



## OSHA / CONSTRUCTION NEWS SUMMARY

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[Read more](#) - Whistleblower regulations change under [interim final rule.....](#) [Read more....](#)

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HAPPY HOLIDAYS FROM MJS SAFETY

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Federal safety officials missed their own deadline for making new rules about dangerous trucks. As always...we'll bring updates to you as soon as they are available!! [Read more....](#)

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While data-related issues still dog the Federal Motor Carrier Safety Administration's Safety Compliance Accountability enforcement mechanism after one year, trucking executives participating in a panel discussion Nov. 8 said they appreciate the agency's efforts while acknowledging they believe more work is needed.

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MSHA NEWS SUMMARY

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Handling Material at Aggregate Operations....

**Handling Material Injuries.....Best Practices** [Read more....](#)

MONTHLY SAFETY TIP NEWS SUMMARY

HOLIDAY SAFETY REMINDER FROM MJS SAFETY

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....](#)

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## The Revised HazCom Standard is One Step Closer

OSHA's long-awaited revised [Hazard Communication Standard \(HCS\)](#) – which adopts the [Globally Harmonized System of Classification and Labeling of Chemicals \(GHS\)](#) – is one step closer to being published. The [Office of Management and Budget \(OMB\)](#) has received the revised HCS for review, which is a significant step in OSHA's process of creating a new rule.

The OMB reviews hundreds of significant proposed and final rules from federal agencies before they are published in the [Federal Register](#) in order to analyze the costs and benefits of those rules.

The OMB has 90 days to formally review the rule before it is published in the [Federal Register](#); the rule can be changed before publication; it can be withdrawn by OSHA before a review is completed; or OMB can return it to the agency for further analysis or modification.

And of course, stakeholders are keenly interested in what OSHA will ultimately require, as there could be significant economic impacts to nearly all employers from passage of this standard.

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## OSHA Issues Order, Damages Under Whistleblower Regs

An Andersonville, TN based contract mail carrier for the U.S. Postal Service has been ordered by the [Occupational Safety and Health Administration](#) to reinstate a former employee and pay \$62,090 in compensatory and punitive damages plus more than two years of back wages, interest, benefits and attorney's fees.

The federal order follows OSHA's determination that the company violated the employee's rights under the whistleblower provisions of the [Surface Transportation Assistance Act](#) by terminating the employee for complaining about defective vehicles.

"Putting defective trucks on American roads endangers the company's drivers and all other motor vehicle operators who share the road with a truck that is improperly maintained. Drivers have a right to complain without fear of retaliation when they are asked to operate an unsafe vehicle," said Teresa A. Harrison, OSHA's acting regional administrator in Atlanta.

In August 2009, the employee was assigned to deliver a truckload of U.S. mail to a customer in Pontiac, Mich., when he found that his assigned trailer had a nonworking light.

OSHA reports that after complaining, the light was repaired and the delivery made. The employee had complained about such mechanical failures on a number of previous occasions, but the problems recurred. The driver informed his employer that he would not drive trucks with such failures in the future.

"After returning to the company's facility from Michigan, the driver found that his name had been removed from the driving schedule. He inquired about this development, and, during a meeting to discuss the issue, was informed that his employment was terminated. The employee then submitted a whistleblower complaint to OSHA," OSHA stated.

According to the [Department of Labor](#), employers are prohibited from retaliating against employees who raise various protected concerns or provide protected information to the employer or to the government. The Labor Department says employees who believe they have been retaliated against for engaging in protected conduct may file a complaint with the secretary of labor for an investigation by OSHA's [Whistleblower Protection Program](#).

*OSHA enforces the whistleblower provisions of the Occupational Safety and Health Act and 20 other statutes protecting employees who report reasonably perceived violations of various workplace, commercial motor vehicle, airline, nuclear, pipeline, environmental, railroad, public transportation, maritime, consumer product, health care reform, corporate securities, food safety and consumer financial reform regulations.*

**Read more - Whistleblower regulations change under [interim final rule](#).....effective on November 3, 2011. Comments/additional materials must be submitted (post-marked, sent or received) by January 3, 2012.**

## Top 10 Citations: OSHA Releases FY 2011 Data

OSHA has published data on its most frequently cited standards, as well as penalty amounts for fiscal year 2011 (October 2010 through September 2011).

The results show that the 'Top 10' most frequently cited standards make up almost 44 percent of the citations issued with fall protection in construction and hazard communication in general industry leading the way.

### Top 10 most frequently cited standards:

1. Duty to have fall protection, construction (29 CFR 1926.501)
2. Scaffolds, general requirements, construction (29 CFR 1926.451)
3. Hazard communication standard, general industry (29 CFR 1910.1200)
4. Respiratory protection, general industry (29 CFR 1910.134)
5. Control of hazardous energy (lockout/tagout), general industry (29 CFR 1910.147)
6. Electrical, wiring methods, components and equipment, general industry (29 CFR 1910.305)
7. Ladders, construction (29 CFR 1926.1053)
8. Powered industrial trucks, general industry (29 CFR 1910.178)
9. Electrical systems design, general requirements, general industry (29 CFR 1910.303)
10. Machines, general requirements, general industry (29 CFR 1910.212)

### Current Top 10 highest penalty standards:

1. Duty to have fall protection, construction (29 CFR 1926.501)
2. Scaffolds, general requirements, construction (29 CFR 1926.451)
3. Control of hazardous energy (lockout/tagout), general industry (29 CFR 1910.147)
4. Machines, general requirements, general industry (29 CFR 1910.212)
5. Ladders, construction (29 CFR 1926.1053)
6. Excavations, requirements for protective systems, construction (29 CFR 1926.652)
7. Powered industrial trucks, general industry (29 CFR 1910.178)
8. General duty clause (Section 5(a)(1) of the OSH Act)
9. Electrical, wiring methods, components and equipment, general industry (29 CFR 1910.305)
10. Electrical systems design, general requirements, general industry (29 CFR 1910.303)

## OSHA Releases Series Of 2-Minute Animated Videos To Educate Workers On Construction Hazards

OSHA has just released 12 educational videos about potential hazards in the construction industry. The educational videos are designed as easy-to-understand, short segments and geared to employers and workers.

OSHA states that each year, nearly 800 construction workers die on the job; one in every five workplace fatalities occurs within the construction industry. The videos are based on real-life incidents and include detailed depictions of hazards and the safety measures that would have prevented these injuries and fatalities.

Specifically, the videos cover falls in construction, workers who are struck by vehicles and heavy equipment, sprain and strain injuries, trenching and excavation hazards, and carbon monoxide poisoning.

They are written for workers and employers, including workers with limited English proficiency. Most of the videos are two to four minutes in length, and all but one are animated.

Each video is available in [English](#) and [Spanish](#) for web viewing or downloading. All video scripts are also available online in English and Spanish.

## U.S. Transportation Secretary LaHood Announces Final Rule That Bans Hand-Held Cell Phone Use by Drivers of Buses and Large Trucks



*Action is the Latest by the Department to End Distracted Driving*

Transportation Secretary Ray LaHood announced a final rule specifically prohibiting interstate truck and bus drivers from using hand-held cell phones while operating their vehicles. The joint rule from the **Federal Motor Carrier Safety Administration** (FMCSA) and the **Pipeline and Hazardous Materials Safety Administration** (PHMSA) is the latest action by the U.S. Department of Transportation to end distracted driving.

"When drivers of large trucks, buses and hazardous materials take their eyes off the road for even a few seconds, the outcome can be deadly," said LaHood. "I hope that this rule will save lives by helping commercial drivers stay laser-focused on safety at all times while behind the wheel."

The final rule prohibits commercial drivers from using a hand-held mobile telephone while operating a commercial truck or bus. Drivers who violate the restriction will face federal civil penalties of up to \$2,750 for each offense and disqualification from operating a commercial motor vehicle for multiple offenses. Additionally, states will suspend a driver's commercial driver's license (CDL) after two or more serious traffic violations. Commercial truck and bus companies that allow their drivers to use hand-held cell phones while driving will face a maximum penalty of \$11,000. Approximately four million commercial drivers would be affected by this final rule.

"This final rule represents a giant leap for safety," said FMCSA Administrator Anne S. Ferro. "It's just too dangerous for drivers to use a hand-held cell phone while operating a commercial vehicle. Drivers must keep their eyes on the road, hands on the wheel and head in the game when operating on our roads. Lives are at stake."

While driver distraction studies have produced mixed results, FMCSA research shows that using a hand-held cell phone while driving requires a commercial driver to take several risky steps beyond what is required for using a hands-free mobile phone, including searching/reaching for the phone. Drivers reaching for an object such as a cell phone are three times more likely to be involved in a crash or other safety-critical event. Dialing a hand-held cell phone makes it six times more likely that commercial drivers will be involved in a crash or other safety-critical event.

In September 2010, FMCSA issued a regulation banning text messaging while operating a commercial truck or bus and PHMSA followed with a companion regulation in February 2011, banning texting by intrastate hazardous materials drivers.

"Needless injuries and deaths happen when people are distracted behind the wheel," said PHMSA Administrator Cynthia Quarterman. "Our final rule would improve safety and reduce risks of hazmat in transportation."

Nearly 5474 people died and half a million were injured in crashes involving a distracted driver in 2009, and distraction-related fatalities represented 16 percent of overall traffic fatalities, according to National Highway Traffic Safety Administration (NHTSA) research.

Many of the largest truck and bus companies, such as UPS, Covenant Transport, Wal-Mart, Peter Pan and Greyhound already have company policies in place banning their drivers from using hand-held phones.

[Read](#) the final hand-held cell phone ban rule. [Learn more](#) about the U.S. Department of Transportation's efforts to stop distracted driving.

### TRUCKERS SAY THEY FACE TOUGH REGULATIONS

*Reporter: Kelly Asmuth  
GRAND JUNCTION, CO (KKCO)*

Over the past month, nearly a handful of truck accidents in the Grand Valley have caused serious damage. But heavy haulers say their industry is one of the most regulated.

"It's very regulated," says Dave Lloyd, manager of RAC Transport's station in Grand Junction. Lloyd says truckers must adhere to more rules than many other lines of work....they often get a bad reputation on the road. "I think truck drivers tend to get a bit maligned," says Lloyd.

Before running a big rig, drivers must pass elaborate testing to get their Commercial Driver's License. Truckers are also required by law to be randomly drug tested. "If you come back with a positive drug test, you could lose your license for three years, which obviously means you'll lose your job as well," says Lloyd.

Drivers are also responsible for maintaining their vehicle to standards. "The equipment itself has to be inspected minimally once a year," says Lloyd.

Truckers are required to stop at port of entries stations, so inspectors can check all of their requirements. The Colorado State Patrol can also pull over truckers at random, inspect their vehicles and ask for documentation.

"It's to make sure that you're not overweight, causing accidents," says Jim Jones, who's been a truck driver for 40 years.

Heavy haulers can only be behind the wheel for a certain number of hours that must be logged, and can be randomly checked by inspectors. However, some truckers say they know of others who fix their books to clock more road time.

"So they can get where they need to on time," says one cross-country trucker.

Fatigue or drinking behind the wheel could clearly trigger a disaster, for truckers or regular cars. However, truckers say most drivers are as dependable as anyone sharing the road.

"Most guys are conscientious. They are proud of their work," says Lloyd.

**In review....Colorado (CDL) Program Manager Notifies  
Companies About Important Upcoming Changes**

- Following is a letter from **Steve Monson, Commercial Driver License (CDL) Program Manager** for the State of Colorado and the Colorado Department of Motor Vehicles.  
**Mr. Monson** can be reached at **303-205-5829, [smonson@spike.dor.state.co.us](mailto:smonson@spike.dor.state.co.us)**.
- **For more information** about the **DOT/CDL Medical Project requirements**, please contact **Mike** at **[mjs@mjsafety.com](mailto:mjs@mjsafety.com)**. I'll be glad to forward the documentation to you.

**STATE OF COLORADO**

**COLORADO DEPARTMENT OF REVENUE**  
Division of Motor Vehicles

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[www.colorado.gov/revenue](http://www.colorado.gov/revenue)

July 31, 2011

Greetings. My name is Steve Monson and I am the Commercial Driver License (CDL) Program Manager for the State of Colorado and the Colorado Department of Motor Vehicles. My job is to enforce certain federal regulations regarding the CDL program.

You are receiving this letter because we have identified your company as possibly having contact with a large number of Colorado CDL holders and I wanted to let your company and your drivers know of some important upcoming changes regarding CDL Licenses, DOT medicals and employer recordkeeping. If your company does not deal with CDL drivers you may disregard this letter.

In 2009 (with an effective date of 01/30/12) the Federal Motor Carrier Safety Administration (FMCSA) passed rule making that essentially ties the DOT medical to the CDL license and gives enforcement of expired or improper DOT medicals to the DMV. **These changes only affect CDL holders and do not affect drivers of CMV's under 26,001 lbs GVWR.**

I wrote this document as an aid to drivers and companies to help them prepare for and come into compliance with the upcoming CDL/DOT medical merge project.

Every requirement within this project is a federally mandated requirement and the Colorado CDL unit has attempted to understand and implement each item to their best understanding. Readers of this document must understand that there may be changes to this document at any time due to changing guidance from the Federal Motor Carrier Safety Administration (FMCSA).

The federal rules that are impacted by this project are 49 CFR 383, 384, 390 and 391. To view these regulations you can go online to [www.fmcsa.gov/dot](http://www.fmcsa.gov/dot)

If you have any questions regarding this document or any material contained within the document please contact me or my assistant. Our contact information can be found at the end of this document.

Sincerely,

Steve Monson  
State of Colorado CDL Program Manager

## Hang On To Those Medical Cards, FMCSA Changes New Retention Requirement

Truckers and motor carriers need to be sure to hang on to copies of medical certificates for the time being.

A new regulation, which was initially to go into full effect Jan. 30, 2012, requires truckers to present proof of medical certification to their state licensing agency. The agency is required to electronically tie the medical certification to the commercial driver's license of all truckers. That will allow roadside law enforcement to electronically confirm valid medical certification.

A Federal Register notice published Nov. 15th, amended a portion of the final rule that eliminated the requirement that drivers must keep their medical certificate on them. The rule initially said once the certification was presented to the state licensing agencies, truckers did not have to keep the medical card with them.

However, the amended rule acknowledges that all states may not have the capability by Jan. 30, 2012, to post the medical certification to the commercial driver's license information system – dubbed CDLIS by the agency.

Rather than delay the entire regulation, FMCSA will still begin requiring drivers report medical certification to their state licensing agency. The amended final rule will also require drivers to retain the medical certificate for proof on the roadside during an inspection until 2014.

FMCSA officials state in the notice that state licensing agencies “are still expected to meet the Jan. 30, 2012 date specified in 49 CFR 383.73 to start collecting information from CDL applicants and posting and retaining this data on the CDLIS driver record.”

The agency's notice delays the final compliance deadline for states to be fully operational to comply with the new regulation until Jan. 30, 2014.



## ATA Takes Driver Hours Battle to Budget Office

...Graves tells agency - DOT has ‘no evidence’ of safety problem with current rules.

The American Trucking Associations is taking its battle against proposed changes to truck driver work hours to the federal Office of Management and Budget, which is reviewing the Department of Transportation's latest hours of service rule.

In a letter to Cass Sunstein, administrator of OMB's Office of Information and Regulatory Affairs, ATA President Bill Graves questioned whether “any legitimate reason” exists to change the current hours of service rules for truck drivers.

In a proposed rule released last December, the Federal Motor Carrier Safety Administration suggested cutting the daily driving limit from 11 to 10 hours and changing the 34-hour restart provision. Details of the final rule have not been made public.

The proposed changes were meant to reduce fatalities and injuries in crashes related to truck driver fatigue. But ATA says FMCSA's latest data shows truck safety already is improving dramatically under current driver hours of service regulations.

Graves pointed to truck safety data recently released by the FMCSA that ATA says show truck safety improving under the current 11-hour hours of service rule. “This data, in terms of both numbers and rates, is overwhelmingly positive,” Graves said of the 2009 Large Truck and Bus Crash Facts report on FMCSA's Web site.

The report, released in October, said the number of large trucks involved in fatal crashes decreased 21 percent in 2009 from 2008, the largest annual decline since records have been kept, according to the FMCSA. Fatal truck crashes declined 31 percent from 2007 through 2009, the agency said in its report.

Over that two-year period, fewer fatal highway accidents involved large trucks, as the vehicle involvement rate for large trucks in fatal crashes dropped 27 percent. Injury crashes involving large trucks fell 30 percent to 53,000, the FMCSA said.

The report “further demonstrates FMCSA has no evidence of a safety problem with the current rules,” Graves said in his Nov. 15 letter to OIRA's Sunstein.

The association is expected to sue to block the new rules if they include the FMCSA's proposals.

## CVSA: Mixed Bag On Brake Safety

The Commercial Vehicle Safety Alliance's (CVSA) annual **Operation Air Brake "Brake Safety Week"** campaign conducted Sept. 11-17 this year revealed a mixed bag of results. Although the number of **out-of-service (OOS) defects** for both **brake adjustment** and **brake components** are down slightly, the overall OOS rate for brakes increased.

"In general, the numbers are going in the right direction: though overall OOS rates were up a little, the number of actual defects in each [brake] category went down," Stephen Keppler, CVSA's executive director, told Fleet Owner. "That's a good sign."

Keppler said the "snapshot" of the industry's rate of brake compliance attained by CVSA's inspection effort is critical as brakes were cited in 29.4% of truck crashes as an associate factor in such wrecks; according to data gleaned from the **Federal Motor Carrier Safety Administration's (FMCSA) Large Crash Causation study** conducted in 2006.

"We would certainly like to see larger drops in the number of brake component OOS numbers, as well as for OOS rates for brakes overall," he explained. "But we are definitely pleased that we are still seeing 'systemic' decreases, however small, rather than a fluctuation in the numbers."

However, to really drive significant decreases in brake OOS rates – and OOS rates overall in the trucking business – will require a more integral shift in the industry's "safety culture," which will take time.

"It's doubly difficult to get such a change to stick because the [profit] margins in this industry are just so thin," Keppler pointed out.

"There's also reluctance to change because change breeds uncertainty. But the steady decrease in component OOS rates gives me confidence that the industry is making this 'safety culture' adjustment."

[Read more details...](#)

## Feds Put Off Issuing New Trucking Safety Rules

Federal safety officials missed their own deadline for making new rules about dangerous trucks.

October 28 was the original deadline by which the **Federal Motor Carrier Safety Administration** was supposed to announce new hours-of-service regulations for trucking, but in the end, they gave themselves another month to do it.

The pending change is the result of a lawsuit brought by Public Citizen, the **Teamsters Union**, Advocates for Highway and Auto Safety, and the **Truck Safety Coalition** against the **FMCSA** to tighten the standards. The suit resulted in an agreement that the **FMCSA** would change the current 11-hour driving day and the 34-hour rest period before starting a long workweek to a 10-hour driving day, keeping the 34-hour "restart" but with new restrictions.

The Bush-era rule has been struck down twice before by the courts, but the **FMCSA** kept reinstating it — first in late 2007 and then about a year later. This time, the agency appears ready to make a change.

The 11-hour rule was a "midnight regulation" made during President George W. Bush's final days in office, according to the **Teamsters**. The Bush administration increased the workweek from 60 to 77 hours of driving and reduced the restart period from 50 hours to 34.

The **Teamsters** say truck crashes cost the nation \$20 billion in 2009, and that truck driver fatigue is a major factor in truck crashes. Some statistics indicate fatigue is a factor in 30 to 40 percent of truck crashes, though the **FMCSA** itself puts the number at 5.5 percent.

"We will continue to push for a rule that protects truck drivers, instead of the greed of the trucking industry," said **Teamsters** President Jim Hoffa when the court case was decided two years ago. "Longer hours behind the wheel are dangerous for our members and the driving public."

The problem isn't limited to highways. Six percent of pedestrian fatalities and nine percent of bicyclist fatalities in 2009 were caused by crashes with large trucks, according to the **NHTSA**. Between 1996 and 2005, crashes with large trucks accounted for almost a third of all cyclist fatalities in New York City, according to a joint report by NYC agencies.

**Industry lobbying groups** including the **American Trucking Associations** and **Owner-Operator Independent Drivers Association** have mobilized against the changes. **OOIDA** says new safety rules would negatively impact not only "driver flexibility and the business operations of small-business truckers" but highway safety as well.

Some lawmakers have aligned with the trucking industry. Senator Kelly Ayotte (R-NH) has claimed that reducing the hours of service is "cost-prohibitive" and that the "impact on safety is unclear." Republicans are uniformly against the changes, with everyone from **House Speaker John Boehner** and **Majority Leader Eric Cantor** to **Transportation Committee Chair John Mica** working "aggressively" to block any alteration to the hours-of-service provisions.

**Transportation Secretary Ray LaHood** has urged Congressional leaders to go along with the new safety rules, saying they apply "the most comprehensive and up-to-date data and analysis to the issue of driver fatigue and allowable hours of service" while allowing carriers "new operational flexibility."

## CSA System Needs Improvement, Panel Says

While data-related issues still dog the **Federal Motor Carrier Safety Administration's Safety Compliance Accountability enforcement mechanism** after one year, **trucking executives** participating in a **panel discussion** Nov. 8 said they **appreciate the agency's efforts** while acknowledging they believe **more work is needed**.

**Jeff Davis of Fleet Safety Services**, Arizona Trucking Associations President **Karen Rasmussen** and **Brett Sant**, vice president of **safety and risk management** for Knight Transportation, participated in a "**CSA: One Year Later**" panel discussion at the Commercial Carrier Journal Fall Symposium in Phoenix.

Davis said the **theory behind CSA** was that **safer event compliance would result in safer behavior and fewer crashes**, while **noncompliance would result in riskier behavior and more crashes**. "**Time will tell us if this theory works or not**," he said.

Under **CSA**, safety ratings are supposed to **refresh every 30 days** for all companies. The previous **SAFER system under SafeStat** only reached **2 percent of companies** and was **lengthy and graded administratively**, while the **new method uses roadside performance**.

The **driver safety fitness rating** has been on the **backburner** but is coming back through the **upcoming highway bill**. "We could **literally be looking at a ranking of every single driver out there**," Davis said.

**Motor carriers with deficient BASICs** now are having **insurance issues**, Davis said, and the **Inspection Selection System (ISS)** number – which **combines past and current safety performance history** – has been **recalibrated**. "This will determine the **number of inspections and probably violations you receive in the future**. The **system is set up to look at those who violate**. This is **totally new in our industry**. We've never had to deal with this."

Under **SAFER**, companies could **pay a fine and move on**. "Now, **every critical and acute violation in the system becomes a monitored BASIC for 12 months, period**," said Davis. Companies based in states for **CSA's pilot program** are **familiar with this**, and "**it's just now getting to other states**".

The **biggest violation is logbook form and manner**, while **fatigued driving ranks second**, followed by the **driver not being in possession of a medical certificate**, a **driver not speaking English** and **hours-of-service violations**. The **top equipment-related violation is lighting**. Of the most predominant violations, only **25 percent led to a truck being placed out of service**; most are **minor**, but these **still carry weight** within the **CSA framework**.

**How can fleets control CSA scores?** "It comes down to **literally controlling the driver's behavior and performance**," Davis said. "**If you want to keep the drivers that you have, you're going to have to constantly monitor their scores**."

A **third of all violations relate to speeding**, while **another third are related to ISS numbers** and **most of the rest are observable defects**, such as **lighting, conspicuity tape and failure to use a safety belt**, said panelists, **who questioned if nailing carriers for medical certificates and lighting is truly improving highway safety**.

"**Our industry knows more about this issue than the regulators do**," said Rasmussen. "**The inspectors are really just coming up to speed. Data is key**." Most **enforcement activities** eventually will be **transmitted wirelessly** for cost efficiency. "**It's the new era**," she said.

Rasmussen said Arizona's new **DataQ appeals process** involves an **appeals board** created last January that **meets monthly**. About **50 percent of appeals are denied**.

Sant said that while **CSA is a step in the right direction**, **more work needs to be done**. While he agrees with **FMCSA's objectives to reach more carriers**, increase driver accountability and **improve safety**, he also cited **several concerns**:

- *Visibility: CSA's Safety Measurement System isn't a reliable predictor of crashes. He also voiced concerns about the impending Safety Fitness Determination rulemaking, with the risk of that information being misunderstood by the public, customers, claimants and law enforcement;*
- *Driver accountability is a worthy goal, but carriers remain limited in their ability to improve driver accountability. Many drivers under the gun will shift to carriers that aren't as scrutinized, leaving the previous carrier holding the "bad grade" bag. "Is that really safer or fair?" Sant asked; and*
- *FMCSA's compliance focus and peer comparison concepts are laudable, but Sant said there's little direct safety benefit. The compliance focus may be misguided due to data flaws since there's no baseline of acceptable performance, which leads to floating standards. Meanwhile, true peer comparisons are difficult due to differences among carrier size, markets and equipment.*

"**We have to account for the disparity in enforcement in different areas**," said Sant, pointing out how **Indiana and other nearby states** far and away are **citing carriers more often**.

"**We need to account for disparity within a safety event group**."

## MSHA Slaps 11 Mines With 226 Citations

Eleven mines from around the country were the subject of **impact inspections** last month resulting in **226 citations and orders issued** by the **Mine Safety and Health Administration (MSHA)**.

The inspections, which began in April 2010, **involve mines that merit increased agency attention and enforcement due to:**

- Poor compliance history or particular compliance concerns, including high numbers of violations or closure orders;
- Frequent hazard complaints or hotline calls;
- Plan compliance issues;
- Inadequate workplace examinations;
- A high number of accidents, injuries or illnesses;
- Fatalities; and
- Adverse conditions such as increased methane liberation, faulty roof conditions and inadequate ventilation.

One of **MSHA's** most **recent impact inspections** was **conducted** on October 31, 2011 at a Kentucky mine. **Upon arrival**, the inspection team **captured and monitored the mine phone to prevent advance notification**. Inspectors **observed loose, unsupported drawrock and loose coal ribs**, which can cause **serious injury or death** to miners.

**Consequently**, they issued **two withdrawal orders** for **inadequate roof and rib control**. Withdrawal orders also were issued for **combustible material accumulations** as well as the operator's **failure to conduct a pre-shift examination** of the **active section**, which resulted in **electrical equipment** and cables being **energized** in the **presence of roof control and ventilation hazards**, creating a **potential fire or explosion hazard**.

The mine operator was **issued a total of five withdrawal orders** and **two citations**. This Kentucky mine is **one of two mines** ever successfully placed by **MSHA** on a **pattern of violations**, based on the **operator's repeated significant and substantial violations of mandatory health and safety standards**.

### [Read more about the inspections...](#)

Since April 2010, **MSHA** has conducted **358 impact inspections**, which have **resulted in 6,383 citations, 614 orders and 22 safeguards**.



## Handling Material at Aggregate Operations...

### Handling Material Injuries

► In 2010, there were 549 handling material accidents at stone, sand, and gravel operations. No injuries were fatal.

► 13 Permanent Total Disability Cases were reported, resulting in Abdominal Hernias and Amputations.

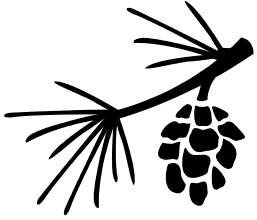
► Miners are subject to the hazards of handling heavy and bulky materials, falling or improperly stacked objects, and repetitive bending, twisting, and turning movements all pose hazards.

► Ensure that persons are trained to properly handle materials.

### Best Practices

- Always wear personal protection equipment such as work gloves, safety boots, safety glasses/goggles, or metatarsal guards. Attach handles or holders to loads for lifting or seek help.
- When using mechanical lifting, know the limit. The load capacity must be displayed on all lifting equipment.
- Ergonomics –modifying the workplace to fit the needs of the user -must be implemented in order to avoid back injuries.
- Reduce the size and weight of lifted object, use a lifting aid, change the height, or use a shelf.

## HOLIDAY SAFETY REMINDER FROM MJS SAFETY



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.**