



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

OSHA / CONSTRUCTION NEWS SUMMARY

▶ Join us for **Safe + Sound Week**, August 13-19, 2018

What Is Safe + Sound Week? [read more...](#)

▶ **Specific Employers Required to Submit 2017 Injury and Illness Data...due date was July 1**

The U.S. Department of Labor's **Occupational Safety and Health Administration's (OSHA)** deadline for electronically submitting their 2017 Form 300A data to **OSHA** was July 1, 2018. [read more...](#)

▶ **U.S. Department of Labor Cites Excavating Company Following Fatal Trench Collapse**

The U.S. Department of Labor's **Occupational Safety and Health Administration (OSHA)** cited an Ohio excavating & utilities company after an employee suffered fatal injuries in a trench collapse. [read more...](#)

TRANSPORTATION NEWS SUMMARY

▶ **CVSA's Annual driver-focused Enforcement Blitz — July 15-21**

Operation Safe Driver Week, an annual enforcement spree put on by the **Commercial Vehicle Safety Alliance**, is set this year for July 15-21. [read more...](#)



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▶ **'Drug Driving' Leads to More Fatal Crashes than Drunk Driving**

An increasing number of drivers involved in fatal crashes are testing positive for drugs, especially opioids and marijuana, according to a new study by the **Governors Highway Safety Association** [read more...](#)

▶ **FMCSA: Hours Violations Have 'Dropped Significantly' Under ELD Mandate**

Hours of service violations, as a percentage of total inspections, have been cut by about half since the electronic logging device mandate. [read more...](#)

▶ **FMCSA to Allow Drivers Hours Flexibility in Finding Parking After Leaving Shipper/Receiver**

Effective immediately, the **FMCSA** will allow drivers to enter into **personal conveyance status**, whether the truck is **loaded or not**, to find the **nearest safe parking** or rest location after their **hours of service** are exhausted by a **shipper/receiver** or off-duty periods are **interrupted** by **law enforcement**. [read more...](#)

▶ **FMCSA Clarifies Ag Hauler HOS Exemption**

The **FMCSA** has clarified a few key points of the hours of service exemption for agricultural haulers. [read more...](#)



▶ **Trucking Industry Adjusts to ELD Mandate as Focus on HOS Compliance Sharpens**

The U.S. trucking industry is continuing to adjust to the **federal electronic logging device mandate** that took effect late last year. [read more...](#)



▶ **Senate Skips Trucking Reforms in DOT Bill, Calls for Evaluation ELD Mandate for Livestock Carriers**



The **Senate's Appropriations Committee** on Thursday voted to send the chamber's **2019 U.S. DOT appropriations bill** to the full Senate for consideration. [read more...](#)

▶ **A HEALTH CASE FOR HOURS OF SERVICE CHANGE**

With the introduction of the 14-hour rule more than a decade ago, and its more rigid application with the electronic-logging-device mandate within the last year, it's no secret many drivers are feeling pushed and rushed to complete the miles necessary to make a decent paycheck. [read more...](#)

▶ **New Avenue for Requesting More Time to Replace a Malfunctioning ELD**

The **Federal Motor Carrier Safety Administration** announced the creation of an **email address** that can be utilized by carriers who need to request an extension of the **eight-day period** allowed in the regulations for carriers to repair or replace an electronic logging device that malfunctions. [read more...](#)



MSHA NEWS SUMMARY

▶ **Powered Haulage Safety Initiative**



Far too many miners have been injured or killed in accidents involving powered haulage. [read more...](#)



MJS SAFETY TRAINING SUMMARY

▶ **What is the Most Dangerous Industrial Gas?**

Among hazardous chemicals and substances handled in industry, gases are often the most dangerous. [read more...](#)

▶ **How to Treat Carbon Monoxide Poisoning...** [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](#).

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

- PEC Safeland Basic Orientation: July 6, 13, 23; 8 – 4:30
- First Aid/CPR/AED/BLOODBORNE PATHOGENS: July 12, 31; 8 – noon
(We offer MEDIC FIRST AID)
- TEEK H2S Operator Training – Awareness (ANSI Z390 Course): July 12, 31; 12:30 – 4:30

[For any last minute schedule updates, go to www.mjssafety.com]

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

GO TO 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.

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training in today's industry

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CVSA
NBC News
Overdrive
CCJ
Foley blog
MSHA
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healthline.com
govregs.com



OSHA/CONSTRUCTION

Join us for **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.

Why Participate?

Safe workplaces are sound businesses. Successful safety and health programs can proactively identify and manage workplace hazards before they cause injury or illness, improving sustainability and the bottom line. Participating in **Safe + Sound Week** can help get your program started or energize an existing one.

Who Is Encouraged to Participate?

Organizations of any size or in any industry looking for an opportunity to show their commitment to safety to workers, customers, the public, or supply chain partners should participate.

How to Participate

Participating in **Safe + Sound Week** is easy. To get started, select the activities you would like to do at your workplace. You can host an event just for your workers or host a public event to engage your community. Examples of potential activities and tools to help you plan and promote your events are available. After you've completed your events, you can download a certificate and web badge to recognize your organization and your workers.

Get [additional information](#), see who is currently signed up to participate in your area and [sign up to receive updates](#).

Specific Employers Required to Submit 2017 Injury and Illness Data...due date was July 1

The U.S. Department of Labor's **Occupational Safety and Health Administration's (OSHA)** deadline for electronically submitting their **2017 Form 300A data to OSHA** was **July 1, 2018**.

Electronic submissions are required of establishments with 250 or more employees that are currently required to keep OSHA injury and illness records, and establishments with 20-249 employees that are classified in [specific industries](#) with historically high rates of occupational injuries and illnesses.

► **Some employers may be subject to fines if submitted after the July 1, 2018 deadline.**

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 Cites Excavating Company Following Fatal Trench Collapse

The U.S. Department of Labor's **Occupational Safety and Health Administration (OSHA)** cited an Ohio excavating & utilities company after an **employee suffered fatal injuries** in a trench collapse. **OSHA** has proposed penalties of \$202,201 and placed the company in its **Severe Violator Enforcement Program**.

OSHA investigators determined that employees at a **residential construction** site in Morrow, Ohio, were working in trenches up to **16-foot deep** without **adequate cave-in protection**. **OSHA** cited the company for failing to use **protective systems** to prevent a cave-in; **implement methods** to remove accumulating water; properly use **ladders** to enter and exit the trench; prevent employees from **working beneath** a suspended trench box; ensure employees **wore hard hats**; and make provisions for **prompt medical attention** in the event of injury.

"A trench can **collapse in seconds**, burying workers under the weight of **thousands of pounds of soil**," said Ken Montgomery, **OSHA** Cincinnati Area Office Director. "This tragedy was **preventable**, and could have been avoided if the employer had **installed required protective systems** to prevent a **trench cave-in**."

The company has **15 business days** from receipt of its citations and penalties to comply, **request an informal conference** with **OSHA's** area director, or contest the findings before the independent **Occupational Safety and Health Review Commission**.

CVSA's Annual driver-focused Enforcement Blitz — July 15-21

Operation Safe Driver Week, an annual enforcement spree put on by the **Commercial Vehicle Safety Alliance**, is set this year for **July 15-21**.

During the **weeklong blitz**, enforcers will be **focusing on traffic violations**, seat belt enforcement, **driver roadside inspections** and driver **regulatory compliance**. **CVSA** says **driver behavior** is the cause of more than **88 percent** of large truck crashes and **93 percent** of passenger vehicle crashes.

Driving behaviors that will be **targeted** during the week include **speeding**, distracted driving, **texting**, failure to use a **seat belt**, following too closely, **improper lane change**, failure to **obey traffic control devices** and **more**.

Last year, **nearly 39,000 citations and warnings** were issued to **truck drivers** during **Operation Safe Driver Week**. More than **84 percent** of these **violations** were for **state and local moving violations**.



BRAKE SAFETY WEEK IS SEPT. 16-22

CVSA-certified enforcement personnel will conduct **roadside inspections** on **commercial motor vehicles (CMVs)** as part of the **Commercial Vehicle Safety Alliance's (CVSA) Brake Safety Week, Sept. 16-22**, in order to **identify and remove CMVs** with critical **brake violations** from our **roadways** and to call **attention** to the dangers of **faulty brake systems**.

Properly functioning brake systems are **crucial** to safe **CMV operation**. Brakes must be **routinely inspected** and carefully and **consistently maintained** so they operate and **perform** to the **manufacturer's specifications** throughout the life of the vehicle. **Improperly installed** or poorly **maintained brake systems** can reduce **braking efficiency**, posing **serious risk** to **public safety** on our roadways.

Data and research are clear:

- According to the U.S. Department of Transportation's **Federal Motor Carrier Safety Administration's Large Truck Crash Causation (LTCC) Study**, 32.7 percent of large trucks with pre-crash violations had brake problems.
- Brake-related violations comprised the largest percentage of out-of-service vehicle violations cited during **last year's International Roadcheck**.
- The **LTCC Study's relative risk analysis** indicated that large trucks involved in a crash where the braking capacity of the truck was critical were 50 percent more likely to have a brake violation than were trucks involved in crashes where the truck's braking capacity was not critical.
- According to the **LTCC Study**, of the trucks involved in brake-critical crashes, 45.5 percent had brake violations, compared with 29.9 percent of trucks involved in crashes of the same type where the braking was not relevant.
- Results from **last year's Brake Safety Day** found that 14 percent of all inspections conducted during that one-day brake safety initiative resulted in a **CMV being placed out of service** for brake-related violations.

Brake Safety Week aims to **reduce the number of crashes** caused by **poorly maintained** braking systems on **CMVs** by conducting **roadside mechanical fitness inspections** and removing **dangerous vehicles** from our **roadways**.

In addition to **inspections** and **enforcement**, outreach efforts by **law enforcement agencies** to **educate drivers**, mechanics, **owner-operators** and others on the **importance** of proper brake **maintenance**, operation and **performance** are integral to the success of the **safety initiative**.

During **Brake Safety Week**, inspectors will **primarily conduct** the **North American Standard Level I Inspection**, which is a **37-step procedure** that includes an **examination** of driver **operating requirements** and vehicle **mechanical fitness**. 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**. Vehicles with defective or **out-of-adjustment brakes** will be placed **out of service**.

In addition, in the **12 jurisdictions** using **performance-based brake testing (PBBT) equipment**, vehicle **braking efficiency** will be measured. **PBBTs** measure the **cumulative brake force** for the entire **vehicle** and divide it by the **total vehicle weight** to determine **overall vehicle braking efficiency**. The **minimum braking efficiency** for **trucks** is **43.5 percent**, required by **393.52 of the U.S. Federal Motor Carrier Safety Regulations** and the **CVSA North American Standard Out-of-Service Criteria**.

Brake Safety Week is part of the **Operation Airbrake Program**, sponsored by **CVSA** in partnership with the **Canadian Council of Motor Transport Administrators** and the U.S. Department of Transportation's **Federal Motor Carrier Safety Administration**.

'Drug Driving' Leads to More Fatal Crashes than Drunk Driving

An increasing number of drivers involved in fatal crashes are testing positive for drugs, especially opioids and marijuana, according to a new study by the **Governors Highway Safety Association** — though it is unclear whether drug use is actually the culprit in those crashes.

The report raises serious concerns at a time when the U.S. is facing an epidemic of opioid usage and as more and more states legalize marijuana for medical and recreational usage. But the **GHSA** also cautions that it is difficult to fully understand the extent to which "**drugged driving**" is becoming a problem.

"Drugs can impair, and drug-impaired drivers can crash," said report author Dr. Jim Hedlund, a former senior official with the **National Highway Traffic Safety Administration**. "But it's impossible to understand the full scope of the drugged driving problem because many drivers who are arrested or involved in crashes, even those who are killed, are not tested for drugs. Drivers who are drug-positive may not necessarily be impaired."

Authorities in the U.S. and abroad have aggressively cracked down on drunk driving over the last several decades. It is relatively easy to test motorists to determine whether they are under the influence of alcohol and determine whether it was a factor in a crash.

But what federal data shows is that, where tests were performed, 44 percent of drivers fatally injured in a crash tested positive for drugs in 2016, up from 28 percent a decade earlier. Of those who tested positive for drugs

in the latest study, 38 percent had used marijuana, 16 percent had used some form of opioid, and 4 percent tested positive for a combination of both.

The research found that the simultaneous use of multiple drugs is becoming more common. Of the drivers killed in crashes in 2016 who were found to be using alcohol, 49 percent also tested positive for drugs.

"Alcohol-impaired driving and drug-impaired driving can no longer be treated as separate issues," said Ralph Blackman, President and CEO of **Responsibility.org**, a Virginia-based non-profit focused on drunk driving. While the use of alcohol by motorists was responsible for 28 percent of all U.S. traffic fatalities in 2016, Blackman said, "We have to think about the combination of substances drivers are often putting into their systems at the same time."

"Research has demonstrated the potential of marijuana to impair driving-related skills," **NHTSA** advised Congress in a report last July, while noting that it can be difficult to determine when a driver using marijuana is unfit to be behind the wheel. It also questioned the accuracy of tests used to determine how much **THC** — the active ingredient in cannabis — is in the blood.

Nonetheless, the **GHSA** says the issue of drug driving cannot be ignored. It calls for new testing procedures, an increase in public awareness campaigns, and increased law enforcement.

"Too many people operate under the false belief that marijuana or opioids don't impair their ability to drive, or even that these drugs make them safer drivers," said **GHSA** Executive Director Jonathan Adkins. "Busting this myth requires states to expand their impaired driving campaigns to include marijuana and opioids along with alcohol to show drivers that **impairment is impairment, regardless of substance.**"

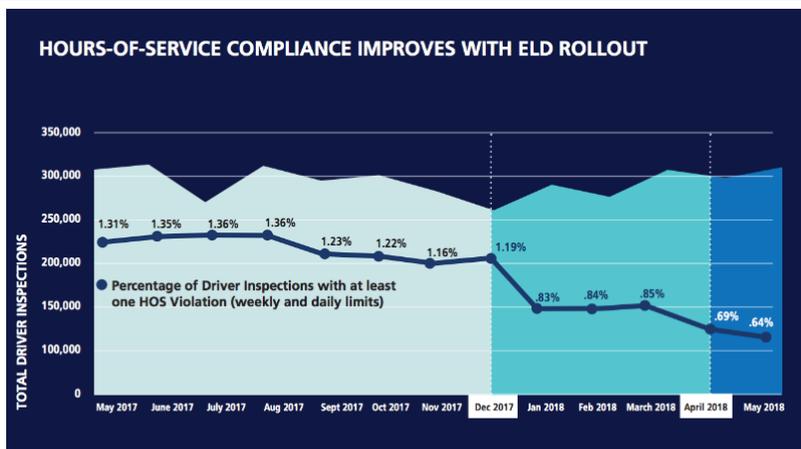
FMCSA: Hours Violations Have 'Dropped Significantly' Under ELD Mandate

Hours of service violations, as a percentage of total inspections, have been cut by about half since the electronic logging device mandate took effect in December, according to data released by the **Federal Motor Carrier Safety Administration**.

In the most recent two full months, since so-called hard enforcement of the ELD mandate began April 1, that percentage has dropped to 0.64 percent, according to **FMCSA's** figures.

From May through August of last year, the number of inspections that yielded hours of service violations trended at consistent 1.3 percent. In the months leading up to the December 18, 2017, deadline for adoption, that percentage fell slightly to 1.2 percent.

The agency posted a graphic on its website last week with the percentages. **FMCSA** says it



intends to update the graphic monthly to report the latest hours of service violation percentage.

The agency's first graphic shows that hours of service citations as a percentage of inspections fell to 0.83 percent in January, the first full month the ELD mandate was in effect. The number trended in the 0.8 percent range until April, when inspections resulting in an hours citation fell to 0.69 percent. The number declined again slightly in May to 0.64 percent.

Since April 1, the inspectors have conducted 559,940 inspections, says **FMCSA**, with just 4,720 of those resulting in hours of service violations.

FMCSA to Allow Drivers Hours Flexibility in Finding Parking After Leaving Shipper/Receiver

Effective immediately, the **FMCSA** will allow drivers to enter into **personal conveyance status**, whether the truck is **loaded or not**, to find the **nearest safe parking** or rest location after their **hours of service** are exhausted by a **shipper/receiver** or off-duty periods are **interrupted by law enforcement**.

“The **movement** from a **shipper or receiver** to the nearest **safe resting area** may be identified as **personal conveyance**,” according to a notice from **FMCSA**, “regardless of whether the **driver exhausted** his or her **hours of service**, as long as the **CMV** is being **moved solely** to enable the driver to obtain the **required rest** at a **safe location**.”

The **change** was prompted by **more rigid hours of service** compliance brought on by the agency’s **electronic logging device mandate**.

In a media call, **FMCSA** Enforcement and Compliance Director Joe DeLorenzo **emphasized** a **key point** that might apply more broadly to **other scenarios** where **personal conveyance** for the purpose of getting “**to your safe place to rest**. It’s all about why you’re **making** that particular **movement**,” in the end.

Generally, **personal conveyance** use has **not been allowed** for any move **intended to further the direction** of the current or **next dispatch** and is intended as **truly personal** use of the truck, outside the **stream of commerce**. Further clarifying the change in **personal conveyance interpretation**, the agency noted it **recognized** that “the driver **may not be aware** of the **direction** of the **next dispatch** and that in some instances the nearest **safe resting location** may be in the **direction** of that dispatch. If the **driver proceeds** to the **nearest reasonable and safe location** and takes the **required rest**, this would qualify as **personal conveyance**.”

Any driver using **personal conveyance** this way is advised to “**annotate on the log** if he/she **cannot park** at the nearest location and **must proceed** to another location.”

Personal conveyance is also **newly specifically** allowed in other **similar circumstances**, the agency noted — when a safety official (*such as a law enforcement officer*) requires a driver to **move** during an **off-duty period**. Such a use should be “**no farther than the nearest reasonable and safe area** to complete the **rest period**,” according the Federal Register publication.

Travel to home after working “**offsite**,” as long as the driver’s home is **not** in the **direction** of the **current or next dispatch**, is also **explicitly allowed as personal conveyance** by the new guidance.

Guidance changes were scheduled to be **published** in the Federal Register in early June DeLorenzo said, but he added that the agency had **already rolled them out to law enforcement**.

FMCSA Clarifies Ag Hauler HOS Exemption

The **FMCSA** has clarified a few key points of the hours of service exemption for agricultural haulers. Published in the Federal Register, this exemption relates specifically to the 150 air mile radius exemption, and how it can be used by ag haulers. As defined by the federal government, this exemption applies to any commercial motor vehicle driver that hauls “any agricultural commodity, nonprocessed food, feed, fiber or livestock, including insects.”



The premise of the 150 air mile exemption is as follows: agricultural haulers can travel freely within 150 air miles of the ‘source’ (*see details below*) without adhering to any federal hours of service regulations. There is no limit to how much they can drive, no required breaks, no logs to fill out, and no requirement that the truck be loaded. In truck miles, this equates to 172.5 miles from the location where the first pickup was made.

Pinpointing the ‘Source’

According to the **FMCSA**, the location where you pick up the agricultural commodity that is being delivered is the ‘source.’ It’s that location that sits in the center of your 150 air mile radius for that day. If you’re making more than one pickup and delivery, you must use the location of the first pickup as your source.

It’s important to note that while a farm or ranch may be considered a ‘source,’ it could be any place where agricultural commodities are stored and loaded (*a grain elevator or storage facility, for example*). In the words of the **FMCSA**, “As long as the commodity retains its original form, a place where the commodity is aggregated and stored may be treated as a “source” from which the 150 air-mile radius is measured.”

Exceeding the Radius

If at any point you exceed the 150 air mile radius, the hours of service regulations immediately kick in and you must start logging your hours. Keep in mind that the clock starts at zero when you cross outside of the radius – you don’t need to track any of the on-duty or driving hours that occurred within the 150 air mile exemption zone.

Although ELDs would be required once you cross outside of that air mile radius, there are a few ELD exemptions that may apply to you. For example, if you’re only traveling outside of that radius infrequently, you can use paper logs instead. ELDs are only required when you’re keeping logs more than 8 days out of any rolling 30 day period.

According to guidance published by the **FMCSA**, “This regulatory guidance is issued to ensure consistent understanding and application of the exception by motor carriers and State officials enforcing HOS rules identical to or compatible with **FMCSA’s** requirements.”

Trucking Industry Adjusts to ELD Mandate as Focus on HOS Compliance Sharpens

The U.S. trucking industry is continuing to adjust to the federal **electronic logging device** mandate that took effect late last year. Carriers are focused on **complying** with the regulation, **navigating enforcement issues** and finding ways to **derive additional** value from the technology.

The federal **ELD rule** requires most **longhaul drivers** to record their **hours-of-service** information with **ELDs** instead of **paper logbooks**. Based on the experiences of drivers at one Illinois trucking company, **enforcement officers** have shown some leniency because they, too, are still learning, said the **project and operations manager** at a Lemont, Ill.-based carrier. "It was a **big change** for the law, and **our law enforcement** and the **trucking industry**," he said.

The **safety manager** for a carrier based in Warren, Mich., said it has taken time for the company's drivers to get used to **ELDs**. To ease the **transition**, the company has focused on **driver training** and has established an **ELD department** that drivers can call with questions. "Any time they have an issue or are **confused** or don't understand something, they can **call** that extension. That means **a lot to the driver**," he said.

Although **hours-of-service rules** haven't changed, the **ELD mandate** has strengthened enforcement of those rules and **leveled the competitive playing field** among carriers, said a transportation research analyst. The **ELD mandate** also **tightened** the freight market by **eliminating capacity** that wasn't compliant with **HOS requirements**, he said. "It's hard to determine how much of the capacity crunch is from the **ELD mandate** and how much is from a **stronger economy**. Those two factors have combined to make this one of the **strongest trucking environments** on record."

The vice president of sales at a Salt Lake City family-owned trucking company agreed that **ELDs** have made **competition** within the **transportation industry** more fair. "While the vast majority of the trucking industry has been following **hours-of-service laws** for some time, there are clearly bad actors that would **not comply** without enforcement and **clear accountability**, particularly in industry segments that have historically **relied heavily** on **noncompliant carriers** to meet aggressive transit goals," he said. "The current capacity crunch has **increased** the need for **shippers** to partner with **carriers** to **maximize utilization** by minimizing driver and equipment delays and **optimizing mode selection**."

The Illinois trucking **project and operations manager** said that while a **few older drivers** may have left the industry rather than install an **ELD**, the younger generation **doesn't mind** the electronic logs. "They **don't want** to do paper," he said. "You have **someone 40 or younger**, you **don't hear a peep** out of them."

A spokeswoman for the **Owner-Operator Independent Drivers Association**, said the association doesn't have a way of **tracking** how many **drivers have left** the industry, but has heard that some have. "A few have said they are **going to do shorthaul** or buy an **exempt truck**," she said. "Some are looking at **buying** either an older truck or updating with a **glider**" with a **pre-2000 engine**.

Trucks with engines **manufactured before 2000** are exempt from the **ELD** mandate.

The CEO of a **national transportation law firm** based in Indianapolis said the **mandate** has forced better compliance by a **small percentage** of noncompliant fleets and drivers, but only 4% or fewer of **drivers inspected** are cited for **noncompliance** with HOS.



An **analytics firm** that tracks **fleet safety data**, has seen a precipitous drop in all HOS violations since the **mandate's enforcement grace period** ended April 1, said its CEO. There were 34,381 violations documented in April, **down from the 47,872 issued** in March, he said. The majority of violations concerned not having a **record-of-duty status**, which now must be **recorded** by an **ELD**. Other top violations include failure to maintain an **ELD instruction sheet** and failing to maintain the user's manual. "What the enforcement people **don't understand** is those **instruction sheets** are largely on the screen," the CEO said. "I think there is **some confusion**."

The **analytics firm** is part of SambaSafety.

The director of the **roadside inspection program** at the **Commercial Vehicle Safety Alliance**, said one of the biggest issues facing the industry is that drivers **don't know** if they have an **automatic on-board recording device** or an **ELD**.

AOBRDs are older electronic logging systems that predate the **ELD mandate**. Fleets that installed **AOBRDs** prior to the mandate can **keep using them** in lieu of **ELDs** until December 2019. "The transfer mechanism on **AOBRDs** and **ELDs** is **completely different**," she said. "They literally **look identical**, but some of the display screens on the **AOBRD** don't have the data an **ELD** would have and the transfer of the data **isn't the same**."

While **AOBRDs** are compliant, they **don't necessarily** have the ability to **transmit the log**, the analytics firm CEO said. "That is where we're seeing a lot of these **improper violations** because drivers **don't know the difference**."

The **CVSA** director encouraged **carriers** to ensure that drivers understand what **type of e-log system** is in their trucks and know how to download the files. Although **inspectors** are doing their best to learn all of the devices, it's impossible to **know how** to operate **every one**, she said.

Hundreds of different **ELD systems** are listed on an online registry **maintained** by the **Federal Motor Carrier Safety Administration**.

Vice president of safety and compliance at the Salt Lake City family-owned trucking company said most **Department of Transportation** officers know that the **carrier is grandfathered** and don't ask which **ELD** or **AOBRD** the company is using. "**Possibly due** to this fact, we haven't seen any difference in the level of enforcement for our **drivers**," he said, adding that the **carrier's scores** under the federal **Compliance, Safety, Accountability** program haven't changed much.

As part of the **ELD regulation**, drivers must **keep supporting documentation** for their hours, which the CEO of the national transportation law firm said **hasn't been** properly highlighted. "If you're a **company** that is required to have an **ELD** and the driver doesn't have an **ELD**, you get five points for the **violation**," he said. "If the driver does have an **ELD** but **doesn't have** the supporting paperwork, you get **seven points**."

The chief operating officer of LoadDocs, said the **ELD** mandate makes it **important** for fleets to organize and **store paperwork**, which can be **done digitally**. “Half of this mandate was documentation,” he said. **Drivers must maintain** a week’s worth of **ELD** data for **law enforcement review**. That includes metadata, such as a driver’s name, **time** and status. **Documentation** can include **bills of lading**, manifests, dispatch records, **expense** receipts and payroll documents. “If you have to prove your HOS, that **documentation** is critical to **back that up**,” he said, adding that carriers also must make the information **available for at least six months**.

CVSA’s director suggested **drivers keep everything** in their trip envelope and give it to the inspector. “Know you have to **have supporting documents**, know how to work the **device** and all will go well,” she said.

However, **OIDA’s** spokeswoman said some drivers in the field have **expressed frustration** after experiencing **problems** transferring **ELD** data. “A few have called saying they were put **out of service** for not using an **ELD**,” she said. “Some have said that the only thing an officer has asked for is the **ELD** and then let them go **upon proving** they had one.”

A **privately owned** transportation and supply chain management company based in Cookeville, Tennessee. saw some **temporary declines** in **productivity** due to the learning curve of additional administrative time being **taken** in the truck, but the carrier has **gained back everything** it lost and then some, said the productivity and efficiency leader for **tracking operations** at the fleet.

The **safety coordinator** for a carrier based in Lawrenceburg, Tenn., said the company has **turned down loads** with certain shippers because drivers were likely to be delayed, which **can throw off** their schedules under **HOS**. “They get **held up** when they get loaded and then they can’t get unloaded. It will **end up tying** your trucks up for **two to three days** instead of **one day**,” he said. “If you get held up in the **first part** of your week, it seems like you never get **caught up**.”

Many fleets have found that **ELDs** make trucking life easier and **more efficient**, the CEO of the law firm said. “**ELDs** help some drivers **better manage** their time, and they collect a lot of other data,” he said. “They **provide greater visibility** on HOS, **better dispatch** and they collect other **pieces of data**.”

That data captured by **ELDs** can support **fleet management** in a variety of ways.

A **chief technology** officer for a fleet **management** and freight tracking **software provider**, said **ELDs** that use **geofencing** can eliminate the need for a **driver** to make a check call, he said. “You can **get the scheduled time** when the **driver breaks** the **geofence**, so we know they got there on time,” he said, adding that **automatic alerts** can help shippers **schedule labor**.

The law firm’s CEO said **ELDs** also can help **identify driver behavior issues**. “There are probably **greater safety gains** to be had with the additional data these devices provide over the **HOS compliance data**.”

Senate Skips Trucking Reforms in DOT Bill, Calls for Evaluation ELD Mandate for Livestock Carriers



The **Senate’s Appropriations Committee** on Thursday voted to send the chamber’s **2019 U.S. DOT appropriations bill** to the full Senate for consideration. Unlike its **House counterpart**, the bill is void of trucking policy reforms, chiefly an extension of the **ELD waiver** granted to **livestock haulers** and the so-called **Denham Amendment**, a provision to **block states** from enforcing **meal and rest break laws** for truck operators.

Senate appropriators did adopt an **amendment** to direct the **DOT** to further evaluate the needs of **livestock haulers** relative to the federal **electronic logging device mandate**. That directive stops short of the House’s plan to exempt **livestock and insect haulers** from compliance with the logging device mandate through **September 2019**. Instead, the Senate calls on the DOT to “consult with stakeholders, the **Department of Agriculture** and Congress on legislative solutions for drivers with **unique working conditions**,” referring specifically to livestock haulers.

Once consideration of the amendment begins by the full Senate, lawmakers could opt to **add trucking reforms** via the **amendment process**. The Senate has not set a date to consider the bill. **Current DOT funding expires** at the end of the September.

The House has not yet brought its **DOT appropriations bill** to the floor for consideration yet either.

Should the **two chambers pass different versions** of their respective bills, lawmakers will enter into a **conference committee** to produce a **unified bill** that will then need to be passed by both chambers again. Any **trucking policy riders** attached to the bill would be **subjected to review** during the **conference committee process**.

A HEALTH CASE FOR HOURS OF SERVICE CHANGE

With the introduction of the 14-hour rule more than a decade ago, and its more rigid application with the electronic-logging-device mandate within the last year, it's no secret many drivers are feeling pushed and rushed to complete the miles necessary to make a decent paycheck. The pressures on drivers are massive: complete on-time deliveries, finish the turnaround so they can find parking or return home before the clock runs out. The rush-and-push dynamic leaves little time for healthy eating and proper exercise.

To alleviate demands upon drivers' time, many truck stops have long moved toward menus dominated by fast food, leaving little healthy options. This is all quickly driving trucking's main commodity to an early grave. The average life expectancy of a truck driver in the United States by some estimates lags well behind that of most men in the United States.

With average life expectancy in the United States falling for the second year in a row recently, if an oft-repeated 17-year differential holds true today, that would make the average life expectancy of a trucker 59 years of age. According to the federal Bureau of Labor Statistics, the average age of a driver today is 55.

Those who make the case for the hours of service status quo ignore the health and well-being of an American icon, the over-the-road truck driver, in favor of maintenance of the bottom line. Would it not be productive and cost-effective to reevaluate the hours of service rules and allow drivers the appropriate flexibility to make time for proper eating and exercise?

If the industry continues to kill off the golden goose, rush-and-push could lead to what no one wants – a rise in fatalities on the road.

A fast-food diet can yield several detrimental effects on the body, a point underscored by a post on the [Healthline.com website](http://www.healthline.com). Fast food is generally high in carbohydrates, with a minimum amount of fiber. Excessive carb consumption can repeatedly spike blood sugar, ultimately causing normal insulin reactions to fail, increasing weight gain and taking risk for development of type 2 diabetes to high levels.

Fast food is also high in trans fats that increase LDL (*bad*) cholesterol in the blood, escalating the risk of heart disease and again multiplying your risk for type 2 diabetes.

One of the ways the fast food industry makes its products more appealing is by adding sodium, a dangerous prospect for those with high blood pressure. High sodium levels can also lead to water retention, leaving you feeling puffy, bloated and/or swollen after intake. Overeating, too, often results from excess sodium consumption, leading weight gain and perpetuating a vicious cycle.

The complications from excessive fast food eating are many and extend through obesity to cardiovascular and respiratory issues and so much more.

I question why trucking companies and truck stop operators seem to ignore an ever-escalating problem. Why are fast food menus pushed upon drivers? Why do regulators, as well as our government representatives, seem to do nothing more than look for ways to drive out experienced haulers in favor of the untested new, thus conditioning the inexperienced to these realities – or, worse yet, moving hard to eventually replace the lot of them with automated trucks?

Carrier-written blog posts and truck-stop PR promoting healthy eating and proper exercise are not enough. Most power units are not equipped with a kitchen, and the amenities commonly offered to drivers only increase the problems — microwave meals and sugary drinks are often used in place of a healthy alternative.

Yes, the driver must step up and take responsibility for his or her own health. However, the industry can do its part by offering better choices with availability, considering less than 10 percent of product on the shelves can be referred to as healthy.

Greater flexibility, furthermore, in hours limits could serve to dial back the rush-and-push dynamic so many are succumbing to.

New Avenue for Requesting More Time to Replace a Malfunctioning ELD



The **Federal Motor Carrier Safety Administration** announced the **creation** of an **email address** that can be **utilized** by **carriers** who need to **request** an **extension** of the **eight-day period** allowed in the **regulations** for **carriers** to repair or **replace** an **electronic logging device** that **malfunctions**.

In such an event, the **ELD mandate rule** specified, the **affected driver** can **utilize paper logs** for up to **eight days**, after which the **carrier** would need to **request** an **extension** if more **time** was needed. To date, carriers have **been instructed** to send **requests** for **extensions** directly through one of the many **FMCSA division offices**, whichever one **covered** the **area** in which the **carrier** is **domiciled**. (*49 Code of Federal Regulations 395.34 outlines copious driver and carrier responsibilities during an ELD malfunction*)

Now, when **requesting** an **extension**, carriers can **utilize** the **ELD-Extension@dot.gov** address. **FMCSA** spokesman Duane DeBruyne says that **email requests** received will still be **routed** to the **appropriate state division offices**, and the **“FMCSA state-based Division Administrator** will make the **determination”** whether to **grant** the extension and **“provide notification.”**

DeBruyne also **notes** that, while the **established route** toward **contacting** the state division offices **directly** is still an **option** to carriers, the **centralized email** should also have the **effect** of allowing **FMCSA headquarters** to **keep tabs** on the **“malfunctions occurring across the country.”**

DeBruyne adds that **prompt relay** of **incoming messages** can be **expected**. **“These are taken very seriously, and are dealt with as expeditiously as possible.”**

With the **announcement** of the **new central email address**, **FMCSA** also **advised** carriers that it had **added answers** within its **ELD FAQs** related to **questions** about **similar processes** for **malfunctioning Automatic Onboard Recording Devices**, accessible via the **ELD FAQs at this link**, click **“Automatic Onboard Recording Devices.”**

Powered Haulage Safety Initiative



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: large vehicles striking smaller ones; seat belt usage; and conveyor belt safety. Materials on this and related web pages support the powered haulage safety initiative.



Large Vehicles Hitting Small Vehicles

Surface mining vehicles can be several stories tall and are capable of destroying smaller vehicles that cannot be seen by the operator. Traffic controls, training, and avoiding distractions are key to enhancing safety. Collision warning and avoidance systems can also help.

Seat Belt Usage

MSHA engineers estimate that three to four miners' lives could be saved each year if adequate seat belts were provided and worn. Warning systems such as chimes can remind drivers to buckle up, while interlock systems can prevent the vehicle from moving if the belt is unbuckled.

Conveyor Belt Safety

Conveyor belts and their components pose serious risks to miners working on or around them. It's important to install adequate guarding to prevent contact, provide and use crossovers and cross unders, and lock out energy sources and block motion whenever performing maintenance.

Safety Topic: Conveyor safety at surface mines

Conveyor belts are an important method of material haulage at many surface and underground mines. Systems range from a single belt to a series of belts spanning miles. All conveyor belt systems, or belt conveyors, have inherent dangers while in motion. Fatal accidents related to working near, inspecting, adjusting or maintaining conveyor belts occur each year at underground and surface mines. The risk to workers can be reduced by following safe work practices during operation and maintenance and by installing proper physical safeguards on the equipment.

MSHA provides resources and tips to help miners stay safe around conveyor belts.

Key Safety Practices:

- Ensure that power is disconnected during maintenance and repairs by locking out and tagging out energy at the source. It's best if the person doing the work personally disconnects and locks the power and restores it following the work.
- Ensure that adequate guarding is installed to prevent any contact between miners and moving parts of a conveyor, including rollers and head and tail areas.
- Install pull cords for emergency stops at strategic locations to prevent or minimize injury after accidental contact.
- Never attempt to cross a moving conveyor belt except at suitable crossings.
- Install practical and usable belt crossing facilities at strategic locations, including near controls, when height allows.
- Install audible and visible warning systems to signal the start of the conveyor.
- Establish policies and procedures for performing specific tasks on conveyor belts and ensure all miners are trained.

What is the Most Dangerous Industrial Gas?

Among hazardous chemicals and substances handled in industry, gases are often the most dangerous. In addition to being harder to contain than liquids or solids, many gases are invisible and odorless, forcing workers to rely on sensors and meters to detect leaks.

But surprisingly, amongst all the toxic, corrosive, and otherwise nasty gases that exist in industry, the most deadly of them all is the one we breathe in the most - nitrogen.

Nitrogen (N₂) is an inert and invisible gas that makes up about 78% (by volume) of the air we breathe. The lungs don't absorb any of it, and it comes right back out when we exhale along with carbon dioxide (CO₂). No interactions, no suffocation, no problems.

Nitrogen Asphyxiation

Things get dangerous fast when nitrogen concentration rises and oxygen levels fall in a closed environment. It only takes about a 2% dip from normal oxygen levels to create a breathing environment that is fatal within a short period of time. Victims of nitrogen-rich environments often don't know what's wrong until it's too late, because normal breathing is still taking place; carbon dioxide is still being released, so the buildup which causes suffocation doesn't happen.

The incident, termed "nitrogen asphyxiation," results in a lack of oxygen which impairs judgment, coordination, and the ability to exert strength. In extreme cases, even just one breath can result in unconsciousness.

How prevalent is the nitrogen problem? Accidents involving nitrogen asphyxiation cause nearly 8 deaths per year in the U.S. The CSB (U.S. Chemical Safety and Hazard Investigation Board) reports that between 1992-2002, 85 incidents occurred, resulting in 80 deaths and 50 injuries. Of these, perhaps one of the most tragic was an accident at a Valero Refinery in Delaware City, Delaware.

The fatal Valero asphyxiation incident

On the night of November 5, 2005, a pipe elbow had been removed on the top of a hydrocracker that was shut-down for maintenance. Nitrogen had flowed into the reactor and exited from the covered opening, which was marked with a "Danger: Confined Space" sign but had no signs for nitrogen hazards. Nitrogen dangers in the report for the installation crew had been marked N/A.

Down in the opening, workers noticed a roll of duct tape in the reactor, which needed to be removed in order for work to continue. However, entering the reactor to remove it would require obtaining a special crew and permit, which would cost a lot of time and money. This was inconvenient considering the reinstallation was scheduled to be completed that night, and a crane needed for the operation had just become available for that short window of time.

In an attempt to save time, a worker tried retrieving the tape with a long wire, but failed. There are two plausible scenarios of what happened next: either the worker got close to the edge of the reactor hole, or he decided to climb down into it. In either case, in an attempt to retrieve the duct tape the worker ended up breathing in oxygen-deprived air and quickly collapsed down inside the reactor.

An eyewitness saw that the foreman and a contractor were peering down the hole when the first worker collapsed. The foreman quickly grabbed a ladder, inserted it into the hole, and climbed down to attempt a rescue. He too collapsed inside the reactor. The contractor then quickly declared an emergency on his radio.

Over 10 minutes since the first victim collapsed, emergency crews had responded and found the oxygen levels within the hole to be below 1%. Using breathing apparatuses and harnesses, they retrieved the workers from the reactor, but attempts to revive them were unsuccessful. It was later estimated that the men died around 3 minutes after falling unconscious within the reactor.

Lessons learned

In an investigation of the incident, the CSB determined that current industry safety guidelines, company training programs, and OSHA standards were not enough to adequately warn workers about the dangers of low-oxygen hazards. Properly informed and trained workers would know not to enter such confined spaces without safety equipment such as oxygen level meters to detect O₂-deficient environments. They would also know not to attempt a rescue of a fellow worker without essential breathing equipment or first purging the area of the harmful gases.

As always, industry should strive for safety as a number one priority in any potentially dangerous work environment. Nitrogen-related accidents like that at the Valero refinery can be prevented through proper safety equipment, thorough reporting, adequate warning signs, and sufficient training in the workplace.

How to Treat Carbon Monoxide Poisoning

1. Get the Person to Fresh Air

Move the person away from carbon monoxide area.

If the person is unconscious, check for injuries before moving.

Turn off carbon monoxide source if you can do so safely.

2. Call 911

3. Begin CPR, if Necessary

If the person is unresponsive, not breathing, or not breathing normally:

Perform CPR for one minute before calling 911 if you are alone. Otherwise, have someone else call and begin CPR.

For a child, start [CPR for children](#).

Continue CPR until the person begins breathing or emergency help arrives.

4. Follow Up

Once at the hospital, the person is treated with 100% oxygen. Depending on the severity of the carbon monoxide exposure, oxygen is delivered in different ways.

Mild poisoning is treated with oxygen delivered by a mask.

Severe carbon monoxide poisoning may require placing the person in a full body, high pressure chamber to help force oxygen into the body.