



We Wish You a Safe & Happy Holiday Season
From all of us at MJS SAFETY

OSHA/CONSTRUCTION NEWS SUMMARY

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TRANSPORTATION NEWS SUMMARY

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The holiday season has arrived along with cold weather, the flu season, stress of the holidays and an increase in roadway traffic. With all of this in mind, MJS Safety would like to remind you to be aware of the added load of the holidays by giving you some tips to keep it safe at work as well as at home.

[Read more....](#)

Seasonal Influenza



Flu activity in the United States is low nationally, but there are early signs that it is increasing, making this an excellent time to get a flu vaccine.

Getting vaccinated is the first and best way to prevent flu.

This season, everyone 6 months and older should get vaccinated, even if they got a seasonal or 2009 H1N1 vaccine last season.

According to the Centers for Disease Control, flu vaccines have protected millions of people safely for decades.

Make 2010 the Year to Improve Safety Awareness

...this is a perfect time to begin thinking about scheduling important training for 2011!

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www.MSHA.gov

Kelleronline

www.OSHA.gov

Truckinginfo.com

www.cdc.gov/niosh

The Trucker-Jim Klepper

eTrucker

The Natural Resource Report

www.miningbureau.com

geosurvey.state.co.us



OSHA Adjusts Focus of Accurate Recordkeeping Emphasis Program

OSHA adjusted the **targeting criteria** for new inspections under its ongoing [Recordkeeping National Emphasis Program](#). OSHA routinely evaluates NEPs and **makes adjustments** after they have run for **nine months to a year**. OSHA last did this on its **Combustible Dust NEP**. Before that, the agency made adjustments to its NEPs on **lead and amputations**.

OSHA made adjustments Sept. 28 to the **targeting criteria** for the **Recordkeeping NEP** to focus on manufacturing, larger worksites and **employers with higher injury rates** than in the initial criteria. OSHA began the **Recordkeeping NEP** in October 2009. **As of Oct. 1, 2010**, OSHA has initiated **187 inspections** under the NEP. **Almost half** of the inspections conducted so far have **found recordkeeping violations**. NEP is scheduled to run through February 2012.

OSHA Assistant Secretary David Michaels has said **clearly** that **accurate injury and illness logs** are **critically important** and he is committed to "ensuring that **OSHA recordkeeping requirements** are met in the nation's workplaces and **that injury and illness data reported by employers** are accurate and not influenced by **improper incentive or disincentive programs**."

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is an OSHA-authorized outreach trainer.

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NIOSH Releases "Prevention Through Design Plan" For Job Safety And Health

Designing **occupational hazards** out of work equipment, structures, materials, and processes is the **most effective means** of preventing occupational injuries, illnesses, and fatalities, according to the **National Institute for Occupational Safety and Health (NIOSH)**. As a result, the agency is **making a concerted effort** to set **specific goals** and activities in areas of research, education, practice, policy, and small business to **focus the nation's collective attention** on eliminating hazards and minimizing risks to workers through a plan known as **"Prevention through Design: Plan for the National Initiative."**

Based on input received in 2007 from approximately 250 stakeholders, the **PtD Council** — comprised of a diverse group of individuals from industry, labor, academia, and government agencies and other **PtD experts** — **drafted a plan** that provides the rationale, mission, objectives, **outcomes, and timeframe for the national initiative**.

The mission, **NIOSH** says, is to **prevent or reduce occupationally related injuries, illnesses, fatalities, and exposures** by including prevention considerations in **all designs** that affect individuals in the occupational environment.

The **Plan** includes four case studies in which **PtD** was a principle behind successful safety and health partnerships. [Read more](#)

NIOSH is the federal agency that conducts research and makes recommendations for **preventing job-related injuries, illnesses, and deaths**.

Don't Believe Assurances That Ticket Won't Affect Your Record

It seems that a **lot of CDL drivers** believe that you can **just pay certain traffic citations** and the ticket will simply **go away with no negative impact on your driving record**. **Well, this is simply not true.**

Contrary to what a law enforcement officer — or a colleague — may tell you, **by paying a traffic citation, you are pleading guilty to the charges against you**. That conviction goes on your **MVR** and can be **used in determining your Driver Safety Management Score (SMS)** under the upcoming **Comprehensive Safety Analysis (CSA 2010)** — both of which can affect your ability to stay employed or get a better job.

Jim Klepper of The Trucker News Services says, **“Of course, we all want to believe everything we are told**, especially when someone in authority is talking to us. **If you don't believe me**, let me give you a **“hypothetical.”** Let's suppose a driver — we will call him Slim Flepper — who, coincidentally, looks a lot like me and drives a vehicle a lot like mine — was **traveling through the land of enchantment** (New Mexico) where he was pulled over for speeding (allegedly).

Let's further assume that Slim was **travelling with a group of vehicles** — all licensed in the land of enchantment — at **roughly the same rate of speed** when Slim's vehicle, **licensed in another state**, was culled from the herd. Slim promptly and courteously provided his **CDL, registration and proof of insurance** to the officer and then waited patiently while the officer ran a check on Slim and issued him a citation.

When the officer approached Slim's vehicle he told Slim that **if he paid the \$80 fine that the ticket would not affect his record**. The officer further indicated where Slim **could sign to accept this “deal.”** Luckily, our hero knew that this citation — written in New Mexico — **would be reported to his home state** and would **impact his CDL**. As a result, Slim **declined the**

“good deal” and **requested a court date** on this matter.

“Now I don't believe that people you encounter on the road are **acting with malice** when they tell you a citation **won't impact your license**. In fact, **I believe most of them honestly believe this to be true.** “

“However, **unless the person** offering you this bit of advice **knows the law of the state where the citation was issued as well as the law of the state where the driver holds his or her CDL**, they **cannot tell you** that a citation will not have an impact on a driver's record.”

“In addition, unless that person is **intimately familiar with the methodology used** in calculating a driver's **SMS Score under CSA 2010**, any advice they provide is — at best — wishful thinking.”

“With that in mind, what would I tell my son or daughter who drove a big truck for a living when someone said a **citation won't affect their record?** I would tell them to **seek professional advice** from someone who knows the **relevant state's traffic laws** as well as the current version of **CSA 2010**. In today's environment it is **more important than ever** to maintain a clean driving record and protect a good **SMS Score** and you **need to be prepared to fight to keep both**. Should you **need to fight a citation** you will need an **attorney knowledgeable in the area where you need help**. Simply stated, a **CDL driver** needs to hire an **attorney who does a lot of CDL defense work** so the attorney will know what will happen in the driver's home state and what to do in the state where the driver **received the citation.** “

“At the end of the day the **best advice I can give a CDL driver** is to **not believe** everything you are told and to **follow the laws and drive safely**. The best way to **maintain a good driving record and low SMS Score** is to **not get a ticket**. Of course, **even the very best driver** may receive a citation **he does not deserve**. In that case, **before you plead guilty** and pay a fine under the **mistaken belief** that it will not impact your record, **talk to a professional** and find out what will **really happen to your driving record**. A clean **MVR** and **low SMS Score** is your ticket to a **long and successful career in the trucking industry.**

CSA 2010: Report From The Field

Starting in December, **compliance with federal safety regulations** is going to get a lot tougher, say carriers that have been **participating** in the **pilot version of the new safety regime, CSA 2010**. Pilot carriers in a recent webinar **warned** that a carrier's performance under the **SafeStat** measurement system is **not a reliable indicator** of how it will perform under **CSA 2010**.

"If you compare our **SafeStat scores** to our **CSA 2010 scores**, it appears like we are **two entirely separate companies**," said Donna Underwood, safety director for Steelman Transportation, Springfield, Mo.

Underwood was one of **eight trucking executives** who discussed their experience with **CSA 2010** in a September webinar hosted by the Missouri Trucking Association.

CSA 2010, which eventually will become just **CSA** (Compliance, Safety and Accountability), changes the way the **Federal Motor Carrier Safety Administration** analyzes the safety data it collects from roadside inspections, truck crash reports and traffic reports on moving violations.

Right now, under **SafeStat**, the agency **limits its analysis of roadside inspection data** to violations that result in **out-of-service orders**. Under **CSA 2010**, however, all safety violations are included in an analysis that goes **considerably deeper** into carrier operations. That analysis will be accompanied by a **much more robust and far-reaching enforcement scheme**.

The **experience of the pilot state carriers** shows that violations that **used to be statistically insignificant** will now carry **significant weight**. Carriers that are not in compliance will hear directly from the **FMCSA**.

Several other themes emerged from the presentations.

All of the carriers found they needed to make an **extra effort to train drivers** and other company personnel, and **maintain a higher level of communication**. Many realized the need to go to their customers and explain the new system to them - **shippers must be engaged in the process, as well**.

They found **FMCSA's** new **pre-employment screening program** to be a **useful tool**. And several have decided that the **best way to manage driver performance** in the **fatigued driving category** is to make the **move to electronic onboard recorders**.

Attention to detail

Donna Underwood said her **company was fully in compliance** under **SafeStat**, but turned out to be **deficient in five of the seven safety performance categories** of **CSA 2010**.

The company had to **develop new compliance policies** and procedures to **promote greater attention to details**, she said. For example, it's **not enough to secure a flatbed load** with extra cargo straps or tiedowns - **all of the securement gear must be in proper shape**. "If you're going to use a strap, it has to be a good strap, **even if it's extra**," she explained. Steelman Transportation, an owner-operator fleet, has worked with its contractors to **make sure they are certified** in securement requirements and **make the proper stops while under way** to check the **status of the load**.

Underwood also said their contractors may decline to work with a shipper if the shipper will not cooperate in proper securement.

Phil Hinshaw, director of safety for Sammons Trucking, Missoula, Mont., noted the **extreme sensitivity of the drug and alcohol safety category**.

Sammons was **pushed over the edge** into the red in that category when an inspector found an **unopened bottle of wine the driver was delivering from his aunt to his mother**.

Watch your DVIRs

Richard Jenkins, vice president of safety and loss prevention for James Brown Contracting, Lithonia, Ga., strongly recommended that carriers closely monitor their **Driver Vehicle Inspection Reports**.

He described having an **FMCSA** auditor going through a handful of **DVIRs** that showed no deficiencies. "His comment was, 'Well, I guess your trucks don't have any maintenance issues.'"

But then the **auditor compared the DVIRs** to reports from roadside inspections and **found inconsistencies** that could lead to citations.

"You need a way for drivers to report deficiencies in vehicle safety to you immediately," Jenkins said. "The rules require you to **fix the safety defects on the DVIR**. If you don't, the roadside inspector becomes the **enforcer**, and you **run the risk** of fines that exceed the **cost of repair and being placed out of service**, not to mention getting higher **CSA 2010** scores."

Driver compliance

Jack Curry, safety director for American Central Transport, Liberty, Mo., has found that **drivers are becoming more vocal about compliance**. "They are **being more conscious** of the efforts they put into all aspects of their performance."

He said the main **change from the driver's perspective** is the necessity of stricter compliance with the **form and manner of hours of service rules**. "What we're anticipating, as this goes nationwide, is that **shippers that are encountering tight schedules** now will probably be building **some flexibility into their programs**," Curry said.

ACT has made good use of the **pre-employment screening program**, through which carriers can look at prospective drivers' previous records. "**We have reviewed drivers' performance on the roadside**, increased probationary programs, training and countermeasures, **so we can qualify drivers**, bring them on board and **help them be successful**."

Scott Anderson, vice president of risk management and driver Services at Anderson Trucking Service, St. Cloud, Minn., said a **big challenge has been driver training**. "It's difficult to get the drivers to **understand the significance of a warning**, because they have been so conditioned to **react to out-of-service orders and citations**."

The company also has done **customer evaluations** to determine which ones will help to keep **CSA 2010** scores down, he said. "If you have significant scores, **it takes significant changes to move those scores down**," he said. "You need to be concerned with every violation you have, whether it's large or small."

Anderson was one of the fleets that sees **electronic onboard recorders as the best way to control HOS** and fatigued driving requirements.

Electronic logs

Sam Anderson, president of Bay & Bay Transfer, Rosemont, Minn., also decided **EOBRs are the best way to handle form-and-manner HOS violations**. The company started testing recorders last year and will complete the transition this year. "**We have a growing group of drivers** who have **embraced e-logs**. I think e-logs are the **way of the future**."

Sherwin Fast, president of Great Plains Trucking, Salina, Kan., said he **looked into onboard recorders** and believes they can help manage compliance, but **wants to wait** until **FMCSA** figures out exactly what it's going to require. "My fear was **we'd spend a lot of money**, put them in the trucks, and they would be outdated when **FMCSA** came up with new rules." Yet Fast sees a **lot of positives** in **CSA 2010**, he said. The system puts **deficiencies in plain sight** for smaller carriers that don't have the time and personnel to **intensively manage safety**.

A cooperative approach

Anderson **urged carriers** to take a **cooperative approach** to the safety enforcement process. "I've heard stories of carriers **taking a combative, adversarial approach to FMCSA** and **have not heard good results** from that," he said. "**Through positive communication**, we got really good feedback from the Minnesota DOT and **ultimately moved toward improving our two areas of deficiency**."

Sammons' Hinshaw similarly notes that his company has **taken the time** and effort to **get to know** their **FMCSA** division administrator. "We wanted to **build a dialogue** so we could relay to him the steps we are taking to **improve**, as well as areas we felt **were not reasonable** - we let him know what changes we would recommend." His advice: "**Carriers need to understand** that this is a **truly a game-changer** and they need all of their people to **learn the rules** as soon as possible. Once you know the rules and how the system works, you **need to concentrate on (your) scores and underlying violations**."

A **DVD** of the entire session is available for \$125 from the Missouri Trucking Association at www.csa-exp.com. They put together the webinar along with the Minnesota Trucking Association. The trucking associations of New Jersey, Kansas, Montana and Georgia were also involved in the planning of the webinar.

CSA 2010 Driver Scorecards Coming

At a conference of carrier recruiting personnel in Nashville, Tenn., Nov. 15, **driver safety practices** were noted as becoming **more crucial to driver pay because of CSA 2010.**



Jet Express President Kevin Burch envisioned **mileage pay scales being tied more specifically to safety.** Drivers “can use this scorecard to their advantage,” Burch said, referring to the **Federal Motor Carrier Safety Administration’s internal CSA 2010** methodology, which rates drivers for **targeting problems in carrier interventions.** Though **FMCSA** decided it would **not release driver rating information to the public,** third-party firm Vigillo says this month it **will make available, free of charge, a “Roadside Résumé” to the more than 1 million drivers with data in the firm’s system.**

CSA 2010 carrier scorecard provider Vigillo has **long offered carriers the ability to rate their current drivers using FMCSA’s published Driver Safety Measurement System methodology.** Likewise, Vigillo has provided its own version of **FMCSA’s Pre-Employment Screening Program reports on prospective hires** in their system to subscriber carriers.

Via www.roadsideresume.com, says company President Steven Bryan, Vigillo **will offer all drivers in their system access to their own scorecard free of charge.** “Every truck driver in America can come to us and say, ‘I’d like to see my scorecard,’ ” Bryan says. “**It’ll look exactly like the PSP report that we’d give to a motor carrier.**”

The **same driver scorecards** will be available through Vigillo to **prospective employers with driver consent,** making the company for the first time a “specialty credit reporting agency,” Bryan says.

Just as with **DAC reports** and with the **PSP** (available to drivers for \$10; a comprehensive report, minus the scoring, of driver inspection and crash data, looking back three and five years, respectively), **drivers will have an opportunity to contest erroneous information.** The résumé and attendant scoring will be **limited to data reported by participating carriers,** Bryan says.

“**Somebody’s got to get these drivers access to their scores,**” Bryan says. “**We’re anxious to get out there** and give some transparency to this whole thing from the **perspective of the drivers.**”

New HOS Rule Moves Forward

On July 26, the **Federal Motor Carrier Safety Administration** sent its proposal for a **revised Hours of Service rule** to the Office of Management & Budget for review. **OMB reviews typically last 90 days,** so publication of the draft rule for public comment would presumably have occurred in November. The latest target date was Nov. 26th.

Response from industry executives has been forceful.....as one major shipper points out, cutting driver hours by 10% does not reduce productivity by merely 10%, **but in many cases by something closer to 50%.**

An update will be forthcoming as soon as available.

MSHA Puts 13 Mines On Notice For Potential Pattern Of Violations

Mines represent first group to be identified under agency's new screening criteria

The U.S. Department of Labor's **Mine Safety and Health Administration** recently announced that 13 mines from around the country received letters **putting them on notice** that each has a potential **pattern of violations of mandatory health or safety standards** under Section 104(e) of the federal Mine Safety and Health Act of 1977. **These are the first mining operations** to receive such notification since **MSHA** implemented major reforms to its **POV** process, including tougher provisions for mines with **chronic and persistent health and safety violations**. A 14th mine met the criteria, but actions have been postponed until **MSHA's** investigation into an April 5 explosion is complete.

"I have been saying since I arrived at **MSHA** that the **POV** system is broken," said Joseph A. Main, assistant secretary of labor for mine safety and health. **"This screening represents a positive step forward**, but it won't be the only step. **POV** is on **MSHA's** rulemaking agenda, and there are also **statutory changes pending** before Congress that would further improve the system."

Main also noted that the **review process is not finished**. "Once **MSHA** completes a thorough auditing, there may be **more mines put on notice** for a potential **POV**," he said. Audits are being conducted at mine operations that **appear close to qualifying** for a potential **POV** to track any underreporting of mine accidents and injuries.

MSHA's screening process, which covers enforcement actions **during the 12-month period ending Aug. 31, 2010**, identified mines with an **elevated rate of significant and substantial**, or **S&S**, violations. It also

identified those that have been **subject to closure orders**, including closure orders for serious issues such as **failing to correct violations** after **MSHA** cites them, **unwarrantable failures to comply** with health or safety standards, failure to provide miners with **required training** and **imminent dangers in the mine**. Under the new criteria, **MSHA** also considered whether a mine has a high percentage of **S&S** violations **involving elevated negligence**, as well as a mine's injury severity rate, targeting operations with an **above-average injury severity measure**.

Mine operators can **choose to institute a corrective action program** with concrete, meaningful measures to reduce their **S&S** violations; **achievable benchmarks and milestones** for implementing the program; management oversight to **ensure the program is being instituted and followed**; and measures to find and fix the mine's specific **compliance problems**. Mines that implement a corrective action program **will be required to meet the prescribed goals** within a maximum of 110 days of receiving potential **POV** notification, depending upon when a corrective action program is submitted to **MSHA**.

Operators that **do not choose** to implement a corrective action program will be required to **achieve the prescribed goals** set by **MSHA** within 50 days of receiving a potential **POV** notification.

MSHA has established **S&S** violation rate-reduction goals for each mine that received a potential **POV** notification. In order to **avoid** receiving a **POV** notice, mines that **do implement an appropriate corrective action program** must reduce the **S&S** frequency rate per 100 inspection hours by **50 percent** from the mine's rate **during the 12-month review period**, or to a rate within the **top 50 percent for all mines of similar type and classification**. Mines that **do not** implement an appropriate corrective action program must **reduce the S&S frequency rate** per 100 inspection hours by **70 percent** from the mine's rate **during the 12-month review period**, provided such reduction is **below the**

national rate for all mines of similar type and classification during the same period, or to a rate within the top **35 percent for all mines of similar type and classification**.

Previously, mine operators were **required to achieve only a 30 percent reduction** to avoid **POV** actions and **were not required to meet benchmarks** where corrective action programs were used. Mines that **failed to meet the requirements** would be subject to the **POV**, at which point every **S&S** violation would result in an **automatic closure order** until the violation was abated. **Mines would remain on POV** status until a complete inspection found the mine **free of S&S violations**.

"**Along with impact inspections and injunction actions, POV** represents an important enforcement method for **MSHA** to **change the behavior of mine operators** who don't take seriously the **health and safety of miners**," said Main.

[See a complete list of the 13 mines.](#)

The applicable **S&S** frequency rate goals, **POV** screening criteria and procedures, and copies of letters sent to mine operators are posted on **MSHA's [POV Single Source Page](#)**.



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[Learn about the History of Mining in Colorado and....](#)



[Enjoy a gallery of photos from days gone by.....](#)

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The holiday season has arrived along with cold weather, the flu season, stress of the holidays and an increase in roadway traffic. With all of this in mind, MJS Safety would like to remind you to be aware of the added load of the holidays by giving you some tips to keep it safe at work as well as at home.

During the upcoming holiday season, and all year, **keep safety in mind whenever you're on the road**. The following tips can help you protect yourself, your passengers, and your family, friends and Co-workers.

Whether you're headed out to the job site, you spend your days on the highway, are around town, out of town, or out to celebrate, **we wish you a safe holiday season**.

PROTECT YOUR PASSENGERS

This time of year, even though you may still be working, the highways are a bit more crowded with anxious holiday travelers. Whenever you're on the road this holiday season, remember to **always buckle up**.

- Wearing your seat belt can **reduce your risk of dying in a crash by about half**.
- Also, **make sure your passengers are buckled** into appropriate.
- **The safest place for children of any age to ride is properly restrained in the back seat.** Data shows that child safety seats reduce the risk of death in car crashes by 71% for infants and 54% for toddlers ages one to four.
- If you see any unsafe driving, you can pull off the road and call *CSP to report unsafe, aggressive or possibly intoxicated driving. **Holidays often lead to an increase in drinking and driving.**

CELEBRATE SAFELY

During the holiday season, and year-round, take **steps to make sure that you and everyone you celebrate with avoids driving under the influence of alcohol**. Holiday parties are usually fun, but probably can be spoiled if a co-worker were to die behind the wheel because of no designated driver and over indulgences.

FOLLOWING THESE TIPS CAN HELP YOU STAY SAFE:

Spread the word among your employees, friends and family about tips to **keep everyone safe on the road. PLAN AHEAD.**

Always designate a non-drinking driver before any holiday party or celebration begins.

- **Always designate a sober driver.**
- If a friend has had too many, **offer to drive them home or call for a cab.**
- **Take the keys.** Don't let friends drive if they are impaired.
- Be a helpful host. Have a cab company on standby. Some companies offer reduced or even free cab fares to keep the roads safe - everyone can have a good time and return to work on Monday.
- If driving is part of your job, think twice before getting behind the wheel.
- When hosting a party this holiday season, **remind your guests to plan ahead and designate their sober driver; offer alcohol-free beverages; and make sure all of your guests leave with a sober driver.**

IMPAIRED DRIVING

Every day, **32 people in the United States die in motor vehicle crashes that involve an alcohol-impaired driver**. This amounts to **one death every 45 minutes**. The **annual cost of alcohol-related crashes totals more than \$51 billion**. But there are **effective measures that can help prevent injuries and deaths from alcohol-impaired driving**.

How big is the problem? (INFORMATION PROVIDED BY THE CDC)

- In **2008, 11,773 people were killed in alcohol-impaired driving crashes**, accounting for nearly **one-third (32%) of all traffic-related deaths** in the United States.
- Of the 1,347 traffic fatalities among children ages 0 to 14 years in 2008, about **one out of every six (16%) involved an alcohol-impaired driver**.
- **Of the 216 child passengers ages 14 and younger who died** in alcohol-impaired driving crashes in 2008, about half (99) were riding in the vehicle with the alcohol-impaired driver.
- In 2008, **over 1.4 million drivers were arrested for driving under the influence of alcohol or narcotics**. That's less than **one percent of the 159 million self-reported episodes of alcohol-impaired driving among U.S. adults each year**.
- **Drugs other than alcohol (e.g., marijuana, meth and cocaine) are involved in about 18% of motor vehicle driver deaths**. These other drugs are often used in combination with alcohol.

Who is most at risk?

Young people:

- At all levels of blood alcohol concentration (BAC), the **risk of being involved in a crash is greater for young people than for older people**.
 - ❖ Among drivers with **BAC levels of 0.08 % or higher** involved in fatal crashes in 2008, more than **one out of every 3 were between 21 and 24 years of age (34%)**. The next two largest groups were ages 25 to 34 (31%) and 35 to 44 (25%).

Motorcyclists:

- Among **motorcyclists killed in fatal crashes, 30% have BACs of 0.08% or greater**.
 - ❖ **Nearly half of the alcohol-impaired motorcyclists killed each year are 40 or older**, and motorcyclists ages 40-44 have the highest percentage of fatalities with BACs of 0.08% or greater (44%).

Drivers with prior driving while impaired (DWI) convictions:

- Drivers with a BAC of 0.08% or higher involved in fatal crashes were eight times more likely to have a prior conviction for DWI than were drivers with no alcohol (8% and 1%, respectively).

**Take Extra Measure During Any Time Of Year
To Prevent Another
Death Or Accident From
Irresponsible Driving!**