



► 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. [read more...](#)

► **Schedule of classes Aug 2016:** • *TRAINING CENTER – 246 BASHER DRIVE #1, JOHNSTOWN, CO 80534* • [read more...](#)

► ***important reminder...*** OSHA/CONSTRUCTION/MSHA/TRANSPORTATION

► Penalties to be “Adjusted for Inflation” per the Federal Civil Penalties Inflation Adjustment Act of 2015

► ***Effective August 1st***

► See details [page 5](#) (OSHA/Construction/MSHA), [6-7](#) (Transportation)

OSHA / CONSTRUCTION NEWS SUMMARY

► **Inspection Finds Ohio Foundry Continues to Expose Workers to Hazards**

OSHA Issues 15 Violations, Proposes Fines of \$143K

A federal workplace safety and health inspection found workers exposed to the risks of amputation, hearing loss and respiratory damage at the Franklin, Ohio Foundry due to the same hazards identified by the U.S. Department of Labor's Occupational Safety and Health Administration at the Foundry in 2012. [read more...](#)

► **WATER. REST. SHADE.**

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TRANSPORTATION NEWS SUMMARY

► **FMCSA Raises Fines for Some Violations, Lowers Fines for Others**

The fines for violations of federal safety regulations underwent a makeover this year during the adjustment for inflation process. [read more...](#)

► **CVSA Puts 14 Percent of Inspected Trucks Out-of-Service during 'Unannounced' Brake Check Day**

The Commercial Vehicle Safety Alliance placed 13.9 percent of inspected vehicles out-of-service during its annual 'unannounced' brake check day on May 4. [read more...](#)

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During the week of Sept. 11-17, 2016, law enforcement agencies across North America will conduct inspections on large trucks and buses to identify out-of-adjustment brakes, and brake-system and anti-lock braking system (ABS) violations as part of the Commercial Vehicle Safety Alliance's (CVSA) **Brake Safety Week**, an annual outreach and enforcement campaign designed to improve Commercial Motor Vehicle (CMV) brake safety throughout North America. [read more...](#)



▶ **10 Toughest States for Hours of Service in 2015**

Here are 2015 figures for the toughest states for hours of service violations. [read more...](#)

▶ **FMCSA Safety Categories Modified to 'Fit' and 'Unfit'**

New challenges and opportunities can be expected with changes to the proposed federal rule to overhaul the fleet safety rating process. [read more...](#)

MSHA NEWS SUMMARY

▶ **Safety Alert: Prevent Stockpile Accidents**

During calendar year 2015, seven dozers were involved in stockpile accidents.

BEST PRACTICES TO PREVENT STOCKPILE ACCIDENTS [read more...](#)



▶ **Preventing Accidents Involving Machinery & Equipment**

Equipment and Machinery Accidents are Commonly Reported

USE OF BEST PRACTICES CAN ELIMINATE THESE KINDS OF INJURIES [read more...](#)

MONTHLY SAFETY TIP NEWS SUMMARY

▶ **Lockout / Tagout : YOUR LIFE DEPENDS ON IT**

According to OSHA, following proper Lockout / Tagout procedures prevents an estimated 120 fatalities and 50,000 injuries each year. Learn how to Lockout / Tagout and avoid unnecessary risk. [read more...](#)



▶ **Mosquito-Borne Diseases**

Mosquito-borne diseases are those spread by the bite of an infected mosquito. Diseases that are spread to people by mosquitoes include Zika virus, West Nile virus, Chikungunya virus, dengue, and malaria. [read more...](#)



▶ **Safe Use of Insect Repellents**

What Employers Should Do * * * What Workers Should Do [read more...](#)

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.

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

MJS SAFETY 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 Performance Evaluations.

The Operator Qualification Rule – commonly referred to as the "OQ Rule" addressed in Title 49 of the Code of Federal regulations, mandates that individuals who perform "Covered Tasks" on 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.

Make MJS Safety your "GO TO" Resource in 2016

Check here each month for a current class schedule!

Schedule training at our Training Center in Johnstown... 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 2016: • TRAINING CENTER – 246 BASHER DRIVE #1, JOHNSTOWN, CO 80534 •

- PEC Safeland Basic Orientation: Aug 8, 23, 31

► **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
- Hydrogen Sulfide Awareness
- First Aid/CPR
- OSHA 10 Hour for General Industry or Construction
- Confined Space for Construction

— ALSO OFFERING —

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

Unable to attend a class?

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

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training in today's industry

~ **MANY COURSES ARE ALSO AVAILABLE IN SPANISH** ~

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■ PICS
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Transport Topics
CVSA
ESFi
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OSHA / CONSTRUCTION

important reminder...

OSHA Penalties to be "Adjusted for Inflation" after August 1

Maximum penalties for OSHA violations are set to **increase** for the first time since 1990 as part of overall federal penalty adjustments mandated by Congress last year. The increases were announced by the Department of Labor which issued two interim rules covering penalty adjustments for several DOL agencies, including OSHA, the Mine Safety and Health Administration and Wage and Hour Division, among others.



The Federal Civil Penalties Inflation Adjustment Act of 1990 as amended by the Federal Civil Penalties Inflation Adjustment Act of 2015 (*Inflation Adjustment Act*) requires agencies to adjust the levels of civil monetary penalties with an initial catch-up adjustment, followed by annual adjustments for inflation. The Department is required to calculate the catch-up and subsequent annual adjustments based on the Consumer Price Index for all Urban Consumers.

OSHA's new penalty levels will take effect after Aug. 1, when the maximum penalty for serious violations will rise from \$7,000 to \$12,471. The maximum penalty for willful or repeated violations will increase from \$70,000 to \$124,709. Any citations issued by OSHA after Aug. 1 will be subject to the new penalties if the related violations occurred after November 2, 2015. OSHA will provide guidance to field staff on the implementation of the new penalties by Aug. 1.

Learn more about each agency's [compliance assistance resources](#) and individual [penalty adjustments](#).

As **TEMPERATURES SOARED** across the country, OSHA hosted a conference call with employers, industry groups and the media to underscore the need to keep workers safe from the hazards of heat. "The agency is already investigating several heat-related deaths of workers this summer," said OSHA Assistant Secretary Dr. David Michaels. "Every heat-related death we've investigated was preventable, in most cases by simply providing **WATER. REST. SHADE.**"

See the July 2016 issue of the MJS Safety Newsletter (*Montly Safety Tip*) for a wide range of information on **HEAT** related issues!

Inspection Finds Ohio Foundry Continues to Expose Workers to Hazards

OSHA Issues 15 Violations, Proposes Fines of \$143K

A federal workplace safety and health inspection found workers exposed to the risks of amputation, hearing loss and respiratory damage at the Franklin, Ohio Foundry due to the same hazards identified by the U.S. Department of Labor's Occupational Safety and Health Administration at the Foundry in 2012.

On June 15, OSHA issued the Foundry 12 repeated and 2 serious violations, and one other-than-serious violation. The violations found during the agency's January 2016 follow-up inspection carry penalties of \$143,150.

"The Foundry continues to maintain an environment where employees are exposed to serious noise, dangerous machinery and debilitating respiratory hazards," said Ken Montgomery, area director of OSHA's Cincinnati office. "The company needs to re-evaluate its safety and health programs and ensure workers are provided the training and equipment necessary to protect them from injury and illness on the job."

OSHA's follow-up inspection found the employer:

- Allowed a machine to operate without [safety guards](#).
- Failed to review procedures to prevent [unintentional operation](#) of machinery during service and maintenance periodically for accuracy.
- Allowed multiple violations of [respiratory protection](#) standards, such as not providing fit testing and medical evaluations for employees.
- Did not train workers about [noise hazards](#) or evaluate them annually for occupational exposure to noise.
- Allowed the use of devices not capable of [lifting loads](#) within the rated capacity.
- Failed to train employees on [hazardous chemicals](#) used in the facility.
- Did not require workers to wear required [personal protective equipment](#), including head and face protection.
- Allowed the use of damaged personal protective equipment.
- Did not close [electrical](#) openings and junction boxes as required.

View the current safety and health [citations](#).

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

To ask questions, obtain compliance assistance, file a complaint, or report workplace hospitalizations, fatalities or situations posing imminent danger to workers, the public should call OSHA's toll-free hotline at 800-321-OSHA (6742).

DID YOU KNOW — *State Plans* are OSHA-approved job safety and health programs operated by individual states instead of federal OSHA.

State Plans must set workplace safety and health standards that are "at least as effective as" OSHA standards. Many State Plans adopt standards identical to OSHA.

FMCSA Raises Fines for Some Violations, Lowers Fines for Others

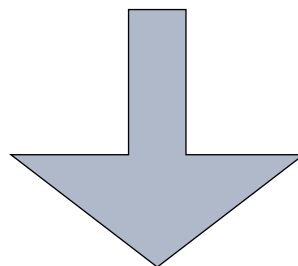
important reminder... new penalties effective Aug. 1

Federal Motor Carrier Safety Administration made adjustments based on the **Federal Civil Penalties Inflation Adjustment Act of 2015**. Some are higher.....some are lower. Inflation calculations were reset this year, resulting in some of the penalty values decreasing. In previous years, adjustments were rounded to the nearest multiple of \$1,000, but the 2015 Act removed the rounding rules, ensuring that penalties increase each year with inflation, according to **FMCSA**.

The new fines for safety regulations violations are listed below:

Violation	New penalty value	Former penalty value
Failure to respond to Agency subpoena to appear and testify or produce records	\$1,028	\$1,000
Failure to respond to Agency subpoena to appear and testify or produce records	\$10,282	\$10,000
Out-of-service order: Operation of CMV by	\$1,782	\$3,100
Out-of-service order: Requiring or permitting operation of CMV by driver	\$17,816	\$21,000
Out-of-service order: Operation by drive of CMV or intermodal equipment that was placed out-of-service	\$1,782	\$3,100
Out-of-service order: Requiring or permitting operation of CMV or intermodal equipment that was placed out-of-service	\$17,816	\$21,000
Out-of-service order: Failure to return written certification of correction	\$891	\$850
Out-of-service order: Failure to cease operations as ordered	\$25,705	\$25,000
Out-of-service order: Operating in violation of order	\$22,587	\$16,000
Out-of-service order: Conducting operations during suspension or revocation for failure to pay penalties	\$14,502	\$16,000
Out-of-service order: Conducting operations during suspension or revocation	\$22,587	\$11,000
Recordkeeping: Maximum penalty per day	\$1,194	\$1,100
Recordkeeping: Maximum total penalty	\$11,940	\$11,000
Knowing falsification of records	\$11,940	\$11,000
Non-recordkeeping violations	\$14,502	\$16,000
Non-recordkeeping violations by drivers	\$3,626	\$3,750
Alcohol prohibition violations (first offense)	\$2,985	\$4,125
Alcohol prohibition violations (second or subsequent conviction)	\$5,970	\$4,125
Commercial driver's license violations	\$5,391	\$4,750
Special penalties pertaining to violation of OOS orders (first conviction)	\$2,985	\$2,750
Special penalties pertaining to violation of OOS orders (second or subsequent conviction)	\$5,970	\$5,500

Knowingly allowing, authorizing employee violations of OOS order (minimum)	\$5,391	\$4,750
Knowingly allowing, authorizing employee violations of OOS order (maximum)	\$29,849	\$27,500
Special penalties pertaining to railroad-highway grade crossing violations	\$15,474	\$11,000
Financial responsibility violations	\$15,909	\$21,000
Violations of Hazardous Materials Regulations and Safety Permitting Regulations (transportation or shipment of hazmat)	\$77,114	\$75,000
Violations of Hazardous Materials Regulations and Safety Permitting Regulations (training) (minimum penalty)	\$463	\$450
Violations of Hazardous Materials Regulations and Safety Permitting Regulations (training) (maximum penalty)	\$77,114	\$75,000
Violations of Hazardous Materials Regulations and Safety Permitting Regulations (packaging or container)	\$77,114	\$75,000
Violations of Hazardous Materials Regulations and Safety Permitting Regulations (compliance with FMCSRs)	\$77,114	\$75,000
Violations of Hazardous Materials Regulations and Safety Permitting Regulations (death, serious illness, severe injury to persons; destruction of property)	\$179,933	\$175,000
Operating after being declared unfit by assignment of a final "unsatisfactory" safety rating (generally)	\$25,705	\$25,000
Operating after being declared unfit by assignment of a final "unsatisfactory" safety rating (hazmat maximum penalty)	\$77,114	\$75,000
Violations of Hazardous Materials Regulations and Safety Permitting Regulations (maximum penalty if death, serious illness, severe injury to persons; destruction of property)	\$179,933	\$175,000
Violations of the commercial regulations, property carriers	\$10,282	\$10,000
Violations of the CRs, brokers	\$10,282	\$10,000
Violations of the CRs, passenger carriers	\$25,705	\$25,000



Violation of the CRs, foreign carriers, foreign motor private carriers	\$10,282	\$10,000
Violations of the CRs, foreign motor carriers, foreign motor private carriers before implementation of North American Free Trade Agreement land transportation provisions (maximum penalty for intentional violation)	\$14,140	\$16,000
Violations of the CRs, foreign motor carriers, foreign motor private carriers before implementation of North American Free Trade Agreement land transportation provisions (maximum penalty for a pattern of intentional violations)	\$35,351	\$37,500
Violations of the CRs, motor carrier or broker for transportation of hazardous wastes	\$20,564	\$20,000
Violations of the CRs, motor carrier or broker for transportation of hazardous wastes	\$41,128	\$40,000
Violation of the CRs, household goods carrier or freight forwarder, or their receiver or trustee	\$1,547	\$1,100
Violation of the CRs, weight of HHG shipment, charging for services (minimum for first	\$3,095	\$3,200
Violation of the CRs (weight of HHG shipment, charging for services)	\$7,737	\$7,500
Tariff violations	\$154,742	\$140,000
Additional tariff violations, rebates or concessions (first violation)	\$309	\$320
Additional tariff violations, rebates or concessions (subsequent violations)	\$387	\$375
Tariff violations, freight forwarders (max penalty for first violation)	\$774	\$750
Tariff violations, freight forwarders (max penalty for subsequent violations)	\$3,095	\$3,200
Service from freight forwarders at less than rate in effect (first violation)	\$774	\$750
Service from freight forwarders at less than rate in effect (subsequent violations)	\$3,095	\$3,200
Loading, unloading violations	\$15,474	\$16,000
Reporting and recordkeeping - min penalty	\$1,028	\$1,000
Reporting and recordkeeping - max penalty	\$7,737	\$7,500
Unauthorized disclosure of information	\$3,095	\$3,200

Knowingly and willingly fails to deliver or unload HHG	\$15,474	\$11,000
HHG broker estimate before entering into agreement with motor carrier	\$11,940	\$10,900
HHG transportation or broker services - registration requirement	\$29,849	\$27,250
Copying of records and access to equipment, lands and buildings (max penalty per day)	\$1,194	\$1,100
Copying of records and access to equipment, lands and buildings (max total penalty)	\$11,940	\$11,000
Evasion of motor carrier regulations (minimum for first violation)	\$2,056	\$2,000
Evasion of motor carrier regulations (maximum for first violation)	\$5,141	\$5,000
Evasion of motor carrier regulations (minimum for subsequent violations)	\$2,570	\$2,500
Evasion of motor carrier regulations (maximum for subsequent)	\$7,711	\$7,500
Evasion of carrier or broker regulations (minimum for first violation)	\$2,056	\$2,000
Evasion of carrier or broker regulations (minimum for subsequent)	\$5,141	\$5,000

CVSA Puts 14 Percent of Inspected Trucks Out-of-Service during 'Unannounced' Brake Check Day

The **Commercial Vehicle Safety Alliance** placed **13.9 percent** of inspected vehicles **out-of-service** during its annual 'unannounced' brake check day on **May 4**.

The inspection blitz, part of **CVSA's Operation Airbrake** program, was conducted in **31 states** and **Canadian provinces**. A total of **6,128 commercial vehicles** had their **brakes checked** during the 'unannounced' event.

CVSA says **12.4 percent** of vehicles inspected were placed **out-of-service** for **brake violations**, and **13.9 percent** of vehicles were placed **out-of-service** for **violations** other than **brakes**. According to **CVSA**, **brake violations** are generally the reason for most **out-of-service violations**, representing **43 percent** of **OOS violations** during 2015's **International Roadcheck**.

Inspectors also checked **anti-lock braking systems (ABS)** during the **May 4 inspection blitz**. **CVSA** found that **9.6 percent** of **air-braked trucks** that required **ABS** based on their date of **manufacture** had **ABS violations**, and **9.8 percent** of **hydraulic-braked trucks** had **ABS violations**. Additionally, **19.8 percent** of **trailers** requiring **ABS** had **ABS violations**.

10 Toughest States for Hours of Service in 2015

Here are 2015 figures for the toughest states for hours of service violations. The toughest states list was calculated based on the number of hours violations as a percentage of each state's total violations.

2015's data shows an apparent upward trend in the hours of service violations doled out by the top 10 states. When reporting began in the CSA's Data Trail series in 2013 just three states were above the 20 percent mark for hours violations. Seven out of 10 states are above that threshold now, however.

Here's the list of states where HOS violations make up the highest percentage of total violations:

Arkansas	35.6
Wyoming	23.0
North Dakota	22.8
Oregon	22.1
Colorado	21.9
Indiana	21.1
Kansas	20.7
Iowa	17.8
South Dakota	17.5
Nevada	15.8

CVSA's Next Operation Airbrake Inspection Spree will take place During Brake Safety Week, Sept. 11-17

During the week of **Sept. 11-17, 2016**, law enforcement agencies across North America will conduct inspections on **large trucks** and **buses** to identify **out-of-adjustment brakes**, and **brake-system** and **anti-lock braking system (ABS)** violations as part of the **Commercial Vehicle Safety Alliance's (CVSA) Brake Safety Week**, an annual outreach and enforcement campaign designed to improve **Commercial Motor Vehicle (CMV) brake safety** throughout North America.



Properly functioning **brake systems** are crucial to **safe CMV operation**. **CMV brakes** are designed to hold up under **tough conditions**, but they must be **routinely inspected** and **maintained carefully** and **consistently** so they operate and **perform properly** throughout the **vehicle's life**. Improperly installed or **poorly maintained brake systems** can reduce **braking efficiency** and increase the **stopping distance** of trucks and **buses**, posing **serious risks** to driver and **public safety**. **ABS systems help the vehicle**, and thus the driver, **maintain control** in certain situations, which reduces the risk of **some types of crashes**.

Brake-related violations comprised the **largest percentage (representing 43 percent)** of all **out-of-service violations** cited during **Operation Airbrake's International Roadcheck** campaign in **2015**, which focused on inspections of both **vehicles and drivers**.

Inspections conducted during **Brake Safety Week** include inspection of **brake-system components** to identify loose or missing parts, air or **hydraulic fluid leaks**, worn linings, **pads**, drums or **rotors**, and other faulty **brake-system components**. **ABS malfunction indicator lamps** are also checked. Inspectors will **inspect brake components** and **measure pushrod stroke** where applicable. **Defective or out-of-adjustment brakes** will result in the **vehicle being placed out-of-service**.

Many inspectors will be **conducting Level I Inspections**, and in the **10 jurisdictions** currently using **performance-based brake testing (PBBT)** equipment, vehicle **braking efficiency** will be measured. These **systems** include a **slow speed roller dynamometer** that **measures total vehicle weight** and **total brake force** from which **braking efficiency** is determined. The **minimum braking efficiency** for trucks is **43.5 percent**, required by **U.S. federal regulation** and the **CVSA out-of-service criteria**.

Outreach and educational efforts by **CMV inspectors**, participating **motor carriers** and others in the **industry** will also **take place** during **Brake Safety Week** and are **integral** to the **success** of the **campaign**.

More than **3.4 million brakes** have been inspected since the **program's inception** in **1998**.

Brake Safety Week is part of the **Operation Airbrake** program sponsored by **CVSA** in partnership with the **U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA)**.

FMCSA Safety Categories Modified to 'Fit' and 'Unfit'

New challenges and opportunities can be expected with changes to the proposed federal rule to overhaul the fleet safety rating process.

Most significantly, the Safety Fitness Determination (SFD) rule ([see FAQ's](#)) will replace the three current Federal Motor Carrier Safety Administration categories: "Satisfactory, Conditional and Unsatisfactory" for federally regulated commercial motor carriers (*in place since 1982*) with a single determination of 'Unfit', which will require the carrier to either improve its operations or shut down. 'Fit' or 'Unfit' will be the new categories.

The agency's proposal would also change the method the agency uses to assign fleets to the 'Unfit' category. Instead of evaluating fleets relative to each other under the current approach tied to Compliance, Safety, Accountability, or CSA scores, FMCSA will use an absolute standard. That standard could disqualify fleets that fail in two or more categories that are used for evaluation, but only if they have the worst possible CSA score. The absolute standard could be lower than the existing trigger for FMCSA intervention, known as an alert. As a result, the number of carriers disqualified could be reduced.

"Using all available information to achieve more timely assessments will allow us to better identify unsafe companies and get them off the road," said U.S. Transportation Secretary Anthony Foxx.

Once in place, the agency believes the rule will enable it to properly assess the safety fitness of approximately 75,000 companies a month. By comparison, the agency is only able to investigate 15,000 motor carriers annually under the current system, with less than half of those companies even receiving a safety rating.

The new proposal also would tie carrier safety ratings to the number of violations accumulated. A carrier could be deemed 'Unfit' if 11 or more violations were accumulated, raising the risk for larger fleets.

Another proposed change would only label a truck-involved crash as non-preventable from the carrier's standpoint if the other driver is convicted of an offence such as driving under the influence that clearly shows who was at fault.

Two data sources underlie the methodology the agency proposes to use:

Investigation results as well as roadside inspection/violation data as compiled and measured by the CSA Safety Measurement System in five of its seven Behavior Analysis and Safety Improvement Categories (BASICS) (*excluding the Crash Indicator and the Controlled Substances/Alcohol category*). A carrier's on-highway performance in relation to a fixed failure threshold established in the rule for those five BASICS — 1) Hours of Service Compliance, 2) Driver Fitness, 3) Unsafe Driving, 4) Vehicle Maintenance and 5) Hazardous Materials — will be considered. Failure of any two will result in an 'Unfit' rating.

The change is important because some have estimated the number of fleets with conditional ratings at about 50,000. Conditional ratings have become the new 'unsatisfactory'. Since customers or brokers can have liability concerns due to a carrier's 'conditional rating', it may be hard for those carriers to do business.

FMCSA estimates that under this proposal, fewer than 300 motor carriers each year will be proposed as 'Unfit' solely as a result of on-road safety violations. Further, the agency's analysis has shown that the carriers identified through this on-road safety data exhibit crash rates of almost four times the national average.

Newly established fleets should be vigilant in watching for requests for additional information from FMCSA during the new entrant audit, since the fleet's operating authority can be revoked if it fails to respond to communications from the agency.

Fleets that are subject to a compliance review will find that FMCSA has broadened the review process to include factors such as roadside inspections and accidents as well as analyzing driver logs and other data kept at the carriers' offices.

The process of appealing a rating is particularly complicated since fleets typically have 60 days to appeal, except for those that haul hazardous materials. Their limit is 45 days.

The most common appeal method is a request for upgrade, which fleets can use to demonstrate what corrective action has been taken to address deficiencies that caused the lower rating. Fleets may need to file that request for upgrade multiple times.

A strategy FMCSA now appears to prefer is a consent order. That order upgrades a carrier's rating only if specific benchmarks, such as electronic logging device compliance, are met in a particular time period.

Trucking attorneys continue to challenge the use of scores under the CSA program if FMCSA uses them to determine a safety rating.

Those scores only are meant to establish priorities for agency intervention and are not the basis for a rating.

Safety Alert: Prevent Stockpile Accidents

During calendar year 2015, seven dozers were involved in stockpile accidents. Most of the accidents involved the dozer falling into a hidden cavity created when material “bridged” over a feeder and material beneath the bridge was withdrawn. Bridging can occur when equipment compacts the material at the surface of the pile or if the surface material freezes.

Stockpiles that have sat idle for a period of time can also become more prone to bridging due to consolidation of the pile material. None of the accidents involved injuries to miners; however, each had the potential to be serious.



BEST PRACTICES TO PREVENT STOCKPILE ACCIDENTS

- ▶ Implement a system to detect cavities and warn all potentially affected parties.
- ▶ Use safe procedures to eliminate a cavity.
- ▶ Never operate equipment directly over a feeder.
- ▶ Markers should be placed directly overhead of a feeder to indicate its location.
- ▶ Consider the installation of a proximity detection system to alert equipment operators if they are approaching a pre-determined distance from the feeder.
- ▶ Install lights or signal systems that identify which feeders are operating.
- ▶ Always operate equipment facing the feeder.
- ▶ Special high strength safety glass should be installed in dozer cabs used on stockpiles.
- ▶ Equip stockpile dozers with a transmitter that sounds an alarm and stops feeders and belts when the signal is lost.
- ▶ Always securely store SCSR and flashlights in the dozer cabs.
- ▶ Provide specialized training to miners on alarm response, equipment needs and recovery of a disabled dozer. This can save time and potentially life.



For more information on stockpile safety, please visit [MSHA's Surge Pile Accident Prevention](#) page.

Preventing Accidents Involving Machinery & Equipment

Equipment and Machinery Accidents are Commonly Reported

USE OF BEST PRACTICES CAN ELIMINATE THESE KINDS OF INJURIES

- ▶ Ensure that machinery is powered off and secured against hazardous motion before performing repairs or maintenance.
- ▶ Consider all energy hazards, including electrical, mechanical, pneumatic and hydraulic systems.
- ▶ When locking and tagging out equipment, use individual locks and tags and ensure miners have the keys to their locks. Personnel should not remove locks that are not their own.
- ▶ Inspect machinery prior to use. Tag and remove from service machinery that requires repairs.

More Information

Since 2011, 16 metal and nonmetal miners have died in accidents involving machinery and non-haulage mobile and quarry equipment, and many more have been seriously injured or disabled. Of the 16 persons fatally injured, six were supervisors and three were contractors. Seven miners died when they were struck by the equipment they or a co-worker were operating, four miners drowned when their equipment ran into or overturned into water, and five more died when they were caught in crushers, on drill steel or between reciprocating machinery. The equipment involved represented a wide variety of mining equipment: drills, dozers, excavators, graders, dredges and crushers.

MSHA standards require operators to maintain control of mobile equipment while it is in motion, and to operate at speeds consistent with conditions of mine roadways, tracks, grades, clearance, visibility and traffic. When mobile equipment is not in motion, it must be stopped in a safe location and when not attended, parked in a manner that prevents it from moving and becoming a hazard to the operator or other miners. In addition, mine supervisors and equipment operators need to continuously monitor and maintain roadways and berms and operate mobile equipment in a controlled, safe manner. When operating excavators, position them as far from the water's edge as feasible on firm, stable ground. Don't traverse unstable ground above a highwall and stay off and away from over-steepened stockpiles until they can be made safe.

Machinery and Equipment Hazard Alert Posters: [English](#) [Spanish](#)

Collection of [Fatalgrams](#): can be used to prompt discussions about fatalities and how to prevent them

important reminder...
DOL Federal Civil Penalties
Inflation Adjustment Act
[See information page 5](#)

Lockout / Tagout : YOUR LIFE DEPENDS ON IT

According to OSHA, following proper Lockout / Tagout procedures prevents an estimated 120 fatalities and 50,000 injuries each year. Learn how to Lockout / Tagout and avoid unnecessary risk.

1. Notify all employees about the required lockout
2. Shut down equipment using normal stopping procedure
3. Locate and isolate equipment from all energy sources
4. Release any stored energy

How to Test Before You Touch:

- Ensure all participants are qualified for the job
- Identify potential hazards
- Wear correct PPE and use the proper tools



Be sure to choose the PPE that is right for you and your circumstances. PPE should be:

- Appropriate for the hazard
 - Worn as the outermost layer
 - Worn CORRECTLY; zipped, buttoned, etc
 - Maintained properly and removed from service when needed
- De-energize the circuit
 - Lockout / Tagout ([pdf poster](#))
 - Test the circuit
 - Verify the testing device
5. Lockout all switches and controls with assigned locks and tags
 6. After ensuring that no personnel are exposed, operate the normal operating controls to make sure the equipment won't operate.
- RETURN EQUIPMENT TO "OFF" STATE AFTER TEST**
7. Perform servicing
 8. Remove the lockout device
 9. Once work is completed, notify all employees

Safe Use of Insect Repellents

What Employers Should Do

- Provide training about the safe use of insect repellents.
- Provide [EPA-registered insect repellents](#) and insecticides containing one of the following active ingredients: DEET, picaridin, IR3535, oil of lemon eucalyptus or para-menthane-diol. These repellents have been proven safe and effective, even for pregnant and breastfeeding women.
- Provide permethrin to be applied to clothing and gear.

What Workers Should Do

- Consistently and safely use insect repellents to decrease their risk of mosquito bites:
- Apply insect repellent to exposed skin, carefully following label directions for repellent use and reapplication.
- Use a repellent that provides protection for the amount of time that you will be outdoors and reapply it as needed.
- Do not use repellent under clothing or on skin that is injured or irritated.
- Do not apply pump or aerosol products directly to the face. Instead, spray these products onto the hands and carefully rub them over the face, avoiding the eyes and mouth.
- If also applying sunscreen, apply sunscreen first and insect repellent second.
- Use permethrin products on clothing and gear as directed; do not apply them directly to skin - may be effective after several washings.

Use the convenient MOBILE app – [My repellent Finder](#)

Mosquito-Borne Diseases



Mosquito-borne diseases are those spread by the bite of an infected mosquito. Diseases that are spread to people by mosquitoes include Zika virus, West Nile virus, Chikungunya virus, dengue, and malaria.

Employers should protect workers and workers should protect themselves from diseases spread by mosquitoes. Although most people do not become sick after a bite from an infected mosquito, some people have a mild, short-term illness or (rarely) severe or long-term illness. Severe cases of mosquito-borne diseases can cause death.

Workers at Risk

Workers are at risk when they are working where mosquitoes are biting. Different species of mosquitoes are found in different geographic locations, are most active at different times, and spread different diseases. The risk to workers varies with:

- where they are working in the United States or elsewhere
- type of habitat at the work site
- season
- time of day

Workers at risk of being bitten by mosquitoes are those who spend time outdoors, including farmers, foresters, landscapers, groundskeepers, gardeners, painters, roofers, pavers, construction workers, laborers, mechanics, entomologists, wildlife biologists, and field workers.

Laboratory and clinical workers who handle infected fluids or tissues may also be at risk of infection. Transmission may occur through a break in their skin or via a sharp penetration injury.

What Employers Should Do

Mosquitoes breed in standing water. Employers should decrease mosquito populations at worksites by:

- removing, turning over, covering, or storing equipment
- removing debris from ditches
- filling in ruts and other areas that collect standing water
- removing tires, buckets, bottles, and barrels that collect water
- placing drain holes in containers that collect water and cannot be discarded

Employers can keep mosquitoes out of indoor worksites by ensuring that doors and windows have screens and are kept closed when possible. Employers should also protect workers by providing:

- training about:
 - ~the risk of exposure to mosquitoes
 - ~how they can protect themselves from mosquito bites
 - ~symptoms of diseases spread by mosquitoes
- protective clothing, including long-sleeved shirts and long pants
- [EPA-registered insect repellents](#) to use on exposed skin and clothing

What Workers Should Do

Workers can reduce their risk of mosquito bites while working outdoors, by:

- helping to reduce sources of standing water
- wearing long-sleeved shirts and long pants
- using EPA-registered insect repellents on exposed skin and clothing, as directed on the product labels.

Workers who develop symptoms of a mosquito-borne disease should report this promptly to their supervisor and get medical attention.