

**~ MJS SAFETY HAS MOVED ~****NEW OFFICES/TRAINING CENTER**

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

▶ MJS SAFETY TRAINING ANNOUNCEMENT

MJS SAFETY LLC is proud to announce that we are now available to perform Operator Qualification [OQ] Performance Evaluations under the MEA EnergyU system as well as Veriforce. [call to schedule](#) [read more...](#)

▶ **Schedule of classes June 2017:** • TRAINING CENTER – SEE LOCATION ABOVE • [read more...](#)

OSHA / CONSTRUCTION NEWS SUMMARY**▶ *just a reminder...* OSHA Intends to Delay Electronic Data Reporting Date**

OSHA has indicated that it will not accept electronic submissions of workplace injury and illness data by the July 1, 2017 deadline. [read more...](#)

▶ Illegal Drug Use Increases in U.S. Workers, Says Drug Testing Index

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▶ OSHA Defending Right to Expand Inspection Based on Injury Records

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**▶ Crane Operators may get More Time for Certification**

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A STORY IN THE NEWS WORTH FOLLOWING...**▶ CSB sending Denver Based Investigative Team to Examine Fatal Home Explosion caused by Leaking Gas Well**

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and moving forward...

▶ Lawsuit Filed after Deadly Home Explosion in Firestone

A LAWSUIT HAS BEEN FILED AGAINST ANADARKO PETROLEUM, NOBLE ENERGY, HEARTH AT OAK MEADOWS AND ANOTHER COMPANY AFTER THE DEADLY HOME EXPLOSION AND FIRE IN FIRESTONE MID APRIL. [read more...](#)

TRANSPORTATION NEWS SUMMARY

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MSHA NEWS SUMMARY

▶ **MSHA Announces Initiative to keep Miners Safe when Working Alone**

The **Mine Safety and Health Administration** (MSHA) announced the launch of an initiative to focus on the hazards of miners working alone during its **Quarterly Training/Stakeholder Call**. [read more...](#)



▶ **Fatalgram Report - METAL/NONMETAL MINE FATALITY**

On March 24, 2017, the victim exited his personal flatbed truck, which was left running in 6th gear, to turn off the genset (diesel generator). [read more...](#)

▶ **Just One Example of Colorado's Rich Mining History... [read more...](#)**

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

Effective date of rule is extended to Oct. 2, 2017 [read more...](#)

MONTHLY SAFETY TIP NEWS SUMMARY

▶ **Reporting Near Misses**

Why are they important, and how can safety pros get employees involved? [read more...](#)

▶ **IMPORTANT NOTICE ON 'RETRACTABLES'**

If you have purchased a 20ft, 25ft or 30ft retractable from Preferred Safety Products, Inc. that was manufactured from January 1st, 2015 through March of 2017, the manufacturer is asking that you **stop use** and **inspect your retractable**. [read more...](#)

MJS SAFETY LLC is proud to announce the addition of ENERGY worldnet, Inc. [EWN] to our OQ Services.

MJS SAFETY LLC is an "Authorized Assessment Center" for Proctoring and Testing for ENERGY worldnet, Inc., as well as OQ Performance Evaluation Services.

MJS SAFETY LLC continues to offer Proctor and Testing Services, as well as Operator Qualification [OQ] Performance Evaluations under the "EnergyU" system – a service of Midwest ENERGY Association – as well as Veriforce.

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

MJS SAFETY LLC is also available to assist with the Knowledge Based Training for these tasks. Knowledge-based training is designed to help personnel successfully pass the OQ Knowledge Based Testing as well as the Performance Evaluation process.

The Operator Qualification Rule – commonly referred to as the "OQ Rule" addressed in Title 49 of the Code of Federal [US DOT] regulations, mandates that individuals who perform "Covered Tasks" on covered pipeline facilities be qualified through the Operator Qualification Process.

The intent of the OQ rule is to ensure protection of both pipeline personnel and the public at large. Providing individuals with the necessary knowledge and skills is an essential element of any Operator and Contractor OQ plan.

Acceptable requirements for qualification are determined by the operator. The quality and validity of data related to OQ training, testing, and performance is critical to meet these requirements.

If we can be of assistance with these types of services for your company, please [call to schedule](#).

Make MJS Safety your "GO TO" Resource in 2017

Check here each month for a current class schedule!

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

Just Some of the Courses Offered Include:

- ~PEC SafelandUSA Basic Orientation
- ~OSHA 10 Hour General Industry
- ~OSHA 30 Hour General Industry
- ~NUCA Confined Space
- ~Hydrogen Sulfide [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 June 2017: • TRAINING CENTER - NEW LOCATION - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543

- PEC Safeland Basic Orientation: June 1, 19, 27
- First Aid/CPR/AED / BLOODBORNE PATHOGENS: June 28 8 a.m.
(We offer both MEDIC FIRST AID & AMERICAN HEART ASSOCIATION)
- TEEX H2S Operator Training – Awareness (ANSI Z390 Course): June 28 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.

Order First Aid & other Safety Supplies
www.mjsafety.com
Jeremy 720-203-6325
Carrie 720-203-4948
or Mike 303-881-2409

Online courses provide a convenient way for **EMPLOYERS & EMPLOYEES** to complete **MANDATED, REQUIRED or HIGHLY RECOMMENDED** training in today's industry

~ MANY COURSES ARE ALSO AVAILABLE IN SPANISH ~

FOR ADDITIONAL INFORMATION CALL

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

Need Help With

- ISNETworld
- PEC/Premier
- PICS
- BROWZ

CALL US!!!

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Safety&Health Mag
Nat'l Safety Council
Denver Post
NSC.org
CDOT



OSHA / CONSTRUCTION

just a reminder... **OSHA Intends to Delay Electronic Data Reporting Date**

OSHA has indicated that it will not accept electronic submissions of workplace injury and illness data by the July 1, 2017 deadline. The Agency's website states: "OSHA is not accepting electronic submissions of injury and illness logs at this time, and intends to propose extending the July 1, 2017 date by which certain employers are required to submit the information from their completed 2016 Form 300A electronically. Updates will be posted to this webpage when they are available."

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

The rule is currently being contested in two federal courts, and OSHA may wait for the outcome of these cases before taking further action.

Illegal Drug Use Increases in U.S. Workers, Says Drug Testing Index

Illegal drug use is more prevalent than ever in the American workforce, according to a study conducted by Quest Diagnostics. The company analyzed approximately ten million workplace drug test results, finding the highest positivity rate in 12 years.

According to the annual Quest Diagnostics Drug Testing Index™, positive urine drug tests for the combined U.S. workforce in 2016 was

4.2 percent, the highest annual positivity rate since 2004. In 2015, overall positivity was 4.0 percent.

While overall illegal drug use climbed higher in 2016, researchers said cocaine use also continued its upward trend. Urine tests showed cocaine use increased for the fourth consecutive year in the general workforce and for the second consecutive year in federally mandated, safety-sensitive workers. Drug testing is federally mandated for these workers, which include pilots, commercial vehicle drivers, and workers in nuclear power plants. The Index shows that for both segments of the U.S. workforce, the positivity rate for cocaine in post-accident urine drug tests was more than twice that of pre-employment drug tests. This number was also higher than the rate in random drug tests.

Marijuana use also increased, and tests for marijuana positivity double the national average in Colorado and Washington, where recreational use of the drug is legal. An analysis of the results of oral fluid testing, which detects recent drug use, found marijuana positivity increased almost 75 percent, from 5.1 percent in 2013 to 8.9 percent in 2016 in the general workforce.

Tests for methamphetamine use also showed increases in usage among the U.S. workforce, up more than eight percent in urine testing in both the general workforce and federally mandated, safety-sensitive workforces when compared to 2015.

Heroin use neither increased, nor decreased, according to the Index, while prescription opiate positivity actually decreased. Quest Diagnostics points out that state and federal authorities have worked to better control opiate prescribing in an effort to address the opioid crisis.

OSHA Defending Right to Expand Inspection Based on Injury Records

OSHA recently filed a brief with an appellate court to argue that injuries and illnesses noted on recordkeeping logs give Compliance Safety and Health Officers (CSHOs) the necessary “reasonable suspicion” to expand an inspection. In other words, OSHA argues that the fact that certain injuries/illnesses occurred is a strong indication that violative conditions exist sufficient for the agency to obtain a warrant.

The case began on February 4, 2016, when a Georgia poultry industry employer reported the hospitalization of an employee resulting from an accident the night before. The accident involved several of the sixteen hazards listed in an OSHA Regional Emphasis Programs for Poultry Processing Facilities (REP).

OSHA initiated an inspection related to the injury report, during which time inspectors reviewed injury and illness logs from the employer. Based on findings from the review, OSHA decided to expand its inspection to cover all hazards in the OSHA REP, even though these were not related to the incident. The company objected to the expanded inspection. OSHA obtained a warrant to proceed. However, the company filed a motion, which was ultimately upheld by the district court, with a magistrate judge to have the warrant quashed. The court sided with the company, saying that the warrant was improper for all 16 hazards, and could only be obtained for the hazards related to the incident that prompted the original inspection.

OSHA has filed an appeal of the district court’s ruling, arguing primarily that a site’s injury and illness records should be adequate to provide a reasonable suspicion of probable violations of the OSHA regulations. In other words, injury logs showing musculoskeletal disorders should be sufficient to show there are probable violations of the OSH Act’s General Duty Clause sufficient to obtain a warrant.

Note: *The case focuses on grounds for obtaining an inspection warrant, not grounds for proving a violation.*

The appeal is currently being heard. The outcome of the case could have substantial impact on OSHA’s ability to expand inspections, particularly related to emphasis programs. The case also will determine how OSHA inspectors may use injury and illness logs as a means for directing an inspection.

Whatever the ultimate outcome, many may find it surprising that the current OSHA administration is pushing the issue and mounting a defense. Up to this point, the Agency has been lax to carry over prior administration legal fights, for example, cases in Texas and Oklahoma related to the recent electronic reporting rule.

Crane Operators may get More Time for Certification



A new OSHA posting on its Cranes & Derricks in Construction website states that the Agency intends to propose an extension of the November 10, 2017 compliance date for crane operator certification.

OSHA says it will provide more information when it is available.

The crane and derrick regulations for construction call for crane operators to meet one of four qualification options. OSHA had extended the final rule compliance date until November 2017 because a number of stakeholders had raised concerns about their ability to meet the requirements.

Until the rule actually goes into effect, employers must ensure that operators of covered equipment are:

- *Competent to operate the equipment safely, and*
- *Trained and evaluated when they’re assigned to machinery that they don’t have the required knowledge or ability to operate safely.*

CSB sending Denver Based Investigative Team to Examine Fatal Home Explosion caused by Leaking Gas Well

Investigators from the U.S. Chemical Safety Board (CSB) were sent to Firestone, Colorado to examine what's left of a home that blew up when an abandoned pipeline from a nearby well leaked gas into the basement. The explosion killed two people and left a third badly burned.

How it happened

News sources reported that fire officials said the blast was caused by unrefined natural gas that was leaking from a small abandoned pipeline from a nearby well. The line had apparently been cut, but it's not known how or why that occurred. The pipeline was buried about 7 feet underground.

Preliminary information indicates that the well was no longer in service, but an uncapped flow line came within several feet of the home and was the likely source of the explosion. CSB investigators will be examining these circumstances.

Firestone is about 30 miles north of Denver.

About the CSB

The CSB is an independent, non-regulatory federal agency charged with investigating serious chemical incidents. The agency's board members are appointed by the president and confirmed by the Senate. CSB investigations look into all aspects of chemical accidents, including physical causes such as equipment failure as well as inadequacies in regulations, industry standards, and safety management systems.

The Board does not issue citations or fines but does make safety recommendations to plants, industry organizations, labor groups, and regulatory agencies such as OSHA and EPA.

Visit the [CSB website](http://www.csb.gov). For more information, email public@csb.gov.

and moving forward...

Lawsuit Filed after Deadly Home Explosion in Firestone

A LAWSUIT HAS BEEN FILED AGAINST ANADARKO PETROLEUM, NOBLE ENERGY, HEARTH AT OAK MEADOWS AND ANOTHER COMPANY AFTER THE DEADLY HOME EXPLOSION AND FIRE IN FIRESTONE MID APRIL.

THE LAWSUIT WAS FILED BY DENVER-BASED BOESEN LAW FIRM. THE EXPLOSION AND FIRE ON APRIL 17 KILLED TWO MEN AND LEFT ONE WOMAN WITH CRITICAL INJURIES.

THE EXPLOSION WAS CAUSED BY GAS THAT ENTERED THE HOME THROUGH A CUT, ABANDONED FLOW LINE FROM A WELL, INVESTIGATORS SAID.

ANADARKO PETROLEUM, WHICH OWNED THE WELL NEAR THE FIRESTONE HOME, CLOSED 3,000 VERTICAL WELLS IN NORTHEASTERN COLORADO AS A RESULT OF THE EXPLOSION.

GREAT WESTERN OIL AND GAS ALSO SHUT DOWN SOME OF ITS WELLS AS A PRECAUTION.

GOV. JOHN HICKENLOOPER CALLED FOR A STATEWIDE REVIEW OF OIL AND GAS OPERATIONS. ENERGY COMPANIES ARE INSPECTING PIPELINES THAT ARE ATTACHED TO THE MORE THAN 54,000 ACTIVE OIL AND GAS WELLS IN THE STATE.

SEVERAL LAWYERS DESCENDED ON COLORADO, PLANNING TO TAKE ANADARKO PETROLEUM, NOBLE ENERGY, HOMEBUILDERS AND DEVELOPERS TO TASK.

RICHARD CAPSHAW, AN ATTORNEY WITH DALLAS-BASED CAPSHAW AND ASSOCIATES, AND JASON WEBSTER OF HOUSTON-BASED WEBSTER LAW FIRM SAID THEY WERE ASSISTING WITH POTENTIAL LAWSUITS.

"THE MAIN DAMAGE FOLKS IN FIRESTONE ARE GOING TO HAVE IS THE EFFECT ON THEIR PROPERTY VALUES. FOLKS ARE NOT GOING TO WANT TO LIVE NEXT TO AN OIL WELL OR IN AN AREA WHERE THEIR HOUSE COULD EXPLODE," WEBSTER SAID.

"THE MAJORITY OF THESE FOLKS ARE SCARED AND I DON'T BLAME THEM. THEY WANT TO KNOW IF THIS COULD HAPPEN AGAIN. THEY WANT TO KNOW IF IT'S A SYSTEMATIC PROBLEM."

BOESEN LAW FIRM IS NOT PURSUING A CLASS-ACTION LAWSUIT, BUT CAPSHAW SAID "MORE THAN 10" PEOPLE PLANNED TO FILE INDIVIDUAL SUITS.

This story isn't going away anytime soon.

We'll be hearing more about this unfortunate incident for months....and likely years to come.

FMCSA Gathered Public Input on 'Highly Automated' CMVs

Federal regulators held a listening session to gather public input on "*highly automated*" commercial motor vehicles (HACVs), saying they "hold enormous potential benefits for safety, mobility, and sustainability."

The **Federal Motor Carrier Safety Administration (FMCSA)** hosted the meeting on April 24, 2017, during the **Commercial Vehicle Safety Alliance Workshop** in Atlanta, Georgia. The meeting was recorded and webcast.

The **FMCSA** says it wanted to gather input on the design, development, testing, and deployment of HACVs, which can take full control of the driving tasks in at least some circumstances. According to the agency, the term "*highly automated vehicle*" represents levels 3–5 on a scale developed by SAE International:

- **SAE Level 0:** The human driver does everything.
- **SAE Level 1:** An automated system on the vehicle can sometimes assist the human driver conduct some parts of the driving task.
- **SAE Level 2:** An automated system on the vehicle can actually conduct some parts of the driving task, while the human continues to monitor the driving environment and performs the rest of the driving task.
- **SAE Level 3:** An automated system can both actually conduct some parts of the driving task and monitor the driving environment in some instances, but the human driver must be ready to take back control when the automated system requests.
- **SAE Level 4:** An automated system can conduct the driving task and monitor the driving environment, and the human need not take back control, but the automated system can operate only in certain environments and under certain conditions.
- **SAE Level 5:** The automated system can perform all driving tasks, under all conditions that a human driver could perform them.

"Public discussions regarding HACVs have become much more prominent in recent months as developers continue efforts to demonstrate and test the viability of advanced driver assistance systems on large commercial vehicles," the **FMCSA** wrote. "**FMCSA** encourages the development of these advanced safety technologies for use on commercial vehicles, and at the same time, recognizes the need to ensure that testing and operation of these advanced safety systems is conducted in a manner that ensures the highest level of safety for everyone involved — and most importantly, for the motoring public."

In part, the agency is seeking input on how it can provide appropriate standards for the safe operation of HACVs, how enforcement officials could identify various levels of automated operation, and the types of HACV equipment that can be effectively inspected at roadside.

Comments were accepted at the April 24 public meeting, but will also be accepted [online](#) until July 17 under docket number **FMCSA-2017-0114**.

National Safety Council Makes Free Webinar on Distracted Driving Available Online

In April, the **National Safety Council** conducted a free webinar, "**Driving Distraction-Free and Defensively**" as part of its annual campaign for **Distracted Driving Awareness Month**. Motor vehicle crashes are the leading cause of worker fatalities year after year, and distractions such as using a cell phone while driving dramatically increases the risk of such crashes. **NSC's** webinar offers recommendations not only on eliminating distractions in your own vehicle, but also on how to be alert and react to the actions of other distracted drivers on the road with you. The webinar is available online as a [video](#) and a [PDF](#) that you can download.



COLORADO MARIJUANA DUIS DROP 33 PERCENT IN THE FIRST QUARTER OF 2017 COMPARED WITH LAST YEAR - BUT OFFICIALS STILL CONCERNED

"Are the citations going down? Yeah, but is the number of people using marijuana and then driving going down? I don't know," said Nate Reid, CSP spokesman

The number of citations for driving while under the influence of marijuana dropped by 33.2 percent in the first quarter of 2017 compared with the same period last year, but the number of people using marijuana and then driving continues to be a concern for Colorado officials.

"We're still troubled by the fact that marijuana users are still telling us they routinely drive high," Colorado Department of Transportation spokesman Sam Cole said recently. "We're pleased with the awareness, but we're not so pleased with the behaviors that are actually happening."

Cole said that in a survey conducted by CDOT, 55 percent of marijuana users said they believed it was safe to drive while under the influence. So, three years ago when recreational marijuana was legalized, according to Cole, CDOT launched the "Drive High, Get a DUI" campaign to raise awareness that driving while stoned was illegal.

"There's a lot of troubling information we've collected and many marijuana users indicate they drive high and they don't think it's a danger," Cole said. He added that among survey respondents who said they used marijuana within the last 30 days, "Fifty percent of marijuana users say they have driven high."

Despite CDOT's concerns and what marijuana users might think, the Colorado State Patrol reported that from January to March of 2017, 155 people were cited for marijuana-use-only impairment while driving, compared to 232 cited from January to March of 2016. The number of citations noting combined alcohol and marijuana use also declined, with 50 in the first quarter of 2017 compared with 69 in the first three months of 2016. "This is just after the officer stop. This isn't post-conviction or after they may have been arrested."

Recreational marijuana use might be somewhat new, but troopers have great experience detecting impaired drivers, Reid said.

"We've been arresting for marijuana for a long time," he said. "There's no sure sign somebody is impaired by alcohol or drugs. It's the trooper's personal contact after a stop, along with their driving behavior. Troopers have been trained in advance for detecting alcohol and marijuana and other prescription drugs."

During the month of March in 2016, marijuana-related citations made up 17.8 percent of 337 total DUIs. In March 2017, marijuana-related citations made up 16.4 percent of 396 total DUIs. There was a year-over-year decrease from seven to three fatal alcohol- and drug-related crashes in the same span.

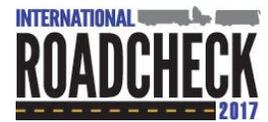
With 4/20 just around the corner, CDOT, CSP and other organizations encouraged people to have a fun, but safe celebration.

"Take the high road this 4/20, and don't DUI!" a release from CSP said. "The Colorado State Patrol was in full force this 4/20 week encouraging the public to get a safe ride home and not drive impaired."

CDOT partnered with ride share companies to offer discounted rides on Thursday and started the "320 Movement" with Lyft, where a fleet of 17 vehicles were wrapped in green "Plan A Ride Before You're High" messaging. The goal was to encourage marijuana users to plan ahead for a safe and sober ride leading up to 4/20.

"We have a lot of opportunities this week and the next four days to introduce behavior changes to marijuana users during 4/20 so they can get in the habit of planning for a safe ride home," Cole said before the event. "We wanted 3/20 to be as synonymous with safety as 4/20 is with having a good time."

Roadcheck Inspection Blitz Looms



The Commercial Vehicle Safety Alliance's annual

[International Roadcheck](#) inspection spree will be held June 6-8, across North America.

CVSA plans the 72-hour event each summer to "conduct compliance, enforcement and educational initiatives."

As previously reported, cargo securement will be the main point of emphasis for inspectors this year. While this is a normal part of [CVSA's Level I](#) inspections, the organization says its inspectors will be highlighting cargo securement as a reminder to drivers and fleets of its importance.

To help prevent violations related to load securement during the inspection spree, CVSA says to make sure the load and all equipment is properly secured, and to inspect tie-downs to check for wear and damage.

Violations related to cargo securement include failure to prevent shifting/loss of cargo, failure to secure truck equipment, damaged tie-downs, insufficient tie-downs and loose tie-downs. The group has put together [tips](#) and a flyer for cargo securement in advance of the spree.

CVSA says an average of 15 trucks and buses are inspected every minute across North America during the 72-hour event. During 2016's inspection spree, inspectors placed 21.5 percent of trucks inspected out of service, along with 3.4 percent of drivers, or 9,080 trucks and 1,436 drivers.

Congestion is Costing Trucking Companies Billions Each Year

The trucking industry incurred an additional \$63.4 billion in operational costs in 2015 as the result of traffic congestion on U.S. highways, the American Transportation Research Institute (ATRI) reports.

ATRI used a variety of data sources in its study to determine the cost of delays on the U.S. National Highway System. According to the research group, it resulted in:

- More than 996 million hours of lost productivity. This is equivalent to 362,243 commercial truck drivers sitting idle for one working year; and
- An additional \$22,676 per truck on average for vehicles traveling 100,000 miles annually.

ATRI also identified locations affected most by congestion. In respect to economic impact, it cost the top 10 states over \$2 billion each. Florida and Texas were the top two contenders, with over \$5 billion each. Urban areas experienced the most severe traffic congestion, with:

- 88 percent of the congestion costs concentrated on only 17 percent of the network mileage; and
- 91 percent of the total congestion cost occurring in metropolitan areas.

This is substantiated by ATRI's annual list of the [worst truck bottlenecks](#) in the U.S.

Entry-Level Driver Training Effective Date Pushed Back Two Weeks

The Federal Motor Carrier Safety Administration (FMCSA) is again delaying the effective date of its entry-level driver training requirements. The effective date is now June 5, 2017.

The compliance date of the [final rule](#) (*Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators*) is not affected by this delay. It remains as February 7, 2020.

The final rule, published December 8, 2016, had an initial effective date of February 6, 2017. As the result of a memorandum on January 20, 2017, from the Assistant to the President and Chief of Staff, entitled "Regulatory Freeze Pending Review," FMCSA delayed the rule's effective date until March 21, 2017. It was delayed for second time until May 22, 2017.

This third delay of the effective date — until June 5, 2017 — is necessary to provide the opportunity for further review and consideration of this new regulation, consistent with the memorandum, according to FMCSA.

Effective vs. compliance date

The effective date of a rule is when the regulation is incorporated into the Code of Federal Regulations (CFR). In the case of the entry-level driver training rule, it will be incorporated into Parts 380, 383, and 384 of the Federal Motor Carrier Safety Regulations.

Often regulations are incorporated into the CFR with a future compliance date. In other words, they appear in the current version of the regulations with a future implementation date when the requirements must be carried out. For entry-level driver training, the new requirements will not become mandatory until February 7, 2020, despite appearing in the FMCSRs for over two years.

FMCSA Sticks to ELD Deadline, Despite Tech Delays

The Federal Motor Carrier Safety Administration (FMCSA) is committed to the December 18, 2017 deadline for requiring the use of electronic logging devices (ELDs), even if the agency's own IT systems aren't ready by then.

In a meeting with ELD manufacturers on May 9, 2017, FMCSA representatives could not say when the government's computer systems would be ready for the ELD rollout, only indicating that it should be "soon."

Those systems — including an internet server and log auditing software — are critical for ELD manufacturers to be able to verify that their devices are fully compliant with the ELD regulations.

During the presentation, FMCSA representatives noted that "the rule will go ahead" even if the agency's IT systems are not ready. As a result, roadside enforcement officials may need to rely on printed logs and electronic displays until the internet services are available. Those services allow drivers to transmit their logs electronically to enforcement.

The May 9 meeting was intended to address questions from ELD manufacturers and to review the required ELD outputs and data sets.

Most commercial motor vehicle drivers will need to use ELDs in place of paper logs beginning December 18, 2017. Drivers using automatic on-board recorders that comply with [section 395.15](#) will be able to use those devices until December 16, 2019.

MSHA Announces Initiative to keep Miners Safe when Working Alone



The **Mine Safety and Health Administration (MSHA)** announced the launch of an initiative to focus on the hazards of miners working alone during its **Quarterly Training/Stakeholder Call**. The initiative calls on **MSHA**

inspectors and training specialists to do “walk and talks” with miners and mine operators during regular inspection visits to emphasize the importance of accounting for all workers at all times and providing operators with best practices for working alone.

“**Mine operators** should have procedures in place so they can account for the whereabouts of every miner, at the beginning of the shift, while they are working, and at the end of the shift,” says Deputy Assistant Secretary of Labor for Operations Patricia W. Silvey in a press release. “They should assess whether a particular task can be safely completed by a miner working alone, and always follow established communication practices.”

MSHA offers the following BEST PRACTICES for miners working alone:

- Think about the task: Does the miner have adequate training, knowledge, skills, and **equipment** to do the job safely? Does the miner need help to complete the job?
- Always inform a responsible person where the miner will be working and traveling in the mine.
- Before beginning any task, identify the hazards.
- Don't take shortcuts.
- Use customary check-in/check-out procedures.

Just One Example of Colorado's Rich Mining History...

Fatalgram Report - METAL/NONMETAL MINE FATALITY

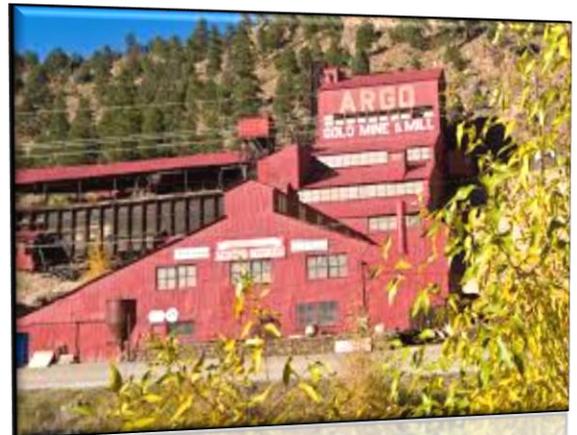
On March 24, 2017, the victim exited his personal flatbed truck, which was left running in 6th gear, to turn off the genset (diesel generator). Prior to ascending the steps to the diesel generator, it appears the flatbed truck moved forward and pinned him against the genset trailer. The victim was found on Monday, March 27, 2017, and pronounced dead at the scene.



BEST PRACTICES

- Place the transmission in park and set the park brake before exiting vehicle.
- Do not depend on hydraulic systems to hold mobile equipment in a stationary position.
- Always chock the wheels when parking vehicles on a grade.
- Never place yourself in front of an unsecured piece of mobile equipment.

This is the 3rd fatality reported in calendar year 2017 in metal and nonmetal mining. As of this date in 2016, there were three fatalities reported in metal and nonmetal mining. This is the 1st Machinery fatality in 2017. There were no Machinery fatalities in the same period in 2016.



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

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

Reporting Near Misses

Why are they important, and how can safety pros get employees involved?

Key points

- *One definition of a near miss is when an unplanned event occurs resulting in no injuries or damages, but had the potential for such.*
- *Communicate near-miss programs, make them easy to use and take action on near misses reported, one stakeholder suggests.*
- *Employee involvement is vital for the success of a near-miss program.*

An employee walks down the hall, stepping over an extension cord stretched across his path. He turns a corner and nearly collides with another worker. To avoid the collision, he steps to the side, spilling coffee onto the floor and inadvertently jostling a shelving unit, on which a tool placed close to the edge of the top shelf falls and hits the ground.

No one is hurt in this fictional scenario. However, the employees in it experience multiple near-miss situations – any one of which could have led to a serious injury.

Some people may be tempted to write off near misses as “no harm, no foul” situations. But safety professionals say employers who track near misses, determine how and why they occurred, and take corrective action can prevent similar – or more serious – incidents from happening in the future. Don't look at what happened.

What and why

Not all safety professionals agree on what constitutes a near miss. Among the definitions:

A [fact sheet](#) from **OSHA** and the **National Safety Council** defines a near miss as an “**unplanned event that did not result in injury, illness or damage – but had the potential to do so.**” The fact sheet stresses that although near misses cause no immediate harm, they can precede events in which a loss or injury could occur. Employers that encourage the reporting of near misses gain an opportunity to prevent future incidents.

Another safety professional states “A near miss is a leading indicator to an accident that, if scrutinized and used correctly, can prevent injuries and damages.”

Report and react

Collecting near-miss reports helps create a culture that seeks to identify and control hazards, which will reduce risks and the potential for harm, **OSHA** states. But a well-run program goes beyond the collection of reports.

Don't take a near miss lightly. You must carefully investigate it, determine the root causes and implement appropriate controls accordingly.

Rank near misses by potential severity. If it could have resulted in an injury or death, a full investigation should be conducted. If the near miss creates a condition that is less serious – such as a trip hazard due to an electric cord – the hazard should be abated and the risk communicated to everyone.

Lessons learned from near misses must be shared with employees at company meetings and at individual project sites. Near misses should be communicated by the safety coordinator or designated employee representative. The intent is to learn the lesson once – at a near-miss level – implement appropriate controls and then share it amongst employees to prevent similar accident potentials from happening.

Employee involvement

Employee participation in any near-miss program is vital. It's typically employees themselves who witness these things. Workers should be trained on how to properly identify and recognize potential hazards. To help make it easy for employees to submit near misses and ensure good data, consider allowing them to turn in near-miss reports anonymously. Requiring names can sometimes deter individuals from providing near miss information.

IMPORTANT NOTICE ON 'RETRACTABLES'

If you have purchased a 20ft, 25ft or 30ft retractable from **Preferred Safety Products, Inc.** that was manufactured from January 1st, 2015 through March of 2017, the manufacturer is asking that you **stop use** and **inspect your retractable**. This is not a product recall and there have not been any accidents or injuries related to this issue.

Please note, if your SRL has been repaired by an authorized repair center, such as Preferred Safety Products, your SRL is not affected.

How to identify affected SRLs: Identify the SRL part number and date of manufacture which is located on the back SRL label. IF the SRL part number is included in this notice, and if the date of manufacture is from January 1st, 2015 through March, 2017, immediately remove the retractable from service and inspect as specified.

Part Numbers Affected:

[520RLCD-20-G \(#10910\) 20ft. Galvanized Cable Retractable](#)

[525RLCD-25-G \(#10912\) 25ft. Galvanized Cable Retractable](#)

[530RLCD-30-G \(#10915\) 30ft. Galvanized Cable Retractable](#)

[\(#10920\) 20ft. Galvanized Cable SRL-LE](#)

[\(#10922\) 25ft. Galvanized Cable SRL-LE](#)

[\(#10925\) 30ft. Galvanized Cable SRL-LE](#)

Inspecting the SRLs: Inspect the entire length of cable lifeline. Ensure lifeline shows no signs of fraying or bird-caging. Fraying exists if there is any evidence of broken cable strands, and bird-caging exists if there is any evidence of separation of cable. Pay special attention to any/all locations where swages come in contact with the lifeline, and at the point where the lifeline exits the unit housing. Cable swages may be located underneath rubber stopper or shrink tubing. It is permitted to cut away a portion of shrink tubing to inspect cable lifeline (*never remove shrink tubing on shock absorber*).

What to do if SRL shows signs of fraying or bird-caging: Customers with affected units should contact the Guardian Customer Service Department to coordinate repair - cs@guardianfall.com or call **1-800-466-6385**.

Guardian will issue a unique identification number (IN) for every return product shipment. **DO NOT RETURN WITHOUT AN IN NUMBER.**

Obtain a new IN number for each shipment.

All affected units will be repaired, recertified and returned to the customer by Guardian free of charge (*including all shipping costs*). Customer Service will provide instructions for shipping returned product on Guardian's shipping account.

Similarly, avoid naming people who may have contributed to a near miss situation. Focus on lessons learned and what not to do, rather than focusing on who did wrong and assigning blame. By bringing it to the 'blame game,' you're going to lose the benefits from the lessons learned.

A way to encourage reporting is to offer incentives to workers who report hazards. The fact sheet from **OSHA** and the **National Safety Council** states that this type of incentive – as opposed to those that offer rewards for low or zero injury rates – can encourage a reporting culture.

Additionally, safety pros may find more support from employees when investigating a near miss than when investigating an incident. Many times, people are much more open to make a positive team contribution towards the prevention of an accident through the discussion of a near miss than if an accident has already occurred.

Ensuring success

Organizations that implement near-miss programs credit them with improving safety. One company with about 130 employees reports that it has been running its current near-miss program for nearly two years. After the first full year of the program, the company's **OSHA** recordable number fell from 4 to 1, tying an all-time low for the company. The total incident rate dropped from 3.62 to 0.817 – in just one year.

Although the company representative attributes some of the success to a newly implemented job safety analysis process, he believes the near-miss program played a big role.

But success is dependent on the support of all employees. "If it's not supported by all levels of the organization and positively reinforced at all levels, then it's not going to be effective. The success of our program is a direct reflection of our entire team's commitment to safety," the rep said.

A second rep from another company agreed. Employees want to know their employer is serious about the program, so management needs to work hard and be persistent in promoting the value of near misses.

"You have to demonstrate over time you're committed to it," he said. "If you can do that, you'll have a better program."