



► **MJS SAFETY TRAINING ANNOUNCEMENT**

**MJS SAFETY LLC** is proud to announce the addition of NCCER and O.Q.S.G. to our OQ Services. **MJS SAFETY LLC** is an "Authorized Assessment Center" for Proctoring Final Assessments and completing Performance Evaluations for O.Q.S.G. and NCCER – as well as other OQ disciplines such as MEA-EnergyU, Veriforce & EnergyWorldNet. [call to schedule](#) [read more...](#)

► **Schedule of classes August 2018:** • *TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543* • [read more...](#)

**OSHA / CONSTRUCTION NEWS SUMMARY**

► **With the recent string of temps in the 90's, and the likelihood of more to come in August...let's review!**

**OSHA's Campaign to Keep Workers Safe in the Heat** [read more...](#)



► **House Subcommittee Proposes Bill That Would Cut Funding to MSHA and OSHA**

As part of a draft funding bill proposed by the House Appropriations Committee's Labor, Health and Human Services, Education, and Related Agencies Subcommittee, **MSHA** and **OSHA** would receive modest budget cuts in fiscal year 2019.. [read more...](#)



► **Safe + Sound Week, August 13-19, 2018**

**What Is Safe + Sound Week?**

A nationwide event to raise awareness and understanding of the value of safety and health programs that include management leadership, worker participation, and a systematic approach to finding and fixing hazards in workplaces. [read more...](#)

► **4TH ANNUAL COLORADO DAMAGE PREVENTION SAFETY SUMMIT – 2018**

Please join the Colorado Damage Prevention Action Team for the 4th annual Colorado Damage Prevention Safety Summit on September 18th and 19th, 2018. [read more...](#)

► **U.S. Department of Labor Extends Enforcement Date of Certain Provisions of the Beryllium Standard to August 9**

The U.S. Department of Labor's **Occupational Safety and Health Administration** has announced a delay in enforcing certain requirements of the final rule on occupational exposure to beryllium in general industry. [read more...](#)

► **U.S. Department of Labor Seeks to Stop Increase in Worker Fatalities In Kansas, Missouri, and Nebraska**

The U.S. Department of Labor's **OSHA** is seeking to stem a recent increase in workplace fatalities in Kansas, Missouri, and Nebraska. [read more...](#)

► **The Department of Labor Proposes Rule to Better Protect Personally Identifiable Information**

**OSHA** has issued a [Notice of Proposed Rulemaking](#) to better protect personally identifiable information or data that could be re-identified with a particular individual by removing provisions of the "Improve Tracking of Workplace Injuries and Illnesses" rule. [read more...](#)

► **Slope It. Shore It. Shield It. New Stickers Emphasize Trench Safety**

When done safely, trenching operations can limit worker exposure to cave-ins, falling loads, hazardous atmospheres, and hazards from mobile equipment. [read more...](#)



### ▶ **New Publications Available from OSHA**

OSHA recently issued several new publications providing solutions to hazards in specific occupations and industries: [read more...](#)

### ▶ **Occupational Noise Exposure**

Twenty-two million workers are exposed to potentially damaging noise at work each year. Last year, U.S. business paid more than \$1.5 million in penalties for not protecting workers from noise. [read more...](#)

## TRANSPORTATION NEWS SUMMARY

### ▶ **CVSA to Conduct Brake Safety Week Sept. 16-22**

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### ▶ **Nearly 1,600 Trucks Sidelined During Unannounced Brake Safety Day**

Roadside inspectors placed nearly **1,600 trucks** and buses **out-of-service** for brake violations during the **Commercial Vehicle Safety Alliance's** unannounced **Brake Safety Day** on **April 25**. [read more...](#)

### ▶ **FMCSA Denies OOIDA's Petition to Exempt Small Carriers from ELD Mandate**

A petition to the **U.S. DOT** asking for a **reprieve** from **ELD compliance** for **small carriers** with **clean safety records** has been **denied**, the **Owner-Operator Independent Drivers Association** announced. [read more...](#)

### ▶ **FMCSA's Joe Delorenzo Details Drivers' Personal Conveyance Options with Elds**

For drivers **intending** to use the **hours of service's** **personal conveyance provision** under the **electronic logging** device mandate, particularly in light of the **U.S. DOT's** late-May **decision** to provide some **flexibility** to use **personal conveyance** mode to **find safe parking**, two **key elements** must apply... [read more...](#)



### ▶ **FMCSA to Begin Testing New Carrier Safety Scoring System This Fall**

Complying with an **order from Congress** issued in **2015**, the **Federal Motor Carrier Safety Administration** has **released** a report on how it plans to proceed in **reforming** its **Compliance, Safety, Accountability** program to better achieve **CSA's** goal of identifying **unsafe** trucking companies. [read more...](#)

## MSHA NEWS SUMMARY

### ▶ **A follow-up to last months Powered Haulage Safety article...**

#### **Seeking Mine Safety Solutions Through Technology**

Far too many miners have been injured or killed in accidents involving powered haulage. The category, which covers the haulage of materials and personnel, accounted for half of the **28 US** mining fatalities in **2017**. [read more...](#)



### ▶ **IF YOU'RE LOOKING FOR A SUMMER ACTIVITY, YOU MIGHT WANT TO EXPLORE...**

**COLORADO MINE TOURS & GOLD RUSH TOWNS** [read more...](#)



## MONTHLY SAFETY TIP SUMMARY

### ▶ **Trends in personal protective equipment 2018**

PPE manufacturers and industry insiders discuss **technological advancements**, what their **customers** want to know, and what's on the **horizon**. [read more...](#)

### ▶ **Safe at Any Speed: Getting Workers to Use Their Protective Gear** **Small changes in training can lead to big results.**

Buying safety equipment and getting workers to use it are two entirely different things. [read more...](#)

# MJS SAFETY TRAINING ANNOUNCEMENT

**MJS SAFETY LLC** is proud to announce the addition of NCCER and O.Q.S.G. to our OQ Services.

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

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

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

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

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

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

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

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

# 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 August 2018: • TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543

- PEC Safeland Basic Orientation: August 1, 15, 23, 31; 8 – 4:30
- First Aid/CPR/AED/BLOODBORNE PATHOGENS: August 16, 30; 8 – noon  
(We offer MEDIC FIRST AID)
- TEEX H2S Operator Training – Awareness (ANSI Z390 Course): August 16, 30; 12:30 – 4:30
- OSHA 10 HOUR GENERAL INDUSTRY TRAINING: August 19, 20

[ 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** ~

FOR ADDITIONAL INFORMATION CALL

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**Need Help With**

- ISNETworld
- PEC/Premier
- PICS
- BROWZ

**CALL US!!!**

SOURCES FOR THIS ISSUE INCLUDE:  
OSHA  
FMCSA  
CVSA  
Aggregate Manager  
Overdrive  
CCJ  
Safety & Health Magazine  
MSHA  
ttnews.com  
colorado811.org  
EHS today



## OSHA / CONSTRUCTION

**With the recent string of temps in the 90's, and the likelihood of more to come in August ...let's review!**

### **WATER. REST. SHADE.**

#### **OSHA's Campaign to Keep Workers Safe in the Heat**

##### **The Campaign**

OSHA's Heat Illness Prevention campaign, launched in 2011, educates employers and workers on the dangers of working in the heat. Through training sessions, outreach events, informational sessions, publications, social media messaging and media appearances, millions of workers and employers have learned how to protect workers from heat.

OSHA's safety message comes down to three key words: **Water. Rest. Shade.**

##### **Dangers of Working in the Heat**

Every year, dozens of workers die and thousands more become ill while working in extreme heat or humid conditions. More than 40 percent of heat-related worker deaths occur in the construction industry, but workers in every field are susceptible. There are a range of heat illnesses and they can affect anyone, regardless of age or physical condition.

##### **Employer Responsibility to Protect Workers**

Under OSHA law, employers are responsible for providing workplaces free of known safety hazards. This includes protecting workers from extreme heat. An employer with workers exposed to high temperatures should establish a complete heat illness prevention program.

- Provide workers with **Water. Rest. Shade.**
- Allow new or returning workers to gradually increase workloads and take more frequent breaks as they acclimatize, or build a tolerance for, working in the heat.
- Plan for emergencies and train workers on prevention.
- Monitor workers for signs of illness.

##### **Resources**

OSHA's [Occupational Exposure to Heat page](#) explains what employers can do to keep workers safe and what workers need to know - including factors for heat illness, adapting to working in indoor and outdoor heat, protecting workers, recognizing symptoms, and first aid training. The page also includes resources for specific industries and OSHA workplace standards.

Also look for heat illness educational and training materials on

OSHA's [Publications page](#).

OSHA-NIOSH Heat Safety Tool  
Smartphone App

iPhone Android

### **House Subcommittee Proposes Bill That Would Cut Funding to MSHA and OSHA**



As part of a draft funding bill proposed by the House Appropriations Committee's Labor, Health and Human Services, Education, and Related Agencies Subcommittee, the [Mine Safety and Health Administration \(MSHA\)](#) and [Occupational Safety and Health Administration \(OSHA\)](#) would receive modest budget cuts in fiscal year 2019, *Safety + Health* reports.

The draft bill allocates \$367.6 million for MSHA, approximately \$6.2 million less than FY 2018 and more than \$8.3 million less than the budget proposed by the Trump administration; and \$545.3 million for OSHA, a decrease of approximately \$7.5 million from FY 2018 and \$3.7 million less than proposed funding by the Trump administration.

However, the subcommittee proposed an increase in the budget for the [National Institute for Occupational Safety and Health \(NIOSH\)](#). It rejected the Trump administration's proposed \$255 million budget, a \$78 million decrease from FY 2018, and allocated \$335.2 million.

The bill was approved in a subcommittee markup on June 15, and went before the full appropriations committee for markup the week of June 25. The Senate was expected to issue its appropriations bill covering the agencies during the week of June 25 as well.

### **Safe + Sound Week,**

**August 13-19, 2018**

#### **What Is Safe + Sound Week?**

A nationwide event to raise awareness and understanding of the value of safety and health programs that include management leadership, worker participation, and a systematic approach to finding and fixing hazards in workplaces.

See [additional information](#).

## 4TH ANNUAL COLORADO DAMAGE PREVENTION SAFETY SUMMIT – 2018

Please join the Colorado Damage Prevention Action Team for the 4th annual Colorado Damage Prevention Safety Summit on September 18th and 19th, 2018.

The 2018 Damage Prevention Safety Summit will include legislative and safety sessions, (*New for 2018*) a 'Mock-Line-Strike' demonstration, as well as an opportunity to meet some of Colorado's top vendors and safe excavation leaders.

The 2018 Colorado Damage Prevention Safety Summit will be held on September 18th at the [Sheraton Hotel \(Lakewood\)](#) and September 19th at [Jefferson County Fairgrounds](#).

[SAFETY SUMMIT ONLINE INFO AND REGISTRATION](#)

## U.S. Department of Labor Extends Enforcement Date of Certain Provisions of the Beryllium Standard to August 9

The U.S. Department of Labor's **Occupational Safety and Health Administration (OSHA)** has announced a **delay** in enforcing certain requirements of the **final rule** on occupational exposure to beryllium in general industry. These requirements will not be enforced until **Aug. 9, 2018**.

The requirements include beryllium work areas, regulated work areas, methods of compliance, personal protective clothing and equipment, hygiene areas and practices, housekeeping, communication of hazards, and recordkeeping.

On June 1, 2018, **OSHA** published a Notice of Proposed Rulemaking to further extend the compliance dates of the remaining requirements until **Dec. 12, 2018**.

On May 11, 2018, **OSHA** [began enforcing](#) the permissible exposure limits for the construction and maritime industries, as well as other requirements of the general industry standard. However, the Agency will not enforce any other provisions for beryllium exposure in those standards unless it provides notice. Certain compliance dates outlined in the rule remain unchanged. Enforcement of the general industry requirements for change rooms and showers will begin **March 11, 2019**, and requirements for engineering controls will begin **March 10, 2020**.

**Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees.**

**OSHA's** role is to ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance.

## U.S. Department of Labor Seeks to Stop Increase in Worker Fatalities In Kansas, Missouri, and Nebraska

The U.S. Department of Labor's **OSHA** is seeking to stem a recent increase in workplace fatalities in Kansas, Missouri, and Nebraska. The Agency has seen an increase in fatalities associated with

- falls,
- struck-by objects and vehicles,
- machine hazards,
- grain bin engulfment,
- and burns.

In 2017, **OSHA** launched its "**Safe + Sound**" Campaign urging employers to develop and implement a safety and health program that includes management leadership, worker participation, and a systematic approach to finding and fixing hazards. So far, the campaign has received commitments from **198 organizations**.

"**OSHA** has investigated **34 fatalities** in these **three states** since **Oct. 1, 2017**," said **OSHA** Regional Administrator Kim Stille. "Working together with employers, unions, and employees, we can reduce these incidents. By implementing and sustaining workplace safety and health programs we can help employees avoid preventable injuries and fatalities. The agency has additional resources available to help employers of all sizes identify workplace hazards and eliminate them."

**OSHA** offers [compliance assistance](#) for small- and medium-sized businesses at no charge. Each state has its own [On-site Consultation Program](#), a free and confidential program to help employers learn about potential hazards at their workplace, improve safety and health programs. Additionally, **OSHA's Safety & Health Achievement Recognition Program (SHARP)** recognizes small business employers who have used the agency's On-site Consultation Program services, and operate an exemplary safety and health program. Acceptance of a site into **SHARP** is an achievement, and serves as a model for worksite safety and health.

Safety and health programs help reduce the numbers of workplace injuries and illnesses, and improve the bottom line. **OSHA's** "[Recommended Practices for Safety and Health Programs](#)" offers practical advice on how an organization can create and integrate safety and health programs.

Let **MJS Safety** be your "one stop shop" for implementing, or fine-tuning Safety and Health Programs in your workplace.

## The Department of Labor Proposes Rule to Better Protect Personally Identifiable Information

The Department of Labor's **Occupational Safety and Health Administration (OSHA)** has issued a [Notice of Proposed Rulemaking \(NPRM\)](#) to **better protect** personally identifiable information or data that could be **re-identified** with a **particular individual** by removing **provisions** of the "Improve Tracking of Workplace Injuries and Illnesses" rule. **OSHA** believes this **proposal maintains** safety and **health protections** for workers, protects privacy and **reduces** the **burdens** of complying with the **current rule**.

The **proposed rule** eliminates the **requirement** to **electronically submit** information from **OSHA Form 300** (*Log of Work-Related Injuries and Illnesses*), and **OSHA Form 301** (*Injury and Illness Incident Report*) for **establishments** with 250 or more **employees** that are **currently required** to maintain **injury** and **illness records**. These establishments would be **required** to **electronically submit** information only from **OSHA Form 300A** (*Summary of Work-Related Injuries and Illnesses*).

Under the **current recordkeeping rule**, the deadline for **electronic submission** of **Calendar Year (CY) 2017** information from **OSHA Forms 300 and 301** was July 1, 2018. In **subsequent years**, the deadline is March 2. **OSHA** is not **currently accepting** the **Form 300 or 301** data and **will not enforce** the **deadlines** for these **two forms** without further notice while this **rulemaking** is **underway**. The electronic portal collecting **Form 300A** data is accepting **CY 2017 data**, although **submissions** after **July 1, 2018**, will be marked **late**.

## Slope It. Shore It. Shield It. New Stickers Emphasize Trench Safety

When done safely, trenching operations can limit worker exposure to cave-ins, falling loads, hazardous atmospheres, and hazards from mobile equipment. The best way to prevent a trench collapse is to slope or bench trench walls, shore trench walls with supports, or shield trench walls with trench boxes. The new "Slope It, Shore It, Shield It" sticker can be affixed to equipment on a worksite. To order, visit OSHA's [Publications page](#).



### New Publications Available from OSHA

OSHA recently issued several new publications providing solutions to hazards in specific occupations and industries:

- ▶ Two Temporary Worker Initiative Bulletins explain the shared responsibility of staffing agencies and host employers to ensure temporary workers are provided with [hearing](#) and [respiratory](#) protection, when required.

## Occupational Noise Exposure

Twenty-two million workers are exposed to potentially damaging noise at work each year. Last year, U.S. business paid more than \$1.5 million in penalties for not protecting workers from noise.

While it's impossible to put a number to the human toll of hearing loss, an estimated \$242 million is spent annually on workers' compensation for hearing loss disability.

Each of the elements found at this [link](#) is critical to understand in order to ensure that workers are being protected where noise levels are unable to be reduced below the **OSHA** required levels.

## CVSA to Conduct Brake Safety Week Sept. 16-22

Commercial vehicle inspectors will be out in force beginning **Sept. 16** to conduct brake system inspections on **large trucks** and **buses** throughout the United States and Canada.

The inspections will be part of the **Commercial Vehicle Safety Alliance** and **Federal Motor Carrier Safety Administration's** "Brake Safety Week" Sept. 16-22, according to CVSA.

Inspectors will place out of service all CMVs with **critical brake violations** to call attention to the dangers of **faulty brake systems**.

During **Brake Safety Week**, inspectors primarily will conduct the **North American Standard Level I Inspection**, a **37-step procedure** that includes an examination of driver operating requirements and vehicle mechanical fitness.

**Brake-related violations** made up the largest percentage of **out-of-service vehicle violations** cited during last year's **International Roadcheck**. Of the vehicles placed out of service, **brake adjustment** and **brake system violations** combined to represent 41.4%, or 7,743, of all **out-of-service vehicle violations**.

Inspections conducted will include inspection of **brake-system components** to identify loose or missing parts; air or **hydraulic fluid leaks**; defective rotor conditions; measurement of **pushrod travel**; mismatched **air chamber sizes** across axles; air reservoir integrity and mounting; **worn linings**, pads, drums or **rotors**; required brake-system warning devices; and other **brake-system components**.

In 12 jurisdictions, inspectors will be using **performance-based brake testing equipment** that measures vehicle braking efficiency. The **brake-testing equipment** measures the cumulative brake force for the **entire vehicle** to determine overall vehicle braking efficiency. The **minimum braking efficiency** for trucks is **43.5%**, as required by U.S. **Federal Motor Carrier Safety Regulations** and the **CVSA North American Standard Out-of-Service Criteria**.

## Nearly 1,600 Trucks Sidelined During Unannounced Brake Safety Day

Roadside inspectors placed nearly 1,600 trucks and buses **out-of-service** for **brake violations** during the **Commercial Vehicle Safety Alliance's** unannounced **Brake Safety Day** on April 25.

According to **CVSA**, a total of 11,531 roadside inspections were conducted on **Brake Safety Day**, and 1,595 commercial vehicles, or 13.8 percent of those inspected, were placed **out-of-service**.

During the inspection blitz, 8,128 air-braked trucks and tractors required anti-lock braking systems, and 10 percent of these trucks had **ABS violations**. Additionally, 5,331 trailers were identified as requiring **ABS**, and 14.3 percent had **ABS violations**.

"Inspecting, identifying and removing commercial motor vehicles with **brake violations** from our roadways is critical to the **safety** of the traveling public," said **CVSA** President Capt. Christopher Turner with the **Kansas Highway Patrol**. "Brake systems that are **improperly installed**, neglected or **poorly maintained** reduce braking efficiency and increase stopping distances of trucks and buses, posing a serious **transportation safety risk**."

**Brake Safety Day** is one of several **brake-focused enforcement** sprees held each year.



## FMCSA Denies OOIDA's Petition to Exempt Small Carriers from ELD Mandate

A petition to the **U.S. DOT** asking for a reprieve from **ELD compliance** for small carries with **clean safety records** has been **denied**, the **Owner-Operator Independent Drivers Association** announced.

**OOIDA** filed the **exemption request** last **November**, less than a **month** before the **deadline** by which drivers were **required** to begin using an **electronic logging device**. The association requested that the **Federal Motor Carrier Safety Administration** allow **small businesses**, defined as those with less than **\$27.5 million** in **annual revenue**, to continue using **paper logs** to record **duty status** if they had no **at-fault crashes** and did not have a **safety rating** of 'Unsatisfactory'.

**FMCSA** has not yet **published** its decision in the **Federal Register**, which could offer **more detail** as to why the agency denied **OOIDA's** petition.

**OOIDA** President and CEO Todd Spencer said the **group** is "**puzzled** and **disappointed**" by **FMCSA's** decision.

In its request, **OOIDA** noted **several concerns** with the **mandate**, most notably the **lack of proper vetting** of **ELD suppliers** by either **FMCSA** or a third party and **questions** about the devices' **cybersecurity**. **OOIDA's** filing came after the **group** unsuccessfully **fought** the **mandate** in court. The **association** filed a **lawsuit** in **March 2016** against **FMCSA** seeking to **overturn** the **mandate**, but the **7th Circuit Court of Appeals** in Chicago ruled in favor of **FMCSA** in the case. **OOIDA** appealed the **decision** to the **U.S. Supreme Court**, who declined to **hear** the case, leaving the **7th Circuit appellate court's** decision in **place**.

A **bill** was filed in the **U.S. House** in May that would **exempt carriers** with 10 or **fewer trucks** from the **ELD mandate**, though it has seen **no action** since being **filed**.

A **separate exemption request** asking for an **ELD waiver** for small carriers was **published** by **FMCSA** in June. It was **filed** by the **Small Business in Transportation**, who seeks an **ELD exemption** for **trucking companies** with **fewer than 50 employees**. **FMCSA** has not yet issued a **decision** on this request.



## FMCSA's Joe DeLorenzo Details Drivers' Personal Conveyance Options with Elds

For drivers intending to use the hours of service's personal conveyance provision under the electronic logging device mandate, particularly in light of the U.S. DOT's late-May decision to provide some flexibility to use personal conveyance mode to find safe parking, two key elements must apply, says Joe DeLorenzo, head of enforcement for the Federal Motor Carrier Safety Administration.

One, the driver must be off duty and, two, the movement of the vehicle must be for personal purposes only, said DeLorenzo in a webinar held Tuesday by ELD supplier EROAD. There's confusion "about whether it's another line or whatever" on drivers' logs, he said, "but in this case it's important to know a driver has to be off duty, and that's where the whole determination as to whether it's legitimate personal conveyance starts. Because we're focusing on the intent of the movement, whether the vehicle is loaded or unloaded doesn't particularly matter."

The agency in late May announced it would allow drivers to enter into personal conveyance status to find the nearest safe location to park or rest should their hours be exhausted by detention at a shipper or receiver. Personal conveyance status has been in place since 1998, said DeLorenzo, "but it has come more to light with the implementation of ELDs. We realized we needed to do some additional guidance," he said Tuesday. The agency also said it would allow drivers to use personal conveyance status if they need to move at the direction of a law enforcement officer.

He provided a few examples of proper use of personal conveyance, and examples of improper use.

Drivers commuting to and from work can use personal conveyance status, he said, which does not count against a drivers' 14-hour on-duty time or their 11-hour drive time. However, a driver under dispatch leaving home en route to a load is considered on duty, he says, and therefore cannot



use personal conveyance. "If you stop at the yard the night before and picked up the load and brought it home and you travel to your point of destination from there" — that's all on-duty time, DeLorenzo said. "Operating at the direction of a motor carrier is not considered to be off duty."

A driver who is forced away from a shipper but is over hours can use personal conveyance status "purely to go to a safe location to get rest," he said. "It doesn't matter what direction, it may be proceeding in the same direction as the load. That's OK as long as it is the nearest safe location where you can get rest after those hours expire. That is a new piece to this guidance that will be helpful to a lot of folks trying to address situations that come up at the last minute."

Drivers using personal conveyance status in these scenarios will need to annotate their logs to note the reason for the move to make clear to enforcers that it was personal conveyance to find a place to park and rest.

"On the flip side," DeLorenzo noted, "any movement to enhance operational readiness" should be recorded as on-duty time. "Is the purpose of the move to get the load closer to where it needs to be? You can't bypass rest areas to keep going and get further along," he said. "If your 11 hours expire and you're going to a rest area continuing in your direction, you can't use it to extend your day. That's not considered personal conveyance."

Likewise, driving bobtail or with an empty trailer to retrieve a load is on-duty driving time, as is heading back to a terminal or yard after dropping a load. Trips for maintenance or for fueling are also on-duty.

To annotate personal conveyance use, drivers can either select the personal conveyance mode on their ELD (devices are required to have a personal use function) or simply log out and then annotate the beginning and end of their personal conveyance time.

Personal conveyance status does not exempt carriers or drivers from other regulations, said DeLorenzo. Drivers are still required to take their 10-hour break (from which personal conveyance draws) and are still required to adhere to all equipment standards.

## FMCSA to Begin Testing New Carrier Safety Scoring System This Fall

Complying with an order from Congress issued in 2015, the **Federal Motor Carrier Safety Administration** has released a report on how it plans to proceed in reforming its **Compliance, Safety, Accountability** program to better achieve **CSA's** goal of identifying **unsafe** trucking companies.

The chief reforms outlined in the [10-page report](#) include replacing the existing **CSA Safety Measurement System** with a new scoring system, working to **improve** the quality of data used to score carriers, making it **easier** for carriers to **understand** and calculate their safety scores and **evaluating** adding an **absolute** scoring system (*instead of relying only on relative scores that hinge on a comparison of carriers to their peers.*)

The agency says it hopes to **begin testing** a new scoring calculation method on “a **small scale model**” by September, with a full-scale model test to **potentially** follow in April 2019. The changes to **calculating scores** would be the largest reform made to the program. The **new scoring system** would be based on a so-called “**item response theory**” method, which was recommended to the agency as **holding the potential** to account for variables (*such as violations and severity weights*) better than the **previous scoring model** used by the agency.

The report, **dubbed** by the agency and **Congress** as a “**corrective action plan**,” is dated June 2018, and it was posted to the agency’s website July 4, according to a **timestamp** on the page. The **FAST**



**Act** highway bill, signed into law by President Obama in December 2015, required **FMCSA** to pull its **SMS percentile rankings** from public view and required the agency, with the help of the **National Academies of Science**, to figure out how to make the program more accurate in its assessment of **motor carriers’ safety**. Congress required the agency to submit a plan on how it would shore up the program following **widespread concern** among carriers that the scores were unfair and inaccurate and relied on **shoddy data**.

Last week, the agency announced it was **scrapping CSA reforms** proposed in 2015 in favor of broader reforms outlined by the **National Academies of Science**. Even before last week’s announcement, however, the agency had posted its **corrective action plan** on an interior page within its website, though it did little to publicize the report.

The **National Academies of Science** issued its **CSA** study report last June, noting **CSA's** deficiencies and ways the agency could alter the system to make it more fair and more **accurate**.

**FMCSA** in its report mostly follows **NAS’ recommendations**. In addition to moving to the item response theory scoring model to calculate **carriers’ safety ratings**, the agency says it intends to work with states and carriers themselves to fill the void of data on **vehicle miles traveled** and crashes — both of which were identified by **NAS** as large deficiencies within the data well mined by **FMCSA** for use in **CSA’s Safety Measurement System**.

To improve the **program’s transparency** and help carriers better understand their scores, **FMCSA** says in the report it plans as a “**first effort** to improve data availability and develop a webpage where researchers, **carriers**, safety consultants and the public can obtain simplified **MCMIS** (*Motor Carrier Management Information System*) data snapshots.”

Lastly, **FMCSA** says it will **evaluate** the ability to add an absolute scoring component— that is, rating carriers based solely on their data — to the system. The current **CSA program** uses relative scoring — carrier-to-carrier comparisons — to target carriers for **compliance reviews**. “At this time, it is not known how absolute measures would be affected once the agency completes the **modeling** recommended by **NAS**,” **FMCSA** says in its report. “Therefore, **FMCSA** defers action on this recommendation until it is confirmed that this would be **relevant**.”

## A follow-up to last months Powered Haulage Safety article...

# Seeking Mine Safety Solutions Through Technology

Far too many miners have been injured or killed in accidents involving powered haulage. The category, which covers the haulage of materials and personnel, accounted for half of the 28 US mining fatalities in 2017. MSHA has made the prevention of powered haulage accidents a priority for 2018 and beyond, with an initial focus on three areas, including large vehicles striking smaller ones. (*Mobile equipment at surface operations includes bulldozers, front-end loaders and trucks. Powered haulage – includes haul trucks, front-end loaders and other large vehicles – as well as belt conveyors.*)



Can the technology developed for self-driving cars help save a miner's life? That is a question trying to be answered at the Department of Labor's **Mine Safety and Health Administration (MSHA)**.

MSHA published a [Request for Information \(RFI\)](#) on technological improvements for powered haulage equipment that may have lifesaving implications for the mining industry. Powered haulage equipment transports materials at mines and includes haul trucks, front loaders, and conveyor belts. Unfortunately, accidents involving powered haulage account for a large share of mining fatalities.

One particular safety focus is on collision avoidance at surface mines, where haul trucks can be several stories tall and have blind spots extending hundreds of feet. Many large haulage vehicles used in surface mines are already equipped with backup cameras and warning alarms, similar to what is found in new cars on the road.

However, the latest smart technology developed for autonomous vehicles may be able to go further to increase miner safety. For example, seat belt interlock systems prevent a vehicle from starting if the belt is unbuckled. Additionally, collision avoidance systems use electromagnetic energy to sense the presence of vehicles and people, and alert the operator before accidents occur.

MSHA is seeking to solicit quality and comprehensive information. Representatives will be attending meetings and discussions with stakeholders across the country, including mine operators, equipment manufacturers, trade associations, and miners' representatives. In addition, the [Request for Information](#), issued through the *Federal Register*, will be open for public comment through December 24, 2018.

Utilizing technology can improve safety. MSHA is committed to the safety of American miners and look forward to hearing from the public on these important matters.

**IF YOU'RE LOOKING FOR A SUMMER ACTIVITY,  
YOU MIGHT WANT TO EXPLORE...**

## **COLORADO MINE TOURS & GOLD RUSH TOWNS**

Colorado mines tell the stories of early explorers, fur trappers and prospectors who came here in search of treasure after hearing tales of rivers overflowing with gold rocks free for the taking!

Visitors can follow the Colorado Gold Trail, a scenic tour of gold rush towns and gold and silver mines that flourished in the boom of the late 1850s. Towns on the trail include [Boulder](#), [Black Hawk](#), [Central City](#), [Idaho Springs](#), [Breckenridge](#), [Fairplay](#), [Alma](#), [Como](#) and [Leadville](#).

Of note is how these cities survived after the rush, avoiding the fate of so many towns that disappeared once the boom passed. Each now has its own character, legends and bragging rights, making them perfect destinations for a historic good time.

[Read more...](#)



### Trends in personal protective equipment 2018

PPE manufacturers and industry insiders discuss **technological advancements**, what their **customers** want to know, and what's on the **horizon**. From hard hats to steel toe boots, personal protective equipment covers workers from head to toe.

*Safety+Health*, with the help of the **International Safety Equipment Association**, recently reached out to **PPE manufacturers** with **three questions**: [Read](#) what **PPE trends** are happening, what **challenges** are your customers **reaching out** to you with, and what **technological innovations** are here or on the **horizon**?



## Safe at Any Speed: Getting Workers to Use Their Protective Gear

### *Small changes in training can lead to big results.*

Buying safety equipment and getting workers to use it are two entirely different things. Anecdotally, almost every safety professional interviewed finds it much easier to go shopping for the latest hard hat and safety glasses than getting workers to comply with **PPE requirements**.

The usual advice to improve compliance is to provide new, more comfortable **PPE** that looks good. But what happens when you've purchased new **protective equipment** that fits well and looks good, but it still doesn't get used when it should?

There are several often-overlooked ways to get workers to wear their **PPE**. In most cases, these are small changes in what many workplaces are actually doing—but collectively, they can lead to major improvements.

#### The Whys of Training

Training should cover more than how to properly wear **PPE**. It should also discuss why. One of the biggest causes of **PPE noncompliance** is that many workers simply don't think they need it. When they're asked why they aren't wearing **PPE**, people will often say things like, "I just never thought to put it on."

**PPE trainers** should take a cue from basic marketing tactics and present workers with more impactful value propositions. Explain why **PPE** use is necessary, make it feel urgent, and appeal to them with compelling stories.

Good stories are personal and relevant. One of my own go-to stories is about a time when I was walking through a worksite—and out of the blue, a rivet struck my hard hat. It had been dropped by someone working on a raised platform several stories up and could have caused serious damage if I hadn't been wearing **PPE**.

This story works well because it demonstrates that wearing **PPE** is a practical choice we can make to protect against other people's mistakes. It also shows that I personally believe in the value of **PPE**, and it provides a good prompt for a discussion about when it's necessary to wear hard hats.

#### More than Monthly

If you want **PPE** use to become a **regular practice**, then you need to make it a regular topic of conversation. This means discussing **PPE** with workers at every opportunity and from every angle. Provide verbal refreshers of key teaching points from **PPE training**, talk about why it's so important to wear **PPE** and chat about different situations in which workers may be tempted to remove their **PPE** so that people will be on the alert and prepared to act in the safest manner possible.

These refreshers can be delivered in a variety of ways. At the end of a one-on-one conversation with a worker, take a few moments to remind them about **PPE issues**. You can also discuss **PPE** when assigning workers to new tasks or when talking to them about non-safety elements of their job. Also consider more passive forms of reminders, such as noting **PPE requirements** in safety posters, and on video displays in break rooms and other common areas.

Many manufacturing companies already have group discussions built into the work schedule. In most cases, these are either **monthly safety meetings** or **weekly toolbox talks**. A short conversation about **PPE** can usually be worked into these meetings with minimal effort. But monthly discussions typically aren't enough (*especially because other safety issues also need to be covered*).

#### When It's Time for an Intervention

Sometimes proper training and regular **toolbox talks** on **PPE** isn't enough to get everyone to comply. If someone consistently fails to wear their **PPE**, then it's time to have a **one-on-one conversation** with them.

The conversation should be direct but it shouldn't be focused on reprimanding the worker for unsafe actions. Instead, let the worker share why they think certain behavior is acceptable and then have the supervisor follow up with an explanation of the risks.

People are more likely to listen if they feel listened to in turn, and if they believe in the underlying need for **PPE rules**. So even when a frank conversation is required because someone isn't wearing **safety gloves** or **eye protection**, it's still important to focus not on current noncompliance but on desired behavior in the future.

#### From Decision to Habit

Every time a worker makes the decision to use **PPE**, there's always a small chance they could choose to **not use PPE**. That's why the goal is to transform **PPE** use into an **unconscious habit**.

It's not something that happens overnight. In most cases, **building safety habits** requires a lot of **small course corrections** and **encouragement**, both of which come from group and individual conversations. Eventually, though, **PPE** use will go from being a rule that must be enforced to something that **happens automatically**.