



OSHA/CONSTRUCTION NEWS SUMMARY

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MONTHLY SAFETY TIP NEWS SUMMARY

USE OF GAS POWERED CUTOFF SAWS FOR CUTTING WOOD & WOOD PRODUCTS

Over the past year several of our workers have **suffered severe injuries** related to the use of **gas powered cutoff saws** (also referred to as demo saws, chop saws, partner saws, power cutters, etc). [Read more....](#)

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OSHA Comments on Whistleblower Protection Program Report

In response to the U.S. Government Accountability Office's report titled, "**Whistleblower Protection: Sustained Management Attention Needed to Address Long-standing Program Weaknesses**," OSHA Assistant Secretary of Labor, Dr. David Michaels, issued the following statement:

"**OSHA's Whistleblower Protection Program** exists because of a **decades-old belief** held by Congress, stakeholders, employers and society, that **whistleblowers play an essential role in protecting workers and the public. Whistleblowers can make the difference between lawful workplaces and places where workers fear for their livelihoods and even their lives if they raise concerns.**

"The **leadership** of the **Department of Labor** profoundly understands the **cornerstone position** that **whistleblower protections** have in the foundation of a **strong worker protection program.**

"With our available resources, **OSHA is working hard to ensure that whistleblowers are protected from retaliation.** We are in the process of a top-to-bottom review of **OSHA's whistleblower protection program.** This comprehensive review will **cover policy, resources, equipment and work processes.** The objective is to **identify any weaknesses and inefficiencies in the program** and improve the way we **conduct this very important activity.** In addition, we have hired additional personnel in the past year in an effort to **more efficiently process cases.**

"**OSHA has already begun taking action on items recommended in the GAO report, such**

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as requiring all investigators and their supervisors to complete mandatory investigator training over the next 18 months, setting strategic goals and performance measures for the whistleblower program, and providing new equipment to field staff.

"We are still studying other recommendations from the GAO, and appreciate their review and input."

OSHA enforces the whistleblower provisions of 19 laws protecting employees who report violations of various securities, trucking, airline, nuclear, pipeline, environmental, railroad, public transportation, workplace safety and health, consumer product safety, health care reform, and financial reform laws.

To read GAO's recommendations for executive action, visit <http://www.gao.gov/products/GAO-10-722>

Answers To Frequently Asked Questions about New Cranes and Derricks Rule Available Online

OSHA posted answers on its Web site to [Frequently Asked Questions](#) about its [new rule](#) addressing the use of cranes and derricks in construction. The FAQ provides information on subjects such as:

- how the rule was developed;
- how it will improve worker safety on construction sites;
- whether it requires crane operators, riggers and signal persons to be qualified or certified;
- and how it affects states with their own OSHA-approved safety and health plans.

OSHA Penalty Changes Coming in October

In a speech at the **Occupational Safety & Health Review Commission** annual judicial conference, Dr. David Michaels, Assistant Secretary of Labor for Occupational Safety and Health, **stated that OSHA will formally launch a new policy that increases proposed penalties.**

The **planned changes** to the **administrative penalty calculation system** were announced by **OSHA** earlier this year. Changes include:

- **History reduction will expand from three to five years.** An employer who has been inspected by **OSHA** within the previous five years and has no serious, willful, repeat, or failure-to-abate violations will receive a 10 percent reduction for history. Previously this was based on a three year period.
- **A new history increase will be established.** Employers that have been cited by **OSHA** for any high gravity serious, willful, repeat, or failure-to-abate violation within the previous five years will receive a 10 percent increase in their penalty, up to the statutory maximum.
- **The time period for repeat violations will be increased** from three to five years.
- **Area Director/Informal Conference reductions will be changed.** Any changes over 30 percent penalty reduction will have to be approved by the Regional Administrator. In addition, **OSHA** will no longer allow penalty adjustments to an employer at an informal conference where the employer has an outstanding penalty balance owed to **OSHA**.
- **High gravity serious violations related to standards identified in SVEP** will be citable as separate violations.
- **A gravity-based penalty determination will be adopted**, providing for penalties between \$3,000 and \$7,000.
- **Size reductions will be lessened.** Employers with 1-25 employees will be eligible only for a 40 percent penalty reduction, down from 60 percent. Employers with 26-100 employees will be eligible for a 30 percent reduction, down from 40 percent. Employers with 101-250 employees will be eligible for a 10 percent reduction, down from 20 percent.

- **The current good faith procedures** will be retained.
- **Final penalties will be calculated serially**, unlike the present practice in which all of the penalty reductions are added and then the total percentage is multiplied by the gravity-based penalty to arrive at the proposed penalty. For comparison, this change would result in an increase of approximately 50 percent to a moderate gravity penalty.

To read Dr. David Michaels speech, click [here](#).

For more information on the penalty structure visit

<https://www.kelleronline.com/pdf/files/567048.pdf>

OSHA Changes Policy to Improve Outreach Training Program

To help ensure that workers retain important information that may prevent injuries, illnesses and deaths, **OSHA** has revised its [Outreach Training Program Guidelines](#). Effective immediately, authorized trainers are **required to limit courses to a maximum of 7½ hours per day...all 10-hour courses** must be taught over a **minimum of two days and 30-hour courses over a minimum of four days**. Exceptions **will only be granted** in extremely extenuating circumstances, not including cost savings, trainer availability, time limits, or missing work.

Previously, **OSHA** had no requirements for **how long** these classes should last each day. However, concerns that **students might miss essential safety and health training** if their **focus decreases** after 10 hours of instruction, as well as other issues, have prompted the change in policy.

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Better Safe Than Sorry: Order PSP Data to Correct Any Mistakes

In May, **PSP (Pre-Employment Screening Program)** information became available to drivers and motor carriers. **PSP** information consists of records from the **Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Information System (MCMIS)** and contains the most recent five years of crash data and three years of roadside inspection data from the **FMCSA MCMIS** system.

You have no doubt been hearing and reading about **CSA2010**. This **PSP** information affects a motor carrier's score, so this may become an important component of their screening process.

This availability is brand new: it is not known how many carriers will order the information, how the information will affect eligibility for hire and how often a particular carrier will use it.....will they order it on every driver applicant, only drivers they are prepared to hire or somewhere in between.

In the early 1980s, computerized **MVRs** arrived on the scene; the late 1980s brought **DAC employment history reports**; in the early 1990s, criminal records began to be used. Outside of a few other, less important screening reports, not much has changed in the past decade or so. So this information will probably affect drivers' eligibility for employment more than any other new information that has arrived in a decade. It should be noted that motor carriers are **NOT** required to obtain this information when hiring drivers — it is up to their discretion.

A recommendation to **DOTJobHistory** driver members has been that, like your driving record, **infraction/misdemeanor/felony** records, **DAC**, and **employment** information, you should obtain PSP information, see what it says and correct any errors. **DOTJobHistory** members can log into your account at dotjobhistory.com, click on "Order PSP Report" and read more or

order your report. If you are not registered with **DOTJobHistory**, it is still recommended you obtain your report. **The cost of the report is \$10...**turnaround time is typically immediate. If you **do find errors** or **misinformation on your report**, all requests to correct information must be handled by the **FMCSA** within the Department of Transportation.

Again, it remains to be seen how critical a driver's **PSP report will be** to his eligibility for driving employment. On the one hand, **motor carriers are not required to order the information**; it's not cheap and insurance companies **will not be able to order PSP reports as they can do with MVRs** (driving records). On the other hand, **insurers may review carrier driver qualification files** while "suggesting" to their **insured carriers** that they obtain this information **prior to hire** and follow their **underwriting guidelines** regarding same.

In spite of these unknowns, it would be **advisable to obtain all your information** including your **PSP report**. If there are errors, **correct them.....**if the information is not good, **know what you're dealing with**. If the information **is** good — **use your information to get the job you desire**.

New HOS Rule May Shorten Driving Time, Extend Rest Period

The new federal **hours-of-service rule** due to be unveiled shortly is likely to **trim one hour of maximum driving time**, and **extend the rest period necessary** to initiate a new workweek, according to the Truckload Carriers Association chairman, John Kaburick.

The new rule — the result of a **lawsuit filed by opponents of the current rule** — is expected to **cut to 10 the number of hours** a driver can be behind the wheel, and **extend to 40 hours, from the current 34**, the time needed to restart the clock.

"Most likely there'll be another lawsuit" after the revision is released. While the **current rule has been overturned by federal courts on two occasions**, it is **still in place** pending resolution on the revision.

FMCSA Eyeing Broader EOBR Mandate

The **Federal Motor Carrier Safety Administration** is eyeing a much broader mandate than originally thought as part of its upcoming expanded **electronic onboard recorder** proposal, according to several officials who spoke with Transport Topics.

"I would say chances are **more than 50%** they can make it work," said one official who told TT that the **agency was working** to have a **future mandate** apply **"to more carriers than were outlined"** in the first **EOBR** final rule.

Published in April, **FMCSA** applied a mandate to carriers that **show a poor record of compliance** with the **hours-of-service rules** in a single compliance review, but said that **in a future rulemaking**, hazardous materials carriers and new trucking companies may be **subject to a future, broader mandate** because of the **"potential safety risks"** they present.

"**It is all a political discussion now,**" the official said, adding that the agency feels, **"a broader mandate makes sense — it's just whether they can justify the cost-benefit."** That analysis **"depends on the assumptions that you make,"** the official said.

Specifically, the official said **FMCSA** was hoping that **in order to drastically increase the number of carriers required to use an EOBR**, the market will come up with a **low-cost, minimally functional device**.

DOT Announces Broader Texting Ban for Hazmat Drivers

Transportation Secretary Ray LaHood said the **federal government would seek to ban text messaging by all drivers hauling hazardous materials**. "We're initiating a new rulemaking that will limit commercial truck drivers' use of all electronic devices while **transporting hazardous materials.**" **The rule will take effect 30 days after it is published in the Federal Register.**

A DOT spokeswoman said that the **new proposal was necessary** because the **FMCSA** only has the **authority to ban texting by interstate carriers**, while the **Pipeline and Hazardous Materials Safety Administration** can regulate **intrastate hazmat carriers**. [Read the previous story here](#)

Carrier Groups Hit New Hazmat Rule



Several trade groups told federal regulators that **requiring more detailed information on applications** for special permits to **haul hazardous materials** will **not increase hazmat safety** and **will increase** the paperwork burden on applicants.

Officials with the **Pipeline and Hazardous Materials Safety Administration** said the proposed rule was **designed to strengthen oversight** of its special permits program, as the new rule **calls for applications to include** such information as an **estimate of the number of operations expected** or the number of shipments expected to be **transported under the special permit**.

"The proposed revisions will enable **PHMSA** to better evaluate the **fitness of an applicant**, including its ability to safely conduct the operations that **may be authorized** under a special permit," the rule said.

The **Association of Hazmat Shippers** said that while special permits are **"essential to progress and to our economy,"** the **"adversarial nature** of this proposal toward industry is a **serious step in the wrong direction.**"

"We are well aware of **legislative parties** and **DOT personnel** who continue to **misunderstand how important these authorizations are to jobs,**" wrote Lawrence Bierlein, **AHS's general counsel**. "We also sense they are **indifferent** about the **harm their misunderstanding causes** to a program that has operated for decades with a **remarkable safety record.**"

American Trucking Associations also disputed **PHMSA's** claim that the new rule would **streamline the process and make hazmat transit safer**. **"Any additional information required of the special permit applicant will increase the costs** to the applicant and result in an **increase in the agency's resources** necessary to evaluate the special permit application," wrote Richard Moskowitz, **ATA's vice president and regulatory affairs counsel**.

MSHA Issues Safety Alert and Fatality Update

To draw **renewed attention** to deaths that have occurred this year in **mines throughout the country**, the **Mine Safety and Health Administration** issued a **safety alert and fatality update** to the mining industry. The information not only **details the year's mining deaths**, it offers **best practices** to prevent additional deaths. There are also **links to posters** that operators can **print and install at their mining operations**.

"**While headlines** continue to focus on the **disaster** at Upper Big Branch Mine, **we cannot lose sight** of the fact that **other miners are losing their lives at our nation's mines**," said Joseph A. Main, assistant secretary of labor for mine safety and health. "**Since the beginning of this year**, 28 other miners **from all sectors of mining** have died in fatal accidents. We must take action to **prevent additional fatalities**."

MSHA compiled data on the **most common causes of mining deaths** in 2010:

- Eight miners were killed when they were struck by moving or falling objects
- Roof falls and rib rolls crushed seven miners
- Six miners were killed while working in close proximity to mining or haulage equipment
- Three more miners lost their lives in explosions and fires
- Another miner was killed when he was caught inside rotating machinery

Eight of the dead miners were contractors, including:

- One who fell to his death
- One who was killed when his truck went through a berm and over a high wall
- One miner drowned in a dredge pond

According to **MSHA**, inspectors will be **especially mindful** of these issues **while performing inspections**. They will talk to miners and mine supervisors in operations throughout the country to **discuss these types of fatalities and the ways to prevent them**.

Off-Road Tire Fires

Two recent fires occurred that involved front-end loaders. These fires **proved very dangerous to miners and fire fighters** because the **off-road tires exploded**, resulting in a **dangerous release of energy**. Large off-road tires can throw debris **900 feet** when they explode. Although the exploding tires did not injure anyone during these accidents, **one front-end loader operator received burns and injuries when he jumped from the loader**.

Fires can also start inside tires **when torches or welders** are used in the **dangerous practice of heating wheel components while the tire is still mounted**. Several years ago, two internal tire fires and **subsequent explosions** resulted in a **fatality in both accidents**.

Miners and firefighters must be aware of the danger and know how to **properly respond to a fire involving large off-road tires**. SAE International, a standards developing organization consisting of **technical experts from government, industry, regulatory agencies, and academia**, has published an informational report that "**provides guidelines to help prevent tire fires, provide guidance for immediate action by equipment operators and subsequently by firefighting personnel**."

SAE J2828, Off-Road Tire Fire Handling Guidelines, available at [SAE International](http://www.sae.org), provide specific information **to help ensure the safety** of the machine operator, rescue personnel, and firefighters in the event of an off-road tire fire. It also provides information on the **causes, and ways to reduce the likelihood** of tire fires. **MSHA** is also providing a limited number of free copies of this report to **mine fire brigades and local fire departments** that respond to machine fires on mine properties. Please contact Jim Angel at 304-547-2064 or Angel.James@DOL.GOV.

To **reduce the risk** of tire, accumulator explosions, and **machine fires in general**, **MSHA** encourages mine operators to **regularly inspect** machines for potential fire hazards such as abraded hydraulic hoses, exposed electrical conductors, and accumulations/leaks of combustible material/liquids. **More information is available on machine fire risks at the NIOSH Mining [website](http://www.niosh.gov)**.

MSHA Takes Step Towards Safety and Health Management Proposed Rule

The **Mine Safety and Health Administration (MSHA)** will hold three public meetings to **gather information** about effective, comprehensive safety and health management programs at mines. **The information from the meetings** will be used to **develop a proposed rule** that will allow miners and operators to be **proactive in their approach to health and safety.**

The public meetings will **include presentations of model programs on best practices for safety and health** by representatives from academia, safety and health professionals, industry organizations, worker organizations, and government agencies. **The model programs must be designed to prevent injuries and illnesses;** maintain compliance with the **Federal Mine Safety and Health Act,** safety and health standards and regulations; and include **participation** of everyone from the **Chief Executive Officer (CEO) to workers and contractors.** **MSHA** is **particularly interested** in information on programs which **include active involvement of workers** from the **development** of the program **through implementation to evaluation.**

The meetings will be held on **October 8, 2010** in Arlington, Virginia, **October 12, 2010** in Sacramento, California, and **October 14, 2010** in Pittsburgh, Pennsylvania. **All comments must be received by midnight Eastern Standard Time on December 17, 2010.**

Requests to present at a meeting may be made by telephone (202-693-9440), facsimile (202-693-9441), or mail (MSHA, Office of Standards, Regulations and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209-3939).

The meetings will be **conducted in an informal manner.** Presenters and attendees may **provide written information** to the court reporter for **inclusion in the rulemaking record.** **MSHA** will make transcripts of the meetings **available on MSHA's Web site <http://www.msha.gov>,** and include them in the rulemaking record.

For more information, visit <http://edocket.access.gpo.gov/2010/pdf/2010-22403.pdf>



SOURCES FOR THIS ISSUE INCLUDE

www.MSHA.gov Kelleronline
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USE OF GAS POWERED CUTOFF SAWS FOR CUTTING WOOD & WOOD PRODUCTS

Over the past year several workers have **suffered severe injuries** related to the use of **gas powered cutoff saws** (also referred to as demo saws, chop saws, partner saws, power cutters, etc). During the investigation it has been discovered **that the manufacturers of these saws do not recommend the use of these saws for cutting wood or wood products.** These saws are **designed to cut concrete, asphalt, stone masonry, most types of metals and rubber, plastic, etc.**

In every case, the injuries **were sustained when the user attempted to cut wood with the cutoff saw.** Even though most contractors use cutoff saws to cut nearly everything on the jobsite, **cutoff saws are not designed to cut wood.** The **blade/wheel is exposed, the blade/wheel does not possess a brake that stops rotation when the trigger is released** and the saw can bind and/or kick-back when cutting wood. **Manufacturers of these saws do not recommend using wood cutting blades and/or cutting wood or wood products with any type of blade in a cutoff saw.**

There are several different manufacturers of cutoff saws. These include, but are not limited to: Stihl, Partner, Husqvarna, Makita, Shindawa & MultiQuip.

Stihl specifically states in their operators manual: “Never use circular saw blades, carbide tipped blades, rescue blades, wood-cutting blades or toothed blades of any nature” and “Do not cut any type of wood or any other material for which the wheel is not authorized,” and finally, “Never cut any type of wood. Reactive forces can cause severe personal injury from blade contact or thrown tips.”

- Share this Safety Alert with crews and subs to ensure compliance and safe use of gas cutoff saws.
- Locate any of these saws on your project(s) and ensure that the proper blades are being used (no wood cutting blades, carbide tipped blades, etc) and that the saws are not being used to cut wood.
- If wood or wood products are being cut with these saws, obtain a saw designed to cut wood such as a circular saw, saws-all or chain saw. Be sure users are properly trained in the safe use of the saw.
- Safety Managers should audit and document compliance. **Gas powered cutoff saws are very powerful and if used incorrectly, very dangerous. Obtain a copy of the operator’s manual** for the saw{s} in use at your jobsites and review the safety guidelines in the manual with crews and/or personnel using these saws. If you cannot locate the manual that came with the saw(s) that you are using at your jobsite, manuals are available online from the **manufacturer.** If you cannot locate them, contact your safety manager and they will obtain them for you.

Here are a few guidelines for the safe use of gas powered cutoff saws:

- **Operating a cutoff saw can be very strenuous & dangerous** – be sure the operator is in good physical and mental condition and aware of safety guidelines that must be used while operating the saw.
- **Inspect the saw and work area before use.** Be sure the blade/wheel is in good condition and appropriate for the material to be cut. If sparks will be generated, be sure they are not going to be a fire hazard.
- **PPE must be used:** Hardhat, gloves, boots, long pants, shirt, safety glasses, shields and if necessary, a respirator.
- **Never “drop-start” the saw and do not walk around while the saw is running** or while the blade/wheel is turning.
- **Maintain a firm grip** – use both hands while operating. Be sure co-workers are not exposed to flying particulate.
- **The wheel guard is adjustable.** Be sure the back of the guard is adjusted to meet the material being cut and that the guard is deflecting material away from the operator.

- **Blades/wheels are designed for radial pressure only.** Do not use the wheel as a grinder or apply lateral forces to a wheel. Do not drop/drive the wheel or blade into any material and be sure to check the wheel for damage if the saw is dropped.
- **Kickback & Binding can cause serious injury!** Hold the saw firmly and maintain good footing. Keep your body clear of the cut and avoid standing in a direct line with the wheel – position yourself off to the side. Do not stand or lean directly over the top of the saw during the cut.
- **When applicable, before cutting begins, position the materials to be cut in a manner to avoid binding.** Use extreme caution when re-entering a cut.

