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**► Jumping at the Chance to Help Our Veterans*****BY THE NUMBERS: ANOTHER YEAR OF PROGRESS***

Scissor lifts have the potential to seriously injure or kill workers when not used properly, OSHA warns in a newly updated hazard alert. [read more...](#)

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## ► How Bridge Formula Laws Impact Lift Axle Design

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## ► The Dust-Up Over FMCSA's 'Lives Saved' Data: Accurate, 'Alarming' or Roughly Approximate?

The **Federal Motor Carrier Safety Administration** proudly announced its roadside inspection efforts in 2012 prevented 472 on-highway deaths that year, a number it referred to as "lives saved" in its Feb. 29 announcement. [read more...](#)

## ► OOIDA Hits FMCSA with Lawsuit to Block ELD Mandate...Calls Rule Arbitrary and Unconstitutional

As expected, the **Owner-Operator Independent Driver's Association** has filed initial arguments in its challenge to the **Federal Motor Carrier Safety Administration's** electronic logging device (ELD) mandate **final rule**. [read more...](#)

## MSHA NEWS SUMMARY

### ► NSSGA Responds To Revised Silica Exposure Rule

After an initial reading of the revised silica exposure rule, the **National Stone, Sand & Gravel Association** (NSSGA), along with the **National Ready Mixed Concrete Association** (NRMCA) and the **U.S. Chamber of Commerce** (Chamber), issued a joint statement. [read more...](#)



### ► A letter from Neal H. Merrifield, Administrator for Metal and Nonmetal Mine Safety and Health Administration

Dear Metal and Nonmetal Mine Operators,

Since 2008, six persons have died at metal and nonmetal mines in accidents involving large diameter plastic pipe. [read more...](#)

## OIL & GAS NEWS SUMMARY

### ► Vapor Poisoning a Known Hazard in Oil and Gas Fields

Dustin Bergsing was young and fit, a bull rider from Montana. On a cold night in January 2012, he climbed to the catwalk on top of a 20-foot-tall crude-oil storage tank on a well pad in North Dakota's Bakken field. His job was to pop open the small hatch on top and drop a rope inside to measure the level of oil. [read more...](#)

### ► Feds Issue Hazard Alert on Manual Tank Gauging

Two government health and safety agencies have joined forces to produce a new **hazard alert** on the danger facing oil and gas industry workers who manually gauge or sample fluids on production and flowback tanks. [read more...](#)

## MONTHLY SAFETY TIP NEWS SUMMARY

### ► Guide to the New ANSI and EN388 Cut Levels

#### **ANSI/ISEA 105-2016 HAND PROTECTION CLASSIFICATION**

Did you hear? ISEA recently announced the arrival the new **ANSI/ISEA 105-2016 Hand Protection Classification**. Among the many other **significant changes** to the **old cut testing standard**, this exciting news means that, in order to **increase the accuracy in test results** among **glove manufacturers**, the way in which the **level of cut resistance** is assigned to a **particular glove** during **cut testing** is going to be different. [read more...](#)



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- ~Hazard Communication – GHS Training
- ~Teens & Trucks Safety
- ~1st Aid/CPR Course- Medic 1<sup>st</sup> Aid
- ~HAZWOPER 8, 24 & 40 Hour
- ~PEC'S Intro to Pipeline
- ~Confined Space Rescuer Training
- ~PEC Core Compliance
- ~OSHA 10 Hour Construction
- ~OSHA 30 Hour Construction
- ~NUCA Competent Person for Excavation & Trenching
- ~Hands-on Fire Extinguisher training
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- ~MSHA Sand & Gravel Training [Part 46 only]
- ~Fall Protection for the Competent Person
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- ANSI Z390 H2S Awareness Training: Apr 18 - 1 p.m.
- Medic First Aid Instructor Course: Apr 27
- Respiratory Protection Training & Fit Testing: Apr 6

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## First Year of OSHA Injury Reporting Requirement Helps Agency Engage with Employers and Focus Resources Where Needed

During the first full year of a new reporting requirement, employers reported 10,388 severe injuries, including 7,636 hospitalizations and 2,644 amputations. See the [full report](#).

In the majority of cases, OSHA asked employers to conduct their own incident investigations and propose remedies to prevent future injuries. OSHA provided employers with guidance materials to assist them in this process. Known as a *Rapid Response Investigation*, this collaborative, problem-solving approach invites the employer and an area OSHA expert to work together toward the shared goal of fixing hazards and improving overall workplace safety. At other times, the agency determined that the hazards described warranted a worksite inspection.

"In case after case, the prompt reporting of worker injuries has created opportunities for us to work with employers we wouldn't have had contact with otherwise," said report author David Michaels, Assistant Secretary of labor for occupational safety and health. "The result is safer workplaces for thousands of workers."

### Severe Injury Reports 2015

Injury types	RRI	Inspection
Amputation	41.34%	58.66%
Hospitalization	69.46%	30.54%
<b>Total</b>	<b>62.13%</b>	<b>37.87%</b>

An evaluation of 2015 results found that the requirement met its intended goals of helping OSHA focus resources where they are most needed, and engaging employers in high-hazard industries to identify and eliminate hazards.

"OSHA will continue to evaluate the program and make changes to improve its effectiveness," Dr. Michaels wrote in the report. "And we are seeking new ways to make sure that small employers know about their reporting obligations and the resources available to them."

Since Jan. 1, 2015, employers have been required to report any severe work-related injury – defined as a hospitalization, amputation or loss of an eye – within 24 hours. (The requirement to report a fatality within 8 hours was unchanged.) Submit a report [here!](#)



## OSHA / CONSTRUCTION

### OSHA Announces Final Rule to Improve U.S. Workers' Protection from the Dangers of Respirable Silica Dust

OSHA announced a [final rule](#) to improve protections for workers exposed to respirable silica dust. The rule will curb lung cancer, silicosis, chronic obstructive pulmonary disease and kidney disease in America's workers by limiting their exposure to respirable crystalline silica.

"The previous exposure limits were outdated and did not adequately protect workers," said OSHA Assistant Secretary Dr. David Michaels. "Limiting exposure to silica dust is essential. Every year, many exposed workers not only lose their ability to work, but also to breathe. Today, we are taking action to bring worker protections into the 21st century in ways that are feasible and economical for employers to implement."

About 2.3 million men and women face exposure to respirable crystalline silica in their workplaces, including two million construction workers who drill and cut materials such as concrete and stone, and 300,000 workers in operations such as brick manufacturing, foundries and hydraulic fracturing. OSHA estimates that when the final rule becomes fully effective, it will save more than 600 lives annually and prevent more than 900 new cases of silicosis – an incurable and progressive disease – each year. The agency also estimates the final rule will provide net benefits of about \$7.7 billion per year.

Most employers can limit harmful dust exposure by using equipment that is widely available – generally using  water to keep dust from getting into the air, or a  ventilation system to remove it from the air.

The rule provides greater compliance assistance to construction employers – many of which run small businesses – by including a table of specified controls they can follow to be in compliance. The rule also staggers compliance dates to ensure employers have sufficient time to meet its requirements.

The final rule is written as two standards, one for construction and one for general industry and maritime. In addition to reducing the permissible exposure limit for crystalline silica, the rule includes employer requirements such as limiting worker exposure through work practices and engineering controls (such as water or ventilation); providing respiratory protection when controls are insufficient; training workers; limiting their access to high exposure areas and providing medical exams to highly exposed workers.

See the [news release](#), and a [blog post](#) by U.S. Secretary of Labor Thomas E. Perez, which includes a video featuring one worker's personal experience with silicosis. Visit OSHA's [silica rule webpage](#) for factsheets, answers to FAQ's, and to [sign up](#) for email updates on compliance dates and resources.

► See MSHA (pg 10) for industry Associations comments on the final rule ◀

# Jumping at the Chance to Help Our Veterans

BY THE NUMBERS: ANOTHER YEAR OF PROGRESS

**A REPORT FROM MICHAEL MICHAUD, ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.**

Throughout my 12 years in Congress and my time on the House Veterans Affairs Committee, I have always been committed to putting our veterans first.

Recently, in partnership with the U.S. Army Parachute Team, also known as the Golden Knights, and the Soldier For Life program, I jumped out of an airplane as a demonstration of my commitment to assisting transitioning service members and their families prepare for and find meaningful civilian employment following military service. I trusted the Army training of the Golden Knights to get us safely to the landing zone, just as I hope they'll trust the Department of Labor when it comes time for them to transition out of the military into civilian employment.

The entire team at VETS is equally committed to serving our veterans, transitioning service members and their families, especially when they need to focus on the next phase of their career within the civilian sector.

For some, it may be finding that first job after their military service has ended. For others, it may be connecting them with resources well after they have transitioned, to help with resume writing or searching for new job opportunities based on skills and experiences acquired in a previous job, school or training program.

During my first week on the job, I heard from the great folks across the Department of Labor about how we are implementing our mission to prepare, provide, protect and promote our veterans for, and in the civilian workforce. I'm encouraged by the progress we have made to accomplish our mission, but I understand there is always room for improvement.

There are three ways we can elevate our service to the men and women who have sacrificed so much for us:

## 1. Strengthen Relationships

Just as a mission in the military can't be accomplished individually, VETS benefits from a team approach to serving veterans. Extensive coordination across all Department of Labor agencies along with valuable partnerships with other Federal agencies, veteran service organizations and employers help to support a variety of veterans' employment programs.

## 2. Strengthen Programs

It is pivotal that our programs operate as smoothly as possible. Programs such as [Jobs for Veterans State Grants](#), [USERRA](#), [Employment Workshop](#), and our [Homeless Veteran Reintegration Programs](#) need feedback from our stakeholders to improve over time. Additionally, we are ramping up our efforts in the area of [employment assistance](#) for the fastest growing population of veterans, **women**.

## 3. Raise Awareness

The best way to demonstrate the value of VETS is to hit the road and highlight all of the integral department agencies that help veterans and the funding associated with these programs. That's one of the reasons that in my first three months in office, I have traveled to Maine, California, Georgia, Nevada, New York, Florida, Maryland, Virginia and D.C. to visit military installations, American Job Centers, grantees working with homeless veterans, and employers in order to spread the word about who we are and what we do. I intend to continue traveling throughout the country to ensure we are doing our best to connect veterans with jobs and employment resources, thereby setting them on a path to professional and personal success.

The department's commitment to serving transitioning service members, veterans and families is evident in the release of the [Employment Situation of Veterans](#) by the Bureau of Labor Statistics.

Here are some of the highlights from the 2015 data:

1. The unemployment rate for all veterans has consistently been below the unemployment rate for non-veterans. The total veteran unemployment rate was 4.6 percent, compared to the nonveteran unemployment rate (for individuals 18 years and older) of 5.2 percent.
2. The unemployment rate for veterans age 24 and younger was 6.0 percent, compared to the 9.7 percent unemployment rate for non-veterans of the same age.
3. The national unemployment rate for male veterans declined to 4.5 percent in 2015. The national unemployment rate for women veterans has been statistically equivalent to that of non-veteran women for the last three years.
4. The labor force participation rate for Gulf War II veterans is just above 80 percent, compared to a non-veteran labor force participation rate of 65.4 percent.

The employment situation for veterans continues to improve, but there is still work to do. With the updates to our Department of Labor Employment Workshop curriculum, transitioning service members will be better prepared to enter civilian employment before they leave active duty. More and more companies are making commitments to hire, and retain veterans.

The department has also placed a greater emphasis on apprenticeships. The training that takes place in qualified apprenticeship programs allows veterans to explore trades they may not have considered before in their pursuit of a professional career.

Also, by increasing our outreach efforts to women veterans, we can direct those that may have been overlooked to the proper resources.

Our mission remains to prepare transitioning service members and veterans for meaningful careers, provide employment resources and expertise, protect civilian job rights and benefits for veterans, and promote veteran hiring with employers.

Whether you are a current service member, or took off the uniform 20 years ago, the Department of Labor is ready to serve you at one of the nearly 2,500 [American Job Centers](#) across the country. Employers looking to hire veterans can find qualified job applicants at American Job Centers too.

Serving as Assistant Secretary of VETS for the past four months has been a remarkable experience, and I'm truly honored to work with a team of dedicated men and women committed to making sure that every veteran can find meaningful employment.

**"Just as our service members and veterans watched our backs throughout their military service, it's now our turn to watch theirs"**

## 34-Hour Restart Fix Left Out of FAA Extension Bill

The House's Transportation Committee released March 10 legislation to extend for three months the Federal Aviation Administration's authorization, and notably absent from the bill's text is any language intended to clarify the potential damage done by a December-passed government funding bill.

Earlier reports hinted that legislators and trucking lobbyists may try to slide into the aviation bill a few lines to undo a provision in the 2016 fiscal year appropriations bill that could, depending on the findings of a pending FMCSA study, remove the 34-hour restart provision from the hours of service regulations entirely. But the bill includes *nothing* on hours-of-service or the 34-hour restart.

The December-enacted funding law only meant to preclude two currently suspended 34-hour restart provisions — the once-per-week limit to the restart's use and the stipulation that it include two 1 a.m. to 5 a.m. periods — from going back into effect following the agency's release of its study.

But if FMCSA's Congressionally required study is released and shows that drivers operating under those two provisions are less safe than drivers not abiding by the two provisions, the 34-hour restart would go away entirely, according to the letter of the law.

Trucking lobbyists have been mum on a potential fix, as have lawmakers. The FAA extension must be passed by March 31 to prevent the FAA from halting operations, so the bill was considered an appropriate place, given its transportation roots, to include the 34-hour restart clarifications.

The Senate has yet to release its version of an extension, though it may stick with the three-month extension the House introduced March 10.

The longer, more robust FAA authorization bill, for which the extension is meant to give lawmakers more time to hammer out, may also be an avenue for Congress to fix the restart slip-up. ***Stay tuned for updates!***

## Wyoming-Based Seven-Truck Carrier Ordered to Shut Down Following FMCSA Investigation

Bar D Bar Trucking was shut down by the Federal Motor Carrier Safety Administration on March 11 after an investigation found the company to pose an imminent hazard to public safety.

The Gillette, Wyo.-based seven-truck carrier and company owner and operator Gregory Davis, was shut down by FMCSA for multiple safety regulation violations.

Violations found during the investigation include:

- Failing to conduct pre-employment background checks on drivers
- Failing to ensure drivers were qualified before dispatching them
- Failing to properly monitor drivers to ensure compliance with hours-of-service requirements
- Failing to conduct random drug and alcohol tests on drivers
- Using a driver who tested positive for a controlled substance
- Failing to ensure its vehicles were regularly inspected, maintained and repaired and that they met minimum safety standards

Additionally, FMCSA found Bar D Bar Trucking allowed Davis to operate a truck despite not holding a valid CDL and being subject to a lifetime CDL disqualification.

"Bar D Bar Trucking's continued use of unsafe vehicles and its failure to adequately oversee its drivers to ensure compliance with federal safety regulations substantially increases the likelihood of serious harm to its drivers and to the motoring public," FMCSA said in its out-of-service order.

## Another Coalition of Trucking Groups Calls on Congress to Stop FMCSA's Safety Fitness Rule from Proceeding

A group of 35 transportation-related organizations sent a letter to lawmakers urging them to stop the DOT's Safety Fitness Determination proposed rulemaking from moving forward until all reforms are completed to the Compliance, Safety, Accountability program as mandated by the FAST Act.

The Owner-Operator Independent Drivers Association, National Private Truck Council, American Moving and Storage Association and 32 other organizations sent the letter to the House and Senate Appropriations Subcommittees on Transportation, Housing and Urban Development, and Related Agencies — the committees tasked with annually appropriating funds to the DOT and



### FMCSA.

The Federal Motor Carrier Safety Administration published the proposed Carrier Safety Fitness Determination rule Jan. 21, which will modify how carriers are rated and evaluated based on their inspection and violation history.

The coalition sending the letter said their major concern is that proposed methodology of the Safety Fitness rule "utilizes flawed CSA/Safety Measurement System data and scores," which Congress directed FMCSA to fix in the FAST Act highway bill passed in December.

"While we support the goal of an easily understandable, rational safety fitness determination system, this proposal is built on a flawed foundation," the letter states.

The group is requesting the following language be included in the fiscal year 2017 DOT Appropriations bill, work on which will likely begin in the coming months:

*"None of the funds appropriated, or otherwise made available by this Act or any other Act, may be used to amend, revise or otherwise modify the rulemaking, guidance, or interpretation the regulations in effect on December 4, 2015 relating to safety fitness determinations for motor carriers until the Inspector General of the Department of Transportation makes the certifications set out in section 5223(a) of P.L. 114-94."*

Another group of organizations recently sent a similar letter to Congress challenging FMCSA's Safety Fitness Determination proposed rule.

Click [here](#) to read the full letter.

## CVSA Asks Federal Regulators to Rescind HOS Rest-Break Requirement

The **Commercial Vehicle Safety Alliance** has filed a petition asking federal regulators to rescind a requirement that truck drivers take a 30-minute rest break within the first eight hours of their driving time after being off-duty. The truck and bus safety inspectors' trade group said the requirement, a provision in the **Federal Motor Carrier Safety Administration's** 2011 hours-of-service rule that became effective July 1, 2013, is difficult to enforce since the inspector has no way of verifying whether the driver took the break. The petition said a driver could have skipped the break and instead used the time to perform work-related duties such as fueling or loading or unloading his or her truck.

"This provision gives problem drivers, and motor carriers, an opportunity to falsify their record of duty status in an attempt to disguise or conceal on-duty hours," the **CVSA** petition said. **FMCSA** has said the requirement was enacted in an effort to address acute fatigue during the workday. An electronic logging device can record a 30-minute period when a truck is not moving, but it cannot distinguish between a resting driver and one doing non-driving work. **CVSA** Executive Director Collin Mooney said **FMCSA** has acknowledged receipt of the petition but has not made a decision on whether to accept or reject the request. The petition was filed in late October, but it was only recently made public on a new **FMCSA** website that complies with a **FAST Act** provision. The congressional order requires the agency to publish on a publicly accessible website a summary of all petitions that request regulatory action. The order also directs **FMCSA** to prioritize the petitions based on the likelihood of safety improvement that might result from the action requested.

**FMCSA** declined comment or to immediately provide a copy of the petition. A spokesman said the agency had to go through a search process to find the petition. Transport Topics obtained the document from **CVSA**, which represents U.S., Canadian and Mexican safety inspectors. The association said it does not believe there is evidence that the break requirement improves a driver's overall operational capabilities or increases safety.

"The 30-minute rest break creates more difficulty for roadside inspectors and law enforcement officers to verify compliance," **CVSA** said.

Further complicating the issues is that, as of October, **CVSA** said **FMCSA** had issued nine exemptions from the requirement including hazardous materials transporters, livestock haulers, concrete haulers and the Departments of Defense and Energy. "In each of these instances, **FMCSA** has indicated that an equivalent level of safety can be maintained under the exemption," **CVSA** said. "While **CVSA** does not object to these exemptions on an individual basis, exemptions complicate the enforcement process, causing confusion and inconsistency in enforcement." "It all comes down to enforceability," Mooney told TT. "If you're going to have a rule, then let's make it applicable to everyone." Former **FMCSA** Administrator Anne Ferro said in November 2013 that the rule allowed a driver to take the break at a time and place of his or her choosing and may include meals and rest. "It is important to note that most drivers were already taking multiple short breaks during the workday. And the rule does not require that drivers take an additional break," Ferro said. "The rule only requires that at least one of those breaks consists of at least 30 consecutive minutes off-duty."

## Carrier 'Absolute Measure' Scores Return to Five CSA Categories

As expected, the interim public display of the **Federal Motor Carrier Safety Administration's CSA Safety Measurement System** saw significant change with the most recent monthly update. Each carrier's **SMS** profile now includes in its public view not only inspection/violation information and crash counts, among other data, but also each carrier's "absolute measure" in five of the seven **BASIC** categories of analysis.

**BASICs** that display each measure's change over time, as illustrated, include the **Unsafe Driving**, **Hours of Service Compliance**, **Driver Fitness**, **Vehicle Maintenance** and **Controlled Substances** categories. Measures in both the **Crash Indicator** and **Hazardous Materials BASICs**, as with the percentiles in those **BASICs** prior to passage of the **FAST Act** highway bill, remain unavailable to the public.

The **FAST Act**, which pulled all **CSA** percentiles and **BASIC** alerts from the view of the public, explicitly allowed for the retention of the absolute measure scores within the public view, as previously reported. In the early going after the **CSA SMS** became entirely unavailable in December, the measures did not immediately return when the altered system came back online in January. **FMCSA** officials cited only technical kinks left to sort out at the time, noting all substantive changes had been made.

It turned out, however, that among those technical kinks were some substantive alterations indeed. Carriers absolute measure scores, now publicly available again, amount to each carrier's categorical grade before the curve is applied, converting them into percentiles, which at least gave the measures some context within peer groups.

Some watchers have wondered whether this new scoring world, in which each carrier gets a number that might then simply be compared across the entire universe of carriers' measures individually or in groups by private entities, is an advantageous interim route for the troubled scoring system as **FMCSA** contracts for its Congressionally-required studies and program improvements are made over the next year or two.

Without the context of comparative peer groups, the scores could in some ways be even more problematic for the casual observer or interested party with little knowledge of how the **SMS** works, and problematic for many more carriers who will be casually, non-systematically compared to their peers.

Time will tell on the question of how parties like brokers, shippers and insurance companies use (or don't use, as it were) the absolute measures.

It's clear, at least, that some small carriers continue to be judged on the basis of their now-private percentile rankings. Results show more than a third of respondents to the February poll noted they'd experienced a disclosure requirement relative to their private **CSA** percentiles as a condition of doing business.

## FMCSA Denies Request from ATA to Allow Some Drivers to Exclude Detention Time from 14-Hour Clock

An exemption request from the **American Trucking Associations** to allow drivers to exclude detention time at a natural gas or oil well site from their total 14 on-duty hours has been denied by the **FMCSA**.

**ATA** asked **FMCSA** in May 2014 for a limited two-year exemption for drivers who exclusively service oil and natural gas extraction sites and “have the opportunity to obtain rest while waiting at such sites.” The trucking lobbyist added that “trucks with sleeper berths” and “on-site bunking or resting facilities” would satisfy the “rest opportunity” standard.

**FMCSA** said in its denial that **ATA** didn’t demonstrate how the exemption would achieve a level of safety equal or greater than the safety without the exemption. The agency added the current waiting time exemption doesn’t include a limit and “**ATA’s** request would extend this potentially risky option” to more oil and natural gas workers.

A total of 37 comments were received on the exemption request, according to the **FMCSA**, with 21 commenters supporting the request and 11 commenters opposed it, including the **Commercial Vehicle Safety Alliance**.

## How Bridge Formula Laws Impact Lift Axle Design

One important aspect affecting the spec’ing of lift axles is the **Bridge Formula**, which was created by the federal government in order to keep bridges from becoming too overloaded. This federal law states that two or more consecutive axles may not exceed the weight computed by the **Bridge Formula** even though single axles, tandem axles and gross vehicle weights are within legal limits. As a result, the axle group that includes the entire truck must comply with the **Bridge Formula**.

“These laws have a staggering impact on axle design simply because every manufacturer of lift axles desires to have the lightest, most durable suspension to accommodate the ongoing changes of our countries bridge laws,” Reyco Granning Suspensions District Sales Manager Brandon Covault says. “Today’s Class 7 and 8 trucks have been developed longer to stretch out the weight they are carrying so that the entire weight spreads across the bridge longer.”

“The **Bridge Law** seems confusing to many people,” begins Jason Heath, SAF-Holland’s product manager of powered vehicle systems, “but it can really be boiled down to two things: axle load and axle spacing. Axle load is obvious—too much load on one axle can overload the infrastructure.

“What about axle spacing?” he asks. “Axle spacing is akin to the old adage of being on thin ice. If you hear ice cracking, what are you supposed to do? Lay flat on the ice. Why? While your weight is unchanged, it’s spread over a larger area and this keeps the ice from cracking further. The same principle applies with the bridge formula. A short truck weighing 80,000 lbs. is worse on bridges than a longer truck of the same weight.”

“Each state has their own **Federal Bridge Regulation** requirements—some allow steer lifts only and some don’t allow any lift usage. Bridge formula is a calculation of allowable GVWR based upon the number and span of load carrying axles in contact with the road,” explains Sam Sather of Hendrickson applications engineering. “For states that strictly follow this, typically lift axles rated 13,000 lbs. and below are adequate. Some states have grandfathered laws or special permit provisions that allow additional load to be carried beyond bridge law, up to a gross axle weight rating of 20,000 lbs. or higher, which is where higher capacity axles rated 16,000 lbs. and above are designed to cooperate.”

## The Dust-Up Over FMCSA’s ‘Lives Saved’ Data: Accurate, ‘Alarming’ or Roughly Approximate?

The **Federal Motor Carrier Safety Administration** proudly announced its roadside inspection efforts in 2012 prevented 472 on-highway deaths that year, a number it referred to as “lives saved” in its Feb. 29 announcement.

That’s not a number to balk at, even if the math can be a bit fuzzy calculating such measures. If accurate, that’s nearly 500 people who made it home on a day they might not have otherwise — truck operators included — and the agency and its inspection partners deserve praise for that and for the estimated 7,000 lives it says its inspection efforts have saved since 2001, if the numbers are true.

But as the **American Trucking Associations** and new compliance firm, TransComply, were quick to point out, the number of “lives saved” via **FMCSA’s** inspection efforts has seen a steady and sharp decline since 2006, as has the number of inspections resulting from traffic enforcement, such as an inspector stopping a truck for speeding or other traffic-related violation and then performing an inspection in the same stop.

The drops in enforcement-related inspections and deaths prevented comes in spite of annual increases in funding for enforcement and inspections, says **ATA’s** Rob Abbott, head of regulatory affairs.

According to **FMCSA’s** own data, the number of inspections resulting from enforcement in 2012 was 510,083 — nearly half of the 900,260 inspections performed from Oct. 2005 through September 2006, per **FMCSA’s** figures.

2012 wasn’t an outlier, either. It was the continuation of a trend that began in 2007 and has continued each year since, save for a small jump in inspections in 2008 from the year prior.

“We think it’s concerning,” says Abbott. “The numbers suggest a steady decline in traffic enforcement and a decline in the number of lives saved. Hopefully this picture is not an accurate one, but we’re fearful it might be.”

TransComply says another 169 deaths could have been prevented in 2012 had the agency’s enforcement numbers remained stable.

TransComply’s president, Avery Vise, also said that an estimated 360,000 enforcement inspections occurred in 2015. Extrapolating from available data and **FMCSA’s** methodology, the agency’s inspection efforts prevented 461 deaths in 2015, Vise says, but another 224 deaths could have been prevented had the traffic enforcement inspections remained at 2006 levels. This trend, Vise said, “is alarming,” if accurate.

**FMCSA** spokesman Duane DeBruyne emphasized that its numbers are estimates. Further, he said, the decline in traffic enforcements stems not necessarily from a reduction in stops and inspections, but rather in how the data is gathered.

“The model, as any model must, applies assumptions,” he says of the agency’s Roadside Intervention Effectiveness Model, which **FMCSA** uses to produce its “lives saved” estimates. “In the case of the RIEM, it is about the risk associated with certain violations and the subsequent relation of fatalities and injuries to commercial motor vehicle crashes,” DeBruyne says.

Vise, likewise, also offered an alternative analysis to the agency’s figures, saying it could be that the agency’s efforts have improved carrier safety, thereby lowering the number of enforcement inspections and number of lives needing to be saved.

“Unfortunately, we don’t know because **FMCSA** currently captures no usable data on traffic enforcement that occurs without a reported inspection,” he says.





# OOIDA Hits FMCSA with Lawsuit to Block ELD Mandate...Calls Rule Arbitrary and Unconstitutional

As expected, the Owner-Operator Independent Driver's Association has filed initial arguments in its challenge to the **Federal Motor Carrier Safety Administration's** electronic logging device (ELD) mandate [final rule](#). The association argued in its appeal of the ELD mandate that requiring electronic monitoring devices on commercial vehicles does not advance safety, is arbitrary and capricious, and violates Fourth Amendment protections against unreasonable searches and seizures.

OOIDA filed the legal brief with the U.S. Court of Appeals for the 7th Circuit, the same court that in 2011 vacated FMCSA's prior rule related to electronic logs, a limited mandate for certain noncompliant carriers. OOIDA led that challenge as well.

"The agency provided no proof of their claims that the current ELD mandate would improve highway safety. They didn't even attempt to compare the safety records of trucking companies that use ELDs and those that do not," said Jim Johnston, OOIDA President and CEO.

[Download](#) OOIDA's full court briefing.

FMCSA Spokesman Duane DeBruyne declined to comment on the court proceedings, but in the text of the ELD final rule, issued last December, the agency outlined its approach to evaluating the safety benefits of the use of ELDs for hours of service compliance. FMCSA used its "peer-reviewed Roadside Intervention Model" to estimate crash reductions among carriers using ELDs, it says.

And generally, the agency notes, "ELDs bring about improvements in safety by making it difficult for drivers and carriers to falsify drivers' duty status, which in turn deters violations of the HOS (hours of service) rules. And increased compliance with the HOS rules will reduce the risks of fatigue-related crashes attributable, in whole or in part, to patterns of violations of the HOS rules."

It's been shown that a sizable majority of the estimated benefit that FMCSA noted in its required Regulatory Impact Analysis (which showed a net benefit of the rule) came not from estimated crash reductions, however, but from monetary values placed on driver time and paperwork savings.

Johnston and OOIDA are unconvinced by FMCSA's safety-improvement analysis, in the end. "There is simply no proof that the costs, burdens and privacy infringements associated with this mandate are justified," Johnston said, advancing a common argument against ELDs in noting that "a truck is not just a vehicle but is also an office and a home away from home. This mandate means monitoring the movement and activities of real people for law enforcement purposes and is an outrageous intrusion of the privacy of professional truckers."

For the purposes of the Fourth Amendment, the Supreme Court has previously ruled in favor of some intrusions into the business of commercial transportation operators in, famously, the case involving a drug-testing program decided in 1989 that argued a public "special need" in balancing concerns for safety versus the privacy rights of rail engineers. Programmatic drug- and alcohol-testing requirements followed for commercial truck operators in the 1990s.

Truckers Justice Center attorney Paul Taylor noted that case, *Skinner v. Railway Labor Executives Association*, in his "general impression, sort of threw privacy out the window for truck drivers," he says, from a legal perspective. (Taylor notes he personally disagreed with the decision.)

The testing program was found to not violate the Fourth Amendment to the Constitution, which protects the "right of the people to be secure in their persons, houses, papers, and effects" and prohibits "unreasonable searches and seizures."

In the case, drug/alcohol testing constituted a clear search of your person but not your home. Taylor explains, "The court said, 'this is a commercial vehicle, not a home.'" As regards the search of the operator's person, "This is something in the stream of commerce," Taylor paraphrases. The argument against a fourth-amendment violation "balances safety versus due process," and "the court did find the searches were not unreasonable."

But drug tests are not ELDs, and OOIDA argues that other Supreme Court decisions, including the 2015 *Torrey Dale Grady v. North Carolina*, affirm that prolonged use of a warrantless GPS tracking device on a vehicle is clearly an unreasonable search/seizure within the meaning of the Fourth Amendment.

OOIDA said that FMCSA's attempt to compel installation of ELD devices without a warrant is an unconstitutional seizure.

OOIDA also listed other arguments in the legal brief requesting the court to vacate the rule:

- That the mandate fails to comply with a congressional statute requiring ELDs to accurately and automatically record changes in drivers' duty status. ELDs can only track vehicle movement and must rely on drivers to manually input changes in duty status, making the devices "no more reliable than paper logbooks for recording hours of service compliance," OOIDA says.
- That the current mandate continues to fail to ensure that ELDs will not be used to harass drivers — FMCSA's own failure to provide for this requirement of existing law was the reason the 7th Circuit vacated the prior e-logs rule in 2011. FMCSA responded to such requirements by in part developing the parallel Driver Coercion rule and opening up new whistleblower architecture for driver complaints, penalties for violating carriers.



A letter from Neal H. Merrifield,  
Administrator for Metal and Nonmetal  
Mine Safety and Health Administration

## NSSGA Responds To Revised Silica Exposure Rule

After an initial reading of the revised silica exposure rule, the **National Stone, Sand & Gravel Association** (NSSGA), along with the **National Ready Mixed Concrete Association** (NRMCA) and the **U.S. Chamber of Commerce** (Chamber), issued a joint statement. They stated that none of the industry concerns voiced during the rule's comment period had carried through to the final version that was released last week.

The revised rule cuts the longstanding permissible exposure limit (PEL) of 100 micrograms per cubic meter over an eight-hour period in half. The **NSSGA** and **Chamber** feel that this is unwarranted, as figures from the **U.S. Centers for Disease Control and Prevention** indicate a 90-percent drop in silicosis mortality from 1968 to 2010 under the current PEL. The **Chamber** maintains that the **Occupational Safety and Health Administration** (OSHA) did not make a persuasive case for revising the PEL in the first place.

"The current limit sufficiently protects worker health when fully adhered to and enforced. There is no sound science to show that lowering it to the levels mandated by this rule would meaningfully improve worker protection, but it will add tremendous expense for employers and cost jobs," says **NSSGA** senior vice president of government and regulatory affairs Pam Whitted in the press release.

"The new **OSHA** regulation is neither technologically nor economically feasible," says **Chamber** Executive Director of Labor Policy Marc Freedman in the press release. "Compliance will be undermined by laboratories not being capable of measuring silica at the new specified levels. Installing the control systems **OSHA** requires will cost hundreds of millions of dollars, that most employers, and certainly small businesses, will not be able to afford."

Freedman goes on to say that, "**OSHA's** rulemaking process for this regulation displayed extreme bias and even deception. During the administrative hearing, **OSHA** representatives conceded that critical testing data was not in the record, and routinely impeded the **Chamber's** ability to present its case. The agency relied on aged data and refused to consider modern protective technologies that would make compliance significantly less costly and burdensome. This new regulation will mean workplaces where silica is used or encountered will be out of compliance and forced to spend resources on unneeded mandates such as air monitoring, respirators, medical exams, restricted work areas, and recordkeeping."

The **NRMCA Operations, Environmental and Safety Committee** plans to further update its members once concrete plant-specific requirements of the rule are analyzed.

Dear Metal and Nonmetal Mine Operators,

Since 2008, six persons have died at metal and nonmetal mines in accidents involving large diameter plastic pipe. Two delivery truck drivers were killed while their flatbed trucks were being unloaded at the mine. In both cases, an unsecured section of pipe rolled from atop the truck's load of pipe, fell and struck the driver as he stood nearby. Two pipe crew supervisors, one a contractor, died while connecting sections of pipe using excavators and lifting straps to support and position the pipes. One died when the pipe slipped out of the strap and struck him; the other was killed when the pipe sprung out of the positioning cradle and struck him. A pipe foreman and a contract laborer were killed when they were struck or crushed by the pipe while assisting excavators reposition long sections of pipe using lifting straps.

A raised section of large diameter pipe represents a significant suspended load hazard. Twenty-four (24) inch diameter pipe, which weighs about 35 pounds per linear foot, is commonly furnished in lengths of 50 feet, meaning each section weighs approximately 1,750 pounds. Larger diameter pipes weigh more. Also, because plastic pipes are flexible, suspended sections can wriggle, and bent sections on the ground can move unexpectedly as the pipe tries to straighten itself. A miner in the line of fire of a moving pipe may be struck and badly injured by the heavy, moving mass.

MSHA standards require that materials not be stacked in a manner that creates a fall-of-material hazard, that taglines be attached to loads that may require guidance or steadying while suspended, and that hitches and that slings used to hoist materials be suitable for the particular material handled. Mining operations should assess, identify and control all job hazards, establish safe work procedures and task train all members of the crew. Supervisors should monitor the jobsite to assure work proceeds safely.

Best practices when unloading pipes include assessing the stability of the load before unfastening restraints; assuring pipe sections remain properly restrained throughout the unloading process; and keeping ground personnel clear of the truck, its load and the equipment used to unload the pipes. To prevent pipes from falling when the load is unfastened, secondary supports (such as side stakes) may need to be installed before unfastening the load.

Best practices when handling, moving, splicing and positioning pipe includes assuring slings are in good condition and securely attached, staying clear of suspended pipes, and keeping pipes as straight as feasible to avoid any spring-like motion.

MSHA plans again this month to continue walk and talks at mine sites and enlist the assistance of mines, miners and mining industry groups in the effort to raise safety consciousness, stay safety-vigilant 24/7 and send miners home every day at the end of their shift. Help us spread the word about pipe handling safety to mine operators, supervisors, equipment operators, contractors and delivery drivers.

### Pipe Safety Alert – [english](#) - [spanish](#)

See [more information](#) on the mining deaths attributable to pipe handling safety and for best practices to prevent such accidents. You can use the photos and accident descriptions found in the Fatalgrams to prompt discussions about fatalities and how to prevent them.

## Vapor Poisoning a Known Hazard in Oil and Gas Fields

Dustin Bergsing was young and fit, a bull rider from Montana. On a cold night in January 2012, he climbed to the catwalk on top of a 20-foot-tall crude-oil storage tank on a well pad in North Dakota's Bakken field. His job was to pop open the small hatch on top and drop a rope inside to measure the level of oil.

Just after midnight, a co-worker found him dead, slumped on the catwalk.

At first, people suspected Dustin had died from inhaling a gas called hydrogen sulfide, a known oilfield killer that can be deadly after just a few minutes. But an autopsy revealed he didn't have any of that in his system.

Instead, his blood contained hydrocarbons like benzene, ethane and butane — the same compounds that are in natural gas. At that point, few people had heard of oil workers dying, out in the open, from inhaling petroleum gases. But because Dustin's case caught the eye of an investigative reporter who teamed up with a doctor, four years later oilfield hydrocarbon vapor poisoning is a known occupational hazard.

Despite this, thousands of workers are still being exposed every day as a routine part of doing their jobs because of outdated federal regulations that make it very difficult to use new technology that would get workers off of tanks.

When the **Occupational Safety and Health Administration** investigated Dustin's death, the agency closed the case because Dustin didn't have any of the known killer — hydrogen sulfide — in his body.

"A citation could not be supported for work-related exposure," the agency reported, declining to fine Dustin's employer.

Later that year, Mike Soraghan, a reporter who covers oil and gas for EnergyWire, an online business publication, came across Dustin's case while working on a story about oilfield fatalities. He was dumbfounded.

"I just remember reading through the **OSHA** report and thinking, 'That's it?' A 21-year old kid just sort of dies out in the middle of nowhere and sort of nothing happens?"

There are a lot of ways to die as an oil worker — in 2012, the year Dustin died, it was seven times more dangerous than the average U.S. industry. But even in the oilfield, it is unusual for a healthy 21-year-old to drop dead on a well pad.

Soraghan is one of those people who doesn't like not knowing things. So when he didn't understand what had killed Dustin and why no one was held accountable, he couldn't let it go. He teamed up with a doctor, and together the two of them went on to help solve the deaths of eight other oilfield workers, including three in Colorado. That doctor was Bob Harrison, a clinical professor at University of California-San Francisco who specializes in occupational and environmental medicine.

The two met at an oil and gas safety conference in 2013 where Harrison was a speaker. Soraghan pulled him aside and told him about Dustin's case. Harrison was intrigued.

First, there was the fact that **OSHA** had declined to issue a citation to the company, even though petroleum gases had been found in Dustin's blood, which suggested to Harrison that Dustin's death was work-related.

Second, he had never before heard of an oil worker dying that way.

And third, he didn't believe the rumors that Dustin had been up on the tank trying to deliberately get high off the petroleum gases.

"Frankly, there are a lot easier ways to get high than going out in your long johns at 1:30 in the morning, in North Dakota, to gauge an oil tank," Harrison said. "It just didn't add up to me."

He was convinced that, similar to hydrogen sulfide, you could die after just a few minutes of breathing high concentrations of petroleum gases. He suspected Dustin had passed out when he opened the hatch on the oil tank and was engulfed by a cloud of petroleum gas. The gas killed him by displacing the oxygen in the air, and it caused him to stop breathing.

### **MORE CASES DISCOVERED**

Meanwhile, Soraghan had been digging through **OSHA** databases and media reports, trying to find other cases. He came across a 30-year old man who died in 2010 in Montana in nearly identical circumstances to Dustin Bergsing — alone, collapsed on the catwalk on top of a crude oil storage tank on an oil pad.

At that point, Harrison contacted the **National Institute of Occupational Safety and Health**, a branch of the **U.S. Centers for Disease Control and Prevention**, and told them he suspected there might be a pattern. Their epidemiologists began to search **OSHA** databases of deceased workers for cases they may have missed, and they began to closely monitor any new fatalities.

"It's not very common that you identify a new occupational health issue that's potentially fatal," said Kyla Retzer, an epidemiologist with **NIOSH**. She said she was very concerned about the two cases Harrison and Soraghan had uncovered. "It's something we wanted to act on quickly." She said it felt like working on an outbreak of an infectious disease because workers kept dying.

When **NIOSH** identified four deaths related to petroleum gases by May 2014, it issued an alert asking the public for help. By the end of 2014, **NIOSH** identified nine workers who had died working around crude oil tanks, including the Colorado three and three in North Dakota.

In 2015, the agency updated its original alert, partnered with the oil industry to try to warn workers directly, completed a peer-reviewed study and, in February 2016, along with **OSHA**, issued an even more forceful warning about the risks.

As for Dustin Bergsing, his company was never fined — although his family did settle a wrongful death lawsuit for a "substantial" sum. But despite the increased awareness, workers continue to be exposed to these gases. That's frustrating to Harrison, who says he never wants "to hear about another worker dead on top of an oil and gas tank."

### **FEDERAL REGULATIONS**

One reason why workers continue to be exposed is that, under federal oil and gas regulations, oil companies are effectively required to send them up on oil and gas tanks to manually measure crude oil, putting them at risk.

Ryan Ehlis is one of those workers for whom petroleum gas exposure is a regular part of his job. He is a truck driver who hauls crude oil around the Bakken oilfield in North Dakota. Before he can fill his truck, he has to climb the oil storage tanks and open the hatch on top. He does it to measure the height of the oil in the tank before and after he fills his truck — that's how he knows how much oil he's pumped.

Recently, he drove me out to an oil well pad outside Watford City where the petroleum gases had been particularly overwhelming. He pointed at a row of beige, 20-foot tall storage tanks. "When I came down, I was kind of dizzy and lightheaded from the gas."

He tries to avoid it by standing upwind of the gas or opening the hatch and letting the tank vent before he takes his measurements (*He calls them gauges*) — workarounds he has learned through years on the job. But sometimes it doesn't work.

"If there's gas in your face, you kind of hold your breath" and then step in towards the gassy tank hatch to take measurements before stepping back into fresh air and repeating the process. "But you can't avoid it entirely."

Dennis Schmitz calls these "senseless exposures." The oil and gas safety trainer knows from personal experience that workers do not have to be put in danger just to measure the height of crude oil in a tank or take a few oil samples. In Canada and in the U.S. offshore oil and gas industry, it is common to use automatic tank gauging technology or other types of remote measurement that don't expose workers to deadly gases.

He knows because he used to work as a marine cargo inspector measuring crude oil tanks both on- and offshore. "I have felt that buckling of the knees and the lightheadedness, literally puking off the side of the tank," he said. "And here's the odd thing. That's when we were onshore. When I was offshore, I wasn't exposed. ... I never even questioned, 'Why is it that I don't breathe the vapors offshore and I do breathe them onshore?'"

Federal regulations play a large role. Two different government agencies regulate oil measurement on federal land onshore and offshore (*state regulators are in charge of what happens on private and state lands*) — the **Bureau of Land Management** and the **Bureau of Ocean Energy Management, Regulation and Enforcement** (*formerly known as Minerals Management Service*), a new agency created in 2010 in the reorganization that followed the BP oil spill and Deepwater Horizon disaster.

### **BLM RULES OUTDATED**

Of the two agencies, the **BLM** is widely acknowledged as having the more outdated rules. According to a 2010 **Government Accountability Office** report (*One of many recent reports that condemned BLM's antiquated oil measurement rules*), the former **MMS** updated its regulations every year, and as a result, they reflected current technology.

"In contrast," the report notes, "**BLM** last revised its oil and gas measurement regulations in 1989. As a result, **BLM's** regulations do not reflect current industry technologies and standards."

For Gary Wilson, general manager of TankLogix, a company that makes automatic oil-measurement equipment, "It's maddening."

"We have a solution that could be ubiquitously deployed, and getting a change has proven to be extremely difficult," he said. TankLogix's systems eliminate the need for workers to climb on top of oil tanks, but the **BLM** hasn't OK'd it.

Only one kind of automated measurement is currently allowed by **BLM** — the **Lease Automatic Custody Transfer (LACT)**, and it's expensive and only used on high-producing oil wells. As a result, they aren't that common. There are only 1,500 in use, compared to more than 83,000 oil tanks on federal land.

**BLM's** outdated rules make it very hard to use safer oil measuring devices, while making manual oil tank measurement — which endangers workers — the most viable option for companies. Plus, there's a record of the companies resisting the transition to more expensive technologies.

The **BLM's** Steve Wells, who oversees oil production on federal and Native American lands, says the agency is just trying to make sure oil is accurately measured.

"If it's a public asset, then the taxpayer deserves to have their money, their assets, protected," he said.

Because money is at stake, the **BLM** is extremely cautious about any new technology that might not be as accurate as the tried and true practice of sending workers up on tanks.

### **RULES UPDATE**

Still, the agency has been trying for years to move towards allowing more automated technology. Currently **BLM** is updating its 27-year-old rule, called **Onshore Order 4**, for the first time since 1989. But under the new proposed rule, the agency will allow only one additional kind of automatic tank measurement — and it's a system that is still cost prohibitive to smaller companies.

Given the increased awareness of how dangerous manual crude oil measurement can be for workers, Wells was asked how likely **BLM** was to consider worker safety when revising its rules. He sighed, saying, "I think it's too early to tell right now. But that is one of the considerations."

The agency won't make a final decision until the summer. Meanwhile, many oil companies are nervous about any new regulations that might force them to spend money.

Here's what a few oil companies told the **BLM** in their comments on the proposed **Onshore Order 4**:

- "Industry simply cannot afford to carry out an investment of this magnitude." — Yates Petroleum Corp.
- "The proposed rules will cause more wells to become marginal or uneconomic, which may lead WPX to prematurely exit production from existing federal or tribal leases." — WPX Energy

- "In an era of rising economic challenges and increasingly important domestic energy security, **BLM** should not add unnecessary costs on oil and gas development." — *American Petroleum Institute, Independent Petroleum Association of America and Western Energy Alliance*

This is truck driver Ryan Ehlis's sixth year hauling crude oil. At the height of the boom, he made \$175,000 a year.

"I've lived other places, but, even if I've tried to do other things, the oil patch is kind of where the money is," he said. So he keeps doing it, putting himself at risk.

There was only one time he had second thoughts. He was on a well pad, waiting to load oil onto his truck when another driver's truck sucked up petroleum gases through its air intake and exploded.

"I looked out my window, and there's nothing but a huge orange fireball probably 50 feet in the air; everyone was running," he said, laughing a little. "That was the one night I questioned whether or not I should even be out here working. Like, 'Is this worth it?'"

The doubts lasted about 24 hours. And then he got back to work. In this industry, it's easy to put money before worker safety — for the **BLM**, the oil companies and yes, for the workers themselves.

## **Feds Issue Hazard Alert on Manual Tank Gauging**

Two government health and safety agencies have joined forces to produce a new **hazard alert** on the danger facing oil and gas industry workers who manually gauge or sample fluids on production and flowback tanks.

**"Health and Safety Risks for Workers Involved in Manual Tank Gauging and Sampling at Oil and Gas Extraction Sites"** explains that the risk associated with opening tank hatches to gauge or sample hydrocarbon levels manually arises from exposure to hydrocarbon gases and vapors, oxygen-deficient atmospheres, and fires and explosions. The 13-page publication, a joint effort by **OSHA** and **NIOSH**, also outlines 10 preventative steps encompassing engineering controls, work practices, and personal protective equipment.

The two agencies have identified nine deaths that took place from 2010-2014 while workers manually gauged or sampled production tanks. All occurred at crude oil production tanks where the victim was either performing tank gauging or fluid sample collection at an open vehicle hatch. At the time of the accident, the employee was unprotected from high concentrations of hydrocarbon gases and vapors or displacement of oxygen and either was working alone or was not being observed by a coworker.

# Guide to the New ANSI and EN388 Cut Levels

## ANSI/ISEA 105-2016 HAND PROTECTION CLASSIFICATION

Did you hear? ISEA recently announced the arrival the new ANSI/ISEA 105-2016 Hand Protection Classification. Among the many other significant changes to the old cut testing standard, this exciting news means that, in order to increase the accuracy in test results among glove manufacturers, the way in which the level of cut resistance is assigned to a particular glove during cut testing is going to be different. Now, instead of five levels, there are now nine different ANSI cut levels. As well, changes to the old classification of the EN388 levels are also currently under review.



We've created a [colourful infographic](#) to make it easier for you to understand the new cut levels for the updated ANSI and EN388 standards and their corresponding applications.

ANSI/ISEA 105-2016 addresses the classification and testing of hand protection for specific performance properties related to mechanical protection (*cut-resistance, puncture resistance and abrasion resistance*), chemical protection (*permeation resistance, degradation*) and other performance characteristics such as ignition resistance and vibration reductions.

Gloves are classified to a performance level ranging from 0 to 6 based upon their performance when evaluated against defined industry test methods. Such ratings can assist users to select appropriate hand protection for known specific hazards in the workplace.

One of the major changes in ANSI/ISEA 105-2016 surrounds the determination of classification for cut-resistance, including the use of a single test method for testing in an effort to provide consistent meaning of the ratings from the end-user perspective. Classification levels have been expanded to address the disparate gap among certain levels seen in earlier versions and to model the approach used in similar international standards.

Additional updates include the incorporation of a needlestick puncture test, recognizing that this is a common potential exposure for the medical, sanitation and recycling industries.

### 10 Things You Need to Know About the Changes to ANSI/ISEA and EN 388 Standards

1. One of the main changes is to increase the number of ANSI cut levels from five to nine. Since the current cut level 4 covers a large range (from 1500-3499g), dividing it into smaller sections will result in more differentiation between products – meaning that end users will benefit from more accurate glove selection, and a higher level of safety.
2. This will also prevent end users from assuming that all gloves within this category provide the same level of cut protection.
3. Since ISO 13997 (TDM) machine results have been found to be more consistent than CPPT ones, the TDM machine is the recommended new testing machine for future EN 388 and ANSI/ISEA testing.
4. During the next revision cycle, the EN 388 Coupe testing method will likely be removed.
5. Since the current EN 388 standard does not include impact protection testing, this will be an additional requirement for the new testing standard.
6. Don't fret: there's currently no specific deadline to make these changes within the North American market – meaning that you can retest your gloves on your own timeline. However, the sooner they're tested, the better – since the gloves will not be certified under the new standards until they are tested.
7. For European manufacturers, there will be a mandatory testing deadline in the future.
8. Since these changes are still in negotiation, until there's a timeline for their completion, variation between PPE identification is to be expected for the time being.
9. While they might seem a bit confusing right now, it is believed that these changes will improve glove testing and selection overall by making the ANSI/ISEA and EN 388 standards more accurate and reliable. In turn, it is the hope that this will also make choosing the right work glove easier for end users, and consequently, lower the number of workplace accidents related to incorrect PPE selection.
10. You can read the official announcement about the [ANSI/ISEA 105:2016 American National Standard for Hand Protection Classification](#) and [order](#) a hard copy of the new standards.

[Download](#) a free easy-to-print version of these changes that you can share with your colleagues.