



OSHA / CONSTRUCTION

► **MJS SAFETY TRAINING ANNOUNCEMENT**

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

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

OSHA / CONSTRUCTION NEWS SUMMARY

► **Top 10 OSHA Citations of 2016:**

**A STARTING POINT FOR WORKPLACE SAFETY**

Every October, the Department of Labor's **Occupational Safety and Health Administration** releases a preliminary list of the **10 most frequently cited safety and health violations** for the fiscal year, compiled from nearly 32,000 inspections of workplaces by federal **OSHA** staff. [read more...](#)

► **OSHA Penalties Adjusted as of August 2016**

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► **Ohio Worker's Death Highlights Grim Statistic**

*Trench collapse fatalities have more than doubled in last year* [read more...](#)

TRANSPORTATION NEWS SUMMARY

► **You've undoubtedly heard this story** — it's been prominent in the local news for the past couple of weeks

**A Colorado State Patrol Trooper was killed in a crash on I-25 south of Castle Rock**

**Did you know??** *there's a law that addresses this very issue ...approaching stationary emergency vehicles along the shoulder* [read more...](#)

► **Screening Program Doesn't Violate Drivers' Rights, Court Rules**

*...decision means the Pre-employment Screening Program can stand* [read more...](#)

► **OIDA Considers Further Legal Challenge to ELD Mandate**

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Nearly **2,400 trucks** were placed **out-of-service** for **brake violations** and nearly **2,700 trucks** were placed **out-of-service** for **non-brake-related violation** during the **Commercial Vehicle Safety Alliance's Brake Safety Week**, held Sept. 11-17. [read more...](#)

► **White House Clears CDL Standards Rule**

The White House **Office of Management and Budget** has cleared the **entry-level driving training rule**, meaning that, if the **Federal Motor Carrier Safety Administration** makes **recommended changes**, the first-ever federal **CDL curriculum standards** should be **published** by the end of the year. [read more...](#)



HAPPY HOLIDAYS... FROM ALL OF US AT MJS SAFETY

- ▶ **Let's ALL pledge to make **SAFE DRIVING HABITS** our #1 priority this holiday season!** [read more...](#)



- ▶ **FMCSA Establishes National Drug and Alcohol Testing Clearinghouse for Commercial Truck and Bus Drivers**

The U.S. Department of Transportation's (DOT) **Federal Motor Carrier Safety Administration** (FMCSA) announced a final rule that establishes a national drug and alcohol clearinghouse for commercial truck and bus drivers. [read more...](#)

## OIL & GAS SUMMARY

- ▶ **New Alert Available on Protecting Oilfield Workers from Hot Work Hazards**

A new [hazard alert](#) explains how to prevent fatalities associated with hot work on oilfield tanks, tankers, and related equipment. [read more...](#)

- ▶ **Oil Field Transportation Sector Requires Specialized Trucks, Versatile Drivers**

Trucks used in oil and gas fields are a breed apart from highway trucks, and the drivers who operate them need additional skills beyond those required of over-the-road truckers, executives in this sector said. [read more...](#)

## MSHA NEWS SUMMARY

- ▶ **Mine Safety and Health at a Glance**

Updated annually, this [fact sheet](#) is a summary of key mine safety and health statistics including fatality and injury totals, inspection hours, citations and orders issued, dollar amount assessed, and other basic statistics. The good news — **Mining Deaths Fell To New Lows In FY 2016.** [read more...](#)



- ▶ **Preventing Accidents Involving Machinery & Equipment**

*Equipment and Machinery Accidents are Commonly Reported*  
**Best Practices** [read more...](#)

## MONTHLY SAFETY TIP NEWS SUMMARY

- ▶ **Taking a Break Boosts Our Productivity**

*How many times do you find yourself "working" and yet getting little completed?* [read more...](#)



**MJS SAFETY LLC** is proud to announce that we are now available to perform Operator Qualification [OQ] Performance Evaluations under the "EnergyU" system – a service of Midwest ENERGY Association – as well as Veriforce. [call to schedule](#)

**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 [H<sub>2</sub>S] - Awareness
- ~Respirator: Medical Evaluation & Fit Testing
- ~Hazard Communication – GHS Training
- ~Teens & Trucks Safety
- ~1st Aid/CPR Course- Medic 1<sup>st</sup> Aid
- ~HAZWOPER 8, 24 & 40 Hour
- ~PEC'S Intro to Pipeline
- ~Confined Space Rescuer Training
- ~PEC Core Compliance
- ~OSHA 10 Hour Construction
- ~OSHA 30 Hour Construction
- ~NUCA Competent Person for Excavation & Trenching
- ~Hands-on Fire Extinguisher training
- ~DOT Hazmat Training
- ~MSHA Sand & Gravel Training [Part 46 only]
- ~Fall Protection for the Competent Person
- ~Defensive Driving Safety for large and small vehicles
- ~Instructor Development for Medic 1<sup>st</sup> Aid/CPR
- ~Bloodborne Pathogens Compliance Training
- ~Respiratory Protection Training

► MJS SAFETY offers these courses as well as custom classes to fit the needs of your company ◀

**Schedule of classes Dec 2016:** • TRAINING CENTER – 246 BASHER DRIVE #1, JOHNSTOWN, CO 80534 •

- PEC Safeland Basic Orientation: Dec 13, 22, 29
- First Aid/CPR/AED / BLOODBORNE PATHOGENS: Dec 1, 14, 28 8 a.m.  
(We offer both MEDIC FIRST AID & AMERICAN HEART ASSOCIATION)
- TEEX H2S Operator Training - Awareness: Dec 1, 14, 28 1 p.m.

► NEED ANY OF THESE CLASSES IN SPANISH? CONTACT [carriejordan@mjsafety.com](mailto:carriejordan@mjsafety.com) TO SCHEDULE TODAY ◀

Go To [mjsafety.com](http://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.

Order First Aid & other Safety Supplies  
[www.mjsafety.com](http://www.mjsafety.com)  
Jeremy 720-203-6325  
Carrie 720-203-4948  
or Mike 303-881-2409

Online courses provide a convenient way for **EMPLOYERS & EMPLOYEES** to complete **MANDATED, REQUIRED or HIGHLY RECOMMENDED** training in today's industry  
~ MANY COURSES ARE ALSO AVAILABLE IN SPANISH ~

Need Help With  
■ ISNETworld  
■ PEC/Premier  
■ PICS  
■ BROWZ  
**CALL US!!!**

FOR ADDITIONAL INFORMATION CALL  
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JEREMY – 720-203-6325 CARRIE – 720-203-4948 MIKE – 303-881-2409

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J.J.Keller  
KDVR.com  
MoveOverLaws.com  
Overdrive  
CCJ  
USDOT  
Trucking Industry News  
Fleet Owners.com  
Huffington Post  
Westword



## Top 10 OSHA Citations of 2016:

### A STARTING POINT FOR WORKPLACE SAFETY

Every October, the Department of Labor's **Occupational Safety and Health Administration** releases a preliminary list of the **10 most frequently cited safety and health violations** for the fiscal year, compiled from nearly 32,000 inspections of workplaces by federal **OSHA** staff.

**One remarkable thing** about the list is that it **rarely changes**. Year after year, **OSHA** inspectors see thousands of the same **on-the-job hazards**, any one of which could result in a **fatality or severe injury**.

More than **4,500 workers** are killed on the job every year, and approximately **3 million** are injured, despite the fact that by law, employers are responsible for **providing safe and healthful workplaces** for their workers. If all employers **simply corrected** the **top 10 hazards**, we are confident the number of **deaths, amputations and hospitalizations** would drastically decline.

**Consider this list a starting point for workplace safety:**

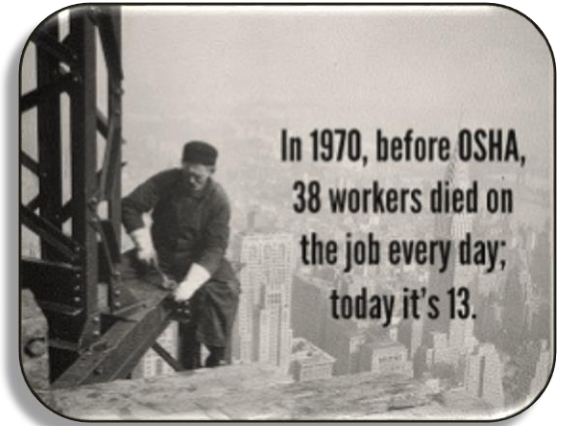
1. *Fall protection*
2. *Hazard communication*
3. *Scaffolds*
4. *Respiratory protection*
5. *Lockout/tagout*
6. *Powered industrial trucks*
7. *Ladders*
8. *Machine guarding*
9. *Electrical wiring*
10. *Electrical, general requirements*

It's no coincidence that **falls** are among the **leading causes of worker deaths**, particularly in construction, and the **top 10 list** features lack of **fall protection** as well as **ladder** and **scaffold** safety issues. **OSHA** knows how to **protect workers from falls**, and have an ongoing **campaign** to inform employers and workers about these measures. **Employers must take these issues seriously.**

**OSHA** also sees far too many workers **killed or gruesomely injured** when machinery starts up suddenly while being repaired, or hands and fingers are exposed to moving parts. **Lockout/tagout** and **machine guarding** violations are often the culprit here. **Proper lockout/tagout procedures** ensure that machines are **powered off** and can't be turned on while someone is working on them. And **installing guards** to keep hands, feet and other appendages away from moving machinery **prevents amputations and worse.**

**Respiratory protection** is essential for **preventing long term and sometimes fatal health problems** associated with breathing in asbestos, silica or a host of other **toxic substances**. But we can see from our list of violations that **not nearly enough employers** are providing this **needed protection and training.**

## OSHA/CONSTRUCTION



The **high number of fatalities** associated with forklifts, and high number of violations for **powered industrial truck** safety, tell us that many workers are **not being properly trained** to safely drive these kinds of **potentially hazardous equipment.**

Rounding out the **top 10 list** are violations related to **electrical safety**, an area where the **dangers are well-known.**

The list of **top violations** is far from **comprehensive.** **OSHA** regulations cover a **wide range of hazards**, all of which imperil **worker health and safety.** **OSHA** urges employers to **go beyond the minimal requirements** to create a culture of safety at work, which has been shown to **reduce costs, raise productivity and improve morale.** To help them, **OSHA** has released new recommendations for creating a **safety and health program** at their workplaces.

**OSHA** has many additional resources, including a wealth of information on the **OSHA website** and their **free and confidential On-site Consultation Program.** But tackling the **most common hazards** is a good place to **start saving workers' lives and limbs.**

# OSHA Penalties Adjusted as of August 2016

In November 2015, **Congress enacted** legislation requiring **federal agencies** to adjust their **civil penalties** to account for **inflation**. The **Department of Labor** has adjusted penalties for its **agencies**, including **OSHA**.

The **new penalties** took effect **August 2, 2016**. Any citations issued by **OSHA** on or after this date will be **subject** to the **new penalties** if the related violations **occurred** after **November 2, 2015**.

Type of Violation	Current Maximum Penalty	New Maximum Penalty
Serious Other-Than-Serious Posting Requirements	\$7,000 per violation	\$12,471 per violation
Failure to Abate	\$7,000 per day beyond the abatement date	\$12,471 per day beyond the abatement date
Willful or Repeated	\$70,000 per violation	\$124,709 per violation

**Adjustments to Penalties** — To **provide guidance** to field staff on the **implementation** of the new penalties, **OSHA** issued revisions to its [Field Operations Manual](#). To address the **impact** of these **penalty increases** on smaller businesses, **OSHA** will continue to provide **penalty reductions** based on the size of the **employer** and other factors.

**State Plan States** — States that **operate** their own [Occupational Safety and Health Plans](#) are required to **adopt maximum penalty levels** that are at least as effective as **Federal OSHA's**.

**For More Assistance** — **OSHA** offers a variety of **options** for employers looking for **compliance assistance**. The [On-site Consultation Program](#) provides professional, **high-quality**, individualized assistance to **small businesses** at no cost.

**OSHA** also has compliance assistance specialists in most of our [85 Area Offices](#) across the nation who **provide robust outreach** and education programs for **employers and workers**. For more information, contact the **Regional or Area Office** nearest you.

## Ohio Worker's Death Highlights Grim Statistic

*Trench collapse fatalities have more than doubled in last year*

The death of a worker in a trench collapse in Ohio in June was, **unfortunately**, far from an **isolated incident**. The 33-year-old was one of **23 workers killed** in 2016 – an **alarming increase** in trench-related fatalities since 2015. Twelve other **workers** were injured in **trench cave-ins**.

**"There is no excuse"**

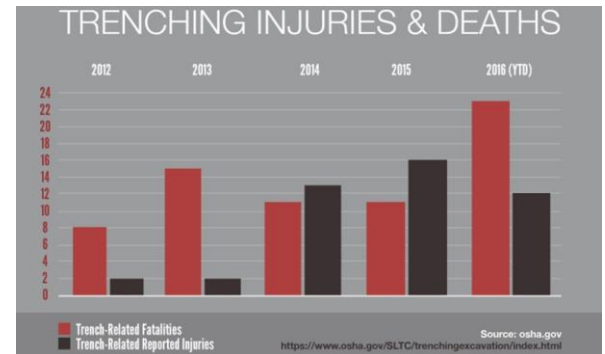
"Trench deaths have more than **doubled nationwide** since last year – an **alarming and unacceptable trend** that must be **halted**," said Dr. David Michaels, assistant secretary of labor for **OSHA**. "There is **no excuse**. These fatalities are **completely preventable** by complying with **OSHA** standards that every **construction contractor** should know."

**Two near misses before fatal accident**

In the **Ohio tragedy**, the walls of a **12' trench** collapsed as the employee was **digging soil out** of it, burying him in **thousands of pounds** of dirt. It was **hours before** rescue workers were able to **recover his body**. The man was **part of a crew installing a sewer line** at a residential home **under construction**; **OSHA's** investigation found that **earlier** that same day, a **portion of the trench had collapsed** and the worker was able to **escape**.

It was not his **only near-miss**. About a month earlier, at **another site**, the same worker was **involved in a trench collapse**. Trench cave-in **protection** was not provided there, either -- leading **OSHA** to open a **separate investigation**.

The Ohio plumbing company was **cited** for two [willful](#) and two serious **safety violations** including not providing trench cave-in [protection](#) for its employees. **Proposed penalties total \$274,359**.



Trench collapses are **rarely survivable**. One cubic yard of soil can **weigh up to 3,000 lbs.** - the weight of a **small automobile** - giving a worker in a **trench** little chance of **survival** when walls of **soil collapse**.

**How to save a life**

"This **man's life** could have been saved by following **OSHA's** safety standards that **require cave-in protection** in a trench more than **5-feet deep**," said Ken Montgomery, **OSHA's** area director in Cincinnati. "**Excavating companies** need to re-examine their **safety procedures** to ensure they are taking all **available precautions** - including installing **trench boxes**, shoring and other means to prevent **unexpected shifts** in the soil that can cause **walls to collapse**."

**OSHA found the plumbing company:**

- *Did not provide trench cave-in protection.*
- *Failed to protect workers from excavated material failing or rolling into a trench or failing from inside the trench walls.*
- *Failed to train workers in recognizing trench hazards.*

**OSHA** has a **national emphasis program** on trenching and excavations. [Trenching standards](#) require **protective systems** on trenches **deeper than 5 feet**, and soil and other **materials** kept at least two feet from the **edge of the trench**.

## You've undoubtedly heard this story —

it's been prominent in the local news for the past couple of weeks

### *A Colorado State Patrol Trooper was killed in a crash on I-25 south of Castle Rock*

A commercial food truck hit the trooper while he was investigating a separate crash at that location. He was wearing a reflective green safety vest when he was hit.

"We don't call them accidents for a reason. This was a crash that could have been avoided." Colorado State Patrol spokesman Josh Lewis said.

"This is becoming much too frequent in our community, and quite frankly needs to stop," an emotional Maj. Steve Garcia of the Colorado State Patrol said.

"When you see these troopers and you see these law enforcement officers that are out trying to do their job, please move over. Give them the room that they need because if not, this is what happens and it continues to happen on a regular basis," Douglas County Sheriff's Office Chief Deputy Steve Johnson said.

## Did you know??

*there's a law that addresses this very issue ...  
approaching stationary emergency vehicles along the shoulder*



## MOVE OVER LAW

Colorado state law requires drivers approaching stationary emergency vehicles that are displaying flashing lights, including tow trucks, traveling in the same direction, to vacate the lane closest, if safe and possible to do so, or to reduce to a speed safe for weather, road, and traffic conditions.

- Move over or get a ticket. That's the message police are sending out as they step up enforcement of [Colorado's Move Over Law](#).
- Police say not knowing the law is not an excuse.
- The Move Over Law requires drivers to move over a lane when there's an emergency situation along the shoulder. If the driver can't move over, they must slow down significantly to avoid an accident.
- It's a danger police encounter almost daily, which is why the Move Over Law was created.
- "For a law that's been in effect since 2005, not having knowledge of it really shouldn't be an excuse at this point," Officer David Snelling with the Arvada Police Department said.
- The Move Over Law is more than just a law for the Arvada Police Department. It hits close to home. More than 30 years ago, one of their own was pulled over on the side of the road during a routine traffic stop when he was hit and killed by a passing motorist. A memorial for that officer sits in a glass case in the lobby of the police department. It's a reminder of why they enforce the law.
- Those who are caught not heeding the law can expect a ticket.
- Be mindful that in light of the recent Trooper death, law enforcement will be extra vigilant looking for violators.
- Law enforcement reports that from 1993 to 2009 one officer was hit and killed every month on the nation's highways.



**WHETHER IT'S POLICE, FIRE, TOW TRUCKS, CONSTRUCTION CREWS,  
OR A MOTORIST REPAIRING A FLAT TIRE —**

**PLEASE SLOW DOWN, MOVE OVER, AND GIVE THEM SOME ROOM.**

**IT MIGHT SAVE A LIFE!**

## Screening Program Doesn't Violate Drivers' Rights, Court Rules

....**d**ecision means the Pre-employment Screening Program can stand

A federal appeals court has ruled that the government's **Pre-employment Screening Program (PSP)** does not **violate drivers' privacy rights** when it **releases information** about their **safety violations** to prospective **employers**.

Six **commercial drivers** filed a **class-action lawsuit** in July 2014 challenging the **PSP program** on grounds that it **unlawfully disseminates information** about **non-serious violations**.

A Massachusetts **district court** granted a **motion** to dismiss the **lawsuit**, and now the **U.S. Court of Appeals** for the **First Circuit** has upheld that **decision**.

The **PSP system** contains **accident and roadside violation history** for commercial **motor vehicle drivers**. For a fee, and after **obtaining** the driver's **written consent**, prospective **employers** are allowed — **but not required** — to obtain a driver's **PSP report** during the **hiring process**. The reports are **available** on the [FMCSA website](#).

The **legal challenge** argued that Congress **only authorized** the **Federal Motor Carrier Safety Administration** to report information about **crashes** and "**serious driver-related violations**" through the **PSP**.

The **drivers argued** that the only "**serious**" **violations** are those that result in a **driver** being **placed out of service**, not other **violations** like **speeding**.

The district court **disagreed**, ruling that the **FMCSA** interpreted Congress' **wishes appropriately** when it developed the **PSP program**. The appeals court **upheld** that decision, writing that "the **agency's interpretation** is a reasonable and **permissible construction** of the **statute**" and is in line with the **FMCSA's** mission to **improve highway safety**.

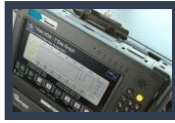
"Given that the **focus** of the database is on the **motor carrier industry**, by providing information on **driver safety** records to **potential employers**, it is hard to see how this **goal** would be undermined by the **disclosure** of more information," the court wrote.

The court also **dismissed assertions** that they "**have no choice** but to sign off on the **release** of their **records** in order to seek **future employment**" and signing this **form** "would certainly **doom** any prospect for **employment**."

**Companies** are not required to **access** the **PSP** to **screen potential employees**, the court noted. However, even if carriers do, **appellants** had not shown their "**chances** for employment are **doomed entirely** as a result of **employers** having access to their **driving records** which include **non-serious violations**," it stated.

## OOIDA Considers Further Legal Challenge to ELD Mandate

The **Owner-Operator Independent Drivers Association**, whose lawsuit to overturn the electronic logging device mandate was denied Oct. 31, hopes to continue its fight against the requirement.



The next step would likely be appealing to the U.S. Supreme Court, but **OOIDA** said it hadn't made a decision yet on what it will do next.

"We are disappointed and strongly disagree with the court's ruling," said **OOIDA** President and CEO Jim Johnston. "Because this issue is of vital importance to our members and all small business truckers, we are reviewing our next steps to continue our challenge against this regulation."

**OOIDA** argued that the rule violates truckers' Fourth Amendment rights, and also didn't meet Congress' standards for an ELD mandate, but the court rejected both arguments. The group filed the lawsuit in March.

With the federal appeals court ruling to uphold the mandate requiring the use of ELDs in nearly all U.S. trucks, the mandate is set to take effect Dec. 18, 2017. The decision does not change the [rule's exemption](#) (pg 68 C.) for pre-2000 year-model trucks, which are allowed to operate without an ELD.

The **American Trucking Associations** has supported the rule. "**ATA** is pleased that the court has cleared the way for this important regulation, and we look forward to its implementation," said Sean McNally, **ATA** vice president of public affairs.

### Other reactions from the industry can be seen below:

The **Truckload Carriers Association** supports the court's ruling and said it will help level the playing field for all carriers.

"Our members are rather proactive, and having the court back them and their ELD efforts is a good thing," said David Heller, **TCA** vice president of governmental affairs. "The court ruling goes a long way toward leveling the playing field and making sure all carriers are abiding by hours-of-service regulations."

The **Alliance for Driver Safety & Security**, or **Trucking Alliance**, applauded the court's ruling, saying ELDs help reduce driver fatigue and improve safety.

"The fact that Congress mandated ELDs, rather than relying on the **FMCSA** to simply promulgate a rulemaking, gave this issue much more weight," said Lane Kidd, the **Alliance's** managing director. "Congress mandating ELDs will prove to be the pivotal point that changed the trucking industry for the better and a new era of safety and compliance."



## National Inspection Blitz Puts Nearly 4k Trucks Out of Service...

*over half for brake violations*

Nearly 2,400 trucks were placed out-of-service for brake violations and nearly 2,700 trucks were placed out-of-service for non-brake-related violation during the Commercial Vehicle Safety Alliance's Brake Safety Week, held Sept. 11-17.

CVSA Director of Vehicle Programs Will Schaefer says an estimated 3,900 trucks were placed out-of-service in all with 2,352 of those for brake violations. Approximately 1,100 trucks were placed out-of-service for both brake violations and non-brake violations.

CVSA says inspectors conducted 18,057 inspections of trucks during the week to identify out-of-adjustment brakes and other brake system violations. Inspectors looked over brake system components to identify loose or missing parts; air or hydraulic fluid leaks; cracked, damaged or worn linings, pads, drums or rotors; and other faulty brake system components. Anti-lock braking system malfunction indicator lamps were also checked for compliance by inspectors during the week.

### An ABS survey for 2016 Brake Safety Week found the following: Trucks

- 93.2 percent of air-braked trucks (including tractors) inspected and 90.4 percent of hydraulic-braked trucks inspected required ABS, based on their date of manufacture.
- 89.4 percent of air-braked trailers inspected required ABS, based on their date of manufacture.
- 8.8 percent of ABS-required, air-braked trucks and 8.8 percent ABS-required, hydraulic-braked trucks were found with ABS violations.

### Trailers

- 15.8 percent of trailers requiring ABS were found with ABS violations.
- 7.6 percent of trailers inspected were not air- or hydraulic-braked (i.e., electric, surge or other) and therefore not subject to ABS requirements.

### Buses

- 328 buses and motor coaches were inspected during this event, of which 80.8 percent were ABS required, and only 2 buses (0.8 percent of those requiring ABS) exhibited ABS violations.

"Brakes must be routinely checked and properly maintained to ensure the safety of the commercial motor vehicle, the CMV driver and everyone else on the road," said CVSA President Julius Debuschewitz of Yukon Highways and Public Works. "Although brake inspections are a part of the Level I inspections conducted by our hard-working CMV inspectors every day, Brake Safety Week is an opportunity to remind motor carriers and drivers of the importance of brake health and safety, and it provides the opportunity for our inspectors to conduct targeted and focused inspections to identify and remove commercial motor vehicles that have brakes with critical violations from our roadways."

During CVSA's annual Roadcheck inspection blitz in June, brake violations led the way in vehicle out-of-service orders, making up nearly half of all out-of-service orders issued during the three-day event.

## White House Clears CDL Standards Rule

The White House Office of Management and Budget has cleared the entry-level driving training rule, meaning that, if the Federal Motor Carrier Safety Administration makes recommended changes, the first-ever federal CDL curriculum standards should be published by the end of the year.

The long-awaited plan was expedited by a "negotiated rulemaking" in which an industry panel got together to hammer out the regulatory details—the result being a "consensus" recommendation that then advanced quickly and without controversy through the federal regulatory development process.

In the rule as published last March, FMCSA proposes new training standards for individuals applying for an initial CDL, an upgrade of their CDL1 (e.g., a Class B CDL holder seeking a Class A CDL), or a hazardous materials, passenger, or school bus endorsement for their license. (Military drivers, farmers, and firefighters are generally exempted from the CDL requirements in part 383, and they are exempted from this proposed rule, FMCSA notes.)

The curricula are subdivided into theory and behind-the-wheel (BTW) range and public road segments.

There is no proposed minimum number of hours that driver-trainees must spend on the theory portions of any of the individual curricula. The NPRM does propose that Class A CDL driver-trainees must receive a minimum of 30 hours of BTW training, with a minimum of 10 hours on a driving range. Driving on a public road would also be required, and Class A CDL driver-trainees may fulfill this requirement by either driving 10 hours on a public road, or by driving 10 public road trips (each no less than 50 minutes in duration).

And "irrespective of the number of hours of BTW training," the training provider must not issue the training certificate unless the student "demonstrates proficiency" in operating a commercial vehicle.

In the most recent Report on DOT Significant Rulemakings, FMCSA projected a 10-day wait from OMB clearance to publication of the rule in the Federal Register.

### Let's ALL pledge to make SAFE DRIVING

**HABITS our #1 priority this holiday season!**

GET YOUR HEAD  
OUT OF YOUR  
APPS

According to the Colorado State Patrol, "we know we can save lives by reducing the number of impaired drivers on the road and increasing seat belt usage, which is the reason for our DUI and seat-belt enforcement periods. Distracted driving is a more recent, but an equally dangerous driving habit."

Colorado Department of Transportation stats show that there were more than 15,300 distracted driving crashes in the state last year — a number that has grown by 16 percent in the past four years. 69 people were killed in distracted-driving crashes in 2015, up from 59 the year before.

Wouldn't it be great to see those numbers move in the opposite direction in 2017 and beyond! Let's ALL take the lead!

# FMCSA Establishes National Drug and Alcohol Testing Clearinghouse for Commercial Truck and Bus Drivers

The **U.S. Department of Transportation's (DOT) Federal Motor Carrier Safety Administration (FMCSA)** announced a **final rule** that establishes a **national drug and alcohol clearinghouse** for **commercial truck and bus drivers**. The **clearinghouse database** will serve as a **central repository** containing **records** of violations of **FMCSA's** drug and **alcohol testing** program by **commercial driver's license (CDL)** holders.

"An **overwhelming majority** of the **nation's freight** travels by truck, and **millions of passengers** reach their **destinations** by bus, so creating a **central, comprehensive, and searchable database** of commercial **motor vehicle** drivers who **violate federal drug and alcohol testing** requirements has been a **departmental priority**," said **U.S. Transportation Secretary Anthony Foxx**. "This system will be a new **technological tool** that will make our **roads safer**."

Once the **clearinghouse** is established, **motor carrier employers** will be **required** to query the **system** for information concerning **current or prospective employees** who have unresolved **violations** of the federal drug and **alcohol testing regulations** that prohibit them from **operating** a commercial **motor vehicle (CMV)**. It also requires **employers** and medical **review officers** to report drug and **alcohol testing** program **violations**.

The drug and **alcohol clearinghouse** final rule **annual net benefits** are an estimated **\$42 million**, with crash **reductions** resulting from **annual and pre-employment queries** by **FMCSA-regulated motor carriers**.

"This is a **major safety** win for the **general public** and the entire **commercial motor vehicle** industry," said **FMCSA Administrator Scott Darling**. "The **clearinghouse** will **allow carriers** across the country to **identify** current and **prospective drivers** who have **tested positive** for drugs or **alcohol**, and employ those who **drive drug- and alcohol-free**. Drivers who **test positive** for drugs or **alcohol** will no longer be **able to conceal** those **test results** from employers and **continue** to drive while **posing** a safety risk to the **driving public**."

The **final rule** requires motor carriers, **medical review officers**, third-party administrators, and **substance abuse professionals** to report **information** about drivers who:

- *Test positive for drugs or alcohol;*
- *Refuse drug and alcohol testing; and*
- *Undergo the return-to-duty drug and alcohol rehabilitation process.*

**Additionally**, motor carriers will be **required** to annually search the **clearinghouse** for current **employees**, and during the **pre-employment process** for prospective **employees**, to determine whether a **driver violated** drug or **alcohol testing** requirements with a **different employer** that would prohibit them from **operating** a **CMV**.

Federal **safety regulations** require employers to conduct **pre-employment** drug testing and **random drug and alcohol testing**. Motor carriers are **prohibited** from allowing **employees** to perform **safety-sensitive functions**, which include operating a **CMV**, if the employee **tests positive** on a **DOT drug or alcohol test**.

In **accordance** with the [Privacy Act of 1974](#) (5 U.S.C. § 552a), a **driver** must **grant consent** before an **employer** can request access to that driver's **clearinghouse record** and before **FMCSA** can release the **driver's clearinghouse record** to an **employer**. After registering with the **clearinghouse**, a driver can **review** his or her **information** at no cost.

Congress directed **FMCSA** to establish a **national drug and alcohol clearinghouse** as mandated by the **Moving Ahead for Progress in the 21st Century Act (MAP-21)**.

The **national drug and alcohol clearinghouse Final Rule** goes into **effect** in **January 2020**, three years after its **effective date**.

To **view** the **drug and alcohol clearinghouse Final Rule**, [click this link](#).

To learn more about the **drug and alcohol clearinghouse**, [click on this link](#).

## New Alert Available on Protecting Oilfield Workers from Hot Work Hazards

A new [hazard alert](#) explains how to prevent fatalities associated with hot work on oilfield tanks, tankers, and related equipment. Hot work can include burning, welding, and using fire- or spark-producing tools. From 2005 to 2015, fires or explosions caused by hot work in oil and gas exploration and production operations took the lives of 28 workers.

## Oil Field Transportation Sector Requires Specialized Trucks, Versatile Drivers

Trucks used in oil and gas fields are a breed apart from highway trucks, and the drivers who operate them need additional skills beyond those required of over-the-road truckers, executives in this sector said.

Oil-field trucking involves gaining access to wells that can be miles away from highways. It may mean hauling crude oil in a tank truck, or hauling in and then assembling the rig that drills the well and pumps out the oil. This category of trucking also includes transporting the water used in hydraulic fracturing, or “fracking,” into and out of a well area, or hauling in and installing test equipment.

Drivers must be able to handle a heavy vehicle in difficult, muddy terrain without abusing the clutch, and many also use winches to move heavy loads on and off trailers.

Cargo weights typically range from 80,000 to 110,000 pounds and may reach 130,000 pounds. About 60% of the items hauled are oversize and overweight loads. Large drilling rigs frequently require 80 to 110 loads to transport.

Drivers earn more than typical over-the-road drivers and may be paid based on hours, not miles. Their challenges include being able to operate heavy equipment and maneuver big loads through urban areas, often with irregular terrain.

In addition, drivers in some areas may need to operate a log skidder – a device with very large rubber tires – to haul a piece of heavy equipment up a steep mountain grade. They also need to carry hefty insurance coverage for both cargo and liability.

At firms that mostly rent equipment to drilling companies, drivers may need to know how to load and unload tanks transported on flat-bed trailers or do minor repairs on pumps that power tank systems.

Drivers often need to do much more than deliver cargo to a customer’s facility. Drivers must be able to handle tasks such as installing containment berms under tanks to catch drips, making leak-free connections between tanks and hooking up various kinds of test equipment and high-volume pumps that may be used on pipe-lines that haul crude oil or gas away from the wells. Tasks often include loading and unloading tanks from specialized trailers that have hydraulic winches and special tank-handling equipment.

Drivers also must have the ability to stay calm and sustain a helpful attitude because customers frequently need equipment just after an unplanned event, such as a spill, and are often upset.

Equipment mainstays in this industry are specialized trailers with rollers and hydraulic winches used in loading and unloading tanks and other items, such as multiperson portable lavatories. Another is heavy-duty tractors of various kinds with powerful hydraulically driven winch systems.

As with any fleet, one critical issue is driver management. Veteran drivers with a decent amount of experience are sought after for these jobs.

Drivers are expected to pay close attention to their pre-trip inspections. As with all drivers of CMV’s, safety must remain a priority!

## Mine Safety and Health at a Glance

Updated annually, this [fact sheet](#) is a summary of key mine safety and health statistics including fatality and injury totals, inspection hours, citations and orders issued, dollar amount assessed, and other basic statistics. The good news — **Mining Deaths Fell To New Lows In FY 2016.**



## Preventing Accidents Involving Machinery & Equipment

### **Equipment and Machinery Accidents are Commonly Reported**

Access a [collection](#) of accidents involving machinery and equipment as well as associated best practices. You can use the photos and accident descriptions found in the Fatalgrams in this last link to prompt discussions about fatalities and how to prevent them.

### **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.

**COULD THESE ACCIDENTS HAPPEN AT YOUR FACILITY?**

Debris flew into the eye of a miner while grinding on a crusher liner.

A miner was diagnosed with ultraviolet keratitis, or sunburn of the eye, after using a torch without eye protection.

An excavator bucket struck and crushed a haul truck driver who exited his vehicle as it was being loaded.

## 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.

# Taking a Break Boosts Our Productivity

*How many times do you find yourself “working” and yet getting little completed?*

Do you **set aside** big chunks of time to **get work done**, only to **end up** feeling like you’ve **barely** made a **dent** in it? Do you have that **one task** that always **seems** to get **pushed off** to the **next day**? Do you end your **workday** feeling **drained** rather than **satisfied** with what you’ve **accomplished**?

This is a **sign** that you aren’t taking **enough breaks** — or aren’t taking them **effectively**. We **prize** this idea of being **busy**, and see taking a **break** or getting **distracted** as a **problem**.

In **reality**, rest and **relaxation** are tools our **bodies** and minds are trying **desperately** to get us **to use**.

Your **work** may require a lot of **physical activity**, might be **predominantly** mental **work**, or could be a **combination** of both. Most of us are **aware** that taking **breaks** from **physical activity** is necessary to **recuperate** and **prevent injuries**. Taking breaks in our **mental work** is equally **helpful**, and can be a **great boost** to our **productivity** as well.



## 1. Taking a break once an hour increases our work productivity.

Studies show that those who give in to some kind of diversion or distraction once an hour perform better than those who just keep at it without a break. After awhile our brains numb out a bit to the constant stimulation, and we become unable to continuously treat the task as important. Taking a break allows us to come back to the job at hand with renewed energy and sense of purpose.

## 2. A break can serve as creative fuel.

No matter how much you love your work, we cannot keep creating when we are on empty. Something as simple as a ten minute conversation with a friend, or watching an inspiring video can give us a much needed boost, or point us in a new direction if we’ve been stuck. It is difficult to see things from a new perspective or find new insights when we come at it the same way all the time. Taking a step away — literally or figuratively — might be just what we need to recharge.

## 3. Physical movement keeps us from being mentally stagnant.

We are not designed to sit around all day. As difficult as being sedentary is on our bodies, it’s not helpful for our creativity and productivity either. Getting up for a few minutes and getting our blood flowing and some more oxygen to the brain is a necessary piece of the work day.

## 4. Stretching is a must.

Whether your work is comprised of occasional light physical activity, or mainly “heavy lifting”, stretching before getting started can set us up for a much better experience. Our bodies are not meant to jump right in without a little warm-up appropriate to the task at hand.

## 5. Stay hydrated and eat healthy.

We are accustomed to drinking plenty of water when the temps are high. But even in cooler weather, staying hydrated throughout the day is extremely important. And when it’s time to have that light snack at break time, or to eat lunch, make it count. Eating healthy will help fuel a much more productive day.

## 6. Playing hard helps us with working hard.

If you know you typically have an afternoon energy slump, consider a lunchtime workout. Studies have shown that a moderate level of cardio activity can boost creativity and productivity for two hours afterward. Plus, the change of scene and focus may just be the shift you need for your next breakthrough at work.

The **next time** you feel **guilty** about taking a **break**, consider **how much** more **effective** it may make you in the **long run**.