





MONTHLY NEWSLETTER

NOV 2017

VOLUME 9

ISSUE 11

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. <u>call to schedule</u> read more...

Schedule of classes Nov 2017: • TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543 • read more...

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▶ Interim Silica Guidance and Enforcement

On October 23, 2017, OSHA began fully enforcing the new respirable crystalline silica standard for construction. read more...

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Driver Shortage, ELDs, Top List of Trucking Industry Concerns

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Ledgers Tell True Cost of Running a Trucking Company

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Over 37,000 lives were lost on U. S. highways in 2016, according to data gathered by the National Highway Traffic Safety Administration (*NHTSA*) from all 50 states and the District of Columbia. <u>read more...</u>

DOT Advances Proposal for Pilot Program on Adding Split Sleeper Options to Hours of Service

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Fire Prevention Week sends the message that **Every Second Counts**

Fire Prevention Week, sponsored by the National Fire Protection Association (NFPA) was observed from October 8-14, 2017. 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 <u>call to schedule</u>.

MJS SAFETY TRAINING SUMMARY Make MJS Safety your "GO TO" Resource in 2017 *"SAFETY STARTS WITH YOU"*

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

Just Some of the Courses Offered Include:

~PEC SafeLandUSA Basic Orientation	~PEC Core Compliance
~OSHA 10 Hour General Industry	~OSHA 10 Hour Construction
~OSHA 30 Hour General Industry	~OSHA 30 Hour Construction
~NUCA Confined Space	~NUCA Competent Person for Excavation & Trenching
~Hydrogen Sulfide [H ₂ S] - Awareness	~Hands-on Fire Extinguisher training
~Respirator: Medical Evaluation & Fit Testing	~DOT Hazmat Training
~Hazard Communication – GHS Training	~MSHA Sand & Gravel Training [Part 46 only]
~Teens & Trucks Safety	~Fall Protection for the Competent Person
~1st Aid/CPR Course- Medic 1st Aid	~Defensive Driving Safety for large and small vehicles
~HAZWOPER 8, 24 & 40 Hour	~Instructor Development for Medic 1st Aid/CPR
~PEC'S Intro to Pipeline	~Bloodborne Pathogens Compliance Training
~Confined Space Rescuer Training	~Respiratory Protection Training
MJS SAFETY offers these courses	as well as custom classes to fit the needs of your company
	as well as custom classes to fit the needs of your com Training Center - 1760 Broad St, Unit H, Milliken, CO 80543

- First Aid/CPR/AED / BLOODBORNE PATHOGENS: November 13, 21; 8 noon
- (We offer both MEDIC FIRST AID & AMERICAN HEART ASSOCIATION)
- TEEX H2S Operator Training Awareness (ANSI Z390 Course): November 13, 21; 12:30 4:30 [For any last minute schedule updates, go to <u>www.mjssafety.com</u>]

► NEED ANY OF THESE CLASSES IN SPANISH? CONTACT <u>carriejordan@mjssafety.com</u> TO SCHEDULE TODAY

GO TO missafety.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 "<u>ONLINE TRAINING COURSES</u>" including OSHA Construction, General Industry, Environmental, Hazardous Waste Public Safety, DOT, Human Resource, Storm Water & ISO Training Courses.



SOURCES FOI THIS ISSUE INCLUDE: OSHA FMCSA MSHA Overdrive CCJ ATRI NSC Transport Topics National Fire Protection Assoc. Crisis Prevention Institute kelleronline.com







OSHA/CONSTRUCTION

Injury Tracking Application Electronic Submission of Injury and Illness Records to OSHA

Updated — Click on <u>Launch ITA</u> to provide OSHA your 2016 OSHA Form 300A information. OSHA also published a <u>notice of</u> proposed rulemaking to extend the date by which certain employers are required to submit the information from their completed 2016 Form 300A electronically from July 1, 2017 to December 1, 2017.

Who: Establishments with 250 or more employees that are currently required to keep **OSHA** injury and illness records, and establishments with 20-249 employees that are classified in <u>certain industries</u> with historically high rates of occupational injuries and illnesses. Note that the following **OSHA**-approved **State Plans** have not yet adopted the requirement to submit injury and illness reports electronically: **CA**, **MD**, **MN**, **SC**, **UT**, **WA and WY**. Establishments in these states are not currently required to submit their summary data through the ITA. Similarly, state and local government establishments in **IL**, **ME**, **NJ**, and **NY** are not currently required to submit their data through the **ITA**. Obtain <u>contact information</u> for each of the **State Plans**.

What: Covered establishments with 250 or more employees must electronically submit information from **OSHA Forms 300** (Log of Work-Related Injuries and Illnesses), **300A** (Summary of Work-Related Injuries and Illnesses), and **301** (Injury and Illness Incident Report). Covered establishments with 20-249 employees must electronically submit information from **OSHA Form 300A**.

When: The requirement becomes effective on January 1, 2017. The new reporting requirements will be phased in over two years. In 2017, all covered establishments must submit information from their completed **2016 Form 300A**. In 2018, covered establishments with 250 or more employees must submit information from all completed **2017 forms (300A, 300, and 301)** by July 1, 2018, and covered establishments with 20-249 employees must submit information from their completed **2017 Form 300A** by July 1, 2018. **Beginning in 2019** and **every year thereafter,** covered establishments **must submit** the information by **March 2**.

How: **OSHA** will provide a secure website that offers three options for data submission.

- First, users will be able to manually enter data into a web form.
- Second, users will be able to upload a CSV file to process single or multiple establishments at the same time.
- Last, users of automated recordkeeping systems will have the ability to transmit data electronically via an API (application programming interface).

We will provide status updates and related information here as it becomes available.

Find more helpful links and instructions for submitting information.

Interim Silica Guidance and Enforcement

On October 23, 2017, **OSHA** began fully enforcing the new <u>respirable crystalline silica standard for construction</u>. Interim guidance issued to **OSHA** compliance staff

highlights some of the requirements of the standard.

Information on silica hazards and related **OSHA** standards are now in one location on **OSHA's** website.

Read more about **OSHA** standard <u>§1926.1153 Respirable</u> crystalline silica.

NSC Report Shows Pre-Qualifying Contractors Improves Safety Measures

A new report from the National Safety Council (*NSC*) concludes that pre-qualifying third-party contractors leads to better safety outcomes. The report, Making the Case for Contractor Management: Examining the Safety Benefits of 3rd Party Management, analyzed data provided by BROWZ, LLC, a contractor prequalification and supply chain management solution provider. The BROWZ contractor database included nearly 17,500 contractor companies.

Researchers investigated whether suppliers, contractors, and vendors had better safety track records after participating in prequalifying programs. The contractors in the study did have better-than-average total recordable rates (*TRR*), days away, restricted or transferred (*DART*) rates, and lost workday rates — both for individual industries and all industries as a whole.

NSC points out that contract workers often perform high-risk jobs with little to no management supervision at the worksite. A formal contractor management program can help contractors meet the safety standards of the host facility.

Read the report.

FMCSA Advisory Group Working to Update Handbook for Medical Exams for Drivers

A panel of medical experts advising federal trucking regulators are working to revive a defunct **260-page handbook** for medical examiners who give physicals to drivers that had been used as if it were mandated rather than for guidance.

"Since its publication, medical examiners and stakeholders have utilized the **handbook** as a reference, applying information as if it were regulation," the **Federal Motor Carrier Safety Administration** said in a recent statement to its medical review board. "This raised questions about the applicability to the physical qualification standards."

Thus, **FMCSA** removed the **Medical Examiner Handbook** from its website in 2015, the statement said.

But now the agency's medical review board has begun discussing the **handbook** page by page to "establish, review and revise" medical condition standards for operators while attempting to mitigate potential liability for physicians and the **FMCSA**.

In doing so, the five-member board is walking a tight rope: attempting to advise the agency's 50,000 certified medical examiners of **"best practices"** on when to prohibit unhealthy or unsafe drivers from getting behind the wheel while avoiding giving instructions that could be mistaken as regulations.

Christine Hydock, chief of FMCSA's Medical Programs Division, said the handbook is intended to offer "best practices, guidance and recommendations" but is "not regulatory in nature."

Some of the most significant issues the board will consider updating will include what advice to offer medical examiners for evaluating such medical conditions as obstructive sleep apnea, insulindependent diabetes and epilepsy and seizure disorder as well as how to ensure drivers aren't taking dangerous mixes of potent narcotics. **FMCSA** is in the midst of developing a final rule that will detail a standard for drivers with diabetes that could remove the exemption process for the condition, sending full authority for evaluating diabetic drivers to examiners. It's still unclear whether the agency will adopt the medical review board's earlier recommendations for apnea standards into the handbook.

FMCSA withdrew a joint advance notice of proposed rulemaking with the **Federal Railroad Administration** in August on evaluation of safetysensitive personnel for moderate to severe obstructive sleep apnea, saying the agency believes that "current safety programs and **FRA's** rulemaking addressing fatigue risk management are the appropriate avenues to address **OSA.**"

The medical examiner's handbook describes 13 standards used to determine driver's medical fitness for duty. Four of the standards — vision, hearing, epilepsy and diabetes — have objective disqualifiers that do not depend on medical examiner clinical interpretation. For the other nine "discretionary" standards, the examiner makes a clinical judgment in accordance with the physical qualifications required for driver certification.

Larry Minor, **FMCSA** associate administrator for policy, said the review process will be challenging — and others agreed.

"The ultimate standard that the board and agency should have is that we be protective of families driving in front of 18-wheelers," said Albert Osbahr, a board member and medical director for **Occupational Health Services** at Catawba Valley Medical Center in North Carolina. "Because of the need to have a job and the hubris that is out there, and the lack of insight that continues to push people out on the road when they do have health problems, really is a huge concern for me."

Osbahr estimates he has given **10,000 exams** to truckers. "I'll be honest with you, the **safety risk** is the **last thing** most of the truckers that I see **face to face** are concerned about. They're **concerned** about their **jobs.**"

Driver Shortage, ELDs, Top List of Trucking Industry Concerns

For the first time in more than a decade, the driver shortage has topped the list of trucking industry concerns for



2017, narrowly **edging** the **electronic logging device** (*ELD*) mandate from the **top spot.**

The American Transportation Research Institute (*ATRI*) says its **top 10 list** of **critical issues** facing the **trucking industry** for this year is **based** on nearly **1,600 survey responses.**

The driver shortage surged six spots in the annual survey; it last topped the list in 2006. The ELD mandate first appeared on the list in 2012 and surged to the top in 2016. It remains the number one issue among commercial drivers who responded to the ATRI survey, but fell to the second spot overall.

An issue that **first appeared** in the **top 10 last year**, the **cumulative economic** impact of **government** regulations, **fell** to **number seven**.

Among drivers, concern about autonomous vehicles drove its way into the top 10 but was not as highly ranked among motor carriers.

The following is ATRI's top 10 list for 2017:

- 1. Driver shortage
- 2. ELD mandate
- 3. Hours of service
- 4. Truck parking
- 5. Driver retention
- 6. CSA

7. Cumulative economic impact of trucking regulations

- 8. Driver distraction
- 9. Transportation
- infrastructure/congestion/funding

10. Driver health and wellness

The <u>ATRI Top Industry Issues report</u>, which also **contains strategies** for **addressing** each issue, is **available online**.

The survey results were released at the 2017 American Trucking Associations' Management Conference and Exhibition in Orlando, Florida.

Ledgers Tell True Cost of Running a Trucking Company

Trucking companies **experienced** an average **marginal cost per mile** of \$1.59 in **2016**, according to a recent **report** by the **American Transportation Research Institute** (*ATRI*).

ATRI solicits **data** from **motor carriers annually** to determine **operational costs** associated with **running** a **trucking company.** In the updated report, "<u>Analysis of the Operational Costs of Trucking</u>," **ATRI** analyzes **operational costs** from **2008** through **2016**. According to **ATRI**, its findings **provide stakeholders** with a **benchmark** and **government agencies** with a **baseline** as they consider improvements to **transportation infrastructure**.

Quick stats

When **comparing** motor carrier **expenses** in **2016** to **2015, ATRI** discovered:

- A decline in fuel costs of 17 percent; and
- An increase in driver wages and benefits, by 5 percent and 18 percent, respectively.

This is the **first time** in the **study's history** that driver costs **exceeded fuel costs** for two **consecutive years**.

ATRI also **reported** the **2016 data** reflected a **soft economy** for the **year**, which affected **insurance**, **capacity**, and pricing. In **addition**, costs **associated** with equipment **purchases** and **repair** were **found** to be **increasing** due to the **sophistication** of the **vehicles**.

Court Issues Opinion on Lawsuit Against UCR Board

The U.S. District Court of the District of Columbia issued an opinion on October 18, 2017, regarding allegations that the Unified Carrier Registration (*UCR*) Board violated certain federal laws. The plaintiffs in the case, 12 Percent Logistics, Inc., and the Small Business Transportation Coalition (*SBTC*), alleged that the UCR Board did not publish official notice of the September 14, 2017 UCR Board meeting.

It was during the September 14 meeting that the UCR Board decided to delay the 2018 UCR filing start date from October 1 to November 1. The delay was decided upon to allow time for the Federal Motor Carrier Safety Administration (*FMCSA*) to publish a rule that would reduce UCR fees for the 2018 and 2019 filing years.

The court's opinion stated that the UCR Board should've published a meeting notice in the *Federal Register*. As a remedy, the UCR Board was required to publish minutes, transcripts, or recordings of its September 14 meeting on the official UCR site or on the U.S. DOT's website. The UCR Board was also required to notify the public at its next meeting on October 26, 2017 that the September 14 meeting materials are available.

FOLLOW UP... UCR 2018 filing postponed until further notice

The Unified Carrier Registration (*UCR*) Board met on October 26, 2017, to discuss the Federal Motor Carrier Safety Administration (*FMCSA*) UCR fees reduction proposal and the 2018 filing start date.

In a previous meeting, the Board agreed to delay the 2018 filing start date until November 1 pending adoption of the 2018 fees; however, the FMCSA has not yet adopted a final rule adopting the 2018 fees. The November 1 filing date is no longer feasible and therefore the 2018 filing is now postponed until further notice.

During the meeting, the Board also recommended that states delay enforcement until 90 days after the 2018 filing starts.

JEREMY: 720-203-6325

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Number of Traffic Fatalities Increases for 2016

Over 37,000 lives were lost on U. S. highways in 2016, according to data gathered by the National Highway Traffic Safety Administration (*NHTSA*) from all 50 states and the District of Columbia. The number of traffic deaths is 5.6 percent higher than the fatalities reported for calendar year 2015.

NHTSA also discovered an increase in the fatality rate based on vehicle miles traveled (*VMT*) on U.S. roads. VMT increased by 2.2 percent in 2016, resulting in a fatality rate of 1.18 deaths per 100 VMT. This is up 2.6 percent from 2015.

Fatalities as the result of distracted driving and drowsy driving declined for 2016, while deaths related to other reckless behaviors (*see table*) continued to increase. Motorcyclist and pedestrian deaths accounted for more than a third of the year-to-year increase.

Traffic fatality trends for 2016

Situation	Number of fatalities	% change from 2015
Distracted driving	3,450	-2.2%
Drowsy driving	803	-3.5%
Drunk driving	10,497	+1.7%
Speeding	10,111	+4.0%
Unbelted	10,428	+4.6%
Motorcyclist	5,286	+5.1%
Pedestrian	5,987	+9.0%
Bicyclist	840	+1.3%

To see additional NHTSA statistics on 2016 traffic fatalities,

click <u>here</u>.

DOT Advances Proposal for Pilot Program on Adding Split Sleeper Options to Hours of Service

The U.S. DOT announced recently it's moving forward with a plan to institute a pilot program to study the feasibility of altering hours of service regulations to allow truckers to split their off-duty sleeper berth time into segments, rather than having to take 10 straight hours off duty or use the limited 8-2 split. The agency also announced that 240 drivers have been selected to participate in the program.

FMCSA said it plans to file its research plan with the White House's Office of Management and Budget, who must approve the study before the agency proceeds. The move is the latest step toward potential revision of hours of service regs to add long-wanted flexibility for truck operators.

The Federal Motor Carrier Safety Administration in June issued a proposal for the split sleeper study. The agency's plan is to study the 240 drivers for three months. Participating drivers will be able to split their 10-hour offduty period into segments, such as 5-5, 6-4 or 7-3. Otherwise, drivers will operate as they normally would.

Researchers will seek to determine whether such splits adversely affect operator fatigue levels or crash instances. The agency has partnered with Virginia Tech's Transportation Institute and Washington State University to conduct the study.

The study seeks to gather data from ELDs, monitoring systems like video recorders, roadside inspections, wrist actigraphy (studying total sleep time and wakefulness), psychomotor vigilance tests taken in cab, subjective sleepiness ratings as noted by drivers and sleep logs. Researchers will then study the data and make conclusions regarding the positive or negative outcomes of drivers using split sleeper berth options.

The agency is <u>accepting public comments</u> for **30 days** on its **announcement** to send its **research request** to the **OMB**.

METAL/NONMETAL Serious Accident Plant – Limestone – An accident

occurred on July 25, 2017 when a miner was attempting to change the oil filter on the diesel motor for the cone crusher. The miner was using a filter wrench to remove the filter while standing on the battery box adjacent to the motor. The filter wrench broke and slipped causing the employee to fall about 5 feet to the ground causing injury.



MSHA



Best Practices

- Establish and discuss safe work procedures before beginning the task to ensure that workers are not exposed to hazards when performing maintenance or repairs
 Communicate and correct hazards in a timely manner.
- Ensure that workers are trained in and follow established safe work procedures recommended by the equipment manufacturer
- Provide safe access to all work areas including elevated platforms.
- Use appropriate fall protection or fall prevention where there is a danger of falling
- Inspect all tools prior to starting the job for defects that may affect safety.

METAL/NONMETAL MINE FATALITY – **O**n September 20, 2017, a contractor was fatally injured while rappelling within a conditioning tower. The victim was examining the inside of a 300' vertical conditioning tower when an object fell from above and struck him in the head. The victim was conscious and transported to a local hospital where he died of his injuries the next day.

MNM Serious Accident Alert Surface - Loader



When his personal vehicle became stuck in a ditch, a miner decided to use a front-end loader to retrieve it. However, as he drove the loader toward the vehicle, he lost control, traveled through a berm and rolled over. The miner suffered serious injuries. The accident occurred on July 17, 2017.

BEST PRACTICES

- Establish and discuss safe work procedures.
- Identify and control all hazards associated with the task being performed.
- Operating speeds should be consistent with conditions of roadways, grades and the type of equipment used.
- Assure berms are at least mid-axle height of the largest equipment used at the mine site.
- Seatbelts must be worn when operating mobile equipment.
- Only persons who are properly trained and experienced should be permitted to operate large haulage equipment.

Best Practices

- Remove all loose materials and other hazards before working.
- Have fall protection and available and ready for use.
- Check bin atmosphere for oxygen content, combustible gases, and toxic contaminants.
- Provide adequate lighting.
- Be sure the person entering the bin is trained in safe entry and confined space procedures.
- Have standby personnel available to observe and to assist in an emergency.



This is the 9th fatality reported in calendar year 2017 in metal and nonmetal mining. As of this date in 2016, there were 13 fatalities reported in metal and nonmetal mining. This is the 3nd Fall of Material fatality in 2017. There was one Fall of Material fatal in the same period in 2016.

MONTHLY SAFETY TIP

Fire Prevention Week sends the message that **Every Second Counts**

Fire Prevention Week, sponsored by the National Fire Protection Association (*NFPA*) was observed from October 8– 14, 2017. The theme this year was "Every second counts. Plan 2 ways out!"



NFPA says that most home fires result from cooking, smoking, electrical problems, heating equipment, and arson — and fire can spread quickly. Being prepared, and having an <u>escape plan</u>, can mean the difference between escaping safely from a fire or having a fire end in tragedy.

So it's important to have and practice a home escape plan.

NFPA urges everyone to take the following actions:

- Use the <u>grid</u> available from **NFPA** to draw a map of your home, and indicate two exits from each room along with a path to the outside from each exit.
- Conduct home fire drills at least twice a year, with one at night and the other during the day. Practice using different exit routes.
- 1 Show children how to escape by themselves, in case an adult is not available to help them.
- Close doors behind you as you make your way out of the house to slow the spread of the fire.
- Designate an outside meeting place that is a safe distance away from your home. The meeting place should be something that will not move, such as a neighbor's house, a tree, or a light pole.
- I Remind everyone to stay outside after they make their escape. Never go back inside a burning building.

NFPA also highlighted Home Fire Drill Day, a safety action created by Nationwide® and the National Safety Council. The day was observed on October 14 to mark the end of Fire Prevention Week.

Consider practicing your home escape plan on a regular basis. It could make a very big difference!!

Fire Safety In The Workplace

While Fire Prevention Week focuses on preventing and responding to residential fires, employers can use the campaign to draw attention to fire safety in the workplace. OSHA requires employers to train workers on the fire hazards in the workplace and how to respond in a fire emergency. Employers who want their workers to evacuate must train them on how to escape. Employers who expect workers to use firefighting equipment must train them to use the equipment safely.

OSHA's fire <u>safety regulations</u> address **emergency fire exits**, portable fire extinguishers, **fire prevention plans**, and emergency **action plans**.

CPI's Top 10 De-Escalation Tips

Download a free guide for tips on defusing difficult situations.

What really works when it comes to de-escalating anxious, hostile, or challenging behavior? How you respond to the behavior is often the key to defusing it.

Crisis Prevention Institute's (CPI) Top 10 De-Escalation Tips is filled with simple and effective strategies to help you:

- Stay calm.
- Manage your own response.
- 🕹 Set limits.
- Handle challenging questions.
- Prevent a physical confrontation.

Based on strategies taught in <u>Nonviolent Crisis Intervention[®] training</u>, these tips will help you respond to difficult behavior in the safest, most effective way possible.