



## ▶ 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 Mar 2018:** • *TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543* • [read more...](#)

## OSHA / CONSTRUCTION NEWS SUMMARY

### ▶ Employers Must Post 300A Injury/Illness Summary Until April 30

OSHA reminds employers of their obligation to post a copy of [OSHA's Form 300A](#), which summarizes job-related injuries and illnesses logged during 2017. [read more...](#)

### ▶ Free Webinar on Silica Exposure Available March 5-9, 2018

OSHA and OSHA Education Centers in Louisiana, Oklahoma, and Texas, are offering a free WebEx presentation on silica hazards from March 5 to 9. [read more...](#)

### ▶ Percentage of Adults Aged 18 and Older with Any Hearing Loss, by State — National Health Interview Survey 2014–2016

Based on a survey question that asked respondents, "Without the use of hearing aids or other listening devices, is your hearing excellent, good, have a little trouble hearing, moderate trouble, a lot of trouble, or are you deaf?" [read more...](#)

### ▶ HIRE Vets Medallion Program

Shining a light on employers who hire our nation's heroes. [read more...](#)



### ▶ 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. [read more...](#)

## TRANSPORTATION NEWS SUMMARY

### ▶ Appeals Court Finds in Favor of DOT in PSP Case

*Claims of injury not sufficient enough, Court rules*

An appeals case challenging the accuracy of the Pre-employment Screening Program (PSP) database was found in favor of the U.S. Department of Transportation. The decision was made on January 12, 2018. [read more...](#)

### ▶ OOIDA Presses FMCSA to Institute Hours Overhaul, add 14-Hour Flexibility

The Owner-Operator Independent Drivers Association has filed a petition with the Federal Motor Carrier Safety Administration asking the agency to allow drivers to pause their 14-hour daily clock for up to three straight hours and to nix the 30-minute rest break required by current hours regs. [read more...](#)

### ▶ ELD Mandate Meets Reality

Soon after the electronic logging device mandate took effect Dec. 18, "Ed" and his ELD-exempt unit crossed a scale on Interstate 94 in Lakeland, Minnesota. He was pulled back for an inspection of his 315-inch-wheelbase 1999 Peterbilt 379 that he passed with flying colors. [read more...](#)



▶ ELD Mandate Enforcement, By State — MAP [read more...](#)

### ▶ Several States Consider Measures to Block ELD Mandate Enforcement

Legislators in at least **four states** have introduced **proposals** in recent weeks to **stymie enforcement** of the **electronic logging device mandate**, either by **suspending funds for enforcement** within their **state's** borders or by **asking the federal government** to reconsider the **mandate**, enforcement for which **began in December**. [read more...](#)



### ▶ Some States Aren't Enforcing the ELD Mandate Yet Simply Because They Can't

Among states that don't exactly fit either of the **enforcement categories** detailed on the **electronic-logging-device early-period enforcement map** is Arizona, where Capt. Brian Preston said in January the **adoption** of the **federal electronic logging device rule** for interstate truckers in state code was ongoing. [read more...](#)



## MSHA NEWS SUMMARY

### ▶ Stay Out! Stay Alive! Fact Sheet



Every year, dozens of people are injured or killed while exploring or playing on mine property. Consequently, the U.S. Department of Labor's **Mine Safety and Health Administration (MSHA)** created "**Stay Out! Stay Alive!**", a public safety campaign to educate children and adults about the existing hazards at active and abandoned mine sites. [read more...](#)



### ▶ MNM Serious Accident Alert - Surface Truck

**Surface – Sand and Gravel** – On January 19, 2018, a water truck operator and passenger were seriously injured when their truck overturned. [read more...](#)

## MONTHLY SAFETY TIP NEWS SUMMARY

### ▶ **Safety Notice:**

#### **STOP USE of Gravity® Welder Harnesses**

This **Safety Notice** is issued to inform you that **MSA** received a field report from an end user regarding **select MSA Gravity Welder Harnesses** and that, as a result of **MSA's** findings related to this report, you must take the actions outlined in this **Safety Notice**. [read more...](#)

# MJS SAFETY TRAINING ANNOUNCEMENT

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

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

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

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

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

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

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

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

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

MJS Safety — your "GO TO" Resource in 2018

"SAFETY STARTS WITH YOU"

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

Just Some of the Courses Offered Include:

- ~PEC SafelandUSA Basic Orientation
- ~OSHA 10 Hour General Industry
- ~OSHA 30 Hour General Industry
- ~NUCA Confined Space
- ~Hydrogen Sulfide [H<sub>2</sub>S] - Awareness
- ~Respirator: Medical Evaluation & Fit Testing
- ~Hazard Communication – GHS Training
- ~Teens & Trucks Safety
- ~1st Aid/CPR Course- Medic 1<sup>st</sup> Aid
- ~HAZWOPER 8, 24 & 40 Hour
- ~PEC'S Intro to Pipeline
- ~Confined Space Rescuer Training
- ~PEC Core Compliance
- ~OSHA 10 Hour Construction
- ~OSHA 30 Hour Construction
- ~NUCA Competent Person for Excavation & Trenching
- ~Hands-on Fire Extinguisher training
- ~DOT Hazmat Training
- ~MSHA Sand & Gravel Training [Part 46 only]
- ~Fall Protection for the Competent Person
- ~Defensive Driving Safety for large and small vehicles
- ~Instructor Development for Medic 1<sup>st</sup> Aid/CPR
- ~Bloodborne Pathogens Compliance Training
- ~Respiratory Protection Training

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

**Schedule of classes Mar 2018:** • TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543

- PEC Safeland Basic Orientation: March 7, 15, 22; 8 – 4:30
- First Aid/CPR/AED / BLOODBORNE PATHOGENS: March 8, 21; 8 - noon  
(We offer both MEDIC FIRST AID & AMERICAN HEART ASSOCIATION)
- TEEX H2S Operator Training – Awareness (ANSI Z390 Course): March 8, 21; 12:30 – 4:30

[ For any last minute schedule updates, go to [www.mjssafety.com](http://www.mjssafety.com) ]

► NEED ANY OF THESE CLASSES IN SPANISH? CONTACT [carriejordan@mjssafety.com](mailto:carriejordan@mjssafety.com) TO SCHEDULE TODAY ◀

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

— FEATURED TRAINING PROGRAMS —

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

— ALSO OFFERING —

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

Unable to attend a class?

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

Order  
First Aid  
& other  
Safety Supplies  
[www.mjssafety.com](http://www.mjssafety.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 ~

Need Help With

- ISNETworld
- PEC/Premier
- PICS
- BROWZ

**CALL US!!!**

FOR ADDITIONAL INFORMATION CALL  
**MJS SAFETY**  
JEREMY – 720-203-6325    CARRIE – 720-203-4948    MIKE – 303-881-2409

SOURCES FOR THIS ISSUE INCLUDE:  
OSHA  
FMCSA  
MSHA  
CDC  
Overdrive  
CCJ  
NIOSH  
National Health Interview Survey  
US-DOL  
MSA-The Advisor  
JJ Keller



## Employers Must Post 300A Injury/Illness Summary Until April 30

OSHA reminds employers of their obligation to post a copy of [OSHA's Form 300A](#), which summarizes job-related injuries and illnesses logged during 2017. Each year, between Feb. 1 and April 30, the summary must be displayed in a common area where notices to employees are usually posted. Businesses with 10 or fewer employees and those in certain low-hazard industries are exempt from OSHA recordkeeping and posting requirements. Visit [OSHA's Recordkeeping Rule webpage](#) for more information on recordkeeping requirements.

OSHA's Form 300A (Rev. 01/2004)  
**Summary of Work-Related Injuries and Illnesses**

All establishments covered by Part 1904 must complete this Summary page, even if no work-related injuries or illnesses occurred during the year. Remember to review the OSHA 300 Log for the entire year to complete and accurately update this Summary page.

Using this log, count the individual entries you made throughout the year. Then enter the totals below, making sure you've added the entries from every page of the log. If you had no cases, enter "0".

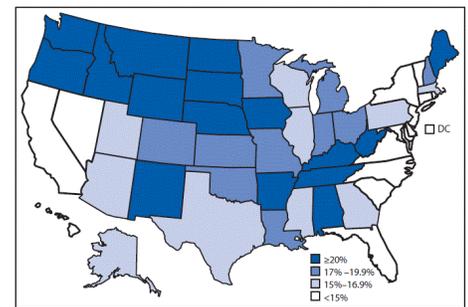
Employers, labor organizers, and their representatives have the right to review the OSHA Form 300 in duplicate. They also have limited access to the OSHA Form 300 or its equivalent. See 29 CFR Part 1904.45, in OSHA's recordkeeping rule, for further details on the access provisions for these forms.

Number of Cases			
Total number of deaths	Total number of cases with days away from work	Total number of cases with job transfer or restriction	Total number of other recordable cases
(a)	(b)	(c)	(d)

## Percentage of Adults Aged 18 and Older with Any Hearing Loss, by State — National Health Interview Survey 2014–2016

Based on a survey question that asked respondents, "Without the use of hearing aids or other listening devices, is your hearing excellent, good, have a little trouble hearing, moderate trouble, a lot of trouble, or are you deaf?" (A little trouble hearing, moderate trouble, a lot of trouble, and deaf were combined for this chart)

Estimates are based on household interviews of a sample of the civilian, noninstitutionalized U.S. adult population and are shown for sample adults aged 18 years and older.



Overall, 15.9% of U.S. adults aged 18 years and older had any hearing loss during 2014–2016. The prevalence of any hearing loss was lowest in New Jersey (10.6%), Connecticut (11.0%), Maryland (11.0%), California (12.3%), New York (12.6%), and the District of Columbia (8.6%). The prevalence of any hearing loss was highest in West Virginia (24.7%), Oregon (24.6%), Montana (23.8%), Idaho (23.1%), and Wyoming (22.3%).

NIOSH recommends removing hazardous noise from the workplace whenever possible and implementing an effective hearing loss prevention program in those situations where dangerous noise exposures have not yet been controlled or eliminated. NIOSH provides [more information](#) about noise and hearing loss prevention research.

NIOSH is the federal institute that conducts research and makes recommendations for preventing work-related injuries and illnesses. Mention of any company or product does not constitute endorsement by NIOSH.

## Free Webinar on Silica Exposure Available March 5–9, 2018

OSHA and OSHA Education Centers in Louisiana, Oklahoma, and Texas, are offering a free WebEx presentation on silica hazards from March 5 to 9. The one-hour webinar will focus on compliance with the OSHA standard for silica in the construction and general industries, and best practices for prevention.



Register [here](#).

**U.S. DEPARTMENT OF LABOR  
LAUNCHES HIRE VETS MEDALLION  
PROGRAM DEMONSTRATION**

# **HIRE Vets Medallion Program**

**Shining a light on employers  
who hire our nation's heroes.**



**WASHINGTON, DC –** The U.S. Department of Labor announced the launch of the **HIRE Vets Medallion Program Demonstration** — an effort that will recognize up to 300 employers for their investments in recruiting, employing, and retaining our nation's veterans.

The program demonstration will raise awareness of the **HIRE Vets Medallion Program**, which kicks off in 2019. The program utilizes the requirements of the **Honoring Investments in Recruiting and Employing American Military Veterans Act of 2017 (HIRE Vets Act)** signed by President Trump in May 2017 to determine awardees. The program will recognize large, medium, and small employers at two levels, platinum or gold, depending on the criteria they meet.

The demonstration will use the same criteria as the full **HIRE Vets Medallion Program** and enable more employers to prepare to successfully complete the medallion award application for the full implementation of the program in 2019.

Program demonstration applications were [available](#) online starting Feb. 2, 2018. The demonstration has no application fee and is limited to the first 300 applications across all categories (*large, medium, and small employers*). Any employer with at least one employee on staff is eligible to apply. Employers recognized in the **2018 Program Demonstration** will also be eligible to apply for the **2019 Program**.

“Military service develops leadership skills, technical expertise, and problem-solving capabilities — all in demand by America’s companies,” said U.S. Secretary of Labor Alexander Acosta. “The **HIRE Vets Medallion Program** provides a tremendous opportunity for employers to recruit talented veterans and demonstrate support for those who have sacrificed so much for their country.”

In November 2017, the Department announced its **Final Rule** for the **Honoring Investments in Recruiting and Employing American Military Veterans Act**. The **HIRE Vets Medallion** has a rigorous criterion that recognizes employers’ commitment to veteran careers, including hiring, retention, and long-term development. The award signals to veterans that an employer is committed to and supports veteran careers.

Fill out the [online application](#) by April 30 2018 to qualify for a medallion.

Employers seeking further information should visit [www.HIREVets.gov](http://www.HIREVets.gov) for updates, or contact [HIREVETS@dol.gov](mailto:HIREVETS@dol.gov).

**VETS News Release:**

01/18/2018

**Contact Name:**

Joe Versen

**Email:**

[versen.joseph.h@dol.gov](mailto:versen.joseph.h@dol.gov)

**Phone Number:**

(202) 693-4696

---

## **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.

---

## **Safety Notice: STOP USE of Gravity® Welder Harnesses**

*Read This Important Safety Notice — [pg 12](#)*

# Appeals Court Finds in Favor of DOT in PSP Case

## Claims of injury not sufficient enough, Court rules

An appeals case challenging the accuracy of the **Pre-employment Screening Program (PSP) database** was found in favor of the **U.S. Department of Transportation**. The decision was made on **January 12, 2018**.

The **United States Court of Appeals for the District of Columbia Circuit** ruled in "**Owner-Operator Independent Drivers Association, Inc., vs. U.S. Department of Transportation**" that the drivers represented by **OOIDA** were **unharm**ed by the mere existence of **inaccurate information** in the **Department's** database. The **Court** stated that the **dissemination** of the information is not **imminent**. With the **exception of two individuals**, the **drivers suffered no concrete injury sufficient enough** to bring the **lawsuit** (i.e., confer *Article III standing*).

The **Court** indicated that **two drivers** had **suffered concrete injury**. Their **safety records** — including **challenged violation reports** — were **shared** through the **PSP**. The other **drivers' records** were **never disseminated**.

In its **decision**, the **Court** stated:

*"...To be sure, it is possible that the mere existence of inaccurate information in a government database could cause concrete harm depending on how that information is to be used. We conclude only that, under the specific circumstances of this case, the drivers have failed to show standing for all of the relief they seek. We thus affirm in part, reverse in part, and remand to the district court for further proceedings consistent with this opinion...."*



**consecutive hours** and "effectively stop the **14-hour clock**." Drivers would still be required to take **10 consecutive off-duty hours** before starting their next shift under **OOIDA's** petition.

The **request** for an **hours of service** overhaul comes just **shy** of a year after the **industry** scored a win in **overturning portions** of the **2013-instituted** hours of service **reforms** that required drivers' **34-hour restarts** to include **two 1 a.m. to 5 a.m. periods** and limited the **restart's** use to once **per week**. Those provisions have been **nixed** by Congress. **However**, the **2013 rule** also **instituted** the **30-minute break requirement**, which **remains** in place.

The **petition** comes also as **FMCSA** is **working to study** the **feasibility** of adding **flexibility** to **hours of service** regs by **allowing** drivers to split their **on-duty time** into **segments** — so-called **split-sleeper options**. But any **enactment** of such flexibility is likely **years away**, should it ever come to **fruition**.

**OOIDA** says its **proposal** for **greater hours** of service **flexibility** would "improve **highway safety**."

"Current **HOS regulations** force **truckers** to comply with a **regulatory** framework that **jeopardizes** their safety and the **safety** of the traveling public. The **federal HOS** should foster **safe driving habits**, not prevent them," the **petition**, which is signed by acting **OOIDA** president Todd Spencer, states.

Spencer **writes** that **FMCSA** should **file** its **petition** in the **Federal Register** and **initiate** a rulemaking to **alter hours regulations**.

## OOIDA Presses FMCSA to Institute Hours Overhaul, add 14-Hour Flexibility

The **Owner-Operator Independent Drivers Association** has filed a **petition** with the **Federal Motor Carrier Safety Administration** asking the **agency** to **allow drivers** to pause their **14-hour daily clock** for up to three **straight hours** and to **nix** the **30-minute rest break** required by current **hours regs**.

"The **current regulations** are overly **complex**, provide no **flexibility** and in no way **reflect** the **physical capabilities** or limitations of **individual drivers**," the association writes in its **petition**. "They force **drivers** to be on the **road** when they are **tired** or **fatigued**, during busy **travel times** and adverse **weather** and **road conditions**."

The current **hours of service** rule **requires** drivers to take a **30-minute break** within their **first eight hours** on **duty** each day and does not allow drivers' **14-hour clock** to **stop**. Under **OOIDA's** proposal, drivers **would not** be required to take the **30-minute break** and would be **allowed** to take a **rest break** of up to **three**

# ELD Mandate Meets Reality

Soon after the electronic logging device mandate took effect Dec. 18, “Ed” and his ELD-exempt unit crossed a scale on Interstate 94 in Lakeland, Minnesota. He was pulled back for an inspection of his 315-inch-wheelbase 1999 Peterbilt 379 that he passed with flying colors.

At the scale counter, he overheard a driver telling the other scale master, “I know it says I was in violation, but I had to find a safe place to park! Do you want me to sleep in the center lane?! The truck stops were full! These computers have no idea what is going on! This is ridiculous!”

“E-logs will cure everything, right?” quips “Ed”, who’s leased to a trucking line out of Manitowoc, Wisconsin. His sarcastic refrain is common among truckers and, believe it or not, some in law enforcement.

The sentiment was echoed in a meme shared by an Indiana enforcement representative ahead of the mandate’s deadline — a picture of a broken pencil and the text “E-logs would have prevented this”. The trooper’s accompanying sentiment: Hours of service “should be re-evaluated and the ELDs should be used as a bad boy item for carriers that have been found to need help with compliance issues!”

Yet there’s no indication of that change or others coming. Instead, situations such as the one “Ed” witnessed will continue to bedevil truckers and law enforcement getting acquainted with the new reality. In the mandate’s first weeks, the **Owner-Operator Independent Drivers Association** heard of similar occurrences, says association representative Norita Taylor.

Rules are rules, says Collin Mooney, executive director of the **Commercial Vehicle Safety Alliance**. Regarding the wiggle room for hours that drivers had enjoyed with paper logs, there is no tweaking of the hours of service in the cards that would restore that unofficial flexibility, he says.

“The ELD rule is highlighting those hours of service rules,” Mooney says. “Drivers and companies have been able to stretch them” on paper in some cases. “ELDs take away that whole practice. That’s where people have the angst” they’re experiencing, he believes. “It does require a little bit more planning” in terms of parking preparation and load and unload timing. “The rule is intended to level the playing field between those who operate within the rules and those who have been extending the rules.”

Yet what advice the federal government and some state officials have given for circumstances such as those in “Ed’s” anecdote – log it like it happened, annotate the log to describe the circumstances, and hope for leniency if it’s questioned – is inadequate to address drivers’ appropriate concerns. Hours-compliance records, as “Ed” and others have pointed out, now are more dependent on the whims of shippers and receivers, port/railyard operators, parking availability, the understanding – or not so understanding – nature of individual inspectors and so much more. While the anti-coercion rule gives drivers an avenue to blow the whistle on shippers, brokers and carriers that would threaten economic harm for their refusal to violate a regulation, otherwise nothing has changed about hours of service.

Minnesota is among many states leaving it up to the officer’s discretion whether to write a ticket for not having an ELD in a truck covered under the mandate. “We all realize this is a monumental change for the CMV industry and that people have waited until the last minute in hopes that something would have changed,” says Capt. Jon Olsen.



“Given that, I don’t anticipate you will see inspectors from Minnesota scratching out criminal citations to drivers for failing to comply with the ELD mandate. Conversely, if a driver is stopped in February or March and has no ELD as required, has some falsification issues, etc., I can certainly see and support one of our inspectors giving a criminal citation to the driver for failing to comply with the ELD requirement.”

Georgia State Police Capt. Jeremy Vickery says his state is among those that will not be issuing citations for ELD noncompliance in the early going — prior to the April 1 date when it becomes an out-of-service violation. That’s also when points for such violations begin contributing to carriers’ **Compliance, Safety, Accountability** scores in the hours category.

Kansas also is among such states. Capt. Chris Turner of the state Highway Patrol says the **Federal Motor Carrier Safety Administration** didn’t put out the violation code for ELD-related violations in the central enforcement system until a week ahead of the compliance date. “We won’t even really be writing the warning” or documenting the violation in inspection reports “until a few weeks from now,” he said as the mandate was going into effect. “There’s going to be a learning curve, and I think most states are trying to err on the side of caution.”

Vickery, however, emphasizes the opposite viewpoint. It causes the most consternation among highway haulers and was well-illustrated by the driver that “Ed” overheard in Minnesota: “If there is an hours of service violation, our officers will take appropriate enforcement action.”

The hours of service remain what they are, and the situation in “Ed’s” anecdote is something every driver pondering a switch to e-logs has worried about — the inability to find a suitable parking space or other unforeseen circumstance forcing a violation to be recorded by the e-log, something then to be cherry-picked down the line by an officer.

“Ed” elaborated on the overheard driver’s situation. Though he can’t swear it, he suspects the driver walked out of the exchange with a ticket. “His ELD was in order, but it was a heated conversation” over the hours violation, “Ed” says. “And it seemed like the violation happened a couple days back.” He again paraphrases the driver: “I went through three truck stops, and there was no parking — I had to find a safe parking spot.”

And the inspector: “It still says you’re in violation. It says right here you’re in violation.”

When it comes to such situations, “Ed” says, “there has to be a common-sense gray area — what are you supposed to do?” The heated nature of the conversation probably didn’t help matters, he believes.

**FMCSA** representatives have more or less expressed the same kinds of sentiment in their encouragement of state partners to take a gray-area leniency approach, yet the law is the law, and it all fails to account for the emotions generated by such encounters on both enforcement and truckers’ sides. “Thank god I didn’t have that guy,” “Ed” says of the driver’s inspector.

Guidance, perhaps, on greater hours leeway for special circumstances that exists could be the answer, though there is also a sense among some watchers and owner-operators that more clear-cut definitions could present more problems than they solve in the end, leaving even less room for that common sense many see as not so common anymore.

Lt. Thomas Fitzgerald of the state of Massachusetts' truck-enforcement unit held "hope" for common sense to prevail at roadside. "There is going to be a learning curve for drivers and officers," he says.

As for "Ed", he takes special affront to this aspect of mandated **ELDs**. "Drivers go through different states every day — how can you keep enforcement uniform?" he asks. "If it's not, then that puts the stress on the driver" wondering whether the hours violation his **ELD** recorded days ago while he was looking for parking is going to net him a citation down the line.

"You go to the truck stops, and they're jam-packed after 5 o'clock at night," "Ed" says. "It's bad enough that common sense isn't so common today, but this is making it all that much worse. Guys like us who've been trucking a long time and still take pride in what we do — we feel like they're trying to chase us out."

Rather than deal with such headaches, a lot of his friends in trucking, he adds, have been looking around for local opportunities where logs aren't an issue — or just going out to find something else to do altogether.

He's lucky, he says, with the exempt truck and his shipper/receiver customers that are familiar day in and day out, many offering opportunities to park on their premises if timing goes haywire. "A lot of guys don't have that," he adds. With the rules the way they are, it feels to them like regulators are "chasing truckers out of trucking to make room for the guys who don't know any better."

One owner-operator agrees. Based in the Midwest, he runs a one-ton dually hotshot with a 53-foot step deck hauling travel trailers and other lighter commodities. He's experienced no small amount of frustration with the addition of an **ELD** in recent weeks.

"I missed a drop by 10 minutes, and it cost me an overnight stay on the West Coast," he says, before he could reach the unload location. He says he's "had several situations where having the 14 and 10 as rigid as it is" have cost him.

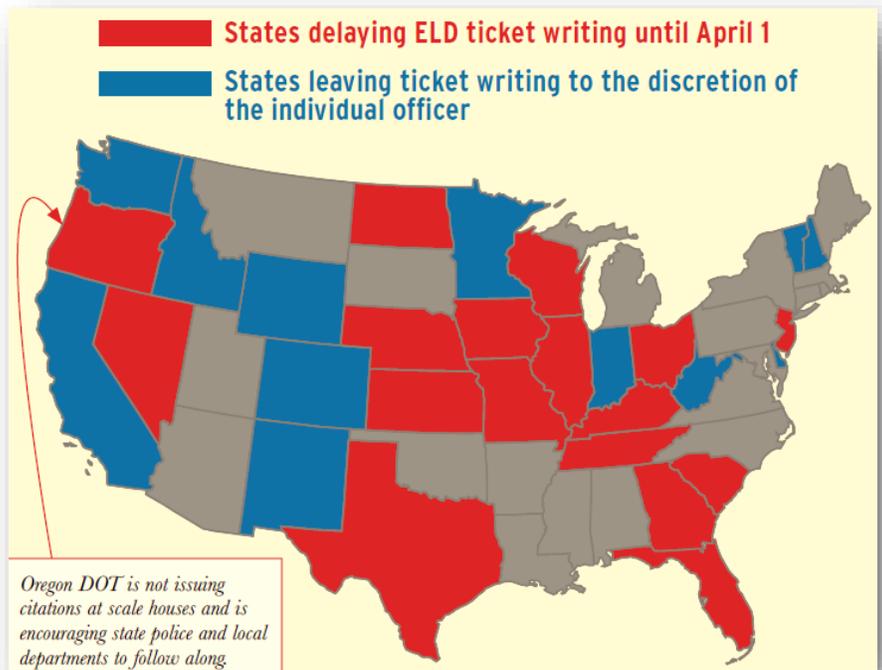
In addition, scheduling pressures as supply chain participants adjust to new enforcement of rigidities have been such that "I've found myself driving when I shouldn't," the owner-operator says. "I am frustrated. I think we're going to lose a lot of drivers."

None of a Wyoming-headquartered small tanker fleet owner-operator's nine late-model Peterbilt 389s were yet outfitted with **ELDs**, he reported in the early going after the mandate deadline. A few are exempt gliders, but most are not. His drivers run six states around his home base in Laramie, and he said at the time that no tickets (*citations*) had been written to any as yet for not having an **ELD**. The fleet owner, who participated in protests in Washington, D.C., in October, wasn't sure what he'll do in the coming weeks.

In the meantime, some measure of soft enforcement is likely to continue in most if not all states, at least through April Fool's Day. Kentucky, among states saying they'll delay **no-ELD** ticket writing through that date, showed some evidence of a little tough love on offer as "encouragement" in the interim.

At the scale house counter on I-65 near Franklin on the day the mandate went into effect, an inspector could be heard asking a driver if he was using an **ELD** — he wasn't. The reality: He hadn't bothered to plug it in yet, given expectation of soft enforcement and no actual training from his fleet. As he exited to get into his truck and pull it into the scale's inspection barn, the officer noted he had better plug the **ELD** in before he pulled the truck around.

Shaking his head later out by his truck and powering up a tablet he'd been given to pair with the **ECM's plug-in device**, the driver, who declined to be named for this report, said simply, "I'd better roll down there. I think he's mad at me."



### ELD Mandate Enforcement, By State

These are states that have confirmed their electronic-logging-device mandate enforcement intentions ahead of April 1, when ELD-related violations begin contributing points to carriers' CSA scores and out-of-service orders associated with ELD-specific violations go into effect.

## Several States Consider Measures to Block ELD Mandate Enforcement

Legislators in at least **four states** have introduced **proposals** in recent weeks to **stymie enforcement** of the **electronic logging device mandate**, either by **suspending funds** for **enforcement** within their **state's** borders or by **asking** the **federal government** to reconsider the **mandate**, enforcement for which **began** in **December**.

The bills **mostly cite** concerns of **small business** truckers as the **reasons** to **repeal** the **mandate** or suspend its **enforcement**, as well as the **potential** for the **mandate** to **drive up** prices of **goods** for consumers. **Legislators** in South Dakota, **Missouri**, Tennessee and **Idaho** have introduced **resolutions** taking aim at the **mandate**.

**Lawmakers** in South Dakota and **Missouri** have called for an **outright repeal** of the **mandate**. Both the **South Dakota House** and Senate **passed**, last month, a **resolution** “encouraging **Congress** and **FMCSA** to **overturn** the rules regarding” **ELDs**. The **state cites** the cost of **compliance**, **ELDs' tracking requirements** (*which the state contends is “an invasion of privacy”*) and **FMCSA's** self-certified **device registry** as reasons to **repeal** the **mandate**.

Missouri's **General Assembly** has issued two **ELD-related bills** this year. One, like **South Dakota's resolution**, asks Congress to **repeal** the **ELD mandate**, calling it “an **imposition** of **corporate welfare** that **benefits** politically powerful **large corporations** at the **expense** of **small business**.”

The state's other **ELD bill** forbids **state personnel** from **enforcing** the **mandate** and **forbids** them from **keeping records** — or **transmitting** any **records** to **FMCSA** — of truckers who **aren't compliant** with the **mandate**. Neither of **Missouri's bills** have seen **action** since their **recent** introduction.

Likewise, the **Tennessee Senate** has **introduced** a bill that **prohibits state funds** from **being used** to **enforce** the **mandate**. It also has seen **no action** since its **introduction**.

Lastly, **both chambers** of the **Idaho legislature** have **introduced** a **joint resolution** that would **permanently** exempt **ag** and **livestock carriers** domiciled in the **state** from **complying** with the **mandate**.

**FMCSA** has given **livestock** and **ag haulers** until **mid-March** to adopt an **ELD**.

## Some States Aren't Enforcing the ELD Mandate Yet Simply Because They Can't

Among states that don't exactly fit either of the **enforcement categories** detailed on the **electronic-logging-device early-period enforcement map** (*see map pg 9*) is Arizona, where Capt. Brian Preston said in January the **adoption** of the **federal electronic logging device rule** for interstate truckers in state code was ongoing. Thus, the **Arizona Department of Public Safety**, which includes the state's highway patrol, won't be writing **citations/tickets** at least until that goes through — **because, legally, they can't**.

The **Owner-Operator Independent Drivers Association** made news last August when it petitioned the **Federal Motor Carrier Safety Administration** to act against states that it said hadn't updated **state legal code sufficiently** to reflect current safety regulations. As the association contends, a **state's failure** to **incorporate federal safety regulations** makes state personnel enforcing such regulations problematic, given lack of authority. “**OOIDA** contends that when **FMCSA** amends its regulations, the states **must incorporate those amendments** into state law before they can enforce them,” the association said in a press release.

The **petition** was put forward partly within the context of the **ELD mandate final rule**, singling out **26 states** that **OOIDA** said hadn't adopted it. Part of the petition hinged on an argument that **automatic regulatory adoption schemes** present in most — if not all — states were invalid, which many states and **FMCSA** **disputed**. Some states, however, as is the case in **Arizona**, go through more **cumbersome administrative** or — as in California — legislative processes for **adopting rules**.

**FMCSA** has yet to issue a formal response to the petition, and **OOIDA** remains concerned about **enforcement legality** and **uniformity** around hours and **ELDs**. As part of an effort to “**ensure enforcement** of the **mandate** is consistent on a **state-by-state** basis,” **OOIDA** has established an email address — **ELD@OOIDA.com** — to which operator members can send any tickets they do receive. **OOIDA's** Norita Taylor **emphasizes** that the association would like to see **documented cases** and urges operators using the **address** to **attach copies of citations**.





## Stay Out! Stay Alive! Fact Sheet



Every year, dozens of people are injured or killed while exploring or playing on mine property. Consequently, the U.S. Department of Labor's **Mine Safety and Health Administration (MSHA)** created "**Stay Out! Stay Alive!**", a public safety campaign to educate children and adults about the existing hazards at active and abandoned mine sites. The campaign is a partnership made up of nearly 70 federal and state agencies, private organizations, businesses and individuals. These groups visit schools and communities nationwide to distribute educational materials and discuss the importance of mining and its existing hazards.

**Mining is a fundamental component of the American economy.** Over half of the electricity generated in the United States comes from coal. Sand, gravel, limestone and other rock products are used in the construction industry. Salt keeps wintry roads free of ice. Gold, silver, iron, copper and many other minerals are essential to our national prosperity.

**Mines are located in every state** - from small sand and gravel operations to complex underground coal, salt, limestone or metal mines, to extensive surface operations that use some of the largest industrial equipment ever built. There are about 14,000 active and as many as 500,000 abandoned mines in the nation. As cities and towns spread into the surrounding countryside and more people visit remote locations, the possibility of contact with an active or abandoned mine increases.

### Dangers Exist at Active and Abandoned Mine Sites

The men and women employed in our nation's mines are trained to work in a safe manner. For the unauthorized explorer, hiker, off-roader or rockhound, however, the hazards are not always apparent. Active and abandoned mine sites have proved to be an irresistible "**and sometimes deadly**" draw for children and adults.

- *Vertical shafts can be hundreds of feet deep. At the surface, they may be completely unprotected, hidden by vegetation or covered by rotting boards.*
- *Horizontal openings may seem sturdy, but rotting timbers and unstable rock formations make cave-ins a real danger. Darkness and debris add to the hazards.*
- *Lethal concentrations of deadly gases (methane, carbon monoxide, carbon dioxide and hydrogen sulfide) can accumulate in underground passages.*
- *Unused or misfired explosives can become unstable and deadly vibrations from a touch or footfall can trigger an explosion.*
- *Excavated vertical cliffs (highwalls) in open pit mines and quarries can be unstable and prone to collapse.*
- *Hills of loose material in stockpiles or refuse heaps can easily collapse upon an unsuspecting biker or climber.*
- *Water-filled quarries and pits hide rock ledges, old machinery and other hazards. The water can be deceptively deep and dangerously cold. Steep, slippery walls make exiting these swimming holes extremely difficult.*

Any community with active or abandoned mines, quarries or pits could become the scene of the next tragedy. For more information on "**Stay Out! Stay Alive!**" or how to become a partner in this campaign, contact the **Mine Safety and Health Administration** at 202-693-9400.

**MSHA's** toll-free hotline for reporting unsafe access to mine sites is 1-800-746-1553.

### MMN Serious Accident Alert - Surface Truck

**Surface – Sand and Gravel** – On January 19, 2018, a water truck operator and passenger were seriously injured when their truck overturned. The truck tank was  $\frac{3}{4}$  full of water at the time of the accident and the roadway was slightly uneven. Both miners were wearing their seat belts.

#### Best Practices:

- Maintain control of self-propelled mobile equipment while it is in motion.
- Post safe speed limits for the mine roads and remind mobile equipment operators to reduce speed when weather conditions change.
- Always make complete and thorough pre-operational equipment checks that include braking systems and seat belts before operating equipment.
- Equipment seatbelts should be provided and used at all times during operation. Monitor employees regularly to ensure seat belts are worn when operating mobile equipment
- Establish and maintain communications with all trucks and mobile equipment.
- Materials that make up road surfaces and road bases need to serve two functions: 1) provide adequate traction; and 2) provide support for the traffic without excessive sinking-in or rutting.



## **Safety Notice: STOP USE of Gravity® Welder Harnesses**

This **Safety Notice** is issued to inform you that MSA received a field report from an end user regarding select **MSA Gravity Welder Harnesses** and that, as a result of MSA's findings related to this report, you must take the actions outlined in this **Safety Notice**.

Upon investigation of the field report, MSA determined that the leg strap and chest strap used in select **MSA Gravity Welder Harnesses** are incompatible. Although the harness can be donned, in the event of a fall, the shoulder straps may extend and affect the protection offered by the harness.

MSA is advising all **MSA Gravity Welder Harness** customers to **immediately stop use** of affected **MSA Gravity Welder Harnesses** produced from July 2015 through and including January 2018. The harnesses are to be removed from service, marked "**UNUSABLE**" and destroyed.

### **Identifying and Addressing Affected MSA Gravity Welder Harnesses**

Affected **MSA Gravity Welder Harnesses** are those marked with one of the following part numbers and a manufacturing date from July 2015 through and including January 2018:

- 10151154 - 304 HARNESS,BLK,KEVLAR,BKD,SD,STD
- 10158954 - 304 HARNESS,BLK,KEVLAR,BKD,SD,XSM
- 10158956 - 304 HARNESS,BLK,KEVLAR,BKD,SD,XLG
- 10158957 - 304 HARNESS,BLK,KEVLAR,BKD,SD,SXL

To confirm whether or not your harness is affected, check the label on the harness for part number and manufacture date that meet the criteria above. See **Figure 1** on the attached **Safety Notice** for the location of the part number and manufacture date on an **MSA Gravity Welder Harness** label.

If the part number has been made illegible through use, refer to **Figure 2** on the attached **Safety Notice** to determine whether or not your harness is affected. If the part number matches the list above, but the manufacturing date has been made illegible through use, **consider your harness to be affected**.

**If your harness is affected, remove it from service, mark it "UNUSABLE" and destroy it.**

**Note** that **MSA Gravity Welder Harnesses** could also have been ordered as part of kit numbers 10026061, 10026064, 10105480 and 10103470. Harnesses that were provided within these kits are also labeled with the individual harness part number and can be identified as detailed above.

### **Replacing Affected MSA Gravity Welder Harnesses**

We recognize that this is an inconvenience and in an effort to minimize any disruption, we pledge to make this replacement process as expeditious as possible. **If you are in possession of affected harnesses per the criteria above, MSA will replace them free of charge.** Complete the enclosed [MSA Gravity Welder Harness Replacement Form](#) on page 4 of the attached **Safety Notice** and email it to Customer Service as indicated on the form.

Upon receipt, MSA will enter an order to provide you with a replacement for your harness.

### **MSA Customer Service Contact Information**

If you have any questions regarding this **Safety Notice**, please contact MSA Customer Service as follows:

- U.S., Canada, or U.S. Territories – 1-866-672-0005 or by email: [ProductSafetyNotices@MSAsafety.com](mailto:ProductSafetyNotices@MSAsafety.com).
- Outside the U.S., Canada, and U.S. Territories – 724-776-8626 or by email: [LAMZonecs@MSAsafety.com](mailto:LAMZonecs@MSAsafety.com).

We apologize for any inconveniences that this may cause; however, your safety and continued satisfaction with our products is important to us.

Best regards,



Nathan Andrulonis  
Manager of Product Safety