



~ MJS SAFETY NEW OFFICES/TRAINING CENTER ~

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

▶ MJS SAFETY TRAINING ANNOUNCEMENT

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

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

OSHA / CONSTRUCTION NEWS SUMMARY

▶ Summer Heat Requires Time for **WATER. REST. SHADE.**

The summer heat continues, so OSHA is reminding employers and workers about heat illness hazards and to take the necessary precautions when working outdoors. [read more...](#)

▶ OSHA Investigation Finds Safety Failures Led to the Death of 3 Workers who Entered a Manhole Containing Lethal Gases

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▶ Fact Sheet Explains Requirements to Protect Residential Construction Workers from Confined Space Hazards

OSHA has released a new [fact sheet](#) explaining how the agency's Confined Spaces in Construction standard affects common spaces in residential construction, such as attics, basements, and crawl spaces. [read more...](#)

▶ All-Important Equipment When Seconds Count

Placement of the emergency equipment is very important. A person in pain and with possibly obstructed vision should be able to traverse the path from hazard to the flushing units within seconds. [read more...](#)



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TRANSPORTATION NEWS SUMMARY

▶ Speed Limiter Mandate, Sleep Apnea Stripped from Trump DOT Agenda

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▶ FMCSA Gathered Public Input on 'Highly Automated' CMVs

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▶ **CVSA Releases Results from Unannounced Brake Safety Day Enforcement Initiative**



~ Inspectors order nearly 2,000 trucks out-of-service during unannounced Brake Safety Day ~
[read more...](#)

▶ **TRUCKS WITH OLDER ENGINES EXEMPT FROM ELD MANDATE, FMCSA SAYS**

The **Federal Motor Carrier Safety Administration** has [posted new guidance](#) for the electronic logging device mandate that exempts trucks equipped with model year 2000 engines and older from adhering to the mandate, regardless of the model year of the truck. [read more...](#)

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▶ **ELD Delay Faces Big Hurdles, Even with Added Co-Sponsors**

More than 21 members of the U.S. House have signed on as co-sponsors to the bill that would delay the compliance date of the looming electronic logging device mandate. [read more...](#)



▶ **Experts Say Inspection System Should Have Room to Give Credit for No Violations**

For years, truckers have been complaining that inspectors do not always submit reports to federal regulators giving them credit for no violations or “clean” roadside inspections. [read more...](#)

▶ **Starting Aug. 9, you can break into a hot car to save a kid or dog — legally**

New good Samaritan law requires that you make a reasonable effort to contact law enforcement first, though... [read more...](#)

▶ **FMCSA to Begin Crash Accountability Program to Aid Fleets' Safety Scores**

The **Federal Motor Carrier Safety Administration** has announced that it is beginning a two-year crash preventability demonstration program that will classify a crash as “not preventable” on a carrier’s Safety Measurement System profile in instances where the carrier is not at fault. [read more...](#)

MSHA NEWS SUMMARY

▶ **MSHA Safety Alert — Truck Dumping Safety**



This tragedy refers to dumping a load of coal, but the same precautions should be applied to any type of material dumping.

BEST PRACTICES [read more...](#)



▶ **Metal and Nonmetal Mine Safety and Health 30 CFR § 56.20011 - Barricades and Warning Signs**

Areas where health or safety hazards exist that are not immediately obvious to employees shall be barricaded, or warning signs shall be posted at all approaches. [read more...](#)



MONTHLY SAFETY TIP NEWS SUMMARY

▶ **Are Employees Taking Enough Vacation?**

If you can't remember the last time you took a vacation, you're not alone. While American workers are stressed, they're not taking time away from work. [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](#).

Make MJS Safety your "GO TO" Resource in 2017

"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 [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 Aug 2017: • TRAINING CENTER - NEW LOCATION - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543

- PEC Safeland Basic Orientation: August 8, 18, 28
- First Aid/CPR/AED / BLOODBORNE PATHOGENS: August 2, 8 a.m.
(We offer both MEDIC FIRST AID & AMERICAN HEART ASSOCIATION)
- TEEX H2S Operator Training – Awareness (ANSI Z390 Course): August 2, 1 p.m.

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

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

— FEATURED TRAINING PROGRAMS —

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

— 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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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 ~

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CCJ
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CVSA
Aggregates Mgr
Denver Post
Transport Topics
CDC
NOSH



OSHA / CONSTRUCTION



Summer Heat Requires Time for **WATER. REST. SHADE.**

The summer heat continues, so OSHA is reminding employers and workers about heat illness hazards and to take the necessary precautions when working outdoors. Those steps include gradually increasing shift lengths so workers can adapt to hot environments, providing frequent water breaks, allowing ample time to rest, and providing 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 % of heat-related worker deaths (an average of 658 every year) 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. "Heat can be a silent killer because it doesn't topple trees or rip roofs off houses like tornadoes and hurricanes," the chief of fire and public weather services with NWS stated. "Nevertheless, it's a dangerous weather condition for which people should prepare."

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 and 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.

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 the [OSHA Publications](#) page.

OSHA also provides a link to a free [smartphone app](#) that allows users to calculate the heat index for their location and provides reminders about what to do to prevent heat illness.

OSHA Investigation

Finds Safety Failures Led to the Death of 3 Workers who Entered a Manhole Containing Lethal Gases

Utility contractor cited for 10 serious violations totaling \$119,507 in penalties

The U.S. Department of Labor's OSHA has cited a South Florida utility company and related contracting company after the agency's investigation into the deaths of three workers who succumbed to toxic gases in a manhole on Jan. 16, 2017.

A pipe layer entered the manhole – a confined space – and quickly became unresponsive. A second laborer entered the hole and attempted to rescue the first employee. After the second employee also became unresponsive, an equipment operator followed to help his fallen coworkers. All three men died. Post-incident atmospheric testing in the manhole revealed lethal levels of [hydrogen sulfide](#) and [carbon monoxide](#). Two other employees and a volunteer firefighter were also exposed to the toxic gases in the manhole during rescue attempts, but survived.

OSHA investigators issued the two companies a combined 10 [serious violation](#) citations totaling \$119,507 in penalties. The incident-related serious violations are for failing to purge or ventilate the confined space before entry, exposing the workers to an asphyxiation hazard, and not providing necessary rescue and emergency equipment for employees that were overcome inside a permit-required confined space.

In addition, OSHA issued serious citations to the two companies for failing to:

- Develop and implement a written [hazard communication](#) program for a worksite in which employees were exposed to dangerous chemicals and gases.
- Use a calibrated direct-reading device to test for toxic gases, creating an asphyxiation hazard.
- Create and document the [confined space entry permit](#).
- Provide training to employees in the safe performance of their assigned duties in permit-required confined spaces.
- Provide a [guardrail](#) around the manhole opening, exposing employees to a fall hazard.

"The hazards of working in manholes are well established, but there are ways to make it safe," said the OSHA area director in Fort Lauderdale. "Three employees needlessly lost their lives and others were injured due to their employer's failure to follow safe work practices."

Ask questions; obtain compliance assistance; file a complaint or report amputations, eye loss, workplace hospitalizations, fatalities or situations posing imminent danger to workers, by calling OSHA's toll-free hotline at 800-321-OSHA (6742).

Fact Sheet Explains Requirements to Protect Residential Construction Workers from Confined Space Hazards

OSHA has released a new [fact sheet](#) explaining how the agency's [Confined Spaces in Construction](#) standard affects common spaces in residential construction, such as attics, basements, and crawl spaces.

The fact sheet, developed after consultation with the National Association of Home Builders, and a detailed [Frequently Asked Questions](#) document, clarify some of the standard's provisions and their application to residential construction work.

All-Important Equipment When Seconds Count



Placement of the emergency equipment is very important. A person in pain and with possibly obstructed vision should be able to traverse the path from hazard to the flushing units within seconds.

We've all read the statistic that tells us about 2,000 workers in the United States suffer eye injuries requiring medical treatment every day. At least 90 percent of those injuries were preventable through the use of the proper [PPE](#) and also emergency eyewash and shower equipment.

Safety **PPE** prevents hazardous exposures when used and maintained correctly. Workers in occupations where it is commonly used are quite familiar with it—their hard hat, high-visibility and/or protective apparel, fall harness, cut-resistant gloves, safety footwear, etc.—and appreciate why its use is required on the job. But eyewash and shower equipment is different, in that, like fire sprinklers and fire alarms, it's rarely needed in an actual emergency situation. Fire sprinklers and fire alarms share another similarity with emergency eyewash and shower equipment: **You have to test it regularly to ensure it will function as needed when a real emergency happens.**

Workplaces where employees may be exposed to harmful corrosive materials should be equipped with eyewash and shower units that are **inspected annually** to ensure they comply with the [ANSI/ISEA Z358.1-2014](#) standard. These employers should activate these units **weekly** in order to make certain it is operational and to get rid of any sediment that may be in the supply line. This testing should continue as long as necessary to ensure there is flushing fluid supply at the device's delivery head and to clear sediment.

Placement of the emergency equipment is very important. Manufacturers say that it's key to have an appropriate flushing system located on the same level and within 10 seconds' travel distance, or about 55 feet, from the hazard; to protect the equipment and supplies against extremely hot or cold temperatures; and to get rid of any and all trip hazards between the hazard and the equipment. *(In other words, a person in pain and with possibly obstructed vision should be able to traverse the path from hazard to the flushing units within seconds.)*

The High Cost of Eye Injuries

Eye injury statistics are available from a variety of sources, including the American Optometric Association, the American Academy of Ophthalmology, NIOSH, the National Safety Council, and others. The National Safety Council's [Injury Facts, 2016 Edition](#) tells us there were **22,120 occupational eye injuries** in the U.S. private sector during 2013, and these injuries accounted for 2.4 percent of the private-sector injuries that year resulting in days away from work. Injuries affecting the back, hand, head, and knees caused larger percentages of the lost-time cases that year, but eye injuries are especially costly and debilitating.

OSHA has stated that thousands of workers are blinded each year from work-related eye injuries that could have been prevented, and the agency reported that eye injuries alone cost more than \$300 million per year in lost production time, medical expenses, and workers' compensation.

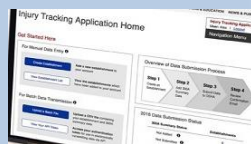
Still, it's worth pointing out here that more injuries occur at home than anywhere else, according to **CDC's National Center for Health Statistics**. We need to be wearing protective eyewear and avoiding vision hazards during activities at home just as we do in the workplace.

Potential eye hazards on the job include:

- > Dust, concrete, metal, and particles
- > Chemical splashes and fumes
- > Radiation (especially visible light, ultraviolet radiation, heat or infrared radiation, and lasers)
- > Bloodborne pathogens in health care from blood and body fluids

Form for Electronically Submitting Injury, Illness Data Available Aug. 1

The Injury Tracking Application (ITA) will be [accessible](#) August 1, 2017, where you will be able to provide the Agency your **2016 OSHA Form 300A** information.



The launch of the [web-based form](#) will allow employers to electronically submit required injury and illness data from their completed **2016 OSHA Form 300A**. The webpage will offer three options for submitting data, and includes information on reporting requirements, a list of frequently asked questions, and a link to request assistance with completing the form.

See [more information](#).

Some workers face multiple eye hazards, such as heat and particles simultaneously; conduct a hazard assessment before selecting eye protection for all types of hazardous exposures.

After an injured worker has used an eyewash or emergency shower unit for the specified 15-minute period, the individual should visit a doctor to determine whether anything more needs to be done for the preservation of his or her vision, the American Optometric Association advises.

Speed Limiter Mandate, Sleep Apnea Stripped from Trump DOT Agenda

The speed limiter mandate, issued as a proposed rulemaking in September 2016, is no longer a near-term priority for the DOT...

The U.S. Department of Transportation, as expected under the Trump administration, has signaled it will not continue to pursue a rulemaking to mandate the use of speed limiters in the trucking industry, at least any time soon.

In its latest biannual update to its regulatory calendar, the DOT has moved the speed limiter mandate, which was issued as a proposed rulemaking last September, to a long-term agenda item, away from the active rulemakings list. Given the erosion of industry support for a speed limiter rule over the past year and the Trump administration's reluctance to implement new regulations, industry stakeholders assumed the Trump DOT would drop or stall the speed limiter rulemaking.

The recent update to the DOT calendar confirmed those expectations.

The DOT report also marked the ongoing sleep apnea screening rulemaking as withdrawn sometime in June, though the report didn't specify a date. The rulemaking regarding sleep apnea screening for truck operators would establish protocol for which truck drivers would be required to be tested for obstructive sleep apnea during the medical certification process. The DOT did not indicate when it would attempt to pursue such a rule, if at all.

"FMCSA has determined there is not enough information available to support moving forward with a rulemaking action and so the rulemaking will be withdrawn," the report reads.

The Medical Review Board of the Federal Motor Carrier Safety Administration outlined its official recommendations to the agency on screening and disqualification criteria for truck drivers who are suspected of having moderate to severe obstructive sleep apnea.

The board's preliminary recommendations, which have not yet been approved by the board, encourage FMCSA to require a trucker to be screened for sleep apnea if he or she:

- (1) has a body mass index greater than or equal to 40, or
- (2) has a body mass index greater than or equal to 33 and meets at least three of the following criteria:

- | | |
|--|---------------------------------|
| *Is 42 or older | *Is male |
| *Is a postmenopausal female | *Has diabetes |
| *Has high blood pressure | *Has a history of heart disease |
| *Snore loudly | *Has had witnessed apneas |
| *Has a small airway to the lungs | *Has untreated hypothyroidism |
| *Has a neck size greater than 17 inches (males) or 15.5 inches (females) | |
| *Has micrognathia (undersized jaw) or retrognathia (clinical terminology for a kind of overbite) | |

Male truck operators 42 and older and who have a BMI of 33 or greater would need to meet only one of the other criterion to automatically qualify for screening.

The board also would recommend that FMCSA allow truckers with a sleep apnea diagnosis to continue to operate if they're being "treated effectively," which is defined as "the resolution of moderate to severe OSA to mild or better, as determined by a certified sleep specialist," according to the board's preliminary discussion report.

FMCSA Gathered Public Input on 'Highly Automated' CMVs

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

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

The FMCSA says it wanted to gather input on the design, development, testing, and deployment of HACVs, which can take full control of the driving tasks in at least some circumstances.

According to the agency, the term "highly automated vehicle" represents levels 3–5 on a scale developed by SAE International:

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

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

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

CVSA Releases Results from Unannounced Brake Safety Day Enforcement Initiative



~ Inspectors order nearly 2,000 trucks out-of-service during unannounced Brake Safety Day ~

On May 3, 2017, CVSA inspectors in 33 U.S. states and 10 Canadian provinces conducted 9,524 inspections during the one-day inspection blitz. Of the 1,989 trucks placed out-of-service for various violations, 1,146 of them were parked for brake-related violations.

Enforcement personnel throughout North America conducted inspections on large trucks and buses to identify out-of-adjustment brakes, and brake-system and antilock braking system (ABS) violations as part of the Commercial Vehicle Safety Alliance's (CVSA) Operation Airbrake Program.

The goal of Brake Safety Day is to conduct roadside inspections, and identify and remove vehicles with critical brake violations from our roadways in an effort to reduce the number of crashes caused or made more severe by poorly maintained braking systems on commercial motor vehicles. The event also sought to evaluate how well ABS are maintained in accordance with federal regulations.

Inspection data from the unannounced one-day brake safety enforcement initiative featured the following notable results:

- ▶ A total of 43 jurisdictions participated – 33 U.S. states and 10 Canadian provinces/territories.
- ▶ The United States conducted 8,140 commercial motor vehicle inspections; Canada conducted 1,384.
- ▶ In all, 9,524 inspections were conducted as part of Brake Safety Day.
- ▶ 79 percent of the vehicles inspected did not have any critical item vehicle violations.
- ▶ 21 percent (1,989) of all inspections conducted resulted in a vehicle being placed out of service for vehicle violations of any kind.
- ▶ 12 percent (1,146) of all inspections conducted resulted in a vehicle being placed out of service for brake-related violations.

Many participating jurisdictions were able to survey ABS compliance, as follows:

- ▶ 4,635 air-braked trucks and tractors were identified as requiring ABS; 8 percent (391) had ABS violations.
- ▶ 3,222 trailers were identified as requiring ABS; 15 percent (487) had ABS violations.
- ▶ 723 hydraulic-braked trucks required ABS; 6 percent (41) had ABS violations.
- ▶ 57 buses required ABS; 11 percent (6) had ABS violations.

Brake Safety Day aims to improve commercial motor vehicle brake safety awareness throughout North America. Brake-related violations comprise the largest percentage of all out-of-service violations cited during roadside inspections. Improperly installed or poorly maintained brake systems can reduce the braking capability and increase stopping distances of trucks and buses, which pose a serious risk to driver and public safety.

CVSA's Operation Airbrake Program is holding one more brake safety enforcement event this year.

The next Brake Safety Day event will take place on Thursday, Sept. 7, 2017, at participating jurisdictions throughout Canada, Mexico and the United States.

Brake Safety Day is part of the Operation Airbrake Program sponsored by CVSA in partnership with the Canadian Council of Motor Transport Administrators (CCMTA) and the U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA).

TRUCKS WITH OLDER ENGINES EXEMPT FROM ELD MANDATE, FMCSA SAYS

The Federal Motor Carrier Safety Administration has posted new guidance for the electronic logging device mandate that exempts trucks equipped with model year 2000 engines and older from adhering to the mandate, regardless of the model year of the truck.

However, if a truck's model year is older than 2000, but the engine model year is newer than 2000, the driver is still required to adhere to the ELD mandate.

FMCSA says in a freshly updated FAQ on its website that drivers are not required to carry documentation in the truck that confirms their engine's model year, but notes that federal regulations require motor carriers to

keep all documentation on motor and engine changes "at the principal place of business."

During a roadside inspection, FMCSA says law enforcement should refer the case for further investigation if they can't determine the model year of the engine.

This guidance deviates from FMCSA's previous guidance, which emphasized the model year as determined by the VIN on a truck's chassis.

Efforts have been made in Congress recently to delay the Dec. 18, 2017 compliance date for the ELD rule, but it will be difficult for such a bill to gain enough traction to be enacted. (see related story below)

Senate DOT Bill, Unlike House, Skips Changes to ELD Mandate, Driver Breaks

The Senate, at least in its initial draft of 2018 fiscal year DOT-funding legislation, was mum on trucking reforms.

A spending bill cleared by the Senate Appropriations Committee late last month is free of any trucking-related policy reforms, a departure from the House's version of the same bill, which includes several trucking policy riders.

The Senate's 2018 fiscal year Department of Transportation appropriations does not include any changes to the coming electronic logging device mandate, nor does it include the so-called Denham Amendment (A bill that would exempt carriers from state laws requiring paid meal and rest breaks for drivers and, at least short term, exempt livestock haulers from compliance with the federal electronic logging device).

A separate bill in the Senate, a bill to reauthorize the Federal Aviation Administration, does include the Denham Amendment.

The House bill, passed by its Appropriations Committee earlier in July, offers livestock haulers an extra year to adopt electronic logging devices and includes the Denham Amendment provision. The House bill also blocks the Federal Motor Carrier Safety Administration from pursuing a Safety Fitness Determination rule until the agency implements required reforms to the Compliance, Safety, Accountability program.

Appropriators in the House also released a report corollary to the legislation that advised FMCSA to study whether a delay of the ELD mandate is needed, particularly for smaller carriers, like owner-operators.

The Senate's version of the bill, however, includes none of these provisions. Nor does it include any other broad trucking provisions. The bill had two amendments added recently regarding truck size and weight limits in North Dakota and New Hampshire. They would allow trucks weighing up to 129,000 pounds to operate in North Dakota and trucks weighing up to 99,000 pounds to operate in New Hampshire. The current national limit for gross vehicle truck weight is 80,000 pounds, though some states have allowed heavier trucks on their roadways to test increasing size and weight limits.

The Senate DOT bill has been sent to the full Senate for consideration, where amendments, such as those related to electronic logs or driver breaks, could be added.

The Senate nor the House have indicated a timeline for considering their respective bills, but if the two chambers pass bills that are not identical, legislators from both will need to confer to produce a unified bill. Trucking related reforms could also be adopted during that process.

ELD Delay Faces Big Hurdles, Even with Added Co-Sponsors

More than 21 members of the U.S. House have signed on as co-sponsors to the bill that would delay the compliance date of the looming electronic logging device mandate. The bill, if enacted, would give drivers and carriers two extra years to adopt ELDs by pushing the compliance deadline to December 2019.

The legislation, however, has major hurdles to clear before becoming law. With larger issues — healthcare reform, tax reform, raising the debt ceiling and 2018 appropriations, to name a few — sucking up Congressional time and energy in Washington,

the bill is likely ill-fated as standalone legislation. The best bet for its passage would be to hitch a ride on a larger bill, such as the 2018 Department of Transportation appropriations bills currently in the works in Congress.

However, lawmakers appear reluctant so far to work an ELD delay into the DOT funding bills. In July, a House committee stamped approval on a bill that included a one-year ELD compliance delay for livestock haulers and issued a corresponding report advising the Federal Motor Carrier Safety Administration to examine whether a delay is needed. The bill doesn't require FMCSA to perform such a study, though.

Also, according to a source from the Senate Appropriations Committee, the Senate version of the bill includes no language related to ELDs.

The American Trucking Associations is adamant the bill does not have the necessary support in Congress to be enacted, despite the 21 co-sponsors who've signed on to the ELD delay bill introduced late last month by Rep. Brian Babin (R-Texas).

Lawmakers have "on a bipartisan basis for several years insisted that this requirement be enacted and implemented," says ATA's Bill Sullivan. "Further, the fact that the committee with jurisdiction over transportation policy has shown no indication it intends to act on a broader delay shows just how little appetite there is in Congress for this. Congress has spoken, FMCSA has spoken and the courts have spoken and it is time to move forward to implement this important rule."

The Owner-Operator Independent Drivers Association, who's engaged in a grassroots effort in recent months to rally Congress to delay or strike down the mandate, particularly for small carriers like owner-operators, is rallying truckers and those opposed to the ELD mandate to call their representatives in Washington and express support for the bill.



Experts Say Inspection System Should Have Room to Give Credit for **No Violations**

For years, truckers have been complaining that inspectors do not always submit reports to federal regulators giving them credit for no violations or “clean” roadside inspections.

That means, they say, without reports ultimately downloaded to the **Federal Motor Carrier Safety Administration’s Compliance, Safety, Accountability** program safety measurement system, proof of their safe behavior goes unnoticed, while bad inspections go into their safety records.

But now, a panel of academic experts studying the **CSA** program has shined a spotlight on the nettlesome challenge of finding a way to document not only the actions of unsafe truckers but to give credit to the safe operators.

“While it is not clear the degree to which the problem persists, there was evidence from the **American Transportation Research Institute** that clean inspections are often not reported,” a **National Academies of Sciences** yearlong study of **FMCSA’s CSA** program made public last month concluded.

The **2012 ATRI study** concluded that only 10.4% of roadside inspectors “almost always” completed a roadside inspection report when no violations were issued, while 6.8% “never” completed a roadside inspection report with no violations, presumably.”

The **National Academies’** 12-member panel therefore suggested that inspectors “need to be strongly encouraged” to report all inspections, regardless of whether they discover violations.

“If this practice involving ‘clean’ inspections is widespread, this is an important source of bias since such inspections will reduce the estimated frequency of violations,” the study said. “A clean inspection provides important information about the extent to which a carrier prioritizes safe operations. One remedy is to make reporting of clean inspections mandatory.”

Such talk from researchers upsets Collin Mooney, executive director of the **Commercial Vehicle Safety Alliance**, the trade organization that represents inspectors.

Mooney flatly said all clean inspections do go into federal records systems. It’s only the screening procedures that inspectors use to determine if a full inspection is needed in which there is no paperwork generated, he said.

“It’s a little irritating that it’s happening, because we’ve been fighting this issue for years,” Mooney said.

Truckers mistakenly believe that, when they get briefly questioned at weight scales — even when an inspector may ask to see a driver’s log book, runs a license plate or checks a DOT number, he said.

“If we don’t find anything in 30 seconds, or maybe a minute, we let the truck go,” Mooney said. “Some carriers want that to be recorded as an inspection. But it’s not. It’s a screening exercise. It comes down to your interpretation of what an inspection is, and what I say an inspection is.”

Mooney likens the truck screening process to a police check stop looking for drunk drivers. But Brenda Lantz, a member of the **CSA panel** and



associate director of North Dakota State University’s **Upper Great Plains Transportation Institute**, said there were complaints about the clean inspections raised in some of the public stakeholder presentations to the panel.

She concedes that screening processes by inspectors aren’t full inspections.

“But to me, that’s not fair to the carrier,” she said. “If the driver’s doing everything he’s supposed to be doing, he should get credit for that check.”

Lantz added, “Honestly, **FMCSA** needs more data. They need more information. To me, you would have a lot more points of contact - or touches, and clean inspections would give **FMCSA** more information.”

An **FMCSA** spokesman did not return a message seeking comment for this story, nor did **ATRI** return phone and e-mail messages seeking comment.

“We think there is a combination of missed opportunities and lack of reporting of clean inspections, both due to hyper focus by law enforcement on documenting just the ‘bad’ trucks,” said Norita Taylor, a spokeswoman for the **Owner Operator Independent Drivers Association**. “Whether ‘clean’ or ‘dirty,’ a small business trucking company is not likely to get enough inspections to have statistically reliable data.”

Mooney does not dispute the notion that inspectors concentrate on getting the bad actors off the road rather than spending time on clean inspections for carriers they know are safe.

“The roadside inspection program is designed to take unsafe trucks and drivers off the road,” he said. “So we dedicate our resources toward removing drivers and unsafe companies from the road.”

Sean Garney, director of safety policy for **American Trucking Associations**, said every clean inspection “absolutely matters.”

“To the credit of **CVSA** and law enforcement, I think that they have improved dramatically,” Garney said. “But I would disagree that there’s no additional room for improvement.”

Starting Aug. 9, You Can Break Into a Hot Car to Save a Kid Or Dog — Legally

► **New Good Samaritan Law Requires That You Make a Reasonable Effort to Contact Law Enforcement First, Though** ◀

It will soon be legal to break into a car – but only to save the life of a child, cat or dog. A [new Colorado state law](#) takes effect on Aug. 9 that provides legal immunity for people who break into a hot car to save an animal or a person. But lawmakers said it doesn’t mean you can go around breaking windows. To get immunity, you have to exhaust every other option first.

In order to be excused from criminal mischief, trespassing or tampering, someone attempting to save an animal or child must first have reasonable belief that the at-risk pet or person is in imminent danger of death or suffering seriously bodily injury. Then, they have to make every reasonable effort to contact the owner and to contact law enforcement before breaking in. The law doesn’t specify whether the risk to the pet or person comes from heat or cold.

FMCSA to Begin Crash Accountability Program to Aid Fleets' Safety Scores

The **Federal Motor Carrier Safety Administration** has announced that it is beginning a two-year crash preventability demonstration program that will classify a crash as “not preventable” on a carrier’s Safety Measurement System profile in instances where the carrier is not at fault.

However, to have a crash deemed “not preventable”, the carrier must submit a request for data review (RDR) through the agency’s DataQs system, attaching documentation that establishes the carrier could not have avoided the crash.

The crash demonstration program will begin accepting RDRs on Aug. 1 for crashes that occurred on or after June 1, the agency said.

The announcement follows an FMCSA Federal Register posting a year ago seeking public comment on an idea that has for years been sought by truckers, brokers and shippers.

Fatal crashes currently are listed on a carrier’s safety profile but do not contain information on whether the carrier was at fault in the crash. Under the demonstration program, if a crash is found to be “not preventable”, a carrier’s private [Crash Indicator Behavioral Analysis Safety Improvement Category](#), (BASIC), score will be recalculated with the crash omitted.

“Stakeholders have expressed concern that the Crash Indicator BASIC may not identify the highest-risk motor carriers for interventions and that the listing of crashes on the public website, without an indication of preventability, can give an inaccurate impression about the risk posed by the company,” FMCSA said. “The data gathered through the demonstration program will allow the agency to better evaluate the utility of making crash preventability determinations.”

To be considered for a “not preventable” rating, a crash must have resulted in a fatality, bodily injuries requiring immediate medical treatment away from the scene of the crash or a vehicle being towed from the scene of a crash.

There are eight types of crashes that would be automatically eligible for a review:

1. a crash in which a commercial motor vehicle is struck by a motorist driving under the influence
2. struck by a motorist driving in the wrong direction
3. struck in the rear
4. the CMV being struck when it was legally stopped or parked
5. an individual attempts to commit suicide by stepping or driving in front of a CMV
6. a crash that damages a CMV after striking an animal in the roadway
7. a crash in which a CMV is struck by infrastructure such as falling trees or rocks
8. instances in which a vehicle is struck by cargo or equipment from another vehicle

The agency’s initial posting in July 2016 suggested that RDRs should include all available law enforcement reports and insurance reports from all parties involved in a crash.

After receiving comments, FMCSA said it will not require someone submitting a crash preventability RDR to include specific documentation from third parties, such as insurance companies, but it will be incumbent on the submitter to provide sufficient documentation that a crash was “not preventable”.

“The agency will consider all relevant evidence submitted,” FMCSA said in its July 27 Federal Register post. “The burden is on the submitter to show by compelling evidence that the crash was “not preventable”.

The agency said it will use “contract resources” to complete the review.

In a briefing statement, American Trucking Associations said possible evidence could include, but is not limited to —



*crash reports;
police accident reports;
insurance documents;
pictures;
videos;
media reports;
affidavits;
or transcripts.*

The controversy over the crash-fault issue goes back several years, and the new demonstration

program represents somewhat of a concession by FMCSA.

Despite longtime pressure from the trucking industry, FMCSA concluded in a study made public in January 2015 that it did not have a foolproof path to follow for quickly assessing fault in crashes and then using those judgments to predict future risk among trucking companies.

At the time, the agency said it examined nearly 11,000 police reports on accidents involving trucks and buses, and found discrepancies among the reports and no clear way to use fault assessment to produce a superior model for predicting future crashes as part of the CSA program.

Originally, the agency was planning in 2012 to implement a much-anticipated CSA program process that would have allowed carriers to seek an accountability review of crashes that went on their safety records.

However, in March 2012, then-FMCSA Administrator Anne Ferro announced that the agency would delay “until further notice” its plans to use police accident reports as the basis for fault determination.

At the time, Ferro said the agency and then-Transportation Secretary Ray LaHood had received feedback from a few public interest groups raising questions about the “reliability” of police accident reports as the primary basis for the crash accountability determination process.



MSHA Safety Alert — Truck Dumping Safety

This tragedy refers to dumping a load of coal, but the same precautions should be applied to any type of material dumping.



A driver of a tractor trailer coal truck died when his truck tipped over while attempting to dump its load of coal. The coal was damp and frozen in the bed. As the bed was raised, the trailer rocked and eventually tipped over. The driver jumped from the truck and received fatal injuries.

A raised truck bed can easily overturn due to its size and weight. Uneven ground, unbalanced load and/or underinflated worn tires increase the hazards associated with this task.

These hazards can be avoided with proper training and the implementation of best practices:

BEST PRACTICES

For drivers:

- Keep tires properly inflated and ensure they are not worn.
- Use antifreeze in cold weather to prevent material from freezing and sticking in the truck bed. Ensure the load is evenly distributed.
- Never overload the upper portion of the truck bed.
- Keep your truck and trailer in a straight line when backing up and never move faster than walking speed.
- Stay in the cab with seatbelt on during the entire dumping process. Never attempt to exit or jump from an overturning truck.
- Dump only on level surfaces and never dump when surfaces are uneven, loose or not properly compacted.

For operators:

- Mount a thermometer at the dump site to inform truck drivers of freezing conditions.
- §77.1708 – Safety Program: Establish and maintain a program of instruction on safety regulations and procedures that addresses dumping procedures to be followed.

Metal and Nonmetal Mine Safety and Health

30 CFR § 56.20011 - Barricades and Warning Signs

Areas where **health** or **safety hazards** exist that are not **immediately obvious** to **employees** shall be **barricaded**, or **warning signs** shall be **posted** at all **approaches**. **Warning signs** shall be **readily visible**, **legible**, and **display** the **nature** of the **hazard** and any **protective action** required.



This **mandatory standard** is to **ensure** that **barricades** are **provided** or **warning signs** **posted** to **alert workers** and other **persons** and to **prevent them** from **inadvertently** entering **areas** in which **health** or **safety hazards** exist but are **not obvious**.

Examples of **health hazards** are **heat**, **acids**, **gases**, **dusts**, **noise**, and **radiation**. All areas of a **mine** or **mill** should be **checked** for **imperceptible** health hazards. **Storage facilities**, **laboratories**, **dumps**, and **tailings** commonly contain **toxic substances**.

Warning signs are **posted** for the **purpose** of describing **particular hazards** and **indicating precautions** to be **followed** in order to **avoid injury** and **illness**.

MSHA **does not accept barricade tape** to meet the **requirements** of § 56.20011 because it **does not obstruct** passage of **persons**, **vehicles** or **flying materials**, as **required** in **30 CFR § 56.2**.



Definition: *Barricaded means obstructed to prevent the passage of persons, vehicles, or flying materials.*

[Download a pdf](#) — **Miner's Safety Tip** related to **barricades** and **signs**. Section **56.20011** is **one** of the **Priority Standards** under the **Rules to Live By** initiative that **began** in **March 2010**. This **standard** was cited during **13 fatal accident investigations** between **2000** and **2008**.

Are Employees Taking Enough Vacation?

If you can't remember the last time you took a vacation, you're not alone. While American workers are stressed, they're not taking time away from work.

According to a new CareerBuilder survey, 3 in 5 workers (61%) say they are burned out in their current job, and 31% report high or extremely high levels of stress at work, yet a third of all workers (33%) have not taken nor plan to take a vacation this year.

Survey highlights

- 33% of workers said they won't be taking a vacation this year, down slightly from 35% last year
- 3 in 10 workers still stay connected with work during vacation
- Nearly 1 in 5 have left vacation days unused in 2016
- People in power positions — i.e., senior management and vice presidents — are the least stressed of all workers
- Women were more likely to report high stress levels at work than men
- Anger issues at work, depression, and sleepless nights are among stress-related symptoms workers say they have experienced

Are workers truly getting away or are vacations causing more stress?

When workers do take advantage of vacation time, they are often not fully disconnecting from their jobs — 3 in 10 (31%) check work email while away and nearly a fifth (18%) check in with work. More than a third (36%) say that they've returned from vacation to find so much work, they wish they'd never left at all, and 18% say vacations cause them to be more stressed out about work. This could be the reason nearly 1 in 5 (17%) left vacation days on the table at the end of last year.

How is stress negatively impacting workers?

Nearly a third of workers say work causes high or extremely high stress levels for them — an issue that is impacting women (34%) more than men (27%) — and 79% say their company does not offer classes or programs to manage that stress. As a result of stress, workers are experiencing symptoms such as:

- Being tired all the time: 29%
- Sleepless nights: 26%
- Aches and pains: 24%
- High anxiety: 23%
- Weight gain: 18%
- Can't keep things straight in their heads: 17%
- Anger issues at work: 16%
- Depression: 15%
- High blood pressure: 10%
- Weak immune system: 6%
- Nausea: 5%
- Hair loss: 5%

Stress is also impacting areas such as job satisfaction. A third of workers with high levels of stress (33%) say they are dissatisfied with their job...17% of workers say they are dissatisfied with their job overall. While stress and being burned out impact workers across the organization, the bottom ranks seem to be more burned out than others:

- Senior management/vice president: 43%
- Director/manager/supervisor/team leader: 69%
- Professional/technical staff member: 58%
- Entry level/administrative/clerical: 61%

How to take a real vacation

The following tips can help employees moderate working on vacation:

- **Tell coworkers you will be out.** *People will think twice about contacting you about the small stuff when you are on vacation. In addition, set an out-of-office message to let folks know you won't be answering emails or phone calls — or, if you will stay connected, explain in the auto-reply that they shouldn't expect a reply right away.*
- **Deploy and delegate.** *To make sure business and client needs are taken care of in your absence, set the auto-reply on your email to provide the names and contact information for the colleagues who are covering for you. Be sure to give those coworkers any important files, project statuses and other pertinent information so they won't have to contact you unless it's an absolute emergency.*
- **Set aside check-in times.** *If you can't resist the call of duty — or find it nearly impossible to relax without knowing all is well — consider setting aside some time each day to touch base. Checking in once in the morning and once in the evening may give you peace of mind and permission to stop thinking about work the rest of the day. That way, you can leave your work cellphone turned off — and not feel bad about it — when you're supposed to be relaxing and having fun.*