



MONTHLY NEWSLETTER

SEPTEMBER 2016

VOLUME 8

ISSUE 9

► 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 Aug 2016:** • *TRAINING CENTER – 246 BASHER DRIVE #1, JOHNSTOWN, CO 80534* • [read more...](#)

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Provisions call for employers to electronically submit injury and illness data that they already record [read more...](#)



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Annual Brake Inspection Blitz Set For September

Inspectors will be keying in on brake safety again in September when the **Commercial Vehicle Safety Alliance's Brake Safety Week** takes place Sept. 11-17. [read more...](#)



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Maintenance violations are by far the biggest single contributor to the Motor Carrier Management Information System database that underpins CSA, accounting for on the order of 70-plus percent of the total violations contained therein. [read more...](#)

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The **Commercial Vehicle Safety Alliance** has announced the dates for its annual *Operation Safe Driver Week* enforcement blitz. [read more...](#)

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Stay out of trouble with the DOT through careful inspections and diligent routine maintenance

If you think getting put out of service for an equipment violation is likely to involve DOT inspectors finding something complicated or unexpected, think again. [read more...](#)

► **Tips for Brake Maintenance to Lower Costs, Reduce Violations**

It's no surprise that violations for brakes.....most cited, given their constant wear and critical safety role. [read more...](#)

► **CREDIT FOR CLEAN: 'Finishing the job' on violation-free inspections**

In the days before the **FMCSA's Compliance, Safety, Accountability** program, drivers might not have batted an eye if an inspector did a quick walk-around and, finding nothing obvious to cite, waved them on their merry way without finishing a full inspection. Today, though, traditional wisdom about inspections violations..... has been upended. [read more...](#)

► **Why do You Hang on to that Old Truck?**

Having a truck paid off makes for, well, a boost in versatility in decisions about the business — in a variety of ways, too, many associated with outright ownership of specifically *older* equipment, some say, given maintenance and purchase-price worries about newer units. [read more...](#)



▶ **NHTSA and FMCSA Propose Speed Limiters for Large Commercial Vehicles**

IN THE NEWS RECENTLY... Two DOT agencies, **NHTSA** and **FMCSA**, have released a [proposed rule](#) that would require new heavy-duty vehicles to be equipped with devices that limit their speeds on U.S. roads and require the devices be set to a maximum speed. [read more...](#)

▶ **FMCSA Looking to Begin Interstate Pilot Program for Under-21, Military-Trained Drivers**

The **Federal Motor Carrier Safety Administration** proposed **Aug. 19** a **FAST Act**-stipulated **pilot program** that will **allow** some **under-21** truckers to **operate** across **state lines**, so long as they have **military experience** driving **large vehicles**. [read more...](#)

▶ **FMCSA Warns Truckers About Use of E-Cigarettes, Vaporizers**

The **Federal Motor Carrier Safety Administration** has issued a [safety advisory](#) for truck drivers who use battery-powered portable electronic smoking devices like e-cigarettes and vaporizers. [read more...](#)

▶ **Trucker Gets Nearly \$200k From Carrier In Refusal To Drive Firing**

A truck operator for a tank hauling carrier has been awarded nearly \$200,000 in back pay, punitive and compensatory damages and attorney's fees after being fired him for refusing to accept a load the trucker said would have put him in violation of federal hours of service limits. [read more...](#)

▶ **OOIDA Continues Pursuit To Overtum ELD Mandate In Latest Legal Filing**

The **Owner-Operator Independent Drivers Association** has filed a **new brief** with the **federal appeals court** overseeing its **lawsuit** against the **federal rule** requiring **truckers** to use **electronic logging devices** to **track** their **duty status**. [read more...](#)



▶ **CMV Driving Tips... FOLLOWING TOO CLOSELY**

We've seen a **number** of **news stories** about **serious accidents** involving **commercial vehicles** due to **tailgating** and the often, **fatal results**. [read more...](#)

▶ **ELDs: Owner-Operators Have Some Decisions to Make**

At a **session** billed as an **electronic-logging-device** regulatory update **specifically** for **owner-operators**, Vigillo's Steve Wilhelms went **well beyond** the **federal nuts-and-bolts** approach to the **topic** suggested by the title to **really dig** into the "**challenges** you face in **picking, choosing**" and implementing an **ELD** in an **owner-operator** or **small fleet business**. [read more...](#)

MSHA NEWS SUMMARY

▶ **US Mine Safety Agency Issues Safety Alert For Drill Operators**

Rotating machinery exposes miners to risks of entanglement of clothing, body parts

Mine drill operators face their share of **on-the-job risks**. [read more...](#)



▶ **Materials Storage and Warehouse Safety**

Miners working in warehouses are exposed to hazards that can result in traumatic injuries, musculoskeletal disorders or illnesses from exposure to harmful chemicals. [read more...](#)

▶ **Mobile Loading and Haulage Equipment Emergency Escape**

From 1985 through 2016 there have been **370 accidents** involving **mobile loading and haulage equipment** that **caught fire**. [read more...](#)

MONTHLY SAFETY TIP NEWS SUMMARY

▶ **Ergonomics and Musculoskeletal Disorders**

Ergonomics is the scientific study of people at work. [read more...](#)



MJS SAFETY LLC is proud to announce that we are now available to perform Operator Qualification [OQ] Performance Evaluations under the "EnergyU" system – a service of Midwest ENERGY Association – as well as Veriforce. [call to schedule](#)

MJS SAFETY has "Authorized" Performance Evaluators on staff that can perform this service for specific "Covered Tasks."

MJS SAFETY 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 Performance Evaluations.

The Operator Qualification Rule – commonly referred to as the "OQ Rule" addressed in Title 49 of the Code of Federal regulations, mandates that individuals who perform "Covered Tasks" on 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.

Make MJS Safety your "GO TO" Resource in 2016

Check here each month for a current class schedule!

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

Just Some Of The Courses Offered Include:

- ~PEC SafelandUSA Basic Orientation
- ~OSHA 10 Hour General Industry
- ~OSHA 30 Hour General Industry
- ~NUCA Confined Space
- ~Hydrogen Sulfide [H₂S] - Awareness
- ~Respirator: Medical Evaluation & Fit Testing
- ~Hazard Communication – GHS Training
- ~Teens & Trucks Safety
- ~1st Aid/CPR Course- Medic 1st Aid
- ~HAZWOPER 8, 24 & 40 Hour
- ~PEC'S Intro to Pipeline
- ~Confined Space Rescuer Training
- ~PEC Core Compliance
- ~OSHA 10 Hour Construction
- ~OSHA 30 Hour Construction
- ~NUCA Competent Person for Excavation & Trenching
- ~Hands-on Fire Extinguisher training
- ~DOT Hazmat Training
- ~MSHA Sand & Gravel Training [Part 46 only]
- ~Fall Protection for the Competent Person
- ~Defensive Driving Safety for large and small vehicles
- ~Instructor Development for Medic 1st Aid/CPR
- ~Bloodborne Pathogens Compliance Training
- ~Respiratory Protection Training

► MJS SAFETY offers these courses as well as custom classes to fit the needs of your company ◀

Schedule of classes Sept 2016: • TRAINING CENTER – 246 BASHER DRIVE #1, JOHNSTOWN, CO 80534 •

- PEC Safeland Basic Orientation: Sept 9, 23
- First Aid/CPR/AED / BLOODBORNE PATHOGENS: Sept 13, 8 a.m.
(We offer both MEDIC FIRST AID & AMERICAN HEART ASSOCIATION)
- TEEK H2S Operator Training - Awareness: Sept 13, 1 p.m.

► NEED ANY OF THESE CLASSES IN SPANISH? CONTACT carriejordan@mjsafety.com TO SCHEDULE TODAY ◀

Go to mjsafety.com for up-to-date class listings
To sign up for one of these classes, or inquire about scheduling a different class
Call Carrie at 720-203-4948 or Jeremy at 720-203-6325 or Mike at 303-881-2409

— FEATURED TRAINING PROGRAMS —

- Safeland Basic Orientation
- Hydrogen Sulfide Awareness
- First Aid/CPR
- OSHA 10 Hour for General Industry or Construction
- Confined Space for Construction

— ALSO OFFERING —

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

Unable to attend a class?

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.

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OSHA
FMCSA
MSHA
Overdrive
CCJ
NIOSH
ohsonline.com
GPO
Illinois Assn of Aggregate Producers' Safety Committee



Final Rule Issued to Improve Tracking of Workplace Injuries and Illnesses

Provisions call for employers to electronically submit injury and illness data that they already record

Why is OSHA issuing this rule?

This simple change in OSHA's rulemaking requirements will improve safety for workers across the country. One important reason stems from our understanding of human behavior and motivation. Behavioral economics tells us that making injury information publicly available will "nudge" employers to focus on safety. And, as we have seen in many examples, more attention to safety will save the lives and limbs of many workers, and will ultimately help the employer's bottom line as well. Finally, this regulation will improve the accuracy of this data by ensuring that workers will not fear retaliation for reporting injuries or illnesses.

What does the rule require?

The new rule, which takes effect Jan. 1, 2017, requires certain employers to electronically submit injury and illness data that they are already required to record on their onsite OSHA Injury and Illness forms. Analysis of this data will enable OSHA to use its enforcement and compliance assistance resources more efficiently. Some of the data will also be posted to the OSHA website. OSHA believes that public disclosure will encourage employers to improve workplace safety and provide valuable information to workers, job seekers, customers, researchers and the general public. The amount of data submitted will vary depending on the size of company and type of industry.

Anti-retaliation protections

The rule also prohibits employers from discouraging workers from reporting an injury or illness. The final rule requires employers to inform employees of their right to report work-related injuries and illnesses free from retaliation; clarifies the existing implicit requirement that an employer's procedure for reporting work-related injuries and illnesses must be reasonable and not deter or discourage employees from reporting; and incorporates the existing statutory prohibition on retaliating against employees for reporting work-related injuries or illnesses. These provisions became effective August 10, 2016, but OSHA has delayed their enforcement until Nov. 1, 2016 in order to provide outreach to the regulated community.

Compliance schedule

The new reporting requirements will be phased in over two years: Establishments with 250 or more employees in industries covered by the recordkeeping regulation must submit information from their 2016 Form 300A by July 1, 2017. These same employers will be required to submit information from all 2017 forms (300A, 300, and 301) by July 1, 2018. Beginning in 2019 and every year thereafter, the information must be submitted by March 2. Establishments with 20-249 employees in certain high-risk industries must submit information from their 2016 Form 300A by July 1, 2017, and their 2017 Form 300A by July 1, 2018. Beginning in 2019 and every year thereafter, the information must be submitted by March 2.

OSHA State Plan states must adopt requirements that are substantially identical to the requirements in this final rule within 6 months after publication of this final rule. [Fact sheet \(pdf\)](#)



OSHA / CONSTRUCTION

► Report a Fatality or Severe Injury ◀

- All employers are required to notify OSHA when an employee is killed on the job or suffers a work-related hospitalization, amputation, or loss of an eye.
- A fatality must be reported within 8 hours.
- An in-patient hospitalization, amputation, or eye loss must be reported within 24 hours.



To Make a Report

- Call the nearest [OSHA office](#)
- Call the OSHA 24-hour hotline at 1-800-321-6742 (OSHA).
- Report online

Be prepared to supply: Business name; names of employees affected; location and time of the incident, brief description of the incident; contact person and phone number.

Frequently Asked Questions?? click on the links below

- [Who is required to report?](#)
- [If the area office is closed, may I report the incident by leaving a message on an answering machine or sending an email?](#)
- [How does OSHA define "in-patient hospitalization"?](#)
- [How does OSHA define amputation?](#)
- [Who should report a fatality or in-patient hospitalization of a temporary worker?](#)
- [What if the fatality, in-patient hospitalization, amputation, or loss of an eye does not occur during or right after the work-related incident?](#)
- [Under what circumstances am I not required to report an incident?](#)
- [What if I'm in a state not covered by federal OSHA?](#)

just a reminder...."It's All About Inspections"

Annual Brake Inspection Blitz Set For September

Inspectors will be **keying in on brake safety** again in September when the **Commercial Vehicle Safety Alliance's Brake Safety Week** takes place **Sept. 11-17**.

Across North America, **law enforcement agencies** will conduct **inspections** on commercial vehicles to look for **out-of-adjustment brakes**, and **brake system** and **anti-lock braking system** violations during the week.

Specifically, **CVSA** says **inspectors** will be looking for "**loose or missing parts**, **air or hydraulic fluid leaks**, **worn linings**, **pads**, **drums or rotors**, and other **faulty brake system** components." **Inspectors** will also be checking **ABS malfunction indicator lights** to make sure **they're in working order**, **CVSA** says. **Defective or out-of-adjustment brakes** will result in the **vehicle being placed out-of-service**.

Most **inspections occurring** during the week will be full **Level I inspections**, according to **CVSA**, and **10 jurisdictions** will be using **performance-based** brake testing to **measure braking efficiency**.

"**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**," **CVSA** says. "**Improperly installed** or **poorly maintained brake systems** can reduce **braking efficiency** and increase the **stopping distance** of trucks and **buses**, posing **serious risks** to driver and **public safety**."

During **2015's brake inspection spree**, inspectors conducted **18,817 inspections** and placed **2,321** of those trucks **out-of-service** – or **12.3 percent**.

Brake Safety Week is part of **CVSA's Operation Airbrake program** in partnership with the **Federal Motor Carrier Safety Administration**.

See **more information** in the **August 2016 edition** (pg 8) of the **MJS SAFETY** newsletter.



Inspectors to Ramp Up Enforcement for Safe Driver Week – Oct 16-22

The **Commercial Vehicle Safety Alliance** has announced the dates for its annual **Operation Safe Driver Week** enforcement blitz.

Law enforcement agencies across North America will engage in heightened traffic safety enforcement and education aimed at unsafe driving by both commercial motor vehicle drivers and car drivers during the week of **Oct. 16-22**.

CVSA says the **Operation Safe Driver** program was created to help reduce the number of crashes, injuries and deaths involving trucks, buses and cars due to unsafe driving behaviors. During the week, there will be increased traffic enforcement for both cars and trucks.

Specifically, **CVSA** says law enforcement will be looking for speeding, failure to use a seat belt, distracted driving, failure to obey traffic control devices, following too closely, improper lane change and more.

During the **2015 Operation Safe Driver Week**, more than **21,000** vehicles, including trucks and cars, were pulled over, and more than **19,000** roadside inspections were conducted on commercial vehicles.

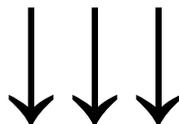
The top five warnings and citations given to commercial drivers during the 2015 event were size and weight, speeding, failure to use seat belt, failure to obey traffic control device and using a handheld phone.

▶ Staying Ahead of the Inspectors ◀

Maintenance violations are by far the **biggest** single contributor to the **Motor Carrier Management Information System** database that underpins **CSA**, accounting for on the order of **70-plus percent** of the **total violations** contained therein.

While you **can't influence** how **bad** a **roadside** or **weigh-station** inspector's day **has been** before you **see him**, you can make the **inspection** easy by **not taking** any chance on **whether** your **rig** will **pass muster**.

Following are a **couple** of articles **offering tips** on **maintenance** of **tires** and **brakes....common areas** of **concern** and **inspectors' priority**. Use these **resources** to help **prepare yourself** for the **road ahead**.



CSA and Tire Basics

Stay out of trouble with the DOT through careful inspections and diligent routine maintenance



If you think getting put out of service for an equipment violation is likely to involve DOT inspectors finding something complicated or unexpected, think again. Ten percent of out-of-service violations involve simple tire problems, says Commercial Vehicle Safety Alliance Deputy Executive Director Collin Mooney.

Furthermore, the Compliance, Safety, Accountability enforcement program penalizes carriers' safety rankings for all violations. Of the 25 most common recorded by inspectors, two involve tires directly and are high-severity-weight violations, carrying 8 out of a possible 10 points. In fact, most tire violations are high-weight infractions. While simple under-inflation merits only 3 CSA points, these common violations incur 8 points: running a drive or trailer tire with tread below 2/32 of an inch, running a tire with fabric exposed, and audible leak.



Time weighting means each violation's weight will be multiplied by three in safety scoring for six months after it occurs. Thus frequent high-weight tire citations, as well as a failure to repair problems, will have immediate negative consequences for you or your carrier's ranking in Vehicle Maintenance, one of CSA's seven Behavioral Analysis and Safety Improvement Categories. Potential results are more inspection scrutiny at weigh stations, hassle from your leasing carrier and, ultimately, reduced business.

Bottom line: Do your pretrip inspections consistently. If you have hired drivers, get them to do the same.

PRIORITY 1: Inflation maintenance



Inflation pressure is the most critical part of a pre-trip inspection, says Goodyear Marketing Communications Manager Tim Miller. "Proper inflation pressure will help prevent wear and damage, and helps eliminate casing durability concerns. Under-inflation may be the cause of much of the visible damage they are looking for in an inspection."

Running a tire low on air is just as bad as running a diesel engine with low coolant or a clogged radiator. Tires generate tremendous heat when they run because continual flexing is necessary for them to give a smooth ride. Pressurized air creates much of their structural strength and limits that flexing. When the pressure's too low, flexing – and heat – grow by leaps and bounds. The result is softer, overheated metal cords. When a broken cord pokes through the sidewall, it's grounds for a citation.

Always use a calibrated inflation gauge to get the necessary accuracy. The old method of thumping a tire doesn't work, says Curtis Decker, commercial tire product development engineer for Continental Tires.

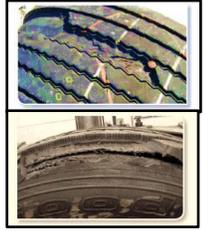
Guy Walenga, Bridgestone America's director engineering commercial products and technologies, suggests replacing the valve stem core each time a tire is serviced, and using quality poly-carbonate or steel stem caps with good rubber seals to help retain pressure.

Other aids to pressure maintenance include tire monitoring and automatic inflation systems. They are particularly helpful with maintaining pressure on inside duals. When duals are mismatched because of a pressure difference, it can quickly lead to damage that will yield a citation.

PRIORITY 2: Inspection checklist

Here's a checklist based on the basic Commercial Vehicle Safety Alliance inspection criteria.

- Eyeball the tires, searching for obvious significant damage to the sidewalls. Especially be alert to tread separation – where there is an obvious crack between the original or recapped tread and the casing. Likewise note any area where cords or fabric are protruding from either the sidewall or the tread itself.
- Look for significant bulges, Mooney says, often indicative of an approaching failure where cords are broken and forcing the sidewall out. Don't confuse this with a bulge of fresh rubber vulcanized to the sidewall to seal off a puncture. When these don't bulge more than 3/8 of an inch, they are OK. Some inspectors carry a gauge that can measure them, says Miller.



- Poor repairs are a significant source of citations, says Doug Jones, Michelin Americas' customer engineering support manager. He also notes the big fleets with their own shops tend to jettison a tire that can't be fixed easily. But small operators sometimes find a shop that will repair a tire that's too severely damaged or fail to perform a difficult repair properly.
- Give the tread a careful check with a tread depth gauge. Jones says that irregular wear of a tire that has good tread in most areas may still cause it to flunk the tread depth test. A spot that's worn below 4/32-inch on a steer tire in two adjacent tread section, or below 2/32-inch on a drive or trailer tire, can get you a citation.
- Make sure the tire is not rubbing on the vehicle or in contact with a dual tire next to it because of improper mounting.
- If the truck is loaded near its weight limit, make sure the tires are of the proper weight ratings for the gross combination weight. Tires carrying more than rated weight can overheat and fail, so this will get you a citation. Mooney says this problem is less likely to attract attention in a standard roadside inspection than at a weigh station.
- Remove any objects trapped between tread sections, Miller says. Such objects often lead to serious damage to the tread. Jones says to look down into the grooves for significant cracks or the appearance of cords, symptoms indicating the tire needs to be replaced. Use a flashlight for better visibility.
- Check for chunking or tearing of the tread, Decker says. Run your hand across the tread carefully. Do you feel sharp edges? It's a sign of irregular wear. Check further to ensure tread depth is adequate across the tire.

PRIORITY 3: Good vehicle maintenance

For maintenance beyond the pre-trip, certain procedures can help head off problems, especially related to irregular wear and uneven tread depth, that could result in a citation.

"Regular alignment will cover the majority of tire issues," Decker says. "When it comes to items such as bearing maintenance and damper maintenance, that's where you see the best fleets really separating themselves from the pack. It's so tempting to save costs in the short term by skimping on regularly scheduled preventive maintenance."

Don't wait for tire trouble to signal the need for work on the chassis. Do it regularly so your tires will last longer.

Regular alignment means not only setting the toe-in and checking caster and camber on the front axle, it means total vehicle alignment. The latter refers to lining up the drive axles with the centerline of the tractor, and lining up the trailer axles with the kingpin. Misalignment leads quickly to irregular wear, along with wasting fuel.

Wheel bearing maintenance is critical because loose bearings lead to irregular wear of the tread and worn spots that can also leave you shy on tread depth, even on newer tires. Proper, even mounting on the rim, as well as wheel balance, and shock absorber (damper) maintenance, Decker says, will also help eliminate irregular wear and low tread depth areas by preventing the tire from hopping down the road.

"Specifying the correct tire for a given application will also help to avoid problems," he notes.

"Getting drivers to perform a good pre-trip is only the first step," Walenga says. "If he finds a problem, you need to repair the tire before the truck moves. Having spare tires already mounted for quick change can help get the truck on the road fast and avoid the temptation to send it out with a damaged tire."

SERIOUS TIRE VIOLATIONS

The **Commercial Vehicle Safety Alliance** is an organization of state departments of transportation and police that create uniform inspection criteria for the U.S., Canada and Mexico.

The most serious CVSA tire violations are:

- Tire flat or with audible air leak;
- Tread and/or sidewall separation;
- Fabric exposed;
- A cut in the sidewall that exposes the ply or belt material;
- Tread depth less than 2/32-inch for trailer and drive tires, and 4/32-inch for steer tires.

Somewhat less serious violations include:

- Inadequate weight rating;
- Tire underinflated;
- Tire underinflated for the weight being carried;

As these violations indicate, it's preferable to adjust tire pressure for the load. For example, if running empty for a long distance, it would be better to lower tire pressure slightly to avoid irregular wear in the center of the tread. A chart showing pressure adjustments is available from tire manufacturers.

Pressure adjusted below the maximum but down to a level appropriate for load conditions would not be a violation. On the other hand, if your rig is loaded to 80,000 pounds, the same lower pressure could get you a citation. Even a tire in good condition can lead to a citation if its maximum load rating is less than the weight it is carrying.

Use of an obviously re-grooved tire on the steer axle is another violation. This should rarely be a concern these days, as most owner-operators and small fleets rarely re-groove tires.

Tips for Brake Maintenance to Lower Costs, Reduce Violations

It's no surprise that violations for brakes are among the most cited, given their constant wear and critical safety role. While that's enough reason to keep them in shape, another big motivator is cost. "A breakdown is a tremendous loss of productivity, efficiency and uptime," says Randy Petresh, vice president of technical services for Haldex.

The cost of a brake-related mobile service repair easily can exceed \$1,000, and that's assuming you don't need a tow, says George Bowers, director of maintenance operations for Ryder. "If the officer deems the unit unsafe, towing will most likely be required," he says. As repair bills and downtime mount, independents consistently cited for violations also risk scaring off potential business.

Another potential cost reduction is extending the brake system's life. "Issues identified through inspection might eliminate accelerated wear, brake component damage and damage to other components in the system," says Keith McComsey, director of marketing/customer solutions for Bendix Spicer Foundation Brake.

Jon Morrison, president of Wabco Americas, says out-of-adjustment drum brake concerns account for nearly half of out-of-service violations.

Pre- and post-trip inspections are critical for identifying issues before violations occur. Obvious red flags include rust streaks, air leaks, oil stains, air lines rubbing on crossmembers or frame rails, bad or missing gladhand seals and brake components that are worn, missing, broken or loose.

"Look for rust streak marks on brake components, which usually means loose components," Bowers says. "If the backing plate or wheel seal area starts to show signs of oil," it should be addressed immediately to prevent shoe damage.

It's important to look beyond the obvious signs of problems, says Kevin Pfost, coordinator of technical service for Bendix Spicer Foundation Brake.

"Take a look at components such as air chambers that may be corroded or severely rusted," he says. "Check the air system for contamination or water. Look for loose parts like chambers, the slack adjuster, brackets and air lines that may be hanging low and may hook on road debris."

Matthew Mendy, product segment manager for Daimler Trucks North America Aftermarket, suggests building pressure in the air system while keeping the parking brakes applied, then walking around the truck to listen for leaks.

"Look at the air gauges to see if the compressor is building correctly," Mendy says. "Check to see if the ABS or electronics components warning lamp is illuminated." A slack adjuster with an excessive stroke may indicate an out-of-adjustment wheel end and a possible worn shoe, he says.

"Most of the time, you can hear air leaks, and they are indicative of a lot of things," Petresh adds.

Morrison advises inspecting the pad thickness visually or measuring caliper position with a ruler, and inspecting the rotors for cracks every four to six months. "This also helps reduce potential hard-part failures," he says. Petresh reminds trailer owners not to overlook that equipment. "Spring brake issues on trailers pop up because trailers don't get a lot of the maintenance they should. If it feels like the trailer is pushing the tractor, there's a problem on the trailer side.

CREDIT FOR CLEAN: 'Finishing the job' on violation-free inspections

In the days before the **Federal Motor Carrier Safety Administration's Compliance, Safety, Accountability** program, drivers might not have batted an eye if an inspector did a quick walk-around and, finding nothing obvious to cite, waved them on their merry way without finishing a full inspection.

Today, though, traditional wisdom about inspections – best avoided, given the hassles and potential violations – has been upended. As any small fleet owner or independent knows, clean inspections are the only immediate way to improve categorical percentile rankings in **CSA's Safety Measurement System**. The stakes are so high that it's now common for carriers to offer cash bonuses for clean inspections.

A clean Level 1 driver and truck inspection improves carrier scores in most **SMS BASIC** categories of compliance measurement by offsetting or diluting, as it were, the weight prior violations exert in scores' computation.

Without a clean inspection, the only way to discount the weight of prior violations is to wait for them to "age," reducing the time weighting associated in the scores, before they drop out after two years.

Though the bite of those rankings has dulled a bit with congressional action last year to pull the scores from public view, recent reports have shown that they remain a part of the process of securing business for many.

The good news is that compared to 2011's nationwide clean-inspection rate, the 2015 rate shows a near 10 percent gain. This means that compliance is improving or more states are doing what Mississippi Department of Transportation Office of Law Enforcement Chief Willie Huff says is common in his state: **FINISHING THE JOB**.

"Our policy is if you start an inspection, you should finish it, and do it fairly," Huff says. No state performs a higher percentage of clean inspections than Mississippi, which in 2015 did 67 percent, which is two clean inspections for every one with any violation.

As a share of all inspections, clean inspections above 50 percent are present in only 11 states. Only one other state, low-inspection-intensity Montana, rates above 60 percent.

The national average rate of clean inspections has been rising steadily since the advent of **CSA** in 2010. Yet states such as Wisconsin, Connecticut, Indiana and Texas show clean-inspection rates between 18 and 24 percent.

Explaining the upward trends in clean inspections, Huff attributes it to a compliance culture among fleets. "They're more safety-conscious, emphasizing it more through their communications tools" and other methods.

About half of Mississippi's 2015 inspections were done at roadside, half at fixed locations. Some 200 full-time officers are dedicated to truck-enforcement, of which "75 are assigned portable units patrolling the 82 counties of the state," Huff says. "They can do safety inspections and check fuel tax credentials on routes where they don't have inspection stations. That 75.....that's their job, to perform random stops to check for everything."

The other 125 officers are assigned to the state's 16 scale locations where inspections commonly are conducted.

Some of the "random stops" Huff mentions aren't so random due to means both low- and high-tech. Obvious violations admittedly are targeted, such as "appearance of the truck, is it maintained, clean in appearance, does it have all the mudflaps, does it make an abnormal noise." The state also recently deployed "Smart Roadside"

screening tools that Huff says could drive down the state's clean-inspection ranking by focusing on problem trucks.

Mississippi has deployed DOT number- and plate-capture tools at the Kewaunee station near Meridian on I-20/59 and at two scale locations on I-10 at the so-called "NASA" station just into the state from Louisiana, and at Orange Grove just inside the Alabama state line.

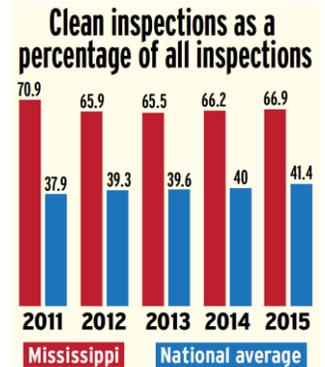
"Virtual weigh station"-type weigh-in-motion scales also are equipped with readers in four off-interstate locations, Huff says:

- A two-lane road near Liberty in Southwest Mississippi.
- State Route 27 outside Vicksburg, north of Liberty.
- U.S. 82 near west-central Greenville.
- U.S. 61 near Clarksdale in Northwest Mississippi.

When a truck crosses those areas, Huff says, "We have the weight, the company's safety score, whether the tags are valid. We can sit 10 miles away and wait for the truck to come to us if we want to stop it."

More and more, "technology is driving" inspection selection, Huff says, and "if it's available out there, we'll make as much use of it as possible. We might drop down that rung," he says, referring to the state-by-state clean-inspection rankings.

For most drivers, he guesses that's a good thing, even if it means a smaller share of clean inspections. "If we're being more efficient" about selecting just those carriers that need inspection, and the others avoid wasted time, Huff believes that's a win-win.



INSPECTIONS PER LANE-MILE: 6

NATIONAL RANK: 8

VIOLATIONS PER INSPECTIONS: 0.8

NATIONAL RANK: 44

Mississippi's top 10 inspection intensity ranking is deceiving for those who would read a particular toughness into the state's truck enforcement program's numbers. Nearly seven in 10 of all inspections conducted in Mississippi over many years are clean inspections, finding no violations whatsoever. The next-closest states in the clean-inspections rankings, Montana and South Dakota, are low-intensity for inspections. California, meanwhile, also known for its high percentage of clean inspections, is nearly 10 percentage points off of Mississippi's share.

Why do You Hang on to that Old Truck?

Having a truck paid off makes for, well, a boost in versatility in decisions about the business — in a variety of ways, too, many associated with outright ownership of specifically older equipment, some say, given maintenance and purchase-price worries about newer units.

Here are some answers to the question in the title — “Why Do You Hang On To That Old Truck?”

A VARIETY OF REASONS PRESENTED THEMSELVES:

1. It's easier to take time off/be choosy about freight — In one trucker's case, before deciding on a recent overhaul, he was on the verge of financing \$150,000 for a new glider from Fitzgerald Glider Kits, but the \$3,200 monthly payment didn't make sense. “I'd have to run hard,” he says. He preferred to save for repairs rather than make the big investment for new equipment.

2. Cost, pure and simple — “Who can afford a \$3,000-a-month truck payment and the higher cost of insurance” that comes with a newer truck? asks a Tennessee-based owner-operator who runs in a 2001 Western Star powered by a Cummins N-14.

He continued to elaborate on the advantages of older equipment when items such as the turbo go out after the warranty terms close. With new trucks, “you have repairs that are four to five times the cost than with the older trucks,” he says. “The turbo on my N-14 is roughly \$700,” several times less expensive than that on a next-generation ISX, he says. “What is the point of cutting your fuel expense by 40 percent when your maintenance cost is triple and reliability is not there?”

3. Fuel mileage — While it's been documented that most 2010-emissions-spec engines are averaging better fuel economy than many older trucks have for years, a multi-truck owner provided a counter-example.

“My 2013 386 Peterbilt [powered by a Paccar MX and a 10-speed] generally gets from the high 4s to 5.5 mpg,” he says, and better when empty. His 1998 379, however, gets [almost 6 mpg] consistently” with a 550-hp Caterpillar 3406E and an 18-speed, “and it actually goes when you step on the throttle.” The 1998 model also “has an aversion to the shop,” yet another paramount concern for operators.

4. Reliability — “Let's not forget, warranty doesn't cover lost revenue” when the truck needs repairs, says a trucker, “not to mention customers will be hesitant to deal with you” if your equipment is unreliable.

“You can actually do a roadside repair with your fairly basic tool kit” on older units, notes another driver.

Discussion on similar issues as the recession surfaced in the winter of 2007-08, part of an **Overdrive** cover story on the habits and practices of the debt-free.

Fuel prices were nearing a then-unprecedented \$4 a gallon, and a Landstar-leased owner-operator, then pulling a step deck, was thinking of shutting down for a long holiday to “stay out of the mess of slow freight and high fuel.” With a truck or trailer payment, he added, he likely could not have afforded that.

Another commented saying he knows “of several farmers in my area that run stuff from the 80s still. One truck has close to 4 million miles on it. When asked when he is going to retire it, he said ‘when I can no longer repair it at all.’ The motor in it is a Big Cam — 13 speed manual transmission, 3:55 rears and manual slack adjusters on it.”

And yet another driver said he has a 1990 FLD 120 powered by a 3406B Cat ... It's enjoying semi-retirement from moving equipment and is the backup for when the C-15 Cat-powered trucks break down.



NHTSA and FMCSA Propose Speed Limiters for Large Commercial Vehicles

IN THE NEWS RECENTLY...

Two DOT agencies, **NHTSA** and **FMCSA**, have released a proposed rule that would require new heavy-duty vehicles to be equipped with devices that limit their speeds on U.S. roads and require the devices be set to a maximum speed. They claim this could save lives and more than \$1 billion in fuel costs each year, but they have not proposed a specific set speed. They have considered the benefits of 60, 65, and 68 mph and estimate those three limits would save anywhere from 27 to 498 lives annually.

“There are significant safety benefits to this proposed rulemaking,” Transportation Secretary Anthony Foxx said. “In addition to saving lives, the projected fuel and emissions savings make this proposal a win for safety, energy conservation, and our environment.”

“Although we believe that the 60 mph alternative would result in additional safety benefits, we are not able to quantify the 60 mph alternative with the same confidence as the 65 mph and 68 mph alternatives,” the agencies state in the text of the proposed rule. They say that they did not include a retrofit requirement in the rule “because of concerns about the technical feasibility, cost, enforcement, and small business impacts of such a requirement. However, we are seeking public comment to improve our understanding of the real-world impact of implementing a speed limiting device retrofit requirement. As an alternative to a retrofit requirement, the agencies are also requesting comment on whether to extend the set speed requirement only to all CMVs with a GVWR of more than 26,000 pounds that are already equipped with a speed limiting device.”

The proposal would establish safety standards requiring all newly manufactured U.S. trucks, buses, and multipurpose passenger vehicles with a gross vehicle weight rating more than 26,000 pounds to come equipped with speed limiting devices.

“This is basic physics,” said **NHTSA** Administrator Mark Rosekind. “Even small increases in speed have large effects on the force of impact. Setting the speed limit on heavy vehicles makes sense for safety and the environment.”

“Safe trucking moves our economy and safe bus operations transport our loved ones,” said **FMCSA** Administrator T.F. Scott Darling III. “This proposal will save lives while ensuring that our nation's fleet of large commercial vehicles operates fuel efficiently.”

Motor carriers operating commercial vehicles in interstate commerce would be responsible for maintaining the speed limiting devices at or below the designated speed for the service life of the vehicle.

FMCSA Looking to Begin Interstate Pilot Program for Under-21, Military-Trained Drivers

The **Federal Motor Carrier Safety Administration** proposed **Aug. 19** a **FAST Act**-stipulated **pilot program** that will **allow** some **under-21 truckers** to **operate** across **state lines**, so long as they have **military experience** driving **large vehicles**.

Currently, **under-21 CDL holders** are **restricted** to **intrastate driving**. The **agency** is seeking **public comment** for **30 days**, starting **Aug. 22**, before it **launches** the **pilot program**, which will **allow** a **limited number** of **military-trained drivers** between the **ages** of **18** and **21** to **operate commercial motor vehicles** in **interstate commerce**.

In its proposal, **FMCSA** says the **drivers** in the **pilot group** will have to be **sponsored** by a **carrier**, and for **every under-21 driver** a **carrier employs**, it will **also have** to have an **over-21 driver** with **comparable training** and **experience** to participate in a **control group**. After the **three-year pilot program**, **FMCSA** will **compare** the **safety records** of the **pilot group** to the **safety records** of **drivers** in the **control group** to **determine** if age is a **“critical safety factor.”**

Participating **carriers** will be **required** to install **electronic logging devices** on all **vehicles** used by the **pilot group** and the **control group**, **FMCSA** says. The **agency** is also **considering** requiring **carriers** to have **onboard monitoring systems** to **collect data**.

FMCSA adds that any **safety-critical events** recorded by the **onboard monitoring systems** could **“provide valuable information** on **drivers’ operating performance.”**

FMCSA is **seeking answers** to the **following questions** during the **30-day comment period** that **begin Aug. 22**:

- *Are any additional safeguards needed to ensure that the pilot program provides a level of safety equivalent to that without the age exemption?*
- *Would carriers be able to obtain enough volunteer drivers to serve in the control group?*
- *Do “comparable levels of training and experience” need to be defined more precisely? If so, what levels would you suggest?*
- *Are traffic violations, crashes and inspection violations adequate to allow a comparison of safety records? If not, what other safety performance measures should be included?*
- *If drivers reach age 21 while in the study group, should they be removed from the pilot and replaced with a different driver meeting the eligibility criteria?*
- *Are the data collection efforts proposed so burdensome for carriers as to discourage their participation?*
- *Are there carriers currently using onboard monitoring on all their CMVs that are willing to participate in the study? Is onboard monitoring of pilot program drivers needed to assess their safety performance?*

See [full language](#) of the **proposed pilot program**, including **requirements for carriers, study group drivers** and **control group drivers**. **Comments** can be made **beginning Aug. 22** by **searching Docket No. FMCSA-2016-0069** at www.regulations.gov.

FMCSA Warns Truckers About Use of E-Cigarettes, Vaporizers

The **Federal Motor Carrier Safety Administration** has issued a [safety advisory](#) for truck drivers who use battery-powered portable electronic smoking devices like e-cigarettes and vaporizers.

FMCSA says the use of e-cigarettes has resulted in several incidents including explosions, serious personal injuries and fires. “The explosions regularly involved the ejection of a burning battery case or other components from the device which subsequently ignited nearby flammable or combustible materials,” according to **FMCSA** in its safety advisory.

The **U.S. Fire Administration** estimates there were 25 of these incidents between 2009 and August 2014, but **FMCSA** says news sources place the number at more than 150 explosions. Some of the incidents occurred while the e-cigarettes were charging, while others occurred during use or while carrying the device, according to the agency.

As a result of these explosions, **FMCSA** is asking drivers and carriers to “be cognizant of the risks associated with these devices and exercise good judgment and appropriate discretion in their possession, storage, charging or use on, around or while operating” a truck and to adhere to the smoking prohibitions on, near or when loading and unloading a truck hauling hazardous materials.

Trucker Gets Nearly \$200k From Carrier In Refusal To Drive Firing

A truck operator for a tank hauling carrier has been awarded nearly \$200,000 in back pay, punitive and compensatory damages and attorney’s fees after being fired him for refusing to accept a load the trucker said would have put him in violation of federal hours of service limits.

The carrier was also ordered to reinstate the driver in the July 29, 2016 decision. The ruling was made by an administrative law judge for the U.S. Department of Labor, who found the carrier in violation of laws protecting truck drivers from retaliation by their carrier employer for refusing loads that would put them sideways with federal safety regulations. The Surface Transportation Assistance Act bars carriers from firing drivers or punishing them by not giving them loads for refusing to drive in violation of safety regulations, adverse weather or when they feel too sick to operate.

The driver was fired on September 14, 2013, following a refused load on September 6, 2013. The 75-truck Indianapolis fleet, however, says he was fired for refusing multiple loads without reason, for being two hours late to a meeting with his boss following the final refused load and for not disclosing a previous carrier employer on his employment application. The driver had filed a complaint against that carrier too for firing him for refusing loads, but he ultimately lost the case. The dispatcher at the carrier also reported that the driver was often hard to reach on his phone.

The driver — and the administrative law judge who oversaw the case — refute the carriers claims, saying the carrier had no documented evidence the driver had refused loads without reason. The driver also claimed he had been told to show up to meet with his boss at 10 a.m., rather than 8 a.m., as his supervisor suggested when the driver arrived to the meeting. Phone records also indicate the driver didn’t miss an unreasonable amount of calls from his dispatcher.

The only other refused load noted on the driver’s record was when he claimed his brake pedal felt faulty and flagged the truck for an inspection and repair in a company shop. The carrier’s maintenance records corroborate the story that he took the truck in for brake work, according to court documents.

The judge has ordered the tank hauling carrier to pay the driver \$122,585 in back pay and interest, \$50,000 in punitive damages, \$10,000 in compensatory damages, post-judgement interest and an undisclosed amount in attorney’s fees.

The carrier has also been ordered to post the court decision in its’ employee notification area for 90 days, to notify the carriers’ other drivers of the order.

OOIDA Continues Pursuit To Overtum ELD Mandate In Latest Legal Filing

The **Owner-Operator Independent Drivers Association** has filed a new brief with the federal appeals court overseeing its lawsuit against the federal rule requiring truckers to use electronic logging devices to track their duty status. The association in the Aug. 12 filing again spells out its chief legal arguments against the U.S. DOT's December 2017-effective electronic logging device mandate.



OOIDA's 45-page filing with the 7th Circuit Court of Appeals is the latest in the ongoing lawsuit brought by OOIDA and two truckers, who are asking the court to strike down the ELD mandate and block it from taking effect.

The brief comes in response to a 60-page filing made in June by the Federal Motor Carrier Safety Administration, who defended its mandate against the harsh criticisms leveled by OOIDA in the original March 2016-filed lawsuit.

OOIDA again argues in its latest brief the rule violates truckers' 4th Amendment protections against illegal search and seizures and does not meet Congress' requirements for the rule. The group also argues the mandate still opens the door for truckers to be harassed by their employers via the devices and does not stand up to a cost benefit analysis. The costs associated with complying with mandate — especially for small carriers and independent truckers — heavily outweighs the benefits, OOIDA argues.

FMCSA asserted in its June-filed legal defense of the rule that trucking is a "pervasively regulated industry," thereby meaning truckers' 4th Amendment rights are not at risk of being violated by the ELD mandate.

OOIDA argues otherwise. "By statute ELDs are intended to serve the ordinary needs of law enforcement. This use is not covered by the pervasively regulated industry exception to the Fourth Amendment's warrant requirement," OOIDA and its legal team argue in their brief. "Motor carriers and drivers are compelled to install ELDs under the threat of forfeiting their ability to stay in business. The encroachment on a driver's property interest is just as severe whether the physical intrusion is accomplished by surreptitious trespass or under compulsion of law."

The association harps heavily in its latest filing on the lack of a true cost-benefit analysis of ELD adoption, saying the DOT erred in not providing such.

Moreover, OOIDA claims, the ELD mandate does not meet the requirements set by Congress for the rule, as the devices do not automatically record drivers' duty status. ELDs only record engine activity, OOIDA argues.

Lastly, OOIDA says the agency did not institute enough safeguards in its December 2015-issued rule to prevent carriers from harassing truckers with ELDs. The same court overseeing OOIDA's current lawsuit, the 7th Circuit Court of Appeals, struck down a previous attempt by FMCSA to mandate ELDs because of the lack of protections against driver harassment.

The 7th Circuit Court of Appeals is set to hear oral arguments in the case Sept. 13, where it's expected that OOIDA will further spell out the arguments made in its lawsuit and FMCSA will defend the rule's merits, its intentions to increase hours compliance and the statutes set by Congress.

The American Trucking Associations filed an amicus brief in the lawsuit in June asking the court to uphold the mandate.

CMV Driving Tips...

FOLLOWING TOO CLOSELY

We've seen a number of news stories about serious accidents involving commercial vehicles due to tailgating and the often, fatal results.

Following too closely may be defined as, "situations in which one vehicle is following another vehicle so closely that even if the following driver is attentive to the actions of the vehicle ahead he/she could not avoid a collision in the circumstance when the driver in front brakes suddenly."

In addition to providing enough stopping time, proper following distance allows for more time to make good, well-planned decisions and affords other drivers the opportunity to scan the sides, look far enough ahead, and view the vehicle immediately in front.

The Large Truck Crash Causation Study (LTCCS) reported that 5 percent of truck crashes occurred when the Commercial Motor Vehicle (CMV) driver was following the lead vehicle too closely.

Below are some tips that will help you maintain the correct following distance during various driving conditions.

TIP #1: Maintain a Safe Following Distance

Large trucks need additional space between vehicles to allow for safe braking and unexpected actions. In crashes, large trucks most often hit the vehicle in front of them.

Did You Know? If you are driving below 40 mph, you should leave at least one second for every 10 feet of vehicle length. For a typical tractor-trailer, this results in 4 seconds between you and the leading vehicle. For speeds over 40 mph, you should leave one additional second.

Did You Know? On October 15, 2007, as cars began to slow for construction in the left lane, a CMV driver failed to brake and crashed into the vehicle ahead of him, killing a 47-year-old woman. The crash also involved two other vehicles and shut down the roadway for 5 hours. The CMV driver was charged with misconduct with a motor vehicle, and following too closely.

TIP #2: Double Your Following Distance in Adverse Conditions

Adjust your following distance to appropriately match weather conditions, road conditions, visibility, and traffic. In emergency conditions, maintaining a safe distance from the vehicle in front of you will allow you to stop safely and/or to take necessary evasive action.

Did You Know? The average stopping distance for a loaded tractor-trailer traveling at 55 mph (in ideal conditions) is 196 feet, compared with 133 feet for a passenger vehicle.

Did You Know? Braking distance can be greatly affected by road surfaces, weather conditions such as rain, ice, and snow, or debris.

ELDs: Owner-Operators Have Some Decisions to Make

At a session billed as an **electronic-logging-device** regulatory update specifically for **owner-operators**, Vigillo's Steve Wilhelms went well beyond the **federal nuts-and-bolts** approach to the topic suggested by the title to **really dig** into the "**challenges** you face in picking, **choosing**" and implementing an **ELD** in an **owner-operator** or **small fleet business**.

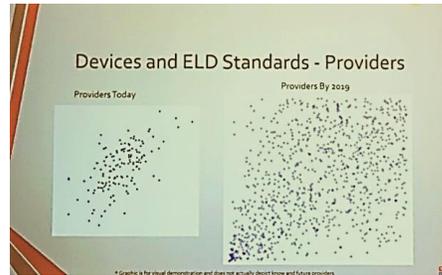
Only a **half-dozen** or so among the **audience**, in total about **half-and-half** independents/small **fleets** with **authority** and **leased drivers**, were **already running** with some kind of **electronic logging device**, some not **connected** to the engine and thus **unlikely to satisfy** the terms of the **mandate**. Use of **ELDs** is **required** in **December** of **2017** for those using **paper** or **non-engine-connected** apps, **December 2019** if you're **utilizing** an **engine-connected ELD** today.

ELD devices, now with a **regulation** behind them, **continue** to **proliferate**, Wilhelms says, **presenting** this chart representing the **further explosion** of devices expected:

He makes an **analogy** to the **quick population** of apps in **iOS** and **Android markets** for **smartphones** after the **platforms'** launches now **years ago**. In those **markets**, "there's **no regulation** behind" the **vast majority** of those **apps**, **no law** requiring any of it be **adopted**. "The more **regulations** are **developed**," he says, "the **more** it costs **trucking companies**, and the **more products** it gives **service companies** to **provide**."

Choosing **whether** or not to **wait** for **new devices** to **come out** and further **potentially drive** down the **cost** of **implementation**, Wilhelms notes, was **one** of the many **business decisions** an **owner-operator** was **facing** today "if you're **not using** a **device**."

Many operators today are **choosing** to **remain in wait-and-see mode** as regards **ELD** implementation, Wilhelms says, and as **has been reported** in *Overdrive*. The **Owner-Operator Independent Drivers Association's** legal **challenge** to the **mandate** is making its way through the courts, with **oral arguments** scheduled for **next month** in the **7th Circuit** in **Chicago**. Wilhelms notes that "much to **everybody's surprise**," **OOIDA** had been **successful before**, when the **7th Circuit** vacated **FMCSA's** previous **limited-mandate** for **ELDs** in 2011.



With the more **recent case**, he notes there is some "**chatter** around the **industry**" that **indicates** many "don't see **as good** of a chance of them **winning**." That, **however**, you'd do **best** to take as "**this much more**" — Wilhelms indicated the **distance** of about an **inch** between his thumb and **forefinger** — "than **gossip**."

Other **considerations** for any eventual **ELD choice**, provided you don't **fall under** the **1999** and **old model year** or **short-haul exceptions** to the **mandate** (**see info at bottom of page**):

****ECM connector type** | Does your truck "have a 6-pin or 9-pin connector on your ECM – that will be very important when you order the device that connects to it." 13-pin connectors, too, are in some power units, Wilhelms adds.

****Intrastate rules** | The state of Texas, noted an attendee would be likely adopt the ELD mandate in whole cloth but perhaps with an extended deadline for implementation for intrastate truckers there — December 2019. If you run intrastate, keep an eye on just what your state will do in terms of adoption of the federal regs.

****Keep a handle on your data after implementation** | The ELD mandate, as we've reported, requires the devices to collect a limited amount of data. Wilhelms emphasizes "what they're not required to collect," including "speed, hard brakes, rapid acceleration, the steering function and other vehicle performance parameters, but you'll find there are many devices out there that will offer to capture all of this information. I'm going to tell you that this info can be good as long as it's managed. If you totally ignore it and you have a device [that collects it], you're responsible for your driver's actions when you get this type of data. Safety side of me says, 'this is good data,' but if you don't manage it — it's going to be tough on your pocketbook and tough to manage – be prepared to put a couple of zeros on the end of that settlement check [in the event of an accident]. Be aware of that when you choose your device."

****Take time to test it out and determine how it may affect your operation** | Whether you're running by yourself or operating a small fleet with drivers, run "paper and plastic," Wilhelms says, side by side for a week or a month to get a feel for the device and how it fits in your day-to-day.

More **owner-operators** may find themselves **obligated** to make a **change**, even if **OOIDA's** suit is **required**, in the end, given Wilhelms estimates "15-20 **percent** of **brokerage firms** require **ELDs**, or the **shipper** that the **broker** is handling **freight** for **requires** them. That number may **multiply rapidly** as we **move down** the road."

Exemptions to 2017 ELD compliance

- ▶ Owner-operators of pre-2000 model year trucks (determined by the truck's VIN, not the engine) are exempted from the requirement to use an ELD.
- ▶ Owner-operators running under the various short-haul exemptions to the requirements to log records of duty status will not be required to use an ELD unless they cross the air-mile threshold of their particular exemption for more than eight days in any 30-day period. FMCSA didn't address the various short-haul hours of service exceptions directly within the ELD rule but rather has made ELD use contingent on that threshold.
- ▶ An operator that already was using a CFR 395.15-compliant automatic onboard recording device (AOBRD) prior to the compliance date in December has two years after December 2017 before being required to use an ELD.

US Mine Safety Agency Issues Safety Alert For Drill Operators

Rotating machinery exposes miners to risks of entanglement of clothing, body parts



Mine drill operators face their share of on-the-job risks. Failing to follow safe drilling practices can lead to fatal outcomes, as has been the case in recent years. In April 2014, a 53-year-old miner died in an underground gold mine in Elko County, Nevada, after his clothing caught in a jackleg drill. Less than two years earlier, a 30-year-old contract driller at a shale quarry in Ulster County, New York, died in November 2012, as he attempted to thread a new drill steel manually when the drill head rotated and entangled him.



In fact, at least seven workers died in metal and nonmetal mining accidents involving drills since 2002. For drill operators, the risk of entanglement in rotating machinery – that is difficult to guard properly – is a real danger.

To focus industry attention on safe drilling practices and the importance of well-maintained equipment, the U.S. Department of Labor's Mine Safety and Health Administration issued a [Drill Entanglement Safety Alert](#) to the mining community on Aug. 10, 2016.

"Failing to follow safe drilling practices has tragic consequences as we've sadly seen," said Joseph A. Main, assistant secretary of labor for mine safety and health. "Paying attention to safe job procedures, staying clear of rotating drill and augers, complying with drilling safety standards and following best practices will reduce the risk of death or injury."

Mine drill operators often work alone and, at times, in locations away and removed from other miners, which adds to the job's risks. MSHA urges drillers to consider the following before beginning drill operations:

- Examine the drill and surrounding work area.
- Stay clear of augers and drill stems in motion.
- Never nullify or bypass machine control safety equipment.
- Do not wear loose-fitting or bulky clothing when working around drilling machinery.
- Avoid using objects that could entangle in, and be thrown by, moving or rotating parts.
- Assure that machine controls and safety devices such as emergency shutdowns operate effectively.
- Place emergency shutdown devices – such as panic bars, slap bars, rope switches, two-handed controls – in easily accessible locations.
- Eliminate all tripping hazards.
- Never manually thread the drill steel while the drill head rotates.
- Drill from a position with good footing and access to the controls.

Materials Storage and Warehouse Safety

Miners working in warehouses are exposed to hazards that can result in traumatic injuries, musculoskeletal disorders or illnesses from exposure to harmful chemicals. Storing, handling and transporting materials around and inside warehouses can be hazardous work, but maintaining focus on safe job procedures and complying with standards in 30 CFR [Part 56](#) and [Part 57](#) will lower the risks associated with working in a warehouse on mine property. By following best practices, mine operators and miners can lower the risk of injury or illness.

Best Practices

- Examine the warehouse on each working shift. Repair or correct any unsafe equipment or conditions.
- Establish safe procedures to accomplish warehouse tasks before beginning work.
- Identify and eliminate or control all hazards associated with the work to be performed.
- Miners must be trained on the task to be performed.
- Delivery workers must receive site-specific training unless accompanied by an experienced miner.
- Do not assign a person to work alone in areas where hazardous conditions could endanger employee safety, and account for everyone at the end of the shift.
- Wear appropriate personal protective equipment (PPE), such as a hard hat, safety shoes, gloves and glasses.
- Provide/maintain clean, clear access to warehouses-storage areas-stored materials.
- Keep aisles, travel-ways and exits clear and free of slip, trip and strike-against hazards.
- Store flammable, combustible and hazardous materials in a way that minimizes the dangers.
- Organize and label storage areas so parts and materials can be quickly located without searching.
- Store materials and supplies in an organized manner to ensure easy access for retrieval and transportation.
- Place heavier loads on lower or middle shelves.
- Store long, tall or top-heavy items on their side or secure them to prevent tip-over.
- Place ladders on stable, level surfaces, and use stair platforms to access materials in higher locations.
- Lift materials properly. Bend your knees, keep your back straight, hold the load close to your body, maintain a clear vision path and turn your feet and whole body together (never twist at your waist).
- To the extent feasible, lift and handle loads in the body's "power zone": between knees and shoulders.
- Use powered equipment such as a forklift or hydraulic fork jack instead of manually lifting heavy materials.

[Safety Alert \(pdf\)](#)

Mobile Loading and Haulage Equipment Emergency Escape

From 1985 through 2016 there have been 370 accidents involving mobile loading and haulage equipment that caught fire. Of the 370 accidents there have been 4 fatalities, 156 lost time accidents, 10 restricted duty only accidents and 200 all other accidents. The most recent happened on March 4, 2016 when an excavator engine compartment caught fire and a 75 year old equipment operator jumped 14 feet to the ground hitting his head. The normal egress was a ladder along the engine compartment and the alternate escape was a knotted rope.

FOLLOW BEST PRACTICES TO PREVENT ACCIDENTS

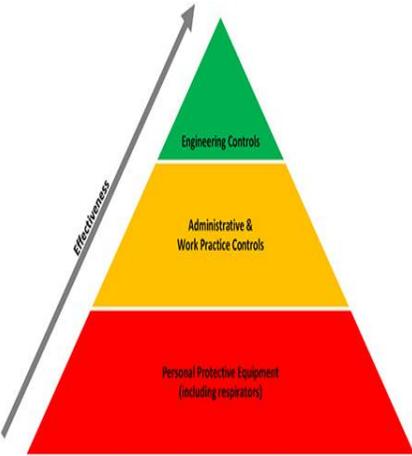
- Establish and keep current an Escape and Evacuation Plan for exiting equipment in the event of a fire as per [§ 77.1101](#). Train employees on contents of this plan.
- Rigid and substantially constructed stairs or ladders attached to the equipment at both ends for an alternate escape is recommended. These can provide safe and quick escape to the ground while minimizing the risk of falling from an elevation in a panic situation. Recommendations for primary and secondary access systems of standard walkways, stairs, and ladders are contained in International Standard Organization (ISO) 2867.

[Safety Alert \(pdf\)](#)

Ergonomics and Musculoskeletal Disorders

Ergonomics is the scientific study of people at work. The goal of ergonomics is to reduce stress and eliminate injuries and disorders associated with the overuse of muscles, bad posture, and repeated tasks. This is accomplished by designing tasks, work spaces, controls, displays, tools, lighting, and equipment to fit the employee's physical capabilities and limitations.

Solutions to Control Hazards



Many industries have successfully implemented ergonomic solutions in their facilities as a way to address their workers' MSD (*Musculoskeletal Disorder*) injury risks. These interventions have included modifying existing equipment, making changes in work practices and purchasing new tools or other devices to assist in the production process.

Making these changes has reduced physical demands, eliminated unnecessary movements, lowered injury rates and their associated workers' compensation costs, and reduced employee turnover. In many cases, work efficiency and productivity have increased as well. Simple, low-cost solutions are often available to solve problems. Use the information on this page to see what has worked for others in your industry or in other industries.



Overview of Controls for MSD Hazards

To reduce the chance of injury, work tasks should be designed to limit exposure to ergonomic risk factors. **Engineering Controls** are the most desirable, where possible. **Administrative or Work Practice Controls** may be appropriate in some cases where engineering controls cannot be implemented or when different procedures are needed after implementation of the new engineering controls. **Personal Protection Solutions** have only limited effectiveness when dealing with ergonomic hazards.

Type of Control	Workplace Examples
<p>Engineering Controls (implement physical change to the workplace, which eliminates/reduces the hazard on the job/task)</p>	<ul style="list-style-type: none"> • Use a device to lift and reposition heavy objects to limit force exertion • Reduce the weight of a load to limit force exertion • Reposition a work table to eliminate a long/excessive reach and enable working in neutral postures • Use diverging conveyors off a main line so that tasks are less repetitive • Install diverters on conveyors to direct materials toward the worker to eliminate excessive leaning or reaching • Redesign tools to enable neutral postures
<p>Administrative and Work Practice Controls (establish efficient processes or procedures)</p>	<ul style="list-style-type: none"> • Require that heavy loads are only lifted by two people to limit force exertion • Establish systems so workers are rotated away from tasks to minimize the duration of continual exertion, repetitive motions, and awkward postures. Design a job rotation system in which employees rotate between jobs that use different muscle groups • Staff "floaters" to provide periodic breaks between scheduled breaks • Properly use and maintain pneumatic and power tools
<p>Personal Protective Equipment (use protection to reduce exposure to ergonomics-related risk factors)</p>	<ul style="list-style-type: none"> • Use padding to reduce direct contact with hard, sharp, or vibrating surfaces • Wear good fitting thermal gloves to help with cold conditions while maintaining the ability to grasp items easily

Identify Problems

An important part of the ergonomic process is a periodic review of the facility, specific workstation designs and work practices, and the overall production process, from an ergonomics perspective. This includes identifying existing problems, which can be obtained from reviewing the company's **OSHA** 300 injury and illness logs, 301 reports, workers' compensation records, and worker reports of problems.

However, a more forward-looking approach, to be used in combination with reviewing injury and illness records, is to be proactive in identifying potential ergonomic issues that have gone unnoticed or resulted from facility changes, before they result in MSDs. Observations of workplace conditions and work processes, ergonomic job analyses, workplace surveys, and worker interviews are common proactive methods for identifying ergonomics related injury risks

Review Injury Records

Looking at your injury and illness data will help identify ergonomic problems. These data can be obtained from reviewing the company's OSHA 300 Injury and Illness Logs, 301 reports, workers' compensation records, first aid logs, accident and near-miss investigation reports, insurance company reports and worker reports of problems.

Observe Workplace Conditions

By looking critically at your workplace operations, you can identify risk factors and eliminate or control them as early as possible.

Risk Factors

The risk of MSD injury depends on work positions and postures, how often the task is performed, the level of required effort and how long the task lasts. Risk factors that may lead to the development of MSDs include:

- **Exerting excessive force.** *Examples include lifting heavy objects or people, pushing or pulling heavy loads, manually pouring materials, or maintaining control of equipment or tools.*
- **Performing the same or similar tasks repetitively.** *Performing the same motion or series of motions continually or frequently for an extended period of time.*
- **Working in awkward postures or being in the same posture for long periods of time.** *Using positions that place stress on the body, such as prolonged or repetitive reaching above shoulder height, kneeling, squatting, leaning over a counter, using a knife with wrists bent, or twisting the torso while lifting.*
- **Localized pressure into the body part.** *Pressing the body or part of the body (such as the hand) against hard or sharp edges, or using the hand as a hammer.*
- **Cold temperatures.** *In combination with any one of the above risk factors may also increase the potential for MSDs to develop. For example, many of the operations in meatpacking and poultry processing occur with a chilled product or in a cold environment.*
- **Vibration.** *Both whole body and hand-arm, can cause a number of health effects. Hand-arm vibration can damage small capillaries that supply nutrients and can make hand tools more difficult to control. Hand-arm vibration may cause a worker to lose feeling in the hands and arms resulting in increased force exertion to control hand-powered tools (e.g. hammer drills, portable grinders, chainsaws) in much the same way gloves limit feeling in the hands. The effects of vibration can damage the body and greatly increase the force which must be exerted for a task.*
- **Combined exposure to several risk factors.** *May place workers at a higher risk for MSDs than exposure to any one risk factor.*

In addition, observe whether workers are:

- *Modifying their tools, equipment or work area*
- *Shaking their arms and hands*
- *Rolling their shoulders*
- *Bringing products such as back belts or wrist braces into the workplace*

These behaviors can mean that workers are experiencing ergonomic issues. Talk with them and review their work to see if any risk factors for MSDs are present. Workers can identify and provide important information about hazards in their workplaces. Their opinions and suggestions for change also are valuable.

Once problem jobs are identified, conducting an in-depth ergonomic job analysis can help identify solutions to prevent MSDs. An ergonomic job hazard analysis is a technique that focuses on job tasks as a way to identify hazards before they occur. It focuses on the relationship between the worker, the task, the tools, and the work environment.

Encouraging and Utilizing Early Reports of Injury

Comprehensive injury reporting is important to the success of an ergonomic process. The goal of this effort is to properly assess, diagnose, and treat MSDs. Early reporting, diagnosis, and intervention can limit injury severity, improve the effectiveness of treatment, minimize the likelihood of disability or permanent damage, and reduce workers compensation claims.

This will allow the employer to correctly identify work areas or specific tasks where injuries frequently occur or are most severe. This information helps direct the activities of the ergonomic team as well as to guide healthcare providers in making return-to-work and light-duty work decisions. OSHA's injury and illness recording and reporting regulation ([29 CFR Part 1904](#)) requires employers to record and report work-related fatalities, injuries and illnesses.

- [Frequently Asked Questions for OSHA's Injury and Illness Recordkeeping Rule](#). *Additional guidance to help employers comply with the recordkeeping requirements*

Encouraging and utilizing reports MSD symptoms

- *Reinforces worker training on recognizing MSD symptoms.*
- *Encourages early reporting of MSD symptoms.*
- *Allows for prompt medical evaluations for diagnosis, treatment and follow-up care.*
- *Reduces injury severity, the number of workers' compensation claims and associated costs and the likelihood of permanent disability.*
- *Provides guidance on return-to-work and work placement restrictions during the healing process.*
- *Guides job modifications.*
- *Provides a mechanism to track and trend MSD injuries.*
- *Enables assessment of the effectiveness of work changes.*

Healthcare professionals are important ergonomic team members. They help injured workers recover more quickly and return to their jobs with appropriate restrictions and less risk for re-injury. It is necessary that these professionals are knowledgeable about the operations and work practices within the specific industry. Their knowledge will allow them to assist the injured worker during the healing process and in post-injury work placement.