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## MJS Safety EXPANSION

• **We've Doubled our Office Space** •  
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### ▶ **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 Nov 2019:** • *TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543* • [read more...](#)

## OSHA / CONSTRUCTION NEWS SUMMARY

### ▶ **Complacency is an Enemy of Workplace Safety**

When reading **OSHA** news releases, you often see comments from officials pointing to simple complacency as a serious hazard on the jobsite. [read more...](#)

### ▶ **Did You Know?**

**The most common type of emergency for small businesses is fire.** [read more...](#)



### ▶ **NSC to employers: Allow NO cannabis use among workers in safety sensitive positions**



Employers who are **struggling** to understand how the **evolving cannabis** legalization landscape will impact their **workplaces** are getting some guidance from the **National Safety Council (NSC)**. [read more...](#)

## TRANSPORTATION NEWS SUMMARY

### ▶ **FMCSA DRUG AND ALCOHOL CLEARINGHOUSE**

**January 6, 2020 Clearinghouse Implementation** — This secure online database will provide access to real-time information, ensuring that drivers committing these violations complete the necessary steps before getting back behind the wheel, or performing any other safety-sensitive function. [read more...](#)

### ▶ **Speeding, Seat Belt Use Among Top Violations for Truckers During Operation Safe Driver Week**

Speeding was the **most-ticketed traffic offense** committed by truck drivers during the **Commercial Vehicle Safety Alliance's** annual **Operation Safe Driver Week** in July. [read more...](#)

### ▶ **USDA Final Interim Rule Affirms Interstate Transport of Hemp**



The **U.S. Department of Agriculture** on **Oct. 30** announced its **final interim rule** supporting a **2018 hemp legalization** law that will allow the **interstate transportation** of hemp **without interference** from the **states**. [read more...](#)

▶ **Trucking Grapples with Impact of Legalized Marijuana**

The trucking industry needs to get out in front of the challenges it faces with the growing legalization of marijuana... [read more...](#)



▶ **HELP WANTED?**

**FMCSA could have a lingering absence at the top after Martinez departure**

After 20 months on the job, Ray Martinez has officially left the **Federal Motor Carrier Safety Administration**, effective as of Monday, Nov. 4. And his exit could leave **FMCSA** without a true administrator for the foreseeable future... [read more...](#)

▶ **Hazmat-Focused Inspection Blitz Sidelines Nearly 700 Trucks**

Commercial vehicle inspectors across North America inspected more than 9,200 trucks, placing approximately 7% of them out-of-service during a week-long enforcement blitz focusing on hazardous materials and other dangerous goods. [read more...](#)



▶ **FMCSA says: No Chance ELD Deadline Will Be Delayed**

If you're hoping for a delay in enforcement of the looming deadline to adopt an electronic logging device, don't count on it... [read more...](#)

▶ **...read more about AOB RD-to-ELD — ABSENT NEW REG/LEGISLATIVE ACTION, 'SOFT ENFORCEMENT' NOT HAPPENING**

When the electronic logging device mandate's first enforcement deadline came on Dec. 18 of 2017, you might recall... [read more...](#)



MSHA NEWS SUMMARY

▶ **— Women & PPE For Surface Miners —**

**One Size PPE Does NOT Fit All.**

Women are a steadily increasing demographic in the mining industry. [read more...](#)



▶ **— Water Truck Safety – For Surface Mines —**

**Water Trucks Reduce Dust but Can Also Create Mud and Puddles.**

Water trucks are trucks equipped with a water tank and a sprinkling attachment designed to settle dust on the mine site. [read more...](#)



MONTHLY SAFETY & HEALTH TIP NEWS SUMMARY

▶ **Want to stay healthy? ...Wash your hands!**

It may seem too simple, but keeping your hands clean with soap and water is one of the most important things you can do to stay healthy. [read more...](#)



▶ **Be Prepared for Winter Driving**

Driving in the winter can be harrowing, especially in snowstorms and icy conditions. [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](#).

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**Just Some of the Courses Offered Include:**

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- ~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 Nov 2019:** • **TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543**

- PEC Safeland Basic Orientation: November 8, 21; 8 – 4:30
- First Aid/CPR/AED/BLOODBORNE PATHOGENS (We offer MEDIC FIRST AID): November 15; 8 – noon
- TEEK H2S Operator Training – Awareness (ANSI Z390-2017 Course): November 15; 12:30 – 4:30
- PEC H2S CLEAR (Now offered on a regular schedule! This PEC course meets the ANSI Z390.1 -2017 standard and may be required by some Oil & Gas operators): November 22; 8-noon
- Confined Space Training: November 13
- Confined Space Rescuer (Students must complete the Confined Space course to be eligible for the Rescue Course): November 14
- Fall Protection: November 11; 1-5pm

[ 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?**

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- PEC/Premier
- PICS
- BROWZ

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**SOURCES FOR THIS ISSUE INCLUDE:**  
 OSHA  
 FMCSA  
 ISHN  
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 CDC  
 EHS today  
 MineSafetyInstitute  
 Utility Contractor  
 GeorgeKennedy-  
 (NUCA & CSP)  
 NationalSafety  
 Council





## OSHA / CONSTRUCTION

# Complacency is an Enemy of Workplace Safety

**Source:** George Kennedy, VP of Safety for NUCA and is a CSP

When reading OSHA news releases, you often see comments from officials pointing to simple complacency as a serious hazard on the jobsite. These statements were copied verbatim:

- Complacency regarding worker safety will not be tolerated
- It is easy to become complacent and not think about the consequences.
- There is no excuse for this type of complacency.
- This injury resulted from management complacency.
- OSHA will not tolerate a company's complacency towards hazards confronting workers.
- Complacency is dangerous.

## Complacency Risks Can Be Reduced

The definition of complacency is straightforward: a feeling of contentment or self-satisfaction, often combined with a lack of awareness of pending trouble or controversy.

In our industry, complacency is easy to encounter. For example, a worker has been doing the same job routinely, and as time wears on he starts functioning on auto-pilot until the unexpected happens. Or, an experienced manager who has not had an accident on the job starts taking for granted that his crew will always work safe, until the unexpected happens. Complacency starts with the assumption that all is well and that everything will continue that way as it has in the past. Wrong!

We can't change what happened yesterday – good or bad. But we can ensure that workers know the mission, know how to perform tasks, have the right PPE and tools, and that they are reminded of the potential hazards and actions needed to control or eliminate them. By doing these checks daily, or at least regularly, complacency can be avoided.

The problem with complacency is that an individual action cannot be controlled with a regulation. People in general tend to regulate their behavior based on a balance between risk exposure and risk avoidance. On the jobsite, if a worker determines the level of risk associated with a job task is greater than the acceptable level of risk exposure, that worker will be more likely to exercise greater levels of care when performing the task. On the flip side, if the worker never experienced a task-related incident and feels that the risk is low, then that worker will be more likely to engage in risk-taking behavior. Sometimes workers need to be reminded that accidents don't just happen and that complacency could be the cause.

Studies indicate and common sense suggests new workers with less than six months' experience on the job are more likely to be involved in an accident than experienced workers.

The primary causes of new workers getting injured are: 1) *the absence of established safe job procedures*, 2) *inadequate appreciation of the dangers involved*, and 3) *lack of proper training*.

Training plays a vital part in the risk exposure and risk avoidance equation. Inexperienced, inadequately trained workers are more likely to place themselves in greater risk inadvertently because they do not know better. However, an inexperienced worker who has been properly trained and is aware of the hazards may be less likely to take chances than an experienced worker in the same position. The reason for this is simple: The inexperienced worker has no basis for judging the risk associated with a particular behavior other than the training. An inexperienced worker may determine the risk to be higher than an experienced co-worker. The inexperienced worker is less likely to be complacent, take chances, or deviate from the training.

## Experience Doesn't Always Prevent Accidents

It is alarming to discover that older, more experienced workers – the ones who “should have known better” – account for a large number of construction accidents and fatalities. Part of the problem is complacency, which is defined for these employees as smugness, self-satisfaction, and arrogance.

Have you ever heard an older, more experienced worker grouse out loud, “I've been doing it like this for 20 years and never had an accident?” The assumption behind the statement is age, experience, and skill are the primary factors in the prevention of accidents. But some current theories regarding risk-taking behavior suggest that this may not always be true. The perceived risk in a situation is a function of what is perceived as dangerous and the consequences attached to risk-taking. As workers' self-confidence increases with years of experience, the perception of the risk involved can diminish to the point where they do not perceive any risk at all.

Factors that decrease the perceived level of risk of an activity include task familiarity, hazard compensation, repeated risky exposure, and complacency. These factors are largely a function of the worker's level of experience with the hazard. When workers regularly expose themselves to hazards and experience no harm, risk-taking habits start to develop. When unchecked, the perceived level of risk decreases, complacency starts to increase, and the worker accepts a higher level of risk.

Simply put, experience and skill can actually have a negative effect on risk-taking behavior, leading the experienced worker to take riskier chances than a less experienced worker might take. Human error has been identified as one of the leading causes of accidents – and complacency fits right in as part of human error. Experienced workers, even those who have been properly trained, may be more likely to place themselves at greater risk because they may be overly confident about their abilities. Their experience dictates that they have beaten the odds before.

## Understand Complacency Within Your Own Job Sites

All too often managers and workers do not realize their complacency until someone points something out about their actions or until they have a near-miss or an accident. To help prevent people from becoming complacent they must first understand what it means. Employers should take the time to educate their workers about complacency and how it can affect their actions on the job.

Managers, foremen, and employees must not take safety for granted, because something can happen to any one of them at any time if somebody is complacent about how to perform the job safely. Safety does not just happen – it requires a conscious effort on the part of each and every employee on the jobsite.

To help ensure that managers and workers do not become complacent, companies should implement programs to keep safety in the forefront of every job. For example, a company should start by making sure the job is designed with an eye on safety, ensure safety devices are incorporated into the job plan, and develop safe operating procedures for job tasks to minimize risks.

Other helpful best practices include: providing safety training and/or refresher training for all workers; providing warnings in the form of signs, posters, toolbox talks, etc.; sending out safety memos by mail or email; placing safety reminders in employee payroll envelopes; and providing weekly toolbox talks to remind workers about safety related to specific jobsite tasks.

### In summary:

1. *Keep the company's values and safety mission at the forefront all the time. For example, start the day with a safety message and remind managers and workers that their safety and well-being are far more important than getting a job finished.*
2. *Make sure all workers understand their job, what is expected of them, and how to perform it safely. Make sure workers know and understand the safety rules, how to use the equipment they will be expected to use, and exactly what you wish them to do.*
3. *Avoid routines that require the worker to do the same thing all the time. Training workers to do different things and giving them the opportunity to diversify their tasks keeps them interested so they don't become complacent.*
4. *Managers and workers should be instructed to observe their fellow employees because it helps raise their awareness as well as that of the co-worker. Obviously when something is not being done correctly, there must be an emphasis on safety, and the observer should advise his/her co-worker.*
5. *Formal safety training is where it all starts but it is important to remember that most people will only remember about 10-20% two weeks later. Therefore, it is important to follow up with additional training such as toolbox talks and other regular reminders about safety.*

Many companies implement a team approach, charging all employees with looking out for each other. The purpose is to ensure that the inexperienced workers learn how to perform

the work safely and to ensure complacency does not become part of your company's internal culture.

Complacency can be a safety issue and there are no OSHA regulations that apply to it. We cannot control the thoughts within the employee's mind but we can help to change their mindset if we train them regularly and make sure they understand how important it is for them to stay focused on the job safety procedures every day. Companies that take the time to focus on getting managers and workers to avoid complacency will prevent accidents.

## Did You Know?

**The most common type of emergency for small businesses is [fire](#).**

**Fire prevention planning, training, and the use of portable fire extinguishers can help to ensure safety.**



A fire is the most common type of emergency for which small businesses must plan. A critical decision when planning is whether or not employees should fight a small fire with a portable fire extinguisher or simply evacuate. Small fires can often be put out quickly by a well-trained employee with a portable fire extinguisher.

However, to do this safely, the employee must understand the use and limitation of a portable fire extinguisher and the hazards associated with fighting fires. Evacuation plans that designate or require some or all of the employees to fight fires with portable fire extinguishers increase the level of complexity of the plan and the level of training that must be provided employees.

Here are some links that will help you and your employees be better trained, more knowledgeable and able to make a much more informed decision at a crucial moment.

**Should employees evacuate or be prepared to fight a small fire?**

- [Risk Assessment](#)

**Portable Fire Extinguishers**

- [Extinguisher Basics](#)
- [Fire Extinguisher Use](#)
- [Extinguisher Placement and Spacing](#)
- [Hydrostatic Testing](#)
- [OSHA Requirements](#)
- [Test Your Knowledge](#)

**Emergency Action Plan**

- [Read more](#)

## NSC to employers: Allow NO cannabis use among workers in safety sensitive positions



Employers who are **struggling** to understand how the **evolving cannabis legalization landscape** will impact their **workplaces** are getting some guidance from the **National Safety Council (NSC)**.

**Regardless** of whether **cannabis consumption** is allowed by their state, the **NSC** says employers **should prohibit cannabis** use for those in **safety sensitive positions**.

In a [policy position](#) released recently, the **NSC** defines **safety sensitive positions** as those that impact the **safety of the employee** and the **safety of others** as a result of **performing that job**.

### THE IMPAIRING EFFECTS OF CANNABIS

“**Research clearly shows that cannabis impacts** a person’s **psychomotor skills** and **cognitive ability**,” said Lorraine M. Martin, president and CEO of the **National Safety Council**. “In order to **protect** our employees and those around them, we need to **acknowledge** the impairing effects of **cannabis**. We urge employers to **implement policies** stating no amount of **cannabis consumption** is acceptable for those who **work in safety sensitive positions**.”

In a **2019 NSC survey**, employers **expressed** the following about **cannabis**:

- *81% were concerned about the drug having a negative impact on their workforce*
- *71% indicated their organization’s written policies cover employee use of illicit cannabis, while only 54% said their policies cover employee use of legal or prescribed cannabis*
- *24% indicated they would dismiss an employee found to be misusing legal cannabis, such as being under the influence while on the job, while only 7% said they would relocate the employee to a position of lesser responsibility*

**Studies** have shown that those **under the influence** of **cannabis** can experience **impaired body movement**, altered senses, **difficulty with thinking** and problem-solving, **impaired memory**, an altered sense of time, **changes in mood**, and – when taken in **high doses** – hallucinations and **delusions**. Physical effects can **include** difficulty **breathing** and **increased heart rate**. These effects can lead to **deadly consequences** for those working in **safety sensitive positions** and those around them. **NSC supports** moving employees to **non-safety sensitive operational positions** when using **cannabis** for **medical purposes**.

### THE DRUG MOST DETECTED

**Marijuana** is the **most frequently** used illicit drug of **abuse** in the U.S. and the **drug most often detected** in workplace **drug testing**. Although cannabis **remains federally illegal** under the **Controlled Substances Act** as a **Schedule I drug**, **NSC** calls for an **increase in cannabis research** to discover a way to **detect cannabis impairment** and gain a **better understanding** of the effects the **drug** has on the **human mind** and body.

The new **NSC policy position** can be found [here](#). More information about **addressing cannabis** in the **workplace** can be found [here](#).



## FMCSA DRUG AND ALCOHOL CLEARINGHOUSE

### Commercial Driver's License Drug and Alcohol Clearinghouse

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

\*\*\* **Important: NEW Website Updates** \*\*\*

#### Drug and Alcohol Clearinghouse Query Plan Details Now Available

**FMCSA** has released query plan options for employers of CDL drivers. Query plans will be available for purchase fall 2019.

[Learn more about query plans.](#)

If you have any questions, please reach out to the Clearinghouse Team at [clearinghouse@dot.gov](mailto:clearinghouse@dot.gov).

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

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

[GET NEWS AND UPDATES](#)

[FACT SHEET](#)

## Speeding, Seat Belt Use Among Top Violations for Truckers During Operation Safe Driver Week

Speeding was the **most-ticketed traffic offense** committed by truck drivers during the **Commercial Vehicle Safety Alliance's** annual **Operation Safe Driver Week** in July.

During the **weeklong crackdown** on unsafe driving **behaviors** by both **truckers** and **passenger car drivers** held July 14-20, officers issued **46,752 tickets** and **87,624 warnings** for traffic violations, including **speeding** and **failure to wear** a seat belt. **CVSA** did **not clarify** how many of the **total violations** were issued to **truck drivers** as compared to **car drivers**.

**CVSA** selected **speeding** as the **emphasis** of the blitz for **officers**, which resulted in **1,454 tickets** and **2,126 warnings** issued to **truck drivers** for speeding, compared to **16,102 citations** and **21,001 warnings** to **passenger car drivers** for the **offense**.

“Although **CVSA** is an **organization** focused on **commercial motor vehicle** safety, we know that if we want to **prevent crashes** involving **commercial motor vehicles** and **passenger vehicles**, it's important that we **focus** on both

types of **vehicles** and **drivers**,” said **CVSA** President Chief Jay Thompson with the Arkansas Highway Police. “**Operation Safe Driver Week** is our effort to **focus** on **driver behaviors**, the leading cause of **crashes**. We hope that contact with **law enforcement** during this **traffic safety initiative** helps to combat **dangerous** driver behaviors in the future, **ultimately** making our **roadways safer**.”

Other **top violations** truckers were **ticketed** for include **failure to wear a seat belt** (*954 tickets and 586 warnings*), failure to **obey a traffic control** device (*426 citations and 871 warnings*), using a **handheld phone/texting** (*249 tickets and 170 warnings*), and **improper lane change** (*92 tickets and 194 warnings*).

**Speeding**; failure to **wear** a seat belt; **failure to obey a traffic control device**; inattentive, **careless** and/or **reckless driving**; and possession/use/under **influence** of alcohol and/or **drugs** were the **top violations** for **passenger car drivers**.

In addition to **driver behaviors** that led to a **traffic stop**, officers also **issued citations** and warnings based on **vehicle-related issues** during **traffic stops**. During the **blitz**, officers issued **6,170 citations** and **27,163 warnings** to truck drivers for **issues** such as **mirror equipment** violations, **expired tags**, **non-working lamps** and more.



# USDA Final Interim Rule Affirms Interstate Transport of Hemp



The U.S. Department of Agriculture on Oct. 30 announced its final interim rule supporting a 2018 hemp legalization law that will allow the interstate transportation of hemp without interference from the states.

“In addition to establishing a national regulatory framework for hemp production, Congress expressly pre-empted state law with regard to the interstate transportation of hemp,” the rule said. “Thus, states and Indian tribes may not prevent the movement of hemp through their states or territories even if they prohibit its production.”

As a result, hemp producers will have access to nationwide markets, the rule said.

The interim rule will help expand production and sales of domestic hemp, benefiting U.S. producers and consumers. With the publication of the interim rule, USDA will begin implementing the hemp program including reviewing state and tribal plans and issuing licenses under the USDA hemp plan.

While the interim final rule clears up the hemp transportation issue that has confused many motor carriers, it does reiterate that the hemp being transported cannot legally contain the level of THC that would classify it as marijuana.

“While the states and tribes may not prohibit the transportation of hemp produced under the Farm Bill, law enforcement does not currently have the means to quickly verify whether the cannabis being transported is hemp or marijuana,” the announcement said. “The interim final rule will assist law enforcement in identifying lawfully produced hemp versus other forms of cannabis that may not be lawfully transported in interstate commerce.”

“Cannabis with a THC level exceeding 0.3% is considered marijuana, which remains classified as a schedule I controlled substance regulated by the Drug Enforcement Administration under the Controlled Substance Act.”

The 2018 Farm Bill defines hemp as the “plant species *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.”

Delta-9 tetrahydrocannabinol, or THC, is the primary intoxicating component of cannabis.

The agency said it will accept public comments on the rule for 60 days after it is published in the Federal Register, anticipated for Oct. 31. The effective date of the rule was not disclosed in the announcement, but the

agency said it would be announced with publication in the Register. The interim rule will be effective for two years and then replaced by a final rule, the announcement said.

Hemp is a commodity that can be used for numerous industrial and horticultural purposes including fabric, paper, construction materials, food products, cosmetics and production of cannabinoids such as cannabidiol or CBD.

USDA said hemp production in the U.S. has seen a resurgence in the past five years; however, it remains unclear whether consumer demand will meet the supply. High prices for hemp, driven primarily by demand for use in producing CBD, relative to other crops, have driven increases in planting. Producer interest in hemp production largely is driven by the potential for high returns from sales of hemp flowers to be processed into CBD oil.

The rule does not affect the exportation of hemp.

“Should there be sufficient interest in exporting hemp in the future, USDA will work with industry and other federal agencies to help facilitate this process,” USDA said.

The Farm Bill, signed into law in December, removes hemp from the Schedule I list of illegal drugs and prohibits state authorities from interfering with the interstate transportation of the commodity.

However, an [arrest by state police in Idaho](#) in connection with a load of hemp traveling through the state, has left truckers uncertain as they have waited for USDA to issue regulations for the Farm Bill.

Due to the confusing state of the legality of interstate hemp transportation, American Trucking Associations has been cautioning truckers about transporting hemp until USDA regulations provide clarity.

# Trucking Grapples with Impact of Legalized Marijuana



The **trucking industry** needs to get **out in front** of the challenges it **faces** with the **growing legalization** of **marijuana**, according to the co-chairman of an **American Trucking Associations** subcommittee **studying** the impact of **controlled substances**.

“An **employee** in **certain states** can use **marijuana** on the **weekend** and come to **work** and take a **random drug test** and **lose his employment** and a way to **make a living**,” Harold Sumerford, CEO of J&M Tank Lines and co-chair of the Controlled Substances, Health and Wellness Subcommittee, told **attendees** at an **Oct. 7 session** during **ATA’s Management Conference & Exhibition**. “Whether that’s **right** or **wrong** in people’s minds, it’s got to be **addressed** because the **problem** is **coming our way**.”

Sumerford said that **surveys reveal** that **93 million people** in U.S. **support legalization** of **marijuana**.

“According to the **Pew Research Center**, six of **10 Americans** support **legalization** of **marijuana**,” Sumerford said. “When you **add millennials**, it increases to **74%**.”

Greer Woodruff, **senior vice president** of **safety** for J.B. Hunt, said his **company** has been **attempting** to stay in **front** of the **problem** by **hair testing** all of its **prospective employees** for **drug use**.

Currently, the **U.S. Department of Transportation** only sanctions **urine drug testing** for such “**safety-sensitive**” **prospective employees** as **truck drivers**. Despite a **congressional mandate** for **hair drug testing** in 2015, the **Department of Health and Human Services** has yet to **post a proposed rule**.

**Truck drivers** are **not legally allowed** to use **marijuana**.

“**Hair testing** is a **deterrent** not only for **marijuana** but for **other prohibited illegal drugs**,” Woodruff said. “**Hair testing** became one of the **tools** in our **toolbox** since 2006, **although** we knew we were going to **eliminate** a **certain population** of drivers. But **those** were the **drivers** we **didn’t want** behind the wheel of **our trucks**.”

Woodruff said J.B. Hunt has seen a **63% reduction** in the **company’s random DOT urine test rate**.

“We’ve seen a **93% reduction** in **post-accident positive** urine results,” Woodruff said. “Our **results** demonstrate the **deterrent effects** of these **drugs**. We **felt** like it **complements** our **safety culture** and communicates that we are **not going to permit illegal drug use** **behind the wheel of our trucks**.”

“The **truth is**, we’re probably **pushing** a lot of those **drivers** to other **companies** that **don’t have** the same type of **drug-testing protocols** that we have.”

Paul Enos, CEO of the **Nevada Trucking Association** and co-chairman of the **working group**, said that **Nevada passed** a voter **initiative** to legalize **marijuana** in **2016**, but in **2019** the state **Legislature** passed some **protections** for **marijuana users**.

“**2019** was an **OK session** for **truckers**. We actually **did pretty well**,” Enos said. “It was a **great session** for trial lawyers, **deadbeats**, **stoners** and **felons**.”

Enos said he **believes** the use of **marijuana** and **legal hemp** is going to **continue to spread across** the country.

“I think that we **do need federal involvement**,” Enos said. “And we are **desperately** in need of **more research**. Hey, we **want** to protect an **employer’s** right to be **able** to have a **drug-proof workplace**.”

Todd Simo, **chief medical officer** for HireRight, said **impairment for marijuana and alcohol differ**.

“People that **go out** and **smoke pot** and become **intoxicated**, they know **they’re impaired** so they **compensate**.”

“I **always say** the **alcoholic drives** through the **red light**, while the **intoxicated marijuana smoker** stops at **green lights**, wondering if **they should go**,” Simo said. “**They’re so aware** that they’re **messed up**. The **impairment of marijuana lasts**.”

## HELP WANTED?

### *FMCSA could have a lingering absence at the top after Martinez departure*

After 20 months on the job, Ray Martinez has **officially** left the **Federal Motor Carrier Safety Administration**, effective as of Monday, Nov. 4. And his exit could leave **FMCSA** without a true administrator for the **foreseeable future** — perhaps as long as **several years**, should recent history serve as a **barometer**.

His **abrupt departure**, among other personnel shuffling, has left **Jim Mullen**, the agency's former chief counsel and **current deputy administrator**, as the top ranking official and, thus, in charge of the **day-to-day operations** of **FMCSA**.

Effectively, Mullen is the **agency's acting/interim administrator**, an **FMCSA** official says.

What's more, Mullen could be **poised** to hold the position of **interim administrator** for years, **no matter** the outcome of the **presidential election** next year.

Administrators of **FMCSA** must be **nominated** by the president and confirmed by the Senate, and that's **not a quick process**. For instance, President Trump nominated Martinez in **late September 2017** — a full eight months after Trump took office. Martinez was then **not confirmed** by the Senate **until five months later**, February of 2018, and he was **sworn in** as the agency's boss **February 28, 2018**.

Likewise, when **former administrator** Anne Ferro departed the agency in **August 2014**, in the second year of President Obama's second term, Scott Darling was **tapped** to run the agency on an **interim basis** — a position he held for **nearly two full years**, before he was nominated to be the **agency's administrator** and confirmed by the Senate in **July 2016**.

What's more, the Trump Administration **faces a lingering** and sizeable backlog of **appointment vacancies** across the government, and given the **current political** turmoil in Washington and a **looming presidential election**, finding a new appointee to run **FMCSA** likely isn't a priority.

It's **conceivable** to think Trump may not nominate a **replacement** for Martinez until after the **election**, should he win, which could mean **Mullen would helm** the agency on an **acting basis** for a year to 18 months — **or longer**.

Should Trump lose the **election** and a new president enter the White House, it could **be into 2022** before the agency again has an **administrator in place**.

Obviously, these **scenarios** are hypothetical and **based on recent history**, and Trump very well could **announce a replacement** sooner rather than later and the Senate **could move swiftly** in confirming him or her. But it seems **more likely** that Mullen might **hold the position** as the agency's **top official** longer than **Martinez did**.

### Hazmat-Focused Inspection Blitz

#### Sidelines Nearly 700 Trucks

Commercial vehicle inspectors across North America inspected more than 9,200 trucks, placing approximately 7% of them out-of-service during a week-long enforcement blitz focusing on hazardous materials and other dangerous goods.



The **Commercial Vehicle Safety Alliance** in a news release said 9,259 trucks were inspected as part of the group's **Transportation of Dangerous Goods/Hazardous Materials Road Blitz** on Aug. 12-16. Transport Canada has held a week-long enforcement blitz on dangerous goods since 2012, and enforcement personnel in the U.S. and Mexico joined for the first time this year.

During the blitz, there were 15,197 total hazmat packages inspected — 8,594 non-bulk and 6,603 bulk shipments.

Inspectors placed 683 trucks out-of-service for various hazmat violations, including:

- 66 violations for package integrity (leaking)
- 204 violations for loading and securement
- 181 other packaging violations, 50 of which were OOS conditions
- 432 placarding violations, with 102 being OOS conditions
- 1,156 shipper paper violations, 226 of which were OOS conditions
- 171 markings violations with 35 being OOS conditions

**CVSA** says class 3 flammable liquids were the most-inspected hazmat items during the blitz, with 5,446 inspections, followed by class 2 gases, which were inspected 2,108 times.



## FMCSA says: No Chance ELD Deadline Will Be Delayed

If you're hoping for a delay in enforcement of the looming deadline to adopt an electronic logging device, don't count on it, says Joe DeLorenzo, head of enforcement for the Federal Motor Carrier Safety Administration.

Speaking recently at the EROAD user conference in Portland, Oregon, DeLorenzo dismissed any chance that the agency will delay the Dec. 16 deadline for switching from automatic onboard recording devices to fully compliant ELDs. "It is not going to get extended past December," he said.

Starting Dec. 16, any driver caught using an AOB RD or non-compliant ELD will be placed out of service, DeLorenzo said. The violation will be treated the same as failure to have a record of duty status, he said, which carries a ten-hour out-of-service penalty.

For many AOB RD devices in use, though far from all, converting to full ELD compliance simply requires changing a device's mode from AOB RD to ELD.

DeLorenzo's remarks echo that of Commercial Vehicle Safety Alliance Director Collin Mooney, who earlier this month cast doubt on the likelihood that there'd be a phased-in enforcement period for the coming ELD deadline.

FMCSA and CVSA allowed a so-called "soft enforcement" period for ELD adoption in the first deadline, December 2017, in which most drivers and carriers were required to begin using at least an AOB RD-spec electronic log.

However, for the December 2019 deadline, "everyone has to be prepared," said DeLorenzo.

## ...read more about AOB RD-to-ELD — ABSENT NEW REG/LEGISLATIVE ACTION, 'SOFT ENFORCEMENT' NOT HAPPENING

When the electronic logging device mandate's first enforcement deadline came on Dec. 18 of 2017, you might recall the Commercial Vehicle Safety Alliance and the Federal Motor Carrier Safety Administration put in place measures to help ease the transition, agreeing not to enforce the out-of-service criteria around ELD violations and to code violations of the requirement to use an ELD in a special category. This ensured, essentially, that those particular violations would not count toward carrier safety scores.

With the final ELD mandate deadline coming up Dec. 17, however, no such "soft enforcement" period is in the offing — "nobody's really talking about it," said Collin Mooney, executive director of the Commercial Vehicle Safety Alliance. The deadline at year-end is fundamentally different from the initial deadline, after all, which affected so many brand-new to electronic logging technology in general. From surveys taken by Overdrive earlier this year, this shift will be much more easily achieved, showing nearly half of owner-ops and fleets alike still using AOB RDs can turn their current devices into ELDs with a simple mode switch.

Ultimately, CVSA's view, Mooney noted, is that the previous "soft enforcement" period had the effect for many carriers of essentially extending the deadline in practice, and that's "not what we want." Also, carriers have known about this particular deadline for phase-out of grandfathered devices for years now and, if not prepared, it amounts to "poor planning" on their part, Mooney said.

He couldn't rule out a regulatory or legislative action that could change things.

Just two months out from the deadline, though, if history is any indicator, this ship may well have sailed. Last time around, ahead of the late-2017 first ELD deadline, CVSA had announced "soft enforcement" intentions as early as late August.

And as far as violations are concerned, as is the case for an operator running paper when he/she is required to have an ELD, use of AOB RD tech will, after the deadline, become a violation that is the equivalent of not having a log book at all, or 395.8(a).





## — Women & PPE For Surface Miners —



### One Size PPE Does NOT Fit All.

Women are a steadily increasing demographic in the mining industry. Often times women are given smaller men's sizes, but PPE requires a very precise fit to work properly and men and women have very differently shaped bodies. Improper fitting PPE can both fail to protect from existing hazards as well as create new hazards for the wearer.

The costs to employers for paying for those accidents far outweighs the cost of purchasing PPE made for women.

[Download Companion PDF Handout](#)



**It is the responsibility of mine operators to make sure that they order the properly fitted PPE for each employee.**

### BAD FIT HAZARDS

- Tripping due to shoes that are too big or pants that are too long.
- Clothing that is too large can get caught in machinery.
- Gaps in goggles expose the eyes and face to airborne hazards.
- Gloves that are too large can get caught in machinery as well as let in toxins or sparks.
- ROPS too large will create falls, rather than preventing them.

### UNSAFE MODIFICATION

- Duct tape gloves at wrists.
- Stuffing glove fingers with anything.
- Rolling up sleeves of fire-resistant garments.
- Layering socks / stuffing shoes that are too big.

### VENDOR LISTS

- Mine sites should keep a list of manufacturers of PPE for women.
- [Directory by category on CWPR](#)
- [Directory by category on EHS](#)

## — Water Truck Safety – For Surface Mines —



### Water Trucks Reduce Dust but Can Also Create Mud and Puddles.

Water trucks are trucks equipped with a water tank and a sprinkling attachment designed to settle dust on the mine site. Water trucks carry huge weight, many with a capacity of 11,000 gallons, in order to haul water efficiently around the mine site. Make sure the weight of the water does not exceed the capacity of the truck.

While operating a water truck seems easy enough, it's important to have situational awareness so that water trucks don't go from reducing airborne hazards to creating physical and environmental hazards. [Download Companion PDF Handout](#)

### MUD

- Mud creates a slipping hazard and makes it harder to work at the mine.
- Make sure you know how to adjust the spray nozzles on the truck.
- Make sure that the sprays from each nozzle don't overlap each other. Overlapping spray can create mud.
- Avoid spraying near mine exits so that haul trucks don't go onto main roads with muddy tires.

### PUDDLES

- Puddles create potholes and erosion.
- Don't overspray hills and slopes to avoid erosion.
- Start spraying after starting to drive and stop spraying before braking to avoid creating puddles.

### SITUATIONAL AWARENESS

- Plan your route around the scheduled mine activities for the day. Water trucks play a supporting role and should not get in the way of mine operations.
- Avoid spraying equipment and people.
- If everything is wet, wait until it dries to start spraying again.
- Shaded areas take longer to dry and should be watered less than sunny areas.

[Browse Additional Mine Safety Training Resources](#)

## Be Prepared for Winter Driving

Driving in the winter can be harrowing, especially in snowstorms and icy conditions. By getting your car ready for winter and using some simple tips to drive safely, you can face almost any weather Mother Nature decides to send your way.



### Prepare Your Car for Winter

In addition to annual maintenance, here are some tips to winterize your car:

- Test your battery; battery power drops as the temperature drops
- Make sure the cooling system is in good working order
- Have winter tires with a deeper, more flexible tread put on your car
- If using all-season tires, check the tread on your tires and replace if less than 2/32 of an inch
- Check the tire pressure; tire pressure drops as the temperature drops
- Check your wiper blades and replace if needed
- Add wiper fluid rated for -30 degrees
- Keep your gas tank at least half full to avoid gas line freeze

Remember to keep your car's [emergency preparedness kit](#) fully stocked, too.

### Before You Start Out

- Clean your car's external camera lenses and side view mirrors so you'll be able to see what's around you
- Remove dirt, ice and snow from sensors to allow the assistive-driving features like automatic emergency braking to work
- In frigid weather, you may want to warm up the car before you drive it
- To prevent [carbon monoxide poisoning](#), never leave a vehicle running in your garage – even with the garage door up
- If the forecast looks iffy, wait out the storm if possible; if you must travel, share your travel plans and route with someone before you leave

Click [here](#) for more Winter Safety tips!

## Want to stay healthy? ...Wash your hands!



It may seem too simple, but keeping your hands clean with soap and water is one of the most important things you can do to stay healthy. That's according to the **Centers for Disease Control and Prevention (CDC)**, which has issued a reminder about the importance of washing hands – and backed it up with a [toolkit](#) to encourage handwashing within your community.

That and other [resources](#) are part of the **CDC's Life is Better with Clean Hands** campaign that's designed to motivate adults to make clean hands part of their daily lives.

### Why Spread the Word About Something So Basic?

The CDC says educating people about handwashing:

- Reduces the number of people who get sick with diarrhea by 23-40%
- Reduces diarrheal illness in people with weakened immune systems by 58%
- Reduces respiratory illnesses, like colds, in the general population by 16-21%
- Reduces absenteeism due to gastrointestinal illness in schoolchildren by 29-57%

Handwashing with soap removes germs from hands. This helps prevent infections because:

- People frequently touch their eyes, nose, and mouth without even realizing it. Germs can get into the body through the eyes, nose and mouth and make us sick.
- Germs from unwashed hands can get into foods and drinks while people prepare or consume them. Germs can multiply in some types of foods or drinks, under certain conditions, and make people sick.
- Germs from unwashed hands can be transferred to other objects, like handrails, table tops, or toys, and then transferred to another person's hands.
- Removing germs through handwashing therefore helps prevent diarrhea and respiratory infections and may even help prevent skin and eye infections.

### How to do it right

Handwashing involves five simple and effective steps –

1. Wet
2. Lather
3. Scrub
4. Rinse
5. Dry

Regular handwashing, particularly before and after certain activities, is one of the best ways to remove germs, avoid getting sick, and prevent the spread of germs to others. It's quick, it's simple, and it can keep us all from getting sick.

**“Handwashing is a win for everyone, except the germs,”  
according to the CDC.**