** it **announced** it **would not hear** the **group's** challenge to the **federal electronic** logging device **mandate.**

FMCSA Seeks Volunteers for Pilot Program Testing Split Sleeper Berth Time

Would splitting sleeper berth time improve driver alertness and safety performance? The **FMCSA** is hoping to find out with its new **Flexible Sleeper Berth Pilot Program.**

The pilot program will take the data from 200 commercial truck driver volunteers to assess whether drivers who divide their time spent in sleeper berths in different ways stay as alert and drive as safely as drivers who take eight consecutive hours of sleeper berth time.

According to current regulations, long haul **CMV** drivers with trucks equipped with sleeper berths are required to take a break with eight consecutive hours in the berth, plus a separate period of two consecutive hours spent either in the berth, off duty or a combination of the two before they can return to work each day.

Many drivers have requested that the **FMCSA** grant more flexibility regarding sleeper berth hours. In 2013, the **National Association of Small Trucking Companies** and the **Minnesota Trucking Association** teamed up to submit a proposal for a split sleeper berth program. After conducting its own lab study on the safety of split sleep, which showed there could be potential benefits, the **FMCSA** decided to initiate the pilot program.

Once the program is complete, which may take three years, **FMCSA** plans to report its findings to **Congress.** Depending on the results collected from the pilot, this could mean the **FMCSA** will request an amendment to the sleeper berth regulations.

What drivers participating in the program can expect

The study will take place over 90 consecutive days while drivers work their regular routes. Drivers taking part in the pilot will be exempt from **Hours of Service** regulations. They will be allowed to split their sleeper berth time into two segments no shorter than three hours, including splits of 3 and 7, 4 and 6 or 5 and 5. Participating drivers will be allowed to use any time combinations they choose, as long as they stick to the daily minimum rest requirements.

The program will collect information from the driver, including identification details and data on sleep habits, safety critical events, subjective sleepiness ratings and behavioral alertness.

Drivers will also be required to allow their trucks to be equipped with an onboard monitoring system and **ELD** provided by the study, wear a wrist activity monitor to record sleep patterns and spend 30 minutes per day completing logs that detail their sleep habits and levels of fatigue.

Drivers who complete all components of the program can earn up to $600 for participating.

Requirements to participate in the pilot program

According to the **FMCSA**, to participate in the pilot, drivers must have a **CMV** license with a valid **CDL-A** and **Medical Examiner's Certificate** (*MEC*), company approval for study participation (*if applicable*), regular use of a sleeper berth, a completed online application, a signed informed consent form and be enrolled by the study team.

Interested in taking part in the pilot program?

FMCSA is seeking a total of 200 volunteers for the program and would like to include drivers who work for small, medium and large carriers, plus team drivers and owner operators. To apply for participation in the pilot, motor carriers or drivers can visit www.sleeperberthstudy.com to complete an application and any other required screening.

There will also be a 60-day comment period when the **FMCSA** will be accepting public comments on the pilot program. The comment period is open now (*Due Aug 07, 2017 11:59 PM ET*) and can be accessed via the regulations.gov rulemaking portal, **Docket No. FMCSA-2016-0260**.

What do you think? Should the current sleeper berth regulations be changed?

The Growing Legalization of Marijuana vs. DOT-Regulated Drug Testing: What You Need to Know

As more states legalize the sale and use of marijuana, questions continue to arise about whether drug testing protocols will change for DOT-regulated drivers. So far, 29 states in the U.S., along with Washington D.C., have approved the drug for medicinal and/or recreational use. So, if you're a CMV driver living or working in a state that has legalized pot, does that mean you can enjoy a joint during your free time without any consequences? If you have a medical marijuana prescription, will you be allowed to have a positive result on your drug test? Keep reading to find out if the new state laws have changed anything for CDL drivers.

If marijuana is legal in my state, does that mean I'm allowed to use the drug recreationally when I'm off duty?

No, says the Department of Transportation. Marijuana is still illegal under federal law, meaning all "safety sensitive" employees who are subject to federally-mandated drug testing are still prohibited from using the drug. This group of employees includes anyone who operates commercial vehicles, including train engineers, pilots and school bus drivers.

The DOT has made its stance on the issue known multiple times, beginning when Washington and Colorado legalized recreational marijuana in 2012.

"We want to make it perfectly clear that the state initiatives will have no bearing on the Department of Transportation's regulated drug testing program. The Department of Transportation's Drug and Alcohol Testing Regulation – 49 CFR Part 40 – does not authorize the use of Schedule I drugs, including marijuana, for any reason," the DOT said in a statement.

Because marijuana is classified as a Schedule I drug by the United States Controlled Substances Act, safety sensitive employees are not permitted to have it in their systems at any time. Even if you're sober when you take a drug test, the THC from the drug will be detectable in your urine for up to 30 days after use. If you test positive for marijuana on the drug test, you will be removed from your job immediately and be required to work with a Substance Abuse Professional to complete the Return to Duty process.

What if I have a medical marijuana card from my doctor?

Even if you live in a state where marijuana is legal and you've been prescribed the drug for medical reasons, you are still prohibited under federal law to use the drug while employed as a CMV driver. You will still be required to take DOT-mandated drug tests and if you receive a positive marijuana test result, regardless of whether you have permission to use medical marijuana, you will be held accountable.

What if I refuse to take a drug test?

Refusing to take a drug test will be treated as if you received a positive result, according to the DOT. You will still be removed from your job and required to complete the Return to Duty process.

What do you think? Should CMV drivers be allowed to use marijuana during their down time? Should the DOT change its laws regarding marijuana use?

Colorado Toughens Penalties for Texting While Driving

Thursday, June 1, 2017**…..The** bill has been signed into law by Gov. John Hickenlooper.

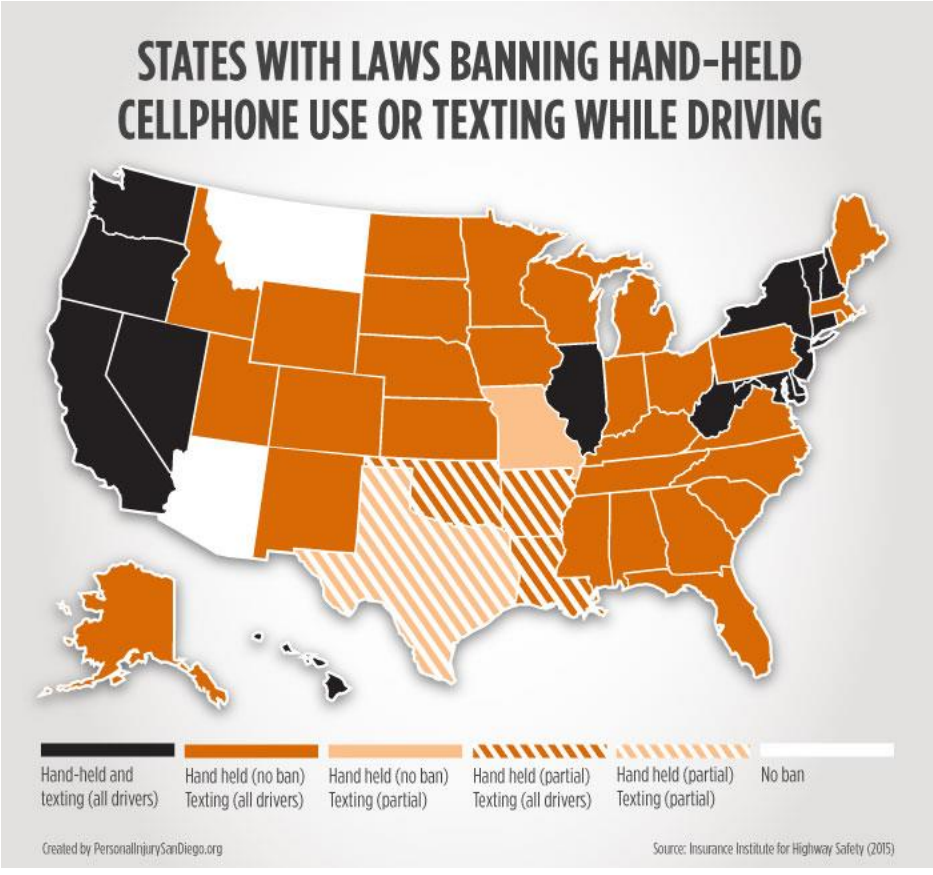
Colorado's penalty for texting while driving has increased from $50 to $300.

Drivers also will get four points on their license instead of one point per violation.

Sponsored by Democratic Sen. Lois Court, the measure comes after a woman who was driving drunk and texting on her phone hit and killed a Parker couple riding a motorcycle near Franktown last year.

The woman pleaded guilty to vehicular homicide and was sentenced in January to 20 years in prison.

Motorcyclists organized after the deaths of the Parker couple to lobby for the tougher fines.



MSHA Announces Extension of Final Rule Effective Date on Exams of Working Places in Metal, Nonmetal Mines

Effective date of rule is extended to Oct. 2, 2017

The U.S. Department of Labor's **Mine Safety and Health Administration** announced today it is extending the effective date of the agency's final rule on **Examinations of Working Places in Metal and Nonmetal Mines** until Oct. 2, 2017. This extension will allow additional time for **MSHA** to provide training and compliance assistance for its stakeholders.

MSHA is developing a variety of compliance assistance materials to assist the industry, which the agency will make available to stakeholders and post on the website. The extension will enable the agency to hold informational meetings and focus on compliance assistance visits at various locations around the country. Additional time will also allow **MSHA** to train its inspectors to assure consistent enforcement.

Safety Alert

Safety Belts and Lines (30 C.F.R. §§ 56/57.15005)

Policy

MSHA standards require that safety belts and lines be worn when persons work where there is danger of falling; a second person must tend the lifeline when bins, tanks or other dangerous areas are entered.

The **Occupational Safety and Health Administration's** (*OSHA's*) fall protection standard at 29 C.F.R. §1926.501(b)(1), **Unprotected Sides and Edges,** states that "Each employee on a walking/working surface (*horizontal and vertical surface*) with an unprotected side or edge which is 6 feet (*1.8m*) or more above a lower level shall be protected from falling by the use of guardrail systems, safety net systems, or personal fall arrest systems."

In many cases, compliance with **OSHA's** fall protection standard will satisfy the requirements of **MSHA's** 30 C.F.R. §§ 56/57.15005 standard.

MSHA will evaluate all work area hazards to ensure appropriate fall protection provisions are in place to protect miners from fall hazards.

METAL/NONMETAL MINE FATALITY – On June 8, 2017, a truck driver was operating a Caterpillar 777F haul truck, dumping a load of gravel, when the ground at the dump point collapsed. The truck went over the edge of the dump point, overturning and landing on its roof approximately 30 feet below. The victim was transported to the hospital, where he later died of his injuries.

Best Practices

- *Ensure seat belts are provided, maintained, and worn at all times when equipment is in operation.*
- *Incorporate engineering controls that require seat belts to be properly fastened before equipment can be put into motion.*
- *Visually inspect dumping locations prior to beginning work and as changing conditions change.*
- *While loading out stockpiles, do not excavate the toe of the slopes below dumping points and travelways.*
- *Utilize a bulldozer with the "dump-short, push-over" method of stockpiling material.*
- *Provide and maintain adequate berms on the banks of roadways and at dumping points where a drop-off exists.*
- *Train miners to recognize and avoid dumping point hazards and to understand the hazards associated with the work being performed.*

This is the 4th fatality reported in calendar year 2017 in metal and nonmetal mining. As of this date in 2016, there were 8 fatalities reported in metal and nonmetal mining. This is the 1st Powered Haulage fatality in 2017. There was one Powered Haulage fatal in the same period in 2016.

Pinch Point Injuries…and how to prevent them!

Pinch point **hazards** have **historically** been associated with **power presses** and large **shearing equipment.** Conveyors, **gears,** loaders, **compactors** and other moving **equipment** are also **examples** of machinery with **pinch points.**

Other pinch point situations might include:

- *Catching fingers, hands, toes, or feet under or between heavy crates or equipment or drums while moving them*
- *Slamming fingers or hands in a door*
- *Nipping fingers or hands with hand tools like pliers*
- *Nipping fingers or hands with equipment that has sliding parts or hinges*
- *Nipping fingers or hands while closing a container*
- *Getting clothing or jewelry tangled in a pinch point*

Providing safety **training** on all your **company's equipment,** and then holding **employees** and **supervisors** accountable for following **safety procedures** will go a long way toward **protecting employees** from the **hazard** of **pinch-points.** Encouraging **employees** to communicate **safety concerns** and **near-misses** will also help you **avoid** accidents **before** they **happen.**

Prevention measures

Machine and Tool Guards

— On machines such as presses and rollers, **OSHA** requires guards to act as barriers between body parts and pinch points.
— Many tools also have guards to keep your body away from pinch points.

- *Never remove or disable a machine guard or use a machine that has a missing or disabled guard.*
- *Never reach around, under, or through a guard.*
- *Report guards that are missing or not working properly.*

Switch Off and Lockout/Tagout Equipment Before Repairing or Servicing

— A machine that starts up or moves accidentally can trap a hand or other body part in a pinch point. If you must place your hands near pinch points to repair, service, unjam, or adjust equipment:

- *Turn off the machine.*
- *Have an authorized employee properly lock or tag out the energy controls.*
- *Perform the needed work.*
- *Have an authorized employee properly remove the lock or tag before you use the equipment.*

Look for Possible Pinch Points Before Starting Any Task

— Check the equipment you're going to use to see where a body part could get caught.
— Plan the task to prevent pinch point injuries.

Lift, Carry, and Place Containers and Equipment Carefully

— Lift the edge of a heavy item slightly before picking it up to get an idea of its weight.

- *An item that's too heavy or awkward to carry can slip and trap hands or feet in a pinch point.*
- *Get help or use material handling aids to move heavy or awkward items.*
- *When placing a heavy item on a shelf, pallet, floor, etc.:*
  - Make sure there's enough room so it won't land on your feet
  - Slide the item into place, while moving feet and hands out of the way

Give Even the Smallest Task Your Full Attention

— Pinch point injuries from doors, hinges, container lids, etc. usually occur when you're distracted.
— Concentrate on what you're doing at all times on the job.
— Don't fool around or daydream at work.

Some Additional Practice Controls to Help Prevent Pinch-Point Injuries Include:

— Allow only properly trained employees to operate and maintain equipment
— Inspect machines and guards often
— Never walk away from a machine that is turned on or coasting
— Discuss and point out pinch point hazards as part of your risk assessment and toolbox meetings
— Ensure workers use all necessary PPE
— Keep floors clean and free of debris to help prevent trips and falls

Summation: Machine Guards and Safety Awareness Can Prevent Pinch Point Injuries. Keep your fingers, hands, toes, and feet away from pinch points by using machine guards, practicing safe moving and carrying techniques, and giving all tasks your full attention.

OSHA cautions that if an employee gets caught in a pinch point, body parts may become mangled, crushed or severed.