



## OSHA/CONSTRUCTION NEWS SUMMARY

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## TRANSPORTATION NEWS SUMMARY

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Watch for the latest news in the next issue [Read more....](#)

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### Deaf Truck Drivers Can Now Apply for CDL Exemptions

The National Association of the Deaf says more than 20 deaf and hard of hearing truck drivers who submitted applications for an exemption from the DOT hearing requirements are now being considered for full Commercial Driver's Licenses. [Read more....](#)

### I-70 SPEED HARMONIZATION TEST

#### CONSIDERED SUCCESSFUL

Results from the second Rolling Speed Harmonization effort in SUMMIT/CLEAR CREEK COUNTIES continues to demonstrate that it can be utilized to improve safety, reduce crashes and ultimately improve traffic flow on Interstate 70 during heavier travel periods. [Read more....](#)

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### MSHA's Accident Prevention Program Safety Idea

#### **Stay Seen — Stay Alive**

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## OSHA / CONSTRUCTION

# Hearing Addresses Concerns of OSHA's Impact on Economy

To explore **OSHA's** regulatory proposals and their impact on **worker safety** as well as the **economy**, the **House of Representatives Subcommittee on Workforce Protections** held a hearing on October 5, 2011 in which Dr. David Michaels, Assistant Secretary of Occupational Safety and Health, **gave his testimony.**

**At the center** of the Republican's **concerns** on this committee, according to Congressman Tim Walberg (R-Mich), is the **semiannual regulatory agenda** that was released in July and **includes a number of OSHA items.** Many of the **regulatory proposals**, Walberg said, are **identified** as "**economically significant**," meaning they will **cost \$100 million** or more for businesses to **implement.** Walberg pointed out that **aside from the significant scope and cost of the administration's regulatory ambitions**, there are **additional concerns** with **specific proposals** such as the **injury and illness prevention program** and silica.

"**The administration's injury and illness prevention program**, commonly referred to as **I2P2**, is an **unfinished rule** that may require employers to **write comprehensive safety and health plans**," said Walberg. "This plan **would be in addition** to the **countless pages** of **existing rules and paperwork** facing employers. **We don't know** what the **plan will look like**, but **we can expect** the details to be **dictated uniformly by OSHA officials**, regardless of the circumstances of individual businesses. This proposal has **generated a great deal of uncertainty** among employers, **something our economy cannot afford.**"

In his testimony Michaels stated that **evidence shows OSHA's standards save lives.** "In 1971," Michaels stated, "the **National Safety Council** estimated that **38 workers died on the job every day** of the year. **Today**, the number is **12 per day**, with a **workforce that is almost twice as large.** Injuries and illnesses also are **down dramatically** — from 10.9 per 100 workers per year in 1972 to less than 4 per 100 workers in 2009. Some of this **decline in injuries, illnesses and fatalities** is **due to the shift of our economy** from manufacturing to service industries.

However, it is also clear that **much of this progress** can be **attributed to improved employer safety and health practices** encouraged by the existence of a **government regulatory agency** focused on **identifying and eliminating workplace hazards** and assisting employers in **implementing the best practices** to **eliminate those hazards.**"

Michaels explained how **OSHA** approaches the **challenge of providing workers** with a **safe workplace.** This includes:

- ▶ **Deterrence through fair enforcement** — OSHA specifically targets the most dangerous workplaces and the most recalcitrant employers. Inspections are conducted on those workplaces where there has been a fatality, multiple hospitalizations, where a worker files a formal complaint, or where there is an imminent danger of a worker's death. Beyond those inspections, the Site Specific Targeting Program, the National and Local Emphasis Programs, and Severe Violator Enforcement Program are part of strategic planning.
- ▶ **OSHA penalties** — OSHA penalties are set by law and the maximum penalty amounts have been unchanged since 1990. Statutorily, OSHA is mandated to take into account a business' size, history and evidence of good faith when calculating a penalty. Moreover, Michaels stated that OSHA penalties do not rise with inflation, which means that the real dollar value of OSHA penalties has been reduced by 39% since 1998.
- ▶ **Compliance assistance** — OSHA places a high priority on outreach, consultation, training grant programs, and cooperative programs.
- ▶ **Whistleblower protection** — OSHA conducted top-to-bottom review of the program and made improvements.
- ▶ **Regulatory process** — OSHA has issued only two major standards over the past year: one protecting workers from hazards associated with cranes and derricks, and another standard to protect shipyard workers. One of the next standards that OSHA will issue is a revision of the Hazard Communication Standard to align with the Globally Harmonized System (GHS) of Classification and Labeling of Chemicals.

In **summary**, Michaels said "**there is also clear evidence** that **both regulated industries** and the **agency itself** generally **overestimate** the cost of **new OSHA standards.** Congress' Office of Technology Assessment (OTA), **comparing the predicted and actual costs** of eight **OSHA** regulations, found that in **almost all cases**, 'industries that were **most affected**, **achieved compliance straight-forwardly**, and **largely avoided the destructive economic effects**' that they had **predicted.**"

Although the **committee and OSHA** share the **same goal**, Walberg is clear that **there is often a difference of opinion** in how that goal is met.

## NIOSH Releases New Workplace Solutions For Trenching

When it comes to trenching and excavation activities, workers are at risk of death from cave-ins. These hazards can be controlled through engineering controls, protective equipment, and safe work practices.

To assist employers, the National Institute for Occupational Safety and Health (NIOSH) has developed recommendations for prevention. In its [Workplace Solutions publication](#), NIOSH provides an in-depth analysis of the hazards workers may be exposed to, specific case studies, and recommendations on steps that employers and employees can take to prevent injuries.

## OSHA Publishes New Educational Materials On Trenching Operations

OSHA released **three new guidance products** to educate workers and employers about the **hazards workers face** in trenching operations. **Unprotected trenches are among the deadliest hazards** in the construction industry and the **loss of life is devastating**: since 2003, more than 200 workers have died in **trench cave-ins**, and **hundreds more have been seriously injured**.

**"No worker's life should end in a trench. Cave-ins during excavations are some of the most**

**common and grisliest causes of worker fatalities in construction, yet they are entirely preventable,"** said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. **"I am deeply troubled by the continued violations of OSHA's trenching standards, many of which bring tragic results. These new educational materials provide clear guidance on the necessary steps that employers must take to protect workers in trenches."**

**The new information products which are available include:**

- **["Trenching and Excavation" Fact Sheet](#)** — an overview of the hazards that can occur while performing trenching operations and the safety measures required to protect workers;
- **["Working Safely in Trenches" QuickCard](#)** — an easy-to-use guide to trenching hazards and safety measures with graphics; and
- **["Do Not Enter an Unprotected Trench!" Poster](#)** — a resource for construction workplaces informing workers what steps must be taken to ensure trench safety, along with the warning "An Unprotected Trench is an Early Grave."

**Subjects covered in the three documents include proper shoring and sloping; evaluations by competent persons; means of access/egress; atmospheric hazard testing; and protective systems.** The **guidance also describes** the protective measures that are required under **OSHA's excavation standards** (29 CFR 1926.650, 29 CFR 1926.651, and 29 CFR 1926.652). Spanish-language versions of the documents are also available.

**Because of the severity of trenching hazards, OSHA conducts a Special Emphasis Program on Trenching and Excavations** (Directive CPL 02-00-069 [CPL 2.69]), which **sets procedures for enforcement activities** wherever trenching and excavation worksites are observed. When **OSHA's compliance officers** see a trench, they **will inspect a trench**. On **two separate occasions** in the past year, this **Special Emphasis Program** allowed **OSHA compliance officers to remove workers from unsupported trenches minutes before they collapsed** — **likely preventing possible injury and loss of life.**

## Current Seasonal Flu Activity Is Low, CDC Reports

*In the initial ["FluView" report](#) for the U.S. 2011–2012 flu season (published each Friday from October through mid-May), the **Centers for Disease Control and Prevention (CDC)** stated that **flu activity is currently low with few people going to the doctor for flu-like symptoms and few respiratory viruses testing positive for flu.***

*Although it is expected that **influenza illness, hospitalizations, and deaths will increase in the next few weeks**, the CDC reassures the public that the **vaccine is available and now** is the **perfect time** to get vaccinated.*

*"**It takes about two weeks** after vaccination for the body's immune response to **fully kick in**," says Joe Bresee, M.D., Chief of CDC's Influenza Epidemiology and Prevention Branch. "**It's best** to get vaccinated **before activity begins** so that you'll be **protected once flu season starts** in your community."*

*CDC **routinely monitors influenza activity** in the United States year-round with a system that determines **when and where influenza activity** is occurring, determines what **influenza viruses** are circulating, and **detects changes** in influenza viruses.*

*The system also **measures the burden of influenza disease** in the United States, including **tracking influenza related illness, hospitalizations, and deaths.***



## BLS Data Shows Decline In Workplace Injuries, Illnesses For 2010

The U.S. Department of Labor's Bureau of Labor Statistics announced that nonfatal workplace injuries and illnesses among private industry employers declined in 2010 to a rate of 3.5 cases per 100 equivalent full-time workers, down from a total case rate of 3.6 in 2009. Nearly 3.1 million injuries and illnesses were reported among private sector industry employers in 2010, down from 3.3 million in 2009.

See the [report](#).

### Key findings from the 2010 Survey of Occupational Injuries and Illnesses

- Incidence rates for injuries and illnesses combined among private industry establishments declined significantly in 2010 for total recordable cases and for other recordable cases. The incidence rates for cases with days away from work; for cases of job transfer and restriction; and for cases of days away from work, job transfer, or restriction together each remained unchanged from 2009.
- Manufacturing was the sole private industry sector to experience an increase in the incidence rate of injuries and illnesses in 2010 — rising to 4.4 cases per 100 full-time workers from 4.3 cases the year earlier. The increased rate resulted from a larger decline in hours worked than the decline in the number of reported cases in the industry sector.
- The total recordable cases incidence rate in the private construction industry sector decreased by 0.3 cases to 4.0 cases per 100 full-time workers in 2010—a seven percent decline. Specialty trade contractors reported a similar decline of 0.3 cases in the injury and illness incidence rate — falling to 4.3 cases per 100 full-time workers — and was largely responsible for the reported decline in the construction industry sector.
- Health care and social assistance experienced an incidence rate of injuries and illnesses of 5.2 cases per 100 full-time workers — down from 5.4 cases in 2009 — and was the lone industry sector in which both reported employment and hours worked increased in 2010.
- The incidence rate of injuries only among private industry workers remained unchanged between 2009 and 2010 at 3.4 cases per 100 full-time workers.
- The incidence rate of illness cases alone remained relatively unchanged in 2010, as did rates among all illness categories with the exception of poisoning, whose rate increased from 0.2 cases per 10,000 full-time workers in 2009 to 0.3 cases in 2010.
- National public sector estimates covering more than 18.4 million state and local government workers are available for the third consecutive year with an incidence rate of 5.7 cases per 100 full-time workers in 2010, relatively unchanged from 2009.

## Study Shows L&I Inspections Improve Safety – Save Money

A recent study of a decade's worth of inspection data suggests that a visit from the Department of Labor & Industries (L&I) can be good not just for a company's workplace safety, but also its bottom line.

Researchers with the Safety and Health Assessment and Research for Prevention (SHARP) program, L&I's research unit, examined L&I inspection data and workers' compensation claims from 1998 through 2008. The study found significant reductions in claims and claim costs following a safety inspection or safety consultation.

But the greatest impact came when an inspection resulted in at least one citation. In those cases, the research found a reduction in worker injury claims of as much as 20 percent over similar worksites that were not inspected.

SHARP's study bears out what other researchers around the country have found and what SHARP researchers have seen in previous annual reviews of the data.

"Safety is not always at the forefront of an employer's mind. But when a significant event takes place, like a serious injury or an L&I inspection, it can really get their attention," said SHARP Director Barbara Silverstein. "This can lead to a greater recognition of what can be done in the workplace to reduce hazards, itself leading to safer workplaces and fewer injuries."

### Safety Hazard Violations and Seriously Poor Judgment Draw Six-Figure Fine

Transporting employees throughout a warehouse on the forks of forklifts and raising them to heights of up to 20 feet while standing to pick orders was a company practice that not only exposed workers to struck-by hazards, but also the risk of falls, according to OSHA.

As a result of this violation and other safety hazards found in a merchandiser's warehouse, OSHA issued two willful and eight serious violations with proposed penalties totaling \$125,300.

Transporting employees throughout the warehouse on the forks of forklifts is considered a willful violation — one committed with intentional knowing or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health and carries penalties of \$98,000.

The eight serious violations, with penalties of \$27,300, involve failing to:

- Provide a written hazard communications program,
- Ensure exit routes and doors were unobstructed,
- Properly post exit signage,
- Provide employees exposed to battery acid with protective gloves as well as an eye wash and eye protection,
- Require employees exposed to hazards that could cause foot injuries to wear appropriate foot protection,
- Provide forklift training,
- Provide refresher training to employees operating forklifts in an unsafe manner,
- Provide hazard communication training,
- Ensure effective closure of unused breaker openings, and
- Provide material safety data sheets for sulfuric acid.

A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

## Teamsters, Safety Groups Press Obama – Pushing ‘HOS Reform Rule’

Representatives of 10 safety and public advocacy groups and the Teamsters Union, presided over by General President James Hoffa, joined in the letter-writing campaign to President Barack Obama pushing for FMCSA's proposed new Hours of Service rule that was scheduled to be published in final form Oct. 28. Despite the fact that the rule still had not been sent to the Office of Management and Budget for final approval, a spokesperson for the Federal Motor Carrier Safety Administration said the agency was working to meet its deadline.

The proposed rule will save the American public more than \$2 billion and create nearly 40,000 jobs in the trucking industry, the organizations said in a letter to Obama dated Oct. 7.

“On behalf of our organizations representing public health and safety advocates, truck drivers, and victims and survivors of truck crashes we are writing to indicate our strong support for the pending reform of the Hours of Service (HOS) rule for truck drivers proposed by the Department of Transportation (DOT),” the groups wrote.

“The DOT proposal addresses a serious and deadly public health and safety problem in the trucking industry. Large truck crashes resulted in 3,380 deaths in 2009, at a cost to the nation of nearly \$20 billion, about one-half of all truck related crash costs.”

“The HOS reform rule proposed by the Federal Motor Carrier Safety Administration is a commonsense reform that will return to the traditional limit on consecutive driving hours and prevent abuse of the minimum 34-hour, off-duty restart between lengthy 70- to 88-hour work weeks,” the letter read.

In the proposed rule, the FMCSA has said it was undecided whether to allow the current 11 hours of driving or revert to 10 hours, but preferred 10 hours. The proposal also calls for a limit on the use of the 34-hour restart. Safety advocate groups have long claimed that multiple use of the 34-hour restart provision during a seven-day period could lead to a 70- to 88-hour work week.

The letter follows moves by House Republican leaders asking the Obama administration not to tinker with existing hours-of-service rules, saying it would cost Americans an additional \$1 billion.

Dave Osiecki, who directs policy and regulatory affairs for American Trucking Associations, said calls to change current HOS rules are “illogical” and without sound or scientific basis.

The framework for the current HOS rules has been in place eight years “without any evidence” to suggest they have created a safety problem and during that period “truck safety has improved to record levels,” Osiecki said.

But according to the organizations, “efforts by special interests to stop or weaken this proposal have failed to acknowledge the significant benefits of HOS reform that will amount to more than \$2 billion in savings to the American public. The proposed HOS reform rule will have an overdue and positive impact on highway safety, create more industry jobs, and improve the overall health of truck drivers.”

Specifically, organizations said HOS reform rule will:

- Produce \$2.2 billion in crash, injury and health cost savings including \$1 billion dollars in associated injury and crash costs, and \$1.2 billion in health and related medical costs to truck drivers and taxpayers
- Save lives and avoid injuries by preventing truck crashes
- Reduce the number of tired truckers who are involved in truck crashes
- Protect the health and welfare of truck drivers by reducing driving hours and increasing off-duty rest time
- Create nearly 40,000 additional jobs in the trucking industry for out-of-work drivers.

With reference to the jobs that would be created, the groups said the proposed rule would also restore many of the nearly 50,000 truck driving jobs that were eliminated from the industry when the current HOS rule was implemented in 2004.

**Count on MJS Safety to publish updates as they become available!!**

### Ferro Uncertain If New HOS Rule Will Be Out By Oct. 28

“We’re working toward that date,” FMCSA Administrator Anne Ferro said during an interview with The Trucker during the annual American Trucking Associations’ Management Conference and Exhibition.

“Reality says we are just two weeks away and certainly we have other agencies that need to do their due diligence in review, so we’re all working toward completing that process.”

The rule has yet to go to the White House Office of Management and Budget, which sometimes takes as long as 60-90 days to review a rulemaking and make recommendations for changes. Sources have told The Trucker that the OMB has agreed to “fast track” the rule.

OMB has its review process that it has to go through,” Ferro pointed out. “Again, I’m just reinforcing that we’re all working to get to a final rule as close as we can to Oct. 28.”

The rule was originally to be published last summer under a settlement agreement between a group of plaintiffs that for the third time had filed suit against the latest HOS rules.

However, when the FMCSA decided to add four new studies to the rulemaking process last spring, the plaintiffs agreed to give the agency until Oct. 28 to issue the final rule.

**Just In.....Oct 31, 2011**

**[FMCSA Postpones Issuing Final HOS Rule](#)**

Watch for the latest news in the next issue

## Expired Hazmat Check Means Suspended CDL For Veteran Driver

*Rod Baillie remembers pulling out of his Sparks, NV driveway Labor Day weekend.*

He and Karen Baillie, both OOIDA members, would team-drive their way across the country for a few weeks before returning in late September. That way, Rod's CDL could be renewed before it expired on Oct. 2, his birthday.

When the Baillies got home and checked their mail, they found a rude awakening waiting for them. The Nevada DOT sent certified mail notifying Rod that his CDL would be suspended for a minimum of 30 days. "It's been a nightmare," Rod told Land Line. "If it weren't for my wife, we'd be out of business."

The case highlights a key clerical discrepancy that could ruin the businesses and bank accounts of thousands of truck drivers who obtain hazardous material endorsements that expire before their CDLs are required to be renewed.

As it turns out, Rod's hazmat endorsement background check expired in late September. Because he hadn't hauled hazmat for some time, Rod decided not to renew his endorsement. He would renew his CDL the first week of October. "If I hadn't been renewing my license, I would have stayed out for 60 days," Baillie said. "It's cheaper and easier on us to go out for 60, come back, and take a week off. I had no notice that it was expired, and I drove back from Los Angeles that day with an expired license. I didn't know."

In the process of suspending Baillie's license, Nevada may have violated federal transportation regulations themselves. In its certified letter notifying Rod Baillie that his CDL was suspended, Nevada cited a state administrative code that referred back to federal regulations spelled out by the Federal Motor Carrier Safety Administration. Under FMCSR 383.141, states are required to notify CDL/HME-holders at least 60 days before the expiration date of either the license or the endorsement that the "individual must pass a Transportation Security Administration security threat assessment process."

Baillie said his notification has an Aug. 28 postmark, meaning it was mailed no more than 30 days before his HME expired. A second letter regarding the suspension was postmarked Sept. 20. Under 383.51, a driver can be disqualified for "driving a commercial motor vehicle without the proper class of CDL and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported." Baillie, however, was not hauling hazmat.

To further complicate matters, Baillie passed a TSA background check in early 2009 in order to obtain his Transportation Worker Identification Credential. That background check is good for another two years. Joe Rajkovicz, OOIDA director of regulatory affairs, said Baillie's CDL should never have been suspended. "This is just another example of a state overzealously misinterpreting federal regulations," Rajkovicz said. "There is no federal requirement to suspend a CDL simply because the driver decided not to renew his HME." States shouldn't go beyond the authority of federal transportation regulations, Rajkovicz said.

"There has been a dramatic drop in veteran drivers securing a Hazardous Materials Endorsement because of the cost and hassles involved," Rajkovicz said. "This kind of policy will only make drivers think twice about securing the endorsement, further exacerbating a growing shortage of drivers willing to haul hazardous materials."

Tom Jacobs, a spokesman with the Nevada Department of Motor Vehicles, said drivers who want to drop a hazmat endorsement from their CDL need to come in to a DMV office and obtain a new license. "That's the driver's choice if they don't want it on there," Jacobs said. "It's a personal choice."

The Baillies were trucking in early October, as Rod remained in the passenger seat of their 2005 Freightliner Columbia. Without Karen's trucking career and the Baillie's truck already being paid off, Rod's CDL being suspended might have sunk their business. "I'm lucky it's all paid for," Rod said.

Baillie has contacted the Nevada governor's office, both U.S. Senators, and his elected congressional representative to plead for an appeal. He said one senator told him they'd respond to his request within 180 days. Baillie said he's glad his family will make it through the suspension period. He isn't happy that a suspended license will likely be on his permanent record, and he believes the Nevada DMV should give truckers more notification time. "I've exhausted everything I can think of," he said. "Nevada DMV has my email address; I use it for IFTA. I wish they'd have emailed me. "Hopefully other truckers don't get caught up in this."

## Rule to Create a National Registry of Certified Medical Examiners Under Review by the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs....

The Transportation Department has a rule under review that would create a National Registry of Certified Medical Examiners. The rule would set training, testing and certification standards for medical examiners who certify 'interstate commercial motor vehicle drivers' as fit to drive. The examiners who make the cut would be put in a public database for state, safety groups and drivers' use. The examiners would also be required to "transmit electronically to the **Federal Motor Carrier Safety Administration**" the name and numerical identifier for any driver who is examined. The department aims to "gain public trust and confidence in **FMCSA's** continued efforts to improve highway safety" through this rule, according to the administration's website.

**Public comment periods are closing soon for the following proposed rules:**

- *The Environmental Protection Agency has a rule open for comment that would redefine solid waste. The agency intends to "ensure that the recycling regulations ... encourage reclamation in a way that does not result in increased risk to human health and the environment from discarded hazardous secondary material." One proposed change includes stronger storage requirements for sending hazardous materials offsite to be recycled. The rule, "which [in the 2008 version] revised hazardous waste regulations to encourage recycling of hazardous secondary materials," is open for comment through Oct. 20.*
- *The Consumer Product Safety Commission issued a proposed rule that would amend and clarify certain portions of the Consumer Product Safety Act of 2008. The rule, which requires "manufacturers of durable infant or toddler products to establish a consumer registration program," would be amended to rearrange the consumer registration form to make it more organized and less confusing, without taking out required information. The rule, which would also clarify that these forms do not have to be maintained in the United States as long as the manufacturer can "access the information when requested," is open for comment through Oct. 24.*
- *The Alcohol and Tobacco Tax and Trade Bureau is soliciting public comment prior to proposing a rule regarding how to distinguish between excise taxes on tobacco. The bureau has proposed categorizing pipe tobacco and roll-your-own tobacco separately for the purposes of taxes paid when individuals buy the product. The advanced notice of a proposed rule also asks for comment regarding "other physical characteristics that may be used for such purposes" by Oct. 24.*



## Ferro Noncommittal on the Direction for New Electronic On-board Recorder Rule

**FMCSA** Administrator Anne Ferro was noncommittal on the direction the agency will take with a new electronic on-board recorder rule now that a federal court has thrown out a 2010 rule designed to require motor carriers with poor safety records to install EOBRs by the middle of next year.

EOBRs meant to monitor driving time cannot be used to harass truck drivers, and so the 2010 e-log regulation must go back to the drawing board because it fails to address such protections, a federal appeals court ruled in August.

The **FMCSA** has issued a proposed rulemaking that would require virtually all commercial trucks to have EOBRs with an expressed desire of implementing the rule in 2014. The proposed rulemaking has wording concerning harassment very similar to the rule that was thrown out.

"Our lawyers are continuing their analysis of the ruling so we can get to the heart of what we need to do to get the right pieces in place as we progress on the EOBR front," Ferro said. "We are not going to skip a beat on advancing this kind of a rule. What format we will use remains to be seen. In the meantime, we've had some very intense work with the Motor Carrier Safety Advisory Committee on EOBRs as well as with industry stakeholders, EOBR manufacturers, with safety advocates and with law enforcement to make sure we have the technology requirements for these EOBRs to be put in place that meet our expectations of an effective enforcement tool."

Asked if that meant the agency was going to scrap the remedial rule and incorporate anti-harassment language that would pass legal challenges, or whether **FMCSA** would rewrite the remedial rule, Ferro said, "we have a proposed rule out there and we'll be back with you to answer that question in full."

Ferro praised the work of Transportation Secretary Ray LaHood, who announced last week that he would leave the Obama administration after the 2012 general election.

She said LaHood had been very consistent in his message to Congress and to the American citizens about the need to invest in the infrastructure.

"It has been fortunate for us to have him as secretary," Ferro said. "His message is clear, he's consistent and he's very matter of fact about it. And that's not new. He's been like that from the get-go."

## I-70 SPEED HARMONIZATION TEST CONSIDERED SUCCESSFUL

### Deaf Truck Drivers Can Now Apply for CDL Exemptions

The National Association of the Deaf says more than 20 deaf and hard of hearing truck drivers who submitted applications for an exemption from the DOT hearing requirements are now being considered for full Commercial Driver's Licenses.

As a result of ongoing advocacy, the NAD has convinced the U.S. Department of Transportation to consider waiving its hearing requirements for deaf drivers. The DOT has long required individuals seeking CDLs to satisfy physical qualification standards before becoming eligible to earn a CDL. Those standards include a requirement that unfairly barred deaf and hard of hearing people from driving commercial motor vehicles in interstate commerce, says NAD.

The 20 drivers submitted applications for an exemption from the DOT hearing requirements through the NAD in July 2011, and are now being considered for full CDLs, including CDL A and B to drive vehicles with and without airbrakes.

The exemption program is offered free of charge by the NAD to deaf and hard of hearing drivers. The NAD will submit applications to DOT on behalf of qualified drivers. Each driver will be asked to complete an application, and provide a copy of their state driving record and state driver's license.

More info: [www.nad.org](http://www.nad.org)

Results from the second Rolling Speed Harmonization effort in **SUMMIT/CLEAR CREEK COUNTIES** continues to demonstrate that it can be **utilized to improve safety**, reduce crashes and **ultimately improve traffic flow on Interstate 70 during heavier travel periods**. The **Colorado Department of Transportation (CDOT)**, in coordination with the **Colorado State Patrol (CSP)**, and **Silverthorne Police Department (SPD)**, conducted the test along a **27-mile segment of eastbound Interstate 70**, from Silverthorne to Empire Junction (U.S. 40), on Sunday, September 25. **Operations took place from 11:15 a.m. to approximately 3:15 p.m.**

This was the **second test** of the operation, a follow-up to one conducted on Saturday, August 13 along eastbound I-70 from Silverthorne to the EJMT, undertaken to analyze results along a longer segment and during a higher traffic period.

When **Rolling Speed Harmonization is underway**, a law enforcement vehicle **runs its emergency lights and merges ahead of traffic to pace vehicles and create more speed uniformity**. SPD paced from Silverthorne to the west portal of the Eisenhower/Johnson Memorial Tunnels (EJMT), then CSP from there to Empire Junction.

#### **Results from the second test included:**

- *Speeds averaged 55 mph (posted speed 60 mph) from Silverthorne to the EJMT; 50 mph (posted 50 mph) within the EJMT; and 60 mph (posted 65 mph) from the EJMT to Empire Junction. When traffic congestion occurs, the average speed along this 27-mile segment varies between 10 and 30 mph.\**
- *The data showed very high compliance among drivers and speed differentials between vehicles were reduced, even for vehicles traveling outside the paced group of vehicles – a key determinant since wide variations in speed lead to higher probability of accidents, and in turn, substantially increases congestion.*
- *Vehicle counts during the test period: 11 a.m. to 12 p.m. – 1,879; 12 p.m. to 1 p.m. – 2,068; 1 p.m. to 2 p.m. – 2,076; 2 p.m. to 3 p.m. – 2,125; 3 p.m. to 4 p.m. – 2,273*

**"It's interesting to note that after we concluded operations, vehicle speeds dropped significantly east of Empire Junction, from 60 to about 30 miles per hour,"** said CDOT Regional Transportation Director Tony DeVito. **"We began to see vehicles clumping together again,** which contributed to the congestion and slower speeds."

**"All of the data we're seeing** from the two test runs indicates that **Rolling Speed Harmonization can be used** as another tool for **maximizing capacity**, improving safety and **lowering the number of accidents**, which are a **big contributor to traffic congestion**," added DeVito. **"It's the congestion that leads to tunnel metering,** something we would like to reduce since it's an **inconvenience for I-70 travelers.**"

CDOT holds or **"meters" eastbound traffic** at the tunnel when **vehicle volumes exceed the capacity of I-70**. When **back-ups occur**, CDOT **stops vehicles** from entering the tunnel, **allowing traffic to clear**, before **releasing more traffic into the tunnel**.

**Rolling Speed Harmonization is expected to be implemented early in 2012**. It is projected to operate when **ski traffic is at its highest**, primarily on **Sunday afternoons**. **CDOT will continue to monitor** the results from its usage and **determine how often it should be put into operation**.



## MSHA's Accident Prevention Program Safety Idea

### Stay Seen — Stay Alive



During January 2000 - July 2011, there have been 76 fatalities due to miners being hit by surface and underground equipment. In addition to assuring proper communication between equipment operators and miners, miners and visitors should be **highly visible** with the use of **reflective material** on the clothing and hardhats.

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#### Surface Best Practices:

1. Use strobe lights or flags on smaller passenger vehicles to assure operators of large equipment can readily see them. ([see link](#))
2. Minimize situations where smaller vehicles need to approach large mobile equipment (e.g., arrange for haul truck drivers to have supplies available at the pre-shift meeting place, rather than having supplies delivered to the truck).
3. Wear reflective clothing which is highly visible (360 degrees) when the arms are up or down or when the body is in any position and even on top of hard hat.
4. All individuals in the work area should use two-way radio or other effective means communication.

#### Underground Best Practices:

1. Always wear reflective clothing to ensure high visibility including suitable hard hats with at least six square inches of reflective material on each side and back.
2. Notify the equipment operator of your intentions and get confirmation prior to moving to other areas around the equipment or leaving the work area.
3. Communicate your position to equipment operators. Before entering an area you normally would not enter, let the equipment operator know you are there and get acknowledgement you are seen.



**To be safe around all mobile equipment, the equipment operator must know where you are. Therefore, you should use any and all methods of communication to ensure this. Mine operators need to ensure their employees can **BE SEEN AND STAY ALIVE.****

## Working Safely Outdoors in Cold Weather

As the winter months approach, we must pay attention to anyone who might be working or playing in cold environments. Working in a cold environment can involve several adverse effects on human performance and health. Workers suffering from exposure to the cold can experience thermal discomfort, increased strain, decreased performance and cold-related diseases and injuries. Cold also can modify or aggravate the risk of common hazards and increase the risk of cold-associated injuries.

### HEALTH EFFECTS OF COLD

Cold temperatures have hazardous effects on humans and their ability to work well. When the body is exposed to cold temperatures, the negative effects can include dehydration, numbness, shivering, frostbite, immersion foot and hypothermia.

These negative effects are experienced first by the peripheral parts of the body and gradually progress to deep body tissues and the body core. When the body's core temperature drops below 95 F/35 C, it is defined as hypothermia, which along with frostbite is one of the more extreme dangers of prolonged work in cold environments.

Frostbite is a severe reaction by the skin to cold that can permanently damage fingers, toes, the nose and the ear lobes. Frostbite actually freezes and crystallizes the fluids in the body tissues and cellular spaces. This can damage the blood vessels, causing blood clotting and lack of oxygen to the affected area and deeper tissues. In severe cases, frostbite can kill and damage tissue to the extent that an amputation may be required.

Factors that influence how severe frostbite can be include the length of time an employee is exposed to the cold, the temperature outside, the wind chill factor (force of the wind), the amount of humidity in the air, dampness of clothing, high altitudes and whether the person has ingested alcohol or other drugs.

Alcohol and drugs can impair thinking, which can cause more damage due to lack of common sense in caring for the affected area. It also can cause further constriction of blood vessels, which prevents warm blood from reaching affected areas, worsening the frostbite. Frostbite can occur in just a few minutes if conditions are cold enough with a high wind-chill factor on unprotected body parts, for example, the ears.

Some employees are at higher risk of frostbite. Those at risk include older employees, those with circulation problems, anyone with a previous history of frostbite, those who ingest alcohol, use nicotine or take beta-blocker medications. Employees who have had a recent injury or blood loss also are at a higher risk of frostbite. Employees who do not take precautionary measures, such as wearing the appropriate protective clothing to prevent frostbite, also are at high risk. Training for all employees in the dangers of cold temperatures is essential.

### PREVENTION

As with any workplace hazard, prevention is key to protecting employees. Here are tips to prevent cold-related illness:

- Eat properly with plenty of carbohydrates and fats for energy and warmth prior to beginning work.
- Drink fluids. If a person doesn't get up in the night at least once to urinate then they are not drinking enough. Urine should be a pale yellow, straw-like color, not dark.
- Get enough sleep. Outdoor work is hard and cannot be done on only a few hours of sleep. Being well rested will make employees feel energized and positive.
- Remove any wet clothes immediately. They cause accelerated heat loss and impair movement.
- Insulate well, particularly the head and neck as these are the areas that lose the most heat the quickest.
- Wear proper winter clothing that insulates from the cold and lets perspiration evaporate while protecting from the wind, rain and snow. Protect feet and toes. Wear two layers of socks — cotton underneath a pair of wool socks is best — with a pair of well-fitted boots that come above the ankle.
- Hand protection is vital. Mittens are warmer than gloves, but can limit dexterity. Wear a pair of gloves under a pair of mittens for warmth, and remove mittens to use gloved fingers as needed.



**Read more about**  
**Symptoms, Assessing, Treating and Preventing**  
**adverse affects of working in cold weather.**

