



REG REVIEWSM

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NHTSA to Study the Impact of Drugs, Alcohol in Serious Crashes

The National Highway Traffic Safety Administration (NHTSA) is launching a study to examine the impact of legal and illegal drug and alcohol use in fatal and serious crashes.

The agency said it will base the study on blood samples from about 7,500 people who were either seriously injured or killed and then transported to a trauma center or morgue immediately after the crash. The victims will include vehicle drivers as well as other road users such as passengers, pedestrians, bicyclists, and scooter riders.

As part of the study, trauma centers and medical examiners will provide de-identified available blood samples that were previously collected during routine clinical treatment activities. The study will then conduct an independent drug toxicology testing to determine the presence of alcohol and other drugs in the samples examined.

Anonymous information such as victim demographics, cause of injury, and injury severity will also be provided to NHTSA.

The NHTSA said that while the study sample is not nationally representative and will not be used for national estimates, the research will provide the NHTSA with a better understanding of the prevalence of various drugs in serious accidents.

DOT Streamlines Drug-Testing Regulations

The DOT made changes to its drug testing rule for safety-sensitive employees to ensure consistency with amendments made to 49 CFR Part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs." The amendments were originally implemented in DOT drug testing in January 1, 2018. This most recent move takes a step to align each agency-specific regulation with the procedures and updates the MIS data collection form to include the term opioids rather than opiates.

The January 2018 revisions added requirements to test for oxycodone, oxymorphone, hydrocodone, and hydromorphone to DOT-regulated drug testing programs. Previously covered drugs morphine, 6-acetylmorphine, and codeine are also considered opioids.

The rule amends the term in the Federal Transit Administration (FTA), Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Federal Aviation Administration (FAA) to ensure that all DOT drug testing rules are consistent and with the Mandatory Guidelines for Federal Workplace Drug Testing Programs.

The final ruling also makes a conforming amendment to include the term opioids in the wording of the DOT's annual information collection requirement and clarifications to §40.26 and Appendix H regarding the requirement for employers to follow the DOT's instructions for annual information collection.

Final Research Agenda for Immune, Infectious, Dermal Disease Prevention Issued

The National Institute for Occupational Safety and Health (NIOSH) says the final National Occupational Research Agenda (NORA) for Immune, Infectious, and Dermal Disease Prevention (IID) is now available. The Agenda is intended to identify the knowledge and actions most urgently needed to prevent immune, infectious, and dermal diseases, and to provide a vehicle for stakeholders to describe the most relevant issues, research gaps, and needs for the public safety workforce.

The following objectives were agreed upon for the IID Agenda, which was finalized after a public comment period:

- 1) Investigate effects of recurring low-level occupational exposures on dermal, immune, and infectious diseases
- 2) Investigate the contributions of skin exposure to the overall body burden of toxic substances
- 3) Improve current skin exposure measurement methods
- 4) Reduce the incidence and transmission of infectious disease in the workplace
- 5) Reduce the incidence of allergic disease in the workplace
- 6) Investigate autoimmune disease risk associated with occupational and environmental exposures

Minnesota Latest State to Ban Use of Hand-Held Cell Phones While Driving

Minnesota became the 17th state in the country to ban hands-free cell-phone use while driving. Gov. Tim Walz signed the bill this week, with the law becoming effective Aug. 1, 2019.

Federal regulations already prohibit texting and hand-held cell-phone use while driving a commercial motor vehicle. But the more state laws enacted banning the process, the safer the roads become for all drivers.

The Minnesota bill bans the use of hand-free cell phones but allows use of voice-activated commands in a hands-free mode for calls and other functions like GPS navigation and music applications. The law does not apply to drivers outside of traffic or emergency situations. It also expands on current Minnesota laws banning texting, using e-mail, and browsing social media while driving.

Results of a recent study from the Insurance Institute for Highway Safety Highway Loss Data Institute (IIHS) said that cell-phone manipulation was a contributing factor in more than 800 crash deaths in the country during 2017.

The list of states banning hands-free cell-phone use while driving also includes: Washington, Oregon, Nevada, California, Hawaii, Illinois, New York, West Virginia, Vermont, New Hampshire, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Georgia, and the District of Columbia.

According to the IIHS:

38 states and the District of Columbia ban the use of all cell phones by novice drivers, and 47 states and the District of Columbia ban text messaging for all drivers.

Workforce Drug Testing Positivity Climbs to the Highest Rate Since 2004

The rate of workforce drug positivity hit a 14-year high in 2018, according to Quest Diagnostics' recently released 2019 Drug Testing Index™. Positivity rates in the combined U.S. workforce (general U.S. workforce; federally mandated, safety-sensitive workforce; and combined U.S. workforce, which includes the prior two populations) increased nearly five percent in urine drug tests, climbing to the highest level since 2004, and are now more than 25 percent higher than the 30-year low of 3.5 percent recorded between 2010 and 2012.

Marijuana continues to top the list of the most commonly detected illicit substances across all workforce categories and specimen types (urine, oral fluid, and hair), while the positivity rate for opiates in urine testing declined across all opiate categories.

Since 2011, the post-accident positivity rate has increased annually, with the general workforce seeing a 9 percent increase between 2017 and 2018, and a 29 percent increase over five years.

Don't Get Smoked Out: Marijuana Use and Foreign Nationals

With all the hoopla surrounding marijuana laws, the federal Controlled Substance Act, which continues to list marijuana as illegal, still has some effect. According to a policy alert published on April 19 by the U.S. Citizenship and Immigration Service (USCIS), it can still bar someone – including employees – from establishing good moral character for purposes of naturalization. This is true even where its use would not be an offense under state law.

Indeed, currently over 40 states and the District of Columbia have enacted laws to decriminalize the cultivation, possession, distribution, and use of both medical and non-medical (recreational) marijuana in their respective jurisdictions. Federal law, however, classifies marijuana as a “Schedule I” controlled substance whose manufacture, cultivation, possession, or distribution may lead to criminal and immigration consequences.

Despite this, the current U.S. attorney general indicated during his Senate confirmation hearing not to go after parties that comply with state laws, but said he is not a proponent of legalizing it on a federal level. This has created not only a patchwork of state laws, but also conflict between the federal and those state laws. For naturalization purposes, however, the federal law is in play.

One of the general requirements for naturalization is good moral character. This means character which measures up to the standards of average citizens of the community in which the applicant resides. In general, an applicant must show that he or she has been and continues to be a person of good moral character during the statutory period prior to filing and up to the time of the Oath of Allegiance.

Violation of any law on controlled substances, except for simple possession of 30g or less of marijuana can be a conditional bar to naturalization. Such bars are triggered by specific acts, offenses, activities, circumstances, or convictions within the statutory period for naturalization, including the period prior to filing and up to the time of the Oath of Allegiance. An offense that does not fall within a bar to good moral character may nonetheless affect an applicant's ability to establish good moral character.

If you have employees who are seeking naturalization and live or work in a state that has legalized marijuana use, you might want to share this information with them, since neither you nor they want to put more barriers in the way of naturalization.

Fact Sheet Provides Tips for Preventing Construction Falls from Heights

Each year in the U.S., more than 310 construction workers are killed and more than 10,350 are seriously injured by falls from heights. A new NIOSH fact sheet provides recommendations, reports, and resources to help employers, safety professionals, and workers prevent fall injuries and deaths from roofs, ladders, and scaffolds.

The fact sheet notes that falls remain the leading cause of construction worker deaths on the job, and in 2016 — the latest year data were available — falls from roofs caused 124 deaths; ladders, 104 deaths; and scaffolds, 60 deaths.

While the fact sheet provides specific recommendations for each hazard, general recommendations to prevent falls from heights include:

- Providing training on how to properly use equipment and how to identify fall hazards,
- Using a buddy system when working at heights, and
- Monitoring weather conditions.

Former Mississippi Highway Patrol Officer Arrested in CDL Scheme

A former commercial driver's license (CDL) tester with the Mississippi Highway Patrol was arrested during an investigation into CDL fraud.

The woman was indicted in U.S. District Court in Gulfport, Mississippi, on April 3, for identity theft, false statements, and false entries related to a CDL fraud scheme.

According to the indictment, the woman unlawfully used someone else's name and testing identification between September 2017 and January 2018. She also allegedly stated and represented that individuals passed driver skills tests when she knew the tests had not been administered.

The DOT-Office of Inspector General is conducting the investigation along with the FBI, Mississippi Department of Public Safety, Mississippi Bureau of Investigations, and the Federal Motor Carrier Safety Administration.

ATRI Survey to Address Truck Parking Concerns

The American Transportation Research Institute (ATRI) recently launched an online survey seeking input from drivers on truck parking information systems.

Professional driver input is being sought on the preferences for data formats and delivery mechanisms for parking spot availability information. Standardizing truck parking information systems based on driver preferences is one of ATRI's top priority research topics for 2019.

ATRI surveyed drivers at the Mid-America Trucking Show in Louisville last month and is making the survey available online for drivers who were unable to attend the show. Parking continues to rank as a top industry issue according to ATRI's annual industry survey. In 2018 parking ranked No. 2 for drivers after the hours-of-service rules as a top issue.

Don't get Tripped up by OSHA's Walking-Working Surfaces Standard

OSHA's Walking-working surfaces standard, 29 CFR 1910.22, addresses workplace hazards that cause slip, trip, and falls. The standard focuses on proactive safety management – meaning that OSHA expects employers to find and fix workplace hazards BEFORE they become an issue. OSHA says exposure to these types of hazards poses a “significant risk” of death or serious harm to workers.

The requirements under Subpart D, "Walking-Working Surfaces," provide employers with the flexibility to decide which fall protection method or system works best for the work operation. OSHA says that these multiple options, along with required inspections and training, will help employers prevent and eliminate walking-working surface hazards.

What is a walking-working surface?

They are surfaces like floors, aisles, stairs, ladders, roofs, platforms, dock boards, and more. When you identify walking-working surface hazards, they must be eliminated with proactive measures such as the use of fall protection. Fall protection includes using: covers, designated areas, guardrails, handrails, personal fall protection systems, ladder safety systems, and safety nets.

The standard requires employers to conduct regular inspections to identify and mitigate slips, trips and fall hazards. Things to keep in mind while performing these inspections include:

- Passageways, storerooms, service rooms, and walking-working surfaces must be kept clean, orderly, and sanitary.
- Walking-working surfaces must have a proper load rating to safely support loads applied to it.
- If a corrective action or repair cannot be made immediately, the hazard must be guarded to prevent employees from using the walking-working surface.
- False floors, platforms, and mats must be provided when wet processes are used.
- Workroom floors must be kept clean and dry.
- Hazardous conditions on walking-working surfaces must be corrected or repaired before an employee can use it again.
- Employers must provide safe access and egress to and from walking-working surfaces.
- Protruding objects, loose boards, corrosion, leaks, spills, snow, and ice are not allowed on walking-working surfaces.

Only a qualified person can repair structural integrity issues on a walking-working surface.

Distinguishing the Different Roadside Inspections

Benjamin Franklin once wrote that “nothing can be said to be certain, except death and taxes.” Since Franklin was dispensing his wisdom long before the trucking industry was created, he can be forgiven for not including roadside inspections among those certainties.

Roadside inspections are a way of life for commercial motor vehicle (CMV) drivers. They take on special emphasis during the annual Commercial Vehicle Safety Administration (CVSA) International Road check, set for June 4-6 this year in North America. This year’s emphasis is on steering and suspensions, and you and your drivers can prepare now to ensure inspections go smoothly.

But as motor carriers know, inspections occur well beyond a 72-hour span every year in June. Here are five common inspections that every carrier and driver should understand.

1. Comprehensive driver and vehicle - This is the most common type of inspection and the most thorough. The investigation covers both the driver and vehicle and takes about 45-60 minutes to complete. A driver will be asked to produce documents such as his or her commercial driver’s license (CDL), medical card, and record of duty status. The vehicle portion will check the components — brakes, frame, fuel system, lights, cargo securement, hazardous materials, tires, etc.

2. Walk around - The walk-around inspection is similar to the comprehensive inspection but does not include looking at components requiring the inspector to physically get under the vehicle. The walk-around takes about 30 minutes to complete.

3. Driver-only - This type of inspection involves an inspection of documents pertaining to the driver and any hazardous materials. This includes the driver’s CDL, medical card, log, and documentation of the annual inspection.

4. Vehicle-only - A driver need not be present for these inspections. They typically take place at a motor carrier’s place of business during an on-site visit. The process is very similar to a comprehensive vehicle inspection and serves as a valid annual inspection. If the vehicle passes, it is issued a CVSA decal indicating a certified inspector conducted the inspection.

5. Radioactive materials - These inspections are conducted only on select shipments of radioactive material and follow a higher standard than the comprehensive inspection. Any brakes found out of adjustment in this inspection can result in an OOS violation.

Preparation is key - Knowing what’s expected when inspection time arrives — and having your drivers prepared to deal with inspections in a professional and efficient manner — can only help your company going forward.

Safe operations lead to fewer inspections, a good safety record, and a better reputation within the industry and with law enforcement officials.

And of course, regularly passing inspections keep you off the Federal Motor Carrier Safety Administration’s (FMCSA) radar for its “Compliance, Safety, Accountability” program and, out of the FMCSA’s crosshairs for more inspections.

Cal/OSHA Reminds Employers to Protect Outdoor Workers from Heat Illness

As temperatures begin to warm up at outdoor worksites across California, Cal/OSHA reminds employers to protect outdoor workers from heat illness. On April 12, Cal/OSHA will participate in a news conference and bilingual training sessions to help employers plan for and prevent heat-related illness and death from affecting outdoor workers.

On April 16, Cal/OSHA will host a Heat Illness Prevention Network conference call to review best practices and allow for questions and answers.

Cal/OSHA investigates heat-related incidents and complaints of hazards at outdoor worksites in industries such as agriculture, landscaping, and construction. The most frequently cited heat-related violation is for failure to have an effectively written heat illness prevention plan specific to the worksite. Serious heat-related violations are often related to inadequate access to water and shade, and a lack of supervisor and employee training.

Additional information about heat illness prevention, including details on upcoming training sessions throughout the state, are posted on Cal/OSHA's Heat Illness Prevention page. Cal/OSHA also has extensive multilingual materials for employers, workers, and trainers on its "Water. Rest. Shade." public awareness campaign website.

2019 Out-of-Service Criteria now in Effect

The latest North American Standard Out-of-Service (OOS) criteria went into effect on April 1.

This year's list includes a dozen additions and alterations to the criteria used to decide if a driver or a vehicle is too unsafe to operate and should be removed from the road.

The changes include amendments to the following:

- Cracks in rotors (discs);
- Cargo tie-down defects;
- Broken bearing straps;
- Missing permanent driver's seat;
- Hole worn in the drag link of a steering mechanism;
- Issues with temporary and aisle seats on buses;
- Missing/unreadable placards or placards misrepresenting materials in the vehicle;
- Skill performance evaluation noncompliance; and
- Expired decals from the Commercial Vehicle Safety Alliance (CVSA).

The Out-of-Service Criteria is updated annually and effective April 1 of each year. The criteria is then incorporated into North American Standard Inspection training materials as well as inspection bulletins, inspection procedures, operational policies, and training videos.