



Monthly Newsletter

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## **“OSHA BACK IN THE ENFORCEMENT BUSINESS”**

Secretary of Labor, Hilda L. Solis states in a speech given Tuesday, April 28, 2009, at the National Workers Memorial at the National Labor College in Silver Springs, Maryland, the importance of OSHA enforcement in the workplace.....

“The government has a fundamental responsibility to protect workers from unsafe work places. Some argue that inspection, enforcement, and regulation are “inconvenient”, but as we stand here today we’re reminded of exactly what is at stake when we put ideology ahead of common sense regulation. When it comes to workplace protection, workplace health and workplace safety, let me be clear: *the Labor Department is back in the enforcement business.*”

“Under my watch, enforcement of our labor laws will be intensified to provide an effective deterrent to employers who put their workers’

lives at risk. OSHA and MSHA will be about workers – not voluntary programs and alliances. I take very seriously the report issued earlier this month by the Labor Department’s Inspector General which found insufficient focus on making workplaces safer.”

“I believe that the vast majority of American employers want to do the right thing.”

The Labor Department is creating a new program called the Severe Violators Inspection Program, which will ensure that workers are protected from negligent companies that don’t take worker safety seriously. The Secretary of Labor says that those companies that want to receive stimulus funds provided through the American Recovery and Reinvestment Act will need to make sure that their workplaces are safe and that their workers are treated fairly. This is a message that will continue long after our economy recovers.

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## **E-VERIFY MANDATORY ON FEDERAL CONTRACTS STARTING SEPT. 8**



Beginning Sept 9, the federal government will only award contracts to companies that use the online **E-Verify** system to determine their workers' immigration status; businesses receiving money under the federal stimulus program will also be subject to the rule.

A decision regarding a separate but equally important issue is also worth noting. Department of Homeland Security (DHS) Secretary Janet Napolitano has rescinded the so-called "no-match" provision that would have required employers to fire workers whose name and Social Security numbers did not match information listed in the Social Security database. Such a policy could have opened the door to unwarranted penalties & litigation against employers in situations beyond their control.

Last December, the U.S. Chamber of Commerce led a group filing a lawsuit against the DHS in the District Court of Maryland over **E-Verify** on the grounds that it lacks the legal authority to make use of the program mandatory. That lawsuit, which NUCA is contributing to through resources from its Strategic Advocacy Fund, is still pending. A hearing on the matter is set for August 15. NUCA shares the group's concerns about **E-Verify**, including the inadequacies of the **E-Verify** program, the length & difficulty of the process, & the considerable number of "false positives" due to identity theft and errors.

### **OSHA launches four-state emphasis program on construction projects funded by Recovery Act**

OSHA has launched a Regional Emphasis Program in Colorado, North Dakota, South Dakota, and Montana. The enforcement and outreach campaign is aimed at ensuring workers involved in work funded by the American Recovery and Reinvestment Act of 2009 (Recovery Act) are properly protected from occupational hazards that may lead to injuries or illnesses.

Inspections will target specific jobsites rather than specific employers, and thereby all employers active at a jobsite will be inspected.

OSHA hopes to reduce recognized hazards on large Recovery Act-related construction projects, such as highways, bridges, new building construction, and existing building renovation and demolition operations.

### **Similar program in Nebraska for bridge construction**

In addition to the four-state campaign, OSHA has launched a special Local Emphasis Program aimed at reducing workplace hazards on Nebraska bridge construction projects funded by the Recovery Act.



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## IMPAIRED DRIVING NATIONAL ENFORCEMENT CRACKDOWN STARTS NEXT MONTH

Thousands of law enforcement and highway safety agencies throughout the nation will be taking part in the **Drunk Driving-Over the Limit-Under Arrest** crackdown on impaired driving. **The enforcement blitz will last through the Labor Day holiday weekend.**

The national impaired driving crackdown is a program organized by the U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA) that focuses on combining high-visibility enforcement with heightened public awareness through advertising and publicity. **The event is scheduled August 21 - September 7, 2009.** This year's effort is supported by \$13 million in paid-national advertising to help put everyone on notice that if they are caught driving impaired, they will be arrested.

Drunk driving is one of America's deadliest crimes. In 2007, nearly 13,000 people died in highway crashes involving a driver or motorcycle operator with a blood alcohol concentration (BAC) of .08 or higher.

### CVSA posts Roadcheck results

According to the Commercial Motor Vehicle Safety Alliance (CVSA), the long-term forecast for commercial motor vehicle safety may be a sunny one, as long as out-of-service (OOS) rates continue to be one of the principal barometers to measure safety performance. According to CVSA, Roadcheck 2009's record total of overall inspections and Level I inspections showed significant declines in vehicle and driver OOS rates, as well as a significant drop in safety belt violations.

Roadcheck is the largest targeted enforcement program on commercial vehicles in the world. This year approximately 17 trucks or buses were inspected, on average, every minute from Canada to Mexico during the 72-hour period from June 2-4, 2009.

This year roadside inspectors focused on the North American Standard (NAS) Level I Inspection; Safety Belt enforcement; Motorcoach and bus safety compliance; and, Unified Carrier Registration compliance.

## CSA 2010 Warning Letters Provide Early Safety Alert

FMCSA is sending warning letters to carriers in the six test states whose on-road safety performance data indicates a safety problem in one or more of the Behavioral Analysis Safety Information Categories (BASICS), and the responses have been notably positive!

Of the 3,000 warning letters sent to date, over 45% of carriers receiving them have logged in to view their safety scores. Daniel Drexler, Minnesota Division Administrator, a test state DA, observed, as a result of the warning letters sent to Minnesota carriers, we have spoken with many carrier officials who thanked us for notifying them about their safety problems.

According to Drexler, we found that once carrier officials understand that the new system enables them to identify their problem drivers, a light goes on. They see **CSA 2010** as a tool to reinforce for drivers the importance of roadside inspections, and to hold drivers accountable for on-road safety performance, and therefore improve their companies overall safety performance.

### Court of Appeals Lifts Stay and DOT Poised to Issue Another Final Rule

The Office of Drug and Alcohol Policy and Compliance (ODAPC) announced that on July 1, 2009, the United States Court of Appeals for the District of Columbia Circuit issued its Mandate in *BNSF Railway Company v. Department of Transportation* (U.S. Court of Appeals for the D.C. Circuit, Docket No. 08-1264).

Now that the court's decision is final, the stay has been lifted on direct observation drug testing rules applicable to return-to-duty, safety-sensitive transportation industry employees who have already failed or refused to take a prior drug test. Soon, the Department of Transportation will issue a Final Rule in the Federal Register providing a start date for mandatory direct observation collections for all follow-up and return-to-duty tests. Until then, direct observation for these tests will remain an employer's option.

**EPA to Reconsider Monitoring Requirements for Airborne Lead.....  
The agency seeks to protect the nation's children**

To ensure the most vulnerable Americans are adequately protected from exposure to lead from the air, EPA will reconsider some of its lead air pollution monitoring requirements, Administrator Lisa P. Jackson announced today. Even at low levels, lead exposures can damage a child's IQ, learning and memory.

"We have a fundamental responsibility to protect every child from environmental threats, especially contaminants like lead that can cause behavioral and learning disabilities and create a lifetime of challenges," said EPA Administrator Lisa P. Jackson. "We're putting in place rigorous standards to prevent contamination. To make them fully effective, we need close interaction and monitoring in the communities where harmful levels of airborne lead are most likely to be found."

Air quality monitoring measures concentrations of a pollutant in the outdoor air. EPA revised its air quality monitoring requirements for lead in 2008, at the same time the agency tightened the national air quality standards for lead for the first time in 30 years. The current rule requires air quality monitoring in areas where any industry emits at least one ton of lead to the air each year, and in the 101 urban areas with populations of 500,000 or more.

As part of today's action, EPA will consider whether additional monitoring near industrial sources of lead is warranted. The agency also will reconsider the monitoring requirements for urban areas as part of its review. EPA is not reconsidering the lead standards.

Lead that is emitted into the air can be inhaled or can be ingested after it settles out of the air. Ingestion is the main route of human exposure. Children are the most susceptible because they are more likely to ingest lead and their bodies are developing rapidly. Exposures to low levels of lead early in life have been linked to damage to IQ, learning, memory and behavior. There is no known safe level of lead in the body.

The reconsideration will not delay implementation of the 2008 lead standards. EPA will issue a proposal and take public comment before deciding whether to revise the lead monitoring requirements. The agency anticipates issuing a proposal for public review and comment later this summer, and a final rule in early spring 2010.

## Quecreek Mine Rescue



Seven years ago this week, nine miners were rescued from the inundated Quecreek No. 1 Mine, near Somerset, Pennsylvania. Their resolve, as well as the determination and expertise of the dozens of men and women who worked so hard on their rescue during

**77 grueling hours, brought those men back to their families and friends. We take this opportunity to celebrate their rescue and thank those who worked so hard to bring them home.**

SOURCES FOR THIS ISSUE INCLUDE

[www.MSHA.gov](http://www.MSHA.gov)

[www.kelleronline.com](http://www.kelleronline.com)

National Utility Contractors Association Report 7/24/09

United States Department of Labor website

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## DISTRACTED DRIVING

Many **accidents** and **injuries** occur when a worker is **distracted** while **DRIVING**.

Following are **safety** guidelines to **ensure** that all workers are aware of the **distractions** that may occur while driving, and how these **distractions** can be **eliminated**:

### **Mental distractions:**

Having a bad day at home and worrying about it while driving is a **hazardous** combination. Dropping your mental guard can pull your focus **away from the road and safe work procedures**.

▶ You can be **distracted** when you are busy **Working** and you are carrying on a conversation while you are trying to drive.

▶ **Do Not** become a **statistic** because you **took your eyes off the road** just for a second. An auto accident can happen before you have time to react.

### **DISTRACTIONS:**

**Inattention** may be the **result** from **workplace arguments, confusing instructions, concern about Working hours, wages, bills, etc.** **Inattention worsens** with **fatigue** and boredom.

▶ **Keep your mind on the road.**

▶ **Follow safe driving practices every time you get behind the wheel.**

- **Stop for all stop signs**

- **Watch for other drivers moving into your space**

- **Wear your seatbelt**

- **Move out of the way for emergency vehicles**

- **Obey ALL of the rules on the road!**

▶ **Practice defensive driving.** If you are allowing yourself to be distracted, you are not protecting yourself, passengers and other drivers on the road.

▶ **Hang up and drive!** Do not make calls or send text messages while you are driving.

▶ **Get plenty of rest.** Many accidents happen because a driver fell asleep behind the wheel.

▶ **Never drive when you don't feel well.** Illness and stress should not get behind the wheel with you.

▶ **Do not** play loud music. Loud radios may prevent you from hearing **emergency vehicles**, another driver's **horn**, **back up alarms** or **trains**.

▶ **Avoid distractions such as:**

- Looking at a map**

- Doing paperwork**

- Reading**

- Fastening a safety belt**

- Adjusting the radio**

- Reaching for a cup**

- Trying to get out of a coat**

- Reaching into the glove compartment**

- Unsafe lane change**

- Bad windshield wipers**

- Searching for dropped items**

- Staring at other drivers**

- Eating a meal**

- Fixing your hair or applying makeup**

**Alcohol, drugs, and driving do not mix.** Any driver, who operates a vehicle while impaired, **increases** the chance of **injuries**, and **death**.

▶ **If you are drinking or using controlled substances, do not drive.** Along with **your driver's license** comes the **obligation to drive responsibly**.

▶ It is **unlawful** for **any person** who is **under the influence** of intoxicating liquor, any drugs, or toxic vapors to **drive** or be in actual physical control of any vehicle.

Set up your vehicle so that you can pay attention to the road.

▶ **Adjust your seat, radio, drinks, etc. Before you leave the parking lot.**

▶ **Secure loose items that are carried in the cab of the vehicle with you.** Often, people are seriously injured when they are struck by loose items in an auto accident.

▶ **Put your cell phone, down! If you must take a call when you're in a vehicle, use a hands free device.** They are much less expensive than **hurting yourself or someone else in an accident**.

**Consider this:**

**4 out of every 5 accidents are the fault of the person involved in the incident.**

**Unsafe acts cause four times as many accidents and injuries as unsafe conditions.**

Drivers tend to look for **"things"** to **blame** when an **accident** happens, because it is easier than looking for **"root causes"**. **Confidence is a good thing. Overconfidence can be too much of a good thing. "It will never happen to me"** is an attitude that can lead to **unsafe** driving and ultimately an accident.

**REMEMBER:**

**ALWAYS WEAR YOUR SEATBELT!!**