

**OSHA / CONSTRUCTION NEWS SUMMARY****OSHA Issues Compliance Directive to Address Workplace Violence**

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And pay \$930,000 after violating [Whistleblower Protection Provisions](#)

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TRANSPORTATION NEWS SUMMARY**Mica Says He Will Challenge Any Changes to Hours Rule**

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*Follow-up to **Brake Safety Week** held Sept. 11-17.... **Operation Air Brake*** [Read more....](#)

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MONTHLY SAFETY TIP NEWS SUMMARY

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In 2010, 1,331,500 fires were recorded in the United States, killing 3,120, injuring 17,720 and costing \$11.6 billion in property damage.

October is **National Fire Safety Month**. Is your facility ready?

Take this opportunity to review fire safety tips with your employees to help keep them safe on and off the job. [Read more....](#)

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OSHA Issues Compliance Directive to Address Workplace Violence

OSHA issued a new directive, [Enforcement Procedures for Investigating or Inspecting Incidents of Workplace Violence](#), that establishes uniform procedures for OSHA field staff for responding to incidents and complaints of workplace violence and conducting inspections in industries considered vulnerable to workplace violence, such as healthcare and social service settings, and late-night retail establishments. Violence against co-workers, supervisors, or managers by a current or former employee, supervisor, or manager may also be of concern. Workplace violence is a serious recognized occupational hazard, ranking among the top four causes of death in workplaces during the past 15 years. More than 3,000 people died from workplace homicide between 2006 and 2010, according to the Bureau of Labor Statistics (BLS). BLS data also shows that more than 15,000 nonfatal workplace injury cases were reported annually during this time.



OSHA launched a new [Workplace Violence Web page](#) and has published several workplace violence guidance documents. See

more information on the scope of workplace violence, high-risk industries, and inspection procedures. See the [news release](#).

B of A ordered to hire back employee...

And pay \$930,000 after violating Whistleblower Protection Provisions

OSHA found Bank of America Corp. to be in violation of the Whistleblower Protection Provisions of the Sarbanes-Oxley Act in a case involving a former employee of Countrywide Financial Corp., which merged with Bank of America in July 2008. OSHA found that the company had terminated an employee for leading internal investigations that revealed widespread and pervasive wire, mail and bank fraud involving Countrywide employees. The company was ordered to hire back the complainant and pay her approximately \$930,000, which includes back wages, interest, compensatory damages, and attorney fees.

Read more about "Whistleblower Protections" ►

OSHA / CONSTRUCTION

OSHA Takes Steps Towards Gaining Consistency, Quality in Whistleblower Investigations

To help ensure consistency and quality of investigations, OSHA released its newest edition of the [Whistleblower Investigations Manual](#). The new edition contains updates to case handling procedures, information on new laws enacted since 2003, and other information that will guide the program. To date, OSHA has responsibility for investigating whistleblower complaints under 21 statutes, each containing various differences and distinctions in the way the cases are processed and investigated. [See more information.](#)

Significant changes include:

- A requirement that investigators make every attempt to interview the complainant in all cases.
- Clarification that whistleblower complaints under any statute may be filed orally or in writing, and in any language, and that OSHA will be accepting electronically-filed complaints on its [Whistleblower Protection Program website](#).
- Additional clarifications of the investigative process including method and recording of interviews, and processing of dually-filed 11(c) complaints in state plan states.
- New chapters for processing complaints filed under Federal Railroad Safety Act (FRSA), 49 U.S.C. §20109, National Transit Systems Security Act (NTSSA), 6 U.S.C. §1142, and Consumer Product Safety Improvement Act (CPSIA), 15 U.S.C. §2087, as well as significant updates to the Surface Transportation Assistance Act (STAA) and Sarbanes-Oxley chapters, which incorporate statutory amendments and developments in the law.
- Expanded guidance on dealing with uncooperative respondents and issuing administrative subpoenas during whistleblower investigations.

21 whistleblower statutes:

- Section 11(c) of the Occupational Safety and Health Act;
- Asbestos Hazard Emergency Response Act;
- International Safe Container Act;
- Surface Transportation Assistance Act;
- Clean Air Act;
- Comprehensive Environmental Response, Compensation and Liability Act;
- Federal Water Pollution Control Act;
- Safe Drinking Water Act;
- Solid Waste Disposal Act;
- Toxic Substances Control Act;
- Energy Reorganization Act;
- Wendell H. Ford Aviation Investment and Reform Act for the 21st Century;
- Corporate and Criminal Fraud Accountability Act, Sarbanes-Oxley Act;
- Pipeline Safety Improvement Act;
- Federal Railroad Safety Act;
- National Transit Systems Security Act;
- Consumer Product Safety Improvement Act;
- Affordable Care Act;
- Consumer Financial Protection Act of 2010, Section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010;
- Seaman's Protection Act, as amended by Section 611 of the Coast Guard Authorization Act of 2010; and
- FDA Food Safety Modernization Act.

OSHA Awards \$10.7 Million in Susan Harwood Safety, Health Training Grants

To assist employers and workers in **obtaining the training and education needed** to ensure safety and health, **OSHA** announced that \$10.7 million in Susan Harwood Training Grants were **awarded to 37 new and 32 returning recipients**, including **nonprofit and community/faith-based groups**, business and trade associations, **labor unions**, joint labor/management associations, and **colleges and universities**.

According to **OSHA**, the Susan Harwood Training Grant Program **supports in-person, hands-on training and educational programs for workers and employers** in industries with **high injury and fatality rates**; workers who are **young**, have **low literacy or limited English proficiency** and/or are **otherwise vulnerable**; and **small business employers**.

Twenty new organizations have been awarded a total of **\$3.2 million in Capacity Building Developmental Grants** to develop their **expertise and capacity to provide occupational health and safety training and education for their constituents**. Five organizations have received a combined \$400,000 for **pilot grants to lay the groundwork for self-sufficient safety and health education programs**.

OSHA also has **awarded approximately \$1.3 million** total to 10 organizations as **Targeted Topic Training Grants** and \$100,000 to **two organizations** in the form of **Training and Educational Material Development Grants**. Both grant types require that **recipients address occupational safety and health topics** designated by **OSHA**, and both support the development of **quality training materials** and programs that **address workplace hazards** and prevention strategies.

Additionally, a **total of approximately \$5.7 million** has been awarded to **32 of last year's Capacity Building Developmental Grant recipients** that **demonstrated satisfactory performance**.

"The programs **funded by these grants** are unique in **providing hands-on training** to workers in **dangerous jobs**. They will have a **long-lasting, positive impact on workplace safety and health**," said Assistant Secretary of Labor for **OSHA** Dr. David Michaels.

The **grants** are named in honor of **Susan Harwood**, a former director of the **Office of Risk Assessment** in **OSHA's health standards directorate**, who died in 1996. This grant program is an **important component of OSHA's efforts to provide workers in high-risk industries with training about job hazards and their rights**. It also **provides employers with crucial information about unsafe working conditions, mitigation strategies and their responsibilities** under the **Occupational Safety and Health Act of 1970**.

See a [list](#) of 2011 Susan Harwood grant awards.

Michaels Addresses World Congress For Safety and Health at Work



OSHA Assistant Secretary Dr. David Michaels **delivered a video address** to attendees of the **XIX World Congress for Safety and Health at Work** held Sept. 11-15 in Istanbul, Turkey. The **goal of the World Congress** is to **ensure the opportunity for the exchange of new information on occupational health and safety** with the aim of **introducing a culture of workplace injury and illness prevention worldwide**.

The **conference is attended by occupational safety and health researchers and practitioners, national authorities, policy makers, social security institutions and employers' and workers' organizations**.

In his remarks, Michaels **spoke of shared challenges and responsibilities for improving global worker protections**, especially as **economies become increasingly linked** and as more employers **take on multinational dimensions**.

"In a **globally competitive marketplace**, we **can't afford to have wasteful, inefficient industries**, and **nothing is more wasteful than workers who are sickened, injured and die from preventable hazards**," said Michaels.

OSHA Celebrates 40 Years of Helping to Ensure Healthier Workers, Safer Workplaces and a Stronger America

Throughout 2011, OSHA is presenting a series of materials and activities to celebrate the agency's 40th anniversary. Visit the **OSHA at 40 Web page** for resources including a **short video** using old and new footage to highlight key moments in the agency's history, an **interactive timeline** and a commemoration of the 1911 **Triangle Shirtwaist Factory fire**. The page also links to an **anniversary message** from OSHA Assistant Secretary David Michaels as well as a video of his participation in a **panel discussion** on the nation's progress in worker safety and health over the past forty years and the challenges that lie ahead.

Mica Says He Will Challenge Any Changes to Hours Rule

4 GOP lawmakers say they will 'intervene' if FMCSA changes HOS rules

Rep. John Mica, chairman of the House Transportation and Infrastructure Committee, warned President Obama that he will challenge any changes to the current hours of service rules.

"We will aggressively oversee any attempt by the U.S. Department of Transportation to impose new regulatory burdens on the trucking industry by making changes to the current hours of service rules," Mica and three fellow Republicans wrote in a Sept. 23 letter to the president. (*Signing the letter with Mica were Reps. John Duncan, R-Tenn., chairman of the Highways and Transit Subcommittee, Bill Shuster, R-Pa., and Sam Graves, R-Mo.*)

The Federal Motor Carrier Safety Administration has been working on revisions to the rule for two years and is scheduled to post its final version Oct. 28. Whether it will meet that deadline remains to be seen. The final rule was slated to be sent to the White House Office of Management and Budget Aug. 30, but it still is being reviewed in the secretary's office at the Department of Transportation.

The agency is revising the rule in order to resolve a long-running legal fight with Public Citizen, the Teamsters union and other groups. Twice since 2003 these groups won rulings in which the court ordered the agency to tighten work hours, and each time the agency came back with a defense of the rule. Then in 2009 the agency reversed course, agreeing to revisit the rule while Public Citizen suspended its suit. Public Citizen reserved the right to renew its suit if it does not like the new rule.

Proposed changes

The agency has proposed many changes, key among them a possible reduction in daily driving time from 11 to 10 hours.

Another proposed change would give drivers a one-hour break during the day by limiting actual duty time within the 14-hour driving window to 13 hours.

And a third significant change would modify the 34-hour restart to include two periods between midnight and 6 a.m., to be used only once a week.

The trucking and shipping community view these possible changes with alarm, arguing that they will do nothing to improve safety and will add significant costs to doing business.

Mica's letter presents the industry's view of the issue. He and his colleagues say they have seen no evidence that the current rules, which have been in effect for seven years, need to be changed. Truck safety has been improving since the rules went into effect, and the proposed changes would lead to more trucks and drivers on the road, they say.

"The last thing our government should be doing is artificially increasing the costs of almost every consumer good with unneeded regulation."

Industry objections

The letter picks up on themes that American Trucking Associations has been sounding for the past couple of years.

ATA senior vice president Dave Osiecki earlier this month told the Office of Management and Budget that if the proposed rule becomes final it will lead to lower wages for hundreds of thousands of drivers, greater costs for carriers and billions in lost productivity.

In a letter to Cass Sunstein, administrator of information and regulatory affairs at OMB, Osiecki applauded the Obama administration's commitment to streamlining regulatory requirements and eliminating red tape. The pending hours rule is a prime candidate for OMB review in light of this commitment, Osiecki said.

Osiecki said he is scheduled to meet with OMB officials on Oct. 7 to discuss the issue.

"I'm optimistic that they are going to be open-minded and perhaps communicate with FMCSA about their concern," he said.

What's next

It is difficult to predict which way this will go. If the agency decides to keep the changes it has proposed, ATA will sue, Osiecki said. And if it sticks with the rule as is, Public Citizen will renew its suit. A final rule that falls somewhere in between could lead in any direction.

If ATA sues, the process will begin with a request for a stay of the new rule pending completion of judicial review, Osiecki said.

Court review of a case like this typically takes a year to 18 months, said Ken Siegel, a veteran transportation attorney with the Washington, D.C., firm of Strasburger and Price. On top of that, if the rule contains significant changes, the agency is likely to schedule a year or two for implementation, he said.

Meanwhile, carriers are considering the operational changes they might have to make if the proposed changes actually go into effect, three to four years from now.

The proposed HOS rule was included on the Obama administration's list of Proposed Regulations from Executive Agencies with Cost Estimates of \$1 Billion or More.

Under federal law, the FMCSA is not allowed to comment on any matters pertaining to a proposed rulemaking.

More FMCSA News

Who's Not Suing the FMCSA?

Industry, labor and safety groups challenge the agency on multiple fronts....

If rule-making at the **Federal Motor Carrier Safety Administration** continues this fall the way it's been going, the agency may need electronic on-board recorders to keep track of its own legal team.

A full slate of regulatory initiatives and programs is creating a new array of court challenges as the agency approaches deadlines for key measures that, taken together, would remake important segments of trucking operations.

The agency already is engaged in a legal battle with the **Owner-Operator Independent Drivers Association** over its attempt to require some carriers to install electronic onboard recorders on their trucks. Now the agency is the target of a Teamsters lawsuit attacking its cross-border trucking deal with Mexico.

Looming is an even bigger battle over what is arguably the **FMCSA's** most ambitious regulatory goal: truck driver hours-of-service reform.

The agency is almost certain to face a legal challenge from the trucking industry or labor and safety advocates when it releases its final HOS rule in October.

The conflict could wind up in Congress this year, as it did in 2000, when Republicans killed a Clinton-era driver HOS proposal by stripping funding for the rule-making from the then-new **FMCSA**. In 2004, Congress again stepped in to keep the 11-hour HOS rule in place while the **FMCSA** drafted a new court-ordered rule.

This time, Republicans may add the **FMCSA's** driver hours rule to a growing list of federal regulations they claim kill jobs by imposing higher costs on businesses.

President Obama included the HOS proposal in an Aug. 30 letter to Speaker of the House John Boehner, R-Ohio, listing pending regulations that would **Cost Businesses \$1 Billion Or More**.

The final HOS rule also could become embroiled in the fracas over federal transportation spending and the reauthorization of a multiyear transportation bill, which could prove an attractive vehicle for language limiting the **FMCSA's** rule-making reach.

Nearly 150 members of Congress already are on record opposing the **FMCSA's** proposal to drop the daily driving limit from 11 to 10 hours and eliminate the provision that allows truckers to reset their weekly clocks after 34 hours off-duty.

The American Trucking Associations is urging the Office of Management and Budget to bring "a very high level of scrutiny" to the **FMCSA's** final rule, arguing the proposed rule released last year would reduce wages for drivers and raise costs for trucking companies, adding up to billions of dollars in lost productivity.

"These inefficiencies and costs would deal a serious and sustained blow to the huge 'tangible goods' economy that trucking supports, affecting not only shippers of freight but ultimately consumers," ATA said in a letter to Cass Sunstein, administrator of the OMB's Office of Information and Regulatory Affairs.

The debates over hours-of-service and electronic on-board recorders, or EOBRs, are closely linked. The **FMCSA** wants more carriers to use on-board devices to electronically log driver hours-of-service, eliminating paper logbooks and, presumably, creating records of driver activities that are more detailed and reliable.

An EOBR mandate of some type has been under consideration since 2003. The **FMCSA's** goal is to reduce or prevent the falsification of driver records, increase compliance with the rules and improve safety.

But **OOIDA** argues mandating the use of EOBRs violates drivers' privacy rights and could lead to harassment by dispatchers. "Companies can and do use technology to harass drivers by interrupting rest periods, regardless of how fatigued they are" said Todd Spencer, **OOIDA's** executive vice president. "They can put on pressure to get back on the road to get the most of his or her on-duty time."

The potential for harassment was behind the Aug. 26 decision by the U.S. Court of Appeals for the 7th Circuit overturning a limited EOBR mandate the **FMCSA** introduced last year. That rule would require carriers found to have more than 10 percent of their driver logs in violation of the HOS rules to install EOBRs in all of their vehicles. The **FMCSA** has ordered some carriers to install EOBRs.

But the appellate court found the agency didn't do enough to meet its legal obligation under the 1988 Truck and Bus Regulatory Safety and Regulatory Reform Act to ensure the devices "are not used to harass vehicle operators."

"The word 'harass' appears only once in the entire rule-making," the court said in its decision. "The agency should have revealed how it drew the line between legitimate measures designed to assure productivity and forbidden measures that harass." The court suggested a study comparing companies using EOBRs with others that don't to "measure any effect that requiring EOBRs might have on driver harassment."

The EOBR decision echoed the **FMCSA's** legal struggles over the past decade as the agency changed its hours-of-service rules. Federal courts struck down the **FMCSA's** new rules twice, and another challenge ended in a settlement with the Teamsters union and Public Citizen and the agency's current rule-making.

The court's decision also set another hurdle for the **FMCSA** to leap in crafting a final rule that would require all interstate carriers to use EOBRs. The agency on Jan. 31 proposed a rule that would give truckers three years to comply with a mandate.



CVSA says: "Brakes Top Out-of-Service Violations" *Follow-up to Brake Safety Week held Sept. 11-17....* Operation Air Brake

Purpose

Operation Air Brake is an ongoing effort of an international truck and bus brake safety campaign dedicated to improving commercial vehicle brake safety throughout North America.

Objective

Reduce the number of highway crashes caused by faulty braking systems on commercial vehicles by conducting roadside inspections and educating drivers, mechanics and others on the importance of proper brake inspection, maintenance and operation.

Have You Checked Your Brakes Today?

Out of adjustment air brakes and brake system defects constitute the major defect areas resulting in commercial vehicles being placed out of service. Poorly adjusted or defective air brakes reduce the braking capacity for large vehicles and further inhibit their stopping distance. Under ideal conditions, the braking capacity of commercial vehicles is twice as far as that for cars and other smaller vehicles. This increases the risk to other users of the road and the driver (or his/her passengers) of the vehicle itself. In a matter of a few minutes a driver can easily adjust air brakes equipped with manual slack adjusters and check for other brake-related defects.

It is the opinion of professionals in the enforcement, regulatory and training business that the primary causes for drivers not adjusting brakes is a lack of education and not having the proper commitment to safety. A good number of drivers are trained to adjust brakes but simply choose not to adjust them, or are not certified to do so.

Over the past few years there has not been a significant change in the rate of vehicles taken out of service for poor air brake adjustment or other brake related defects. Traditional enforcement methods, through the North American Standard Inspection Program by themselves, are having a reasonable impact in helping to remove dangerous vehicles off the road. However, much more needs to be done.

In order to reduce the out of service rate for brake defects, a more comprehensive campaign has been developed, called Operation Air Brake. This Selective Traffic Enforcement Program (STEP) model has been used successfully in other areas of traffic concerns (most notably seat belt usage), and it is expected that a campaign using this model will be effective in addressing the issue of brake defects. The Operation Air Brake Campaign was developed and initiated by Canada in 1998.

Industry Involvement is Critical

The motor carrier industry, through its associations/lobby groups, to partner in this campaign. Industry partners will be expected to keep confidential any information that would compromise the success of the program, (such as the dates for the unannounced brake check days).

Activities

- ▶ CVSA-certified inspectors conduct roadside inspections of commercial vehicles and their drivers with an emphasis on braking systems.
- ▶ CVSA-certified inspectors are encouraged to meet with drivers at truck stops and other locations where drivers and mechanics congregate. The inspectors would conduct inspections of commercial vehicles in an effort to instruct and educate drivers on the inspection procedure and the operation of the braking systems. This is an educational, not an enforcement event.
- ▶ Educational brochures are available both at the roadsides and at locations (such as truck stops) where inspectors would meet with drivers and mechanics.
- ▶ Jurisdictions are encouraged to use other means to educate and emphasize the importance of proper brake inspection, maintenance and safety.
- ▶ Inspectors are encouraged to meet with trucking company officials (such as safety directors) and truck stop operators to arrange for demonstrations of maintaining safe brakes.
- ▶ Jurisdictions are encouraged to get industry involved in the event, such as the state or provincial trucking association.
- ▶ News releases, television and radio interviews take place in an effort to promote the events and to communicate the Operation Air Brake message.

NTSB Calls for Cellphone Ban



Citing distraction from the use of a mobile phone by the driver of a semi as the probable cause of a 2010 crash that killed 11 people, the **National Transportation Safety Board** recommended banning the use of mobile phones by commercial drivers except in emergencies.

“Distracted driving is becoming increasingly prevalent, exacerbating the danger we encounter daily on our roadways,” said **NTSB** Chairman Deborah A.P. Hersman. “It can be especially lethal when the distracted driver is at the wheel of a vehicle that weighs 40 tons and travels at highway speeds.”

The accident prompting the call for a cellphone ban occurred on March 26, 2010, near Munfordville, KY. The tractor-trailer involved departed the left lane of southbound Interstate 65, crossed a 60-ft.-wide median, struck and overrode a cable barrier system, entered the northbound travel lanes, and struck a 15-passenger van with nine adults, two small children, and an infant. The truck driver and 10 of the 12 occupants of the van were killed.

Investigators determined that the driver used his mobile phone for calls and text messages a total of 69 times while driving in the 24-hour period prior to the accident. The driver made four calls in the minutes leading up to the crash. The last call coincided with the time that the truck departed the highway, **NTSB** determined. The agency also found that the driver had only slept four hours prior to the accident.

NTSB investigators said the truck driver made or received four cell calls between 4:51 a.m. Central time and 5:14 a.m., the moment of the crash. The last call connected for less than a second at 5:14, **NTSB** staffers said. In the 16 minutes after the crash, the driver’s phone received six callbacks.

Noting that the ban would be controversial, Hersman told the Louisville Courier Journal, “We’re not here to be popular. Changing behavior can start right now, for big-rig drivers and for all the rest of us,” Hersman said. “When you are at the wheel, driving safely should be your only focus. You owe it to yourself and all the people on the road you put at risk, as we so tragically saw at Munfordville.”

The **Safety Board** also found that the median barrier system, which had recently been installed following another cross-median fatal accident on the same section of I-65, contributed to the severity of the accident because it was not designed to redirect or contain a vehicle of the truck’s size. Because median crossover accidents involving large vehicles are so deadly, the **NTSB** made recommendations regarding the use of appropriately designed median barriers on roadways with high volumes of commercial vehicles.

In June 2010, the **Federal Motor Carrier Safety Administration** ordered the trucking company whose driver hit the van to cease operations after the agency found that the operator had committed serious safety violations.

The company was fined \$13,950 for the violations but defaulted on the payments. The company later was merged with another company. But **NTSB** investigators found that the new company was a “chameleon” firm, operating vehicles and employing drivers for the “violating” trucking company.

A subsequent investigation by the motor carrier agency resulted in a \$35,080 fine against “chameleon” firm. But the fine was suspended after the new company underwent a new safety review and passed, the **NTSB** staff said.

A synopsis of the **NTSB** report, including the probable cause, findings, and a complete list of all the safety recommendations, is available on the [NTSB's website](#). The **NTSB's** full report will be available on the website in several weeks.

MSHA Announces Results of August Impact Inspections

The U.S. Department of Labor's **Mine Safety and Health Administration** today announced that federal inspectors issued **356 citations, orders and safeguards** during **special impact inspections** conducted at **16 coal mines and four metal/nonmetal mines** last month. The coal mines were issued 272 citations, 37 orders and two safeguards, while the **metal/nonmetal operations** were issued **45 citations**.

Special impact inspections, which began in force in April 2010 following the explosion at the Upper Big Branch Mine, **involve mines that merit increased agency attention** and enforcement **due to their poor compliance history** or particular compliance concerns **including:**

- high numbers of violations or closure orders;
- indications of operator tactics, such as advance notification of inspections that prevent inspectors from observing violations;
- 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.

As an example from August impact inspections, a coal mine in Utah, was **cited for 33 violations**, including **eight orders**, after **MSHA inspectors secured the communication system** to prevent advance notice of the inspection. A **number of violations** were found including **inoperable firefighting equipment**. The **August impact inspection** was the **fifth conducted** at this coal mine, which was notified in March 2009 of a **potential pattern of violations**.

As a **second example**, an inspection at a mine in West Virginia resulted in a **total of seven citations and eight orders**, nine of which were **designated as significant and substantial**. Six **unwarrantable failure closure orders** and **one unwarrantable failure citation** involved violations related to **ventilation**, the **mine's emergency response plan**, and **unsafe conditions and practices that arose from a lack of proper and complete examinations**. In addition, the operator **failed to notify MSHA of a change from nonproducing to producing status** within three working days, as required.

"As we continue to conduct impact inspections at mines with **compliance problems** or other **health or safety issues**, there are **indications that the industry is getting the message and improving health and safety practices**," said Joseph A. Main, assistant secretary of labor for mine safety and health. "But for mine operators not getting the

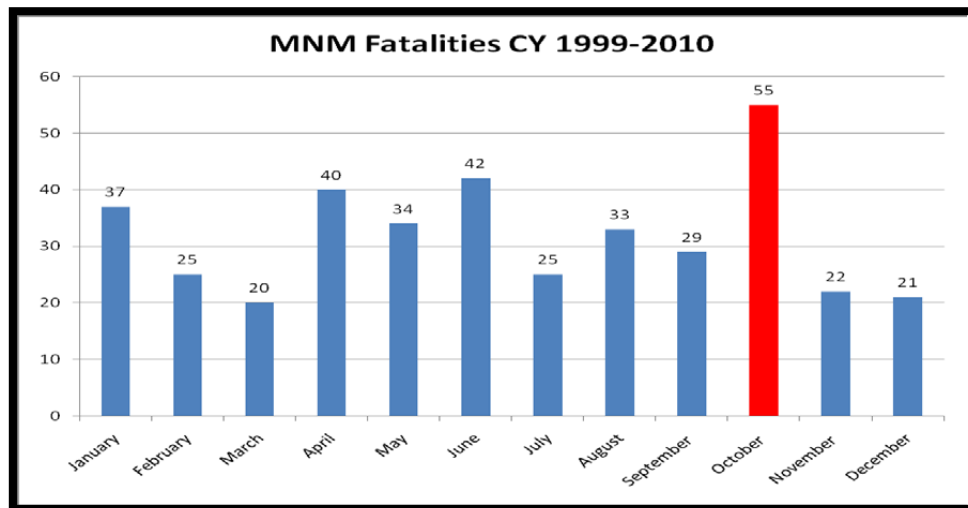
message, MSHA will use **impact inspections** and other enforcement tools at our disposal to **protect the health and safety of their miners.**"

Since April 2010, **MSHA has conducted 327 impact inspections**, which have **resulted in 5,843 citations, 555 orders and 21 safeguards**.

See a [spreadsheet](#) containing the results of impact inspections in August 2011.

October Tough Month For Fatal Mining Accidents

During the last 11 years Metal and Nonmetal had more fatal accidents in October than in any other month. Prevent additional deaths by focusing on working safely and following these "Best Practices."



Best Practices

- **Inspect mobile equipment for safety defects and correct before operating.**
- **Place controls of mobile equipment in park and set the parking brake, if leaving it unattended. Chock or turn wheels towards berm or bank when parked on a grade.**
- **Sound audible warnings before moving mobile equipment.**
- **Wear seat belts when operating mobile equipment.**
- **Never approach mobile equipment until you communicate with mobile equipment operators and receive confirmation from the operator indicating awareness of your presence.**
- **Wear fall protection where there is a danger of falling.**
- **Don't work or pass under suspended loads.**
- **Remove all persons and barricade the area underneath overhead work area.**
- **De-energize, lock and tag out electrical equipment before performing maintenance or repairs.**

October is National Fire Safety Month



In 2010, 1,331,500 fires were recorded in the United States, killing 3,120, injuring 17,720 and costing \$11.6 billion in property damage. October is **National Fire Safety Month**. Is your facility ready?

Take this opportunity to review fire safety tips with your employees to help keep them safe on and off the job.

1. Know the ABCs of Fire Safety

Fires are identified according to one or more classes. The class designates the fuel involved in the fire, which is important for identifying the appropriate extinguishing agent.

Fires are either class A, B, C, D or K.

2. Learn the P.A.S.S. method

When using a fire extinguisher, practice the PASS method:

- P**ull the pin.
- A**im the extinguisher at the base of the flames.
- S**queeze the trigger.
- S**weep from side to side.

3. Have an Emergency Action Plan in place

4. Take note of proper evacuation measures

5. Trapped?

Never open a door without feeling the door first with the back of your hand. If it's hot, try to locate another exit.

Looking for more in depth training? Check out DuPont Sustainable Solutions' fire safety and emergency evacuation training DVDs to share during Fire Safety Month:

- [Fire Safety: Real, Real-Life®](#)
- [Fire Safety: There's No Second Chance](#)
- [Fire Safety: Alert, Aware, Alive](#)
- [Fire Extinguishers: Your PASS to Safety](#)
- [Emergency Evacuation: Getting Out Alive](#)
- [Emergency Action Plan: Crisis Under Control](#)
- [Spiral To Disaster](#)
- [Portable Fire Extinguishers](#)
- [King's Cross: Beneath The Flames](#)

Resources

[National Fire Protection Association website](#)

[Visit our Fire Safety Training page](#)

[Order FREE previews of training DVDs](#)

[OSHA e-tools: Evacuation Plans & Procedures](#)

*Give your employees potentially life-saving information for them to use on the job and at home with their families. Call 877-861-2556 ext. 2120 to **order** FREE 7-day previews of these programs today!*