



OSHA/CONSTRUCTION NEWS SUMMARY

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OSHA Recognizes ANSI as Accrediting Body for Crane Operator Certification Programs

The **American National Standards Institute (ANSI)** has been recognized as an **approved accreditor** of crane operator certification programs by **OSHA**, concluding that **accredited third-party certification** would provide the **only reliable demonstration** that a crane operator has the **knowledge and skills needed** for safe operation. [Read more....](#)

23 States Awarded Cooperative Agreements for Work injury, Illness Surveillance

The **National Institute for Occupational Safety and Health (NIOSH)** announced funding for **cooperative agreements with 23 states** for **occupational injury and illness surveillance**. The awards include renewals for **14 previously funded state programs**, and **new awards to nine additional state programs**. [Read more....](#)

Walking-Working Surfaces Proposed Rule Concerns Small Business Reps

Following publication of **OSHA's Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems)** proposed rule, several small business representatives contacted the **Small Business Administration's Office of Advocacy** to express some concerns about the proposed rule. [Read more....](#)

TRANSPORTATION NEWS SUMMARY

FMCSA 'Strike Force' Removes 109 Unsafe Commercial Drivers - Carriers from the Road

U.S. Transportation Secretary Ray LaHood announced that **109 commercial bus and truck drivers were removed from the roads** and more than **175 carriers face enforcement actions** as a result of the **Federal Motor Carrier Safety Administration's (FMCSA's)** annual drug and alcohol strike force sweep that occurred June 21 - July 2. [Read more....](#)

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According to a press release by the **American Trucking Associations (ATA)**, ATA "strongly supports" the **Safe and Efficient Transportation ACT (SETA) of 2010**, S. 3705, introduced earlier this month by U.S. Senators from Idaho, Maine, and Wisc. Identical legislation in the U.S. House of Representatives, H.R. 1799, currently has 54 co-sponsors. [Read more....](#)

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The U. S. Department of Transportation's **Federal Motor Carrier Safety Administration (FMCSA)** announced the next step in the phased rollout of **Comprehensive Safety Analysis 2010 (CSA 2010)**. [Read more....](#)

Drunk Driving. Over the Limit. Under Arrest – 2010 Labor Day Crack-Down

All states and territories have **made it illegal** to drive with a **blood alcohol concentration (BAC)** of .08 grams per deciliter or higher. **Despite these laws**, nearly 12,000 people nationwide during 2008 were **killed in crashes** involving drivers or motorcycle riders with **BACs of .08 or higher**. That would be equal to about **30 jumbo jets crashing each year**. [Read more....](#)

MINING NEWS SUMMARY

2010 Comparison of Year-to-Date and Total Fatalities for Metal/Non-Metal

With numbers updated through 8/16/2010, here's how the last 5 year period compares for fatalities in Metal/Non-Metal mining..... [Read more....](#)

MSHA to Launch Safety and Health Conferencing Pilot Program

ARLINGTON, Va. - The U.S. Department of Labor's **Mine Safety and Health Administration** announced on August 20th that it will launch a **90-day pilot program** aimed at addressing the **backlog of contested citations** and the **agency's conferencing procedures**. [Read more....](#)

MONTHLY SAFETY TIP NEWS SUMMARY

Study Shows Benefits of Treating Sleep Apnea in Truck Drivers

For commercial motor vehicle drivers with **obstructive sleep apnea (OSA)**, effective treatment **lowers healthcare costs, work absences, and disability rates** reports a study in the **Journal of Occupational and Environmental Medicine**, official publication of the **American College of Occupational and Environmental Medicine (ACOEM)**. [Read more....](#)

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Historic New Cranes and Derricks Rule will Help Save Construction Workers' Lives

OSHA'S [new standard](#) addressing the use of cranes and derricks in construction replaces a decades-old version. The rule published July 28 will affect approximately 267,000 construction, crane rental and crane certification establishments with about 4.8 million workers.

"The significant number of fatalities associated with the use of cranes in construction led the Labor Department to undertake this rulemaking. After years of extensive research, consultation and negotiation with industry experts, this long overdue rule will address the leading causes of fatalities related to cranes and derricks, including electrocution, boom collapse and overturning," said Secretary of Labor Hilda L. Solis in a [news release](#).

The previous rule, which dated back to 1971, was based on 40-year-old standards. Stakeholders from the construction industry recognized the need to update the safety requirements, methods and practices for cranes and derricks and to incorporate technological advances to provide improved protection for those who work on and around cranes and derricks.

"The rule addresses critically important provisions for crane operator certification and crane inspection, set-up and disassembly. Compliance with the rule will prevent needless worker injuries and death, and provide protection for the public and property owners," said OSHA Assistant Secretary David Michaels.

OSHA held a stakeholder Web chat on the new cranes and derricks rule...more than 1,000

OSHA/CONSTRUCTION

members of the public submitted close to 600 questions. See a replay of the Web chat at www.dol.gov/dol/chat/chat-osha-20100728.htm.

OSHA is developing additional compliance assistance materials and outreach efforts, which will be made available soon.

OSHA Recognizes ANSI as Accrediting Body for Crane Operator Certification Programs

The American National Standards Institute (ANSI) has been recognized as an approved accreditor of crane operator certification programs by OSHA, concluding that accredited third-party certification would provide the only reliable demonstration that a crane operator has the knowledge and skills needed for safe operation.

Under the new OSHA rule, all crane operator certification bodies must be accredited by a nationally recognized accrediting entity. According to statistics issued by the Department of Labor, approximately 267,000 construction, crane rental, and crane certification establishments employing about 4.8 million workers will be affected.

Employers have until November 8, 2010, the effective date of the standard, to meet most of the requirements. However, there is a four-year phase-in period for the operator qualification and certification requirement.

[Click here to read more.](#)

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23 States Awarded Cooperative Agreements for Work injury, Illness Surveillance

The National Institute for Occupational Safety and Health (NIOSH) announced funding for cooperative agreements with 23 states for occupational injury and illness surveillance. The awards include renewals for 14 previously funded state programs, and new awards to nine additional state programs.

The competitive awards total \$6.5 million per year for five years, and will fund occupational injury and illness surveillance programs in the 23 states for a five-year total of \$32.5 million. The nine states that received new competitive awards are [Colorado](#), Florida, Georgia, Illinois, Maryland, Minnesota, Nebraska, New Hampshire, and North Carolina. The 14 states that successfully competed for renewals are California, Connecticut, Iowa, Kentucky, Louisiana, Massachusetts, Michigan, New Jersey, New Mexico, New York, Oregon, Texas, Washington, and Wisconsin.

"State-based health surveillance provides critical information for tracking the incidence of occupational injuries and illnesses, identifying trends, understanding risk factors, and recognizing new and emerging problems," said NIOSH Director John Howard, M.D. "We are pleased that we were able to increase competitive funding for Fiscal 2010 by 25 percent, and to increase the number of states with which we have agreements."

All of the nine new awards and five of the competitively renewed awards (Connecticut, Louisiana, New Mexico, Texas, and Wisconsin) will fund fundamental occupational health surveillance programs. In those programs, participating states use existing data sets to conduct work-related injury and illness surveillance, based on a standard set of health indicators.

Nine states (California, Iowa, Kentucky, Massachusetts, Michigan, New Jersey, New York, Oregon, and Washington) were approved to conduct expanded programs. These programs will conduct not only basic surveillance, but also more in-depth surveillance associated with health conditions,

injuries, or hazards that represent special priorities for the individual state.

Applications from states were received in September 2009, external peer review was conducted in December 2009, and NIOSH secondary review was completed in February 2010, with grant awards made in June 2010.

Further information about accomplishments by state programs, and impacts by the programs in protecting workers from injury and illness, can be found at the web page for NIOSH-supported state surveillance activities <http://www.cdc.gov/niosh/oep/reports.html>.

Walking-Working Surfaces Proposed Rule Concerns Small Business Reps

Following publication of OSHA's Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems) proposed rule, several small business representatives contacted the Small Business Administration's Office of Advocacy to express some concerns about the proposed rule.

In response, the Advocacy hosted a small business regulatory roundtable on August 10, 2010. Representatives from OSHA and the Office of the Solicitor of Labor attended part of the roundtable to provide an overview of the proposed rule.

Issues raised during the roundtable and in subsequent conversations with these small business representatives:

- OSHA should not include vague, overly-broad, "general duty clause" type requirements.
- OSHA should further synchronize the proposed general industry rule with the existing construction standard.
- OSHA should not expand its reading of Section 1910.22 to regulate combustible dust.
- OSHA should not regulate commercial motor vehicles (trucks) under the proposed rule.

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

FMCSA 'Strike Force' Removes 109 Unsafe Commercial Drivers - Carriers from the Road

U.S. Transportation Secretary Ray LaHood announced that **109 commercial bus and truck drivers**



were removed from the roads and more than **175 carriers face enforcement actions** as a result of the **Federal Motor Carrier Safety**

Administration's (FMCSA's) annual drug and alcohol strike force sweep that occurred June 21 - July 2.

During the two-week sweep, **FMCSA strike force investigators** examined the **drug and alcohol safety records of commercial drivers** employed by bus and truck companies, including school bus drivers, **interstate passenger carriers**, hazardous material transporters, and **general freight long-haul trucking companies**. Their goals were to **identify motor carriers in violation of federal drug and alcohol testing requirements** and to remove from the road commercial truck and bus drivers who **jump from carrier to carrier to evade federal drug and alcohol testing** and reporting requirements.

The **109 commercial drivers identified in the sweep** face the prospect of a **monetary fine and being barred from operating a commercial motor vehicle** for failing to adhere to federal drug and alcohol regulations. **Additionally, 175 commercial carriers face pending enforcement actions for violations**, such as **using a driver who has tested positive for illegal drugs and for not instituting a drug and alcohol testing program**. Both drivers and carriers will have an **opportunity to contest the alleged violations and the amount of the civil penalties**.

ATA 'Strongly Supports' "Truck Weight" Senate Bill

According to a press release by the **American Trucking Associations (ATA)**, ATA **"strongly supports"** the **Safe and Efficient Transportation ACT (SETA) of 2010**, S. 3705, introduced earlier this month by U.S. Senators from Idaho, Maine, and Wisc. Identical legislation in the U.S. House of Representatives, H.R. 1799, currently has 54 co-sponsors.

The bill authorizes states to **allow operation of trucks** on the Interstate Highway System with a **gross weight of 97,000 pounds**. Current law limits the weight of 5-axle trucks traveling on the Interstate System to **80,000 pounds**. The legislation requires that **trucks operating above 80,000 pounds** must add a sixth axle to **compensate for the extra weight, adding additional braking capacity**, preventing an increase in **stopping distances**, and **prevents pavements from sustaining more damage**.

Operation of these more efficient vehicles will allow trucking companies to **deliver the nation's freight** while making **fewer trips**. The result will be a **reduction** in the number of **truck-involved crashes, less fuel use** — and thus reduced emissions and carbon — and **less congestion on crowded highways**. Fewer miles traveled also means **less pavement damage**, lowering highway **maintenance costs**.

Any additional bridge costs will be covered by a **higher federal fee** that the vehicles authorized to operate under this legislation will be **required to pay**, and which will be dedicated to **bridge investments** in those states that authorize use of the heavier trucks.

"ATA supports a number of reforms to federal truck size and weight regulations as part of our **Sustainability Initiative**," ATA President and CEO Bill Graves said. **"More efficient trucks**, like those allowed under this legislation, will **significantly reduce the trucking industry's carbon output**. Existing restrictions on truck weight limits **constrain** the trucking industry's efforts to **reduce crashes, lower our carbon footprint** and help our customers to **remain competitive in global markets**. It is **important to note that U.S. weight limits** are the lowest in the developed world, **putting American businesses at a distinct disadvantage**."

CSA 2010 Continues to be Rolled Out by FMCSA

The U. S. Department of Transportation's **Federal Motor Carrier Safety Administration (FMCSA)** announced the next step in the phased rollout of **Comprehensive Safety Analysis 2010 (CSA 2010)**.

[Motor Carrier Data Preview](#)

In April 2010, **FMCSA** launched the **CSA 2010 Data Preview Website** which allowed **commercial motor vehicle carriers** to view an inventory of their **safety performance data** by the new **Safety Measurement System's (SMS) Behavior Analysis and Safety Improvement Categories (BASICS)**.

On **August 16, 2010**, **FMCSA** updated the Data Preview Website by **providing all carriers, not just those in the pilot states**, with an **assessment** of where they stand in each **BASIC** based on **roadside data and investigation findings**. The **SMS's seven BASICS** are **Unsafe Driving, Fatigued Driving (Hours-of-Service), Driver Fitness, Controlled Substances/Alcohol, Vehicle Maintenance, Cargo-Related and Crash Indicator**. The **BASICS** will replace SafeStat's **Safety Evaluation Areas (SEAs)** in December 2010, and this early look gives motor carriers an **opportunity to understand and address** their safety compliance issues right away.

[Recent Updates to SMS](#)

The **Data Preview assessments** will be based on an improved **SMS** methodology. As a result of input from **enforcement personnel, industry representatives, and safety experts**, as well as findings from an **extensive, 30-month field test**, **FMCSA** is implementing several updates to the **SMS** that will make it more effective in **identifying high risk and other carriers with safety compliance problems**.

Specifically:

The **measure of exposure** will be changed from **Power Units (PUs)** only to a combination of **PUs and Vehicle Miles**

Travelled (VMT) in the **Unsafe Driving BASIC** and **Crash Indicator**. In addition, these two **BASICS** will change from using **PUs** as a **safety event grouping (formerly referred to as peer grouping)** to using the **number of crashes** for the **Crash Indicator** and the **number of inspections with a violation** for the **Unsafe Driving BASIC**.

- The measure of exposure will change from **PUs** to the **number of relevant inspections** in the **Controlled Substances/Alcohol BASIC**;
- **Severity weights** for some roadside inspection violations **will be updated**; and
- The Agency will **employ a more strategic approach** to addressing motor carriers with a **history of size and weight violations** rather than counting these violations in the **Cargo-Related BASIC**; the **new approach will include alerts to roadside inspectors** when carriers have a **history of size and weight violations**.

These enhancements **will allow the Agency** to more effectively **identify motor carriers with safety performance and compliance problems** thereby raising the bar for safety on the **Nation's roads**.

For additional details about the **Data Preview** and the improvements to the **SMS**, [click here](#).

[Preliminary University of Michigan Transportation Institute \(UMTRI\) Findings](#)

FMCSA's 30-month field test of **CSA 2010** has **drawn keen interest** from the **trucking industry**, including trade publications. Recently one of these publications **reported preliminary findings** provided by **FMCSA's** independent evaluator, **UMTRI**, that indicate that while the **majority of the BASICS** have a strong relationship to **future crashes**, two of the seven — **Driver Fitness** and **Cargo-Related** — do not. The **question was raised** whether these findings would **delay implementation**.

In the **interest of safety**, and based on **promising field test results**, **FMCSA's** implementation of **CSA 2010** will continue according to its published schedule.

The SMS was designed to:

- (1) Identify high-risk motor carriers for priority intervention; those that have a greater propensity to be involved in future crashes, and
- (2) Identify motor carriers with patterns of on-road performance and compliance issues for intervention. SMS does both very well.

With respect to identifying high-risk carriers, **FMCSA** effectiveness testing results demonstrate that those carriers that **SMS** identifies as “high-risk” have much higher future crash rates than those carriers not designated as high risk. Additionally, the effectiveness testing shows **SMS** identifies a group of carriers with higher crash risk than the system currently in use known as **SafeStat**.

SMS clearly identifies motor carriers with compliance issues as well, regardless of whether those compliance issues are linked to future crash risk through effectiveness testing. Congress has been clear that the **FMCSA** is a compliance and enforcement agency. While the effectiveness testing may not establish a relationship with future crashes in the Driver Fitness and Cargo-Related **BASICs**, **FMCSA**, as well as industry, has an obligation to ensure compliance with the regulations that contribute to these two **BASICs**. These two **BASICs** include being properly licensed, carrying medical cards to allow verification that a driver meets the medical qualification standards, adequately securing cargo, and properly packaging and handling hazardous materials.

UMTRI's preliminary findings are in line with **FMCSA's** effectiveness findings in terms of future crash risk. In response, **FMCSA** has adjusted how it identifies carriers for investigation so that the **BASICs** that have the strongest relationship to future crashes receive the most emphasis. In this way, **FMCSA** will address those carriers with the highest propensity for future crashes as well as those with the strongest patterns of noncompliance.



2010 Labor Day Crackdown

August 20 - September 6

All states and territories have made it illegal to drive with a blood alcohol concentration (BAC) of .08 grams per deciliter or higher. Despite these laws, nearly 12,000 people nationwide during 2008 were killed in crashes involving drivers or motorcycle riders with BACs of .08 or higher. That would be equal to about 30 jumbo jets crashing each year.

No one should ever get that late-night phone call from the police telling you your loved one has died due to an impaired driver. This is why Government Highway Safety Association (GHSA) Members are joining forces with law enforcement officers across the country to take part in the annual nationwide Labor Day *Drunk Driving. Over the Limit. Under Arrest* enforcement effort to crack down on impaired driving and reduce roadway fatalities.

[Colorado crackdown efforts](#) - The Colorado Department of Transportation (CDOT) and statewide law enforcement agencies are conducting increased patrols, saturation patrols and sobriety checkpoints throughout the crackdown period. The media focus this year is on the issue of drug-impaired driving. In 2009, half of all impaired-driving fatalities in Colorado involved drugs.

Colorado continues its partnership with the Colorado Rockies baseball club to raise awareness of DUI enforcement during the crackdown. New this year is a sponsorship with the Denver Broncos, which holds two pre-season football games during the enforcement period. The partnership includes a giant banner on the outside of the stadium facing Interstate 25, in-game announcements and promotion of a designated driver program. CDOT is also conducting outreach to college students and fans attending the Rocky Mountain Showdown football game that highlights the rivalry between the University of Colorado and Colorado State University.

Drunk driving laws and additional resources are available on the GHSA [Drunk Driving Laws](#) page.

2010 Comparison of Year-to-Date and Total Fatalities for Metal/Non-Metal

With numbers updated through 8/16/2010, here's how the last 5 year period compares for fatalities in Metal/Non-Metal mining.....

- **2006** – 26 total – 18 prior to and 8 occurring after 8/16/2010
- **2007** – 33 total – 21 prior to and 12 occurring after 8/16/2010
- **2008** – 23 total – 14 prior to and 9 occurring after 8/16/2010
- **2009** – 16 total – 14 prior to and 2 occurring after 8/16/2010
- **2010** – 14 through 8/16/2010

MSHA to Launch Safety and Health Conferencing Pilot Program

ARLINGTON, Va. - The U.S. Department of Labor's **Mine Safety and Health Administration** announced on August 20th that it will launch a **90-day pilot program** aimed at addressing the **backlog of contested citations** and the **agency's conferencing procedures**.

According to 30 C.F.R. § 100, **mine operators may request a conference** with **MSHA** officials to **dispute citations issued** by federal mine inspectors. The pilot program will **allow the mine operator and the miners' representative** to hear **MSHA's** interpretation of regulations and **discuss and resolve issues relating to violations** prior to the **civil penalty assessment and litigation**. Under the current system, **conferencing takes place after penalty assessment and a timely contest**.

Joseph A. Main, assistant secretary of labor for **mine safety and health**, renewed the pledge he made before the **Senate Committee on Health, Education, Labor and Pensions** last April to improve the conferencing system.

"It is clear that the current conferencing structure is not working," said Main. **"By resolving factual disputes before a violation is contested,** these citations **will not be added** to the enormous backlog of cases that have **bogged down the judicial system**. This process should also improve consistency in **MSHA's enforcement of the Mine Act.**"

Three **MSHA** district offices will participate in the pilot: Coal District 2 in Mt. Pleasant, Pa.; Coal District 6 in Pikeville, Ky.; and **Metal/Nonmetal Southeast District** in Birmingham, Ala. **These three locations were selected** so that **pilot efforts could include a wide range of mine operators** and different **MSHA** personnel to determine **what will work** and if the **goals of the program can realistically be met**. The pilot will begin Aug. 31.

Currently, there are approximately **89,000 violations in contest**. Congress recently appropriated \$18,200,000 to the **Labor Department** and \$3,800,000 to the **Federal Mine Safety and Health Review Commission** for the purpose of **reducing the existing backlog of cases**.



Study Shows Benefits of Treating Sleep Apnea in Truck Drivers

For commercial motor vehicle drivers with **obstructive sleep apnea (OSA)**, effective treatment **lowers healthcare costs, work absences, and disability rates** reports a study in the **Journal of Occupational and Environmental Medicine**, official publication of the **American College of Occupational and Environmental Medicine (ACOEM)**.

According to researchers, treating **OSA** in truck drivers has **economic**, as well as **health and safety benefits**. To **evaluate the effects of OSA treatment** in commercial motor vehicle drivers the researchers used **insurance claims records**. Costs were compared for **156 drivers who received continuous positive airway pressure (CPAP)** or other treatments for **OSA** and **92 drivers who were diagnosed with OSA but were not treated**.

The researchers write, for treated drivers –

- **Health plan costs decreased** by an average of **\$2,700 in the first year** and another **\$3,100 in the second year**, compared to **no change for untreated drivers**.
- The **treated drivers also missed fewer work days** (average 4.4 days in the first year)
- They also had **lower short-term disability costs** (\$528 over two years).
- On average, treatment for **OSA** led to “**over \$6,000 in total health plan and disability cost savings per treated driver**”.
- **Total costs decreased by 41 percent** in drivers treated for **OSA** (compared to an eight percent decrease in untreated drivers).

Sleep apnea is an important preventable cause of motor vehicle accidents, and studies have found that **treatment for OSA can lower the accident rate**. Screening and treatment for **OSA** has recently been **recommended for commercial motor vehicle drivers**.

The **new study suggests** that, in addition to lowering accident rates, treating **OSA** in commercial motor vehicle drivers can **reduce health costs, work absences, and short-term disability**.

Dr. Hoffman and colleagues conclude, “**Addressing OSA in the workplace offers the possibility of early identification and intervention for a chronic disease that is associated with increased health benefit utilization.**”

