

SAFETY / OSHA UPDATE

A Newsletter from High Safety Consulting Services, Ltd.

Information on Safety & Health in Your Workplace



ON THE DOT

High Safety Consulting Services is pleased to announce that **David Leonti** has joined our team as a Transportation Safety Specialist. Here is a little about Dave's background:

- Extensive experience (40 years!) in transportation safety
- Former Director of Corporate Safety & Loss Control for Penske Truck Leasing for 24 years
- Had the responsibility to assure that 230,000 vehicles in the US and Canada were compliant with regulatory specifications

The DOT has significant penalties for non-compliance and, as importantly, they can stop your business in its tracks (literally!) as vehicles are sidelined due to compliance issues.

High Safety can help keep your operations *moving!*

- Required supervisory or driver training
- Comprehensive review of your compliance status from driver files and medical records to your registration, logs and driver practices
- Services at a fraction of potential DOT fines for non-compliance
- A little prevention can go a long way!

GETTING OUT THE STICK

The USDOT is in the process of rolling out its new measuring system, Comprehensive Safety Analysis (CSA) 2010. The plan is for the CSA system to ultimately replace the current Motor Carrier Safety Status Measurement System (Safe Stat).

There are several differences between the programs. The current Safe Stat program reviews four areas of compliance referred to as Safety Evaluation Areas (SEA). The four SEA's are; Accident information, Driver out of service violations, Vehicle out of service violations, and Safety Management criteria. The information is all historical in nature and does not provide the Federal Motor Carrier Safety Administration with the ability to reduce unsafe carrier practices by proactive safety enforcement. The accident information is currently gathered based on state accident reporting systems. The information is time and severity weighted and then fleet mileage is factored in to create a "score". Driver and Vehicle Out of Service data is also generated based on state reporting systems and the scoring is limited to Out of Service violations. The scoring is then factored against the total number of drivers and vehicles in the fleet. The Safety Management

criteria are developed by auditors when conducting a compliance audit and are somewhat subjective. The resultant "scores" are reviewed every 6 months and carriers are targeted for review based on the scoring.

The CSA 2010 system will evaluate 7 different SEA's now called BASIC's (Behavior Analysis and Safety Improvement Categories). The seven BASICS are; Unsafe Driving (parts 392 and 397), Fatigued Driving (parts 392 and 395), Driver Fitness (parts 383 and 391), Controlled Substance and Alcohol Abuse (part 382 and 392), Vehicle Maintenance (parts 393 and 396), Cargo Related (parts 392, 393, 397, & Haz Mat), and Crash Indicator. The primary source of data will be from roadside inspections. ALL data will be included in the scoring methodology as opposed to just Out of Service related violations. The data will be "scored" based on severity of violation as well as date of violation. Carriers will be assigned to "groups" of similar sized carriers and those with poor records relative to their specific group will be targeted for follow up activity. The belief is that the new system will permit FMCSA to take a more proactive position in reducing poor safety performance by carriers and drivers.

The new CSA 2010 follow up activity will consist of reviewing monthly reporting of CSA results as opposed to semiannual Safe Stat updates. Carriers not performing at the appropriate level within their assigned group will be contacted by FMCSA agents. The contact might consist of a warning letter notifying the carrier that they are operating below the safety level expected within their group and citing specific areas for improvement to a physical visit from the Compliance Auditors for a full blown audit. The belief is that the new CSA system will allow the FMCSA to interact proactively with more carriers than was previously possible.

The program is currently being implemented on a state by state basis. The goal was to have the system completely implemented by 2010; however that goal has been pushed back to 2011.

So... DOT is "getting out the stick" to use as a measuring tool, but if penalties are issued, that same stick will also be used to give a good "slap on the wrist." The potential penalties remain very much similar to the former system, ranging from that "slap on the wrist" to loss of operating privileges with everything in between.

FREE DOT COURSE

As the economy took its downward turn, we began to see many people taking on new responsibilities. Many HR Managers suddenly found themselves in charge of health and safety programs, workers' compensation, and yes... sometimes even fleet safety! While things may be starting to improve somewhat, getting rid of those extra "hats" is not an easy task!

Any company who owns a truck weighing 10,001 pounds or more is subject to DOT standards. For all of you who could use a brush-up on those DOT regulations and fleet safety, we are offering a FREE breakfast seminar (*limited space available*) with Dave Leonti, our Transportation Safety Specialist. Dave will spend about 2 hours providing an overview of DOT rules and regulations and will then have a Q & A period to respond to your specific questions.

The seminar is scheduled for Friday, August 6th from 9:00 – 11:30 AM and will be held at our Lancaster office in the Greenfield Corporate Center. Since *space is limited*, [click here](#) to register now for this FREE informative seminar (including breakfast) to make sure you know all you need to know to keep your fleet moving!

“DOUBLE, DOUBLE TOIL & TROUBLE”

The Shakespearean witches hatched up a vile potion in Act IV of *Macbeth*. While maybe not adding “eye of newt, and toe of frog, wool of bat, and tongue of dog” to the pot, but still keeping with the “big stick” theme... We have seen the introduction of a number of new proposed regulations under the Obama administration, as well as a few Congressional acts which would overhaul OSHA’s key operating parameters. The mentality of the Agency has changed to one focused more on enforcement than under the previous administration.



This change has been seen through an increase in the enforcement budget and a decrease in the cooperative partnerships. Another change is in the structure of fines and penalties. While the basic penalty system remains similar, new adjustments and calculations will have an effect on the final fines issued.

Some proposed changes to the OSHA Act should be very concerning to employers. These proposed changes, which prompted some comments from ASSE, would apply *criminal liability* to owners, managers, and directors. On July 13th the Safe Miners Act of 2010 was modified to include provisions that would modify the OSHA Act in addition to the MSHA requirements. The MOST concerning aspect of the proposed bill is the addition of criminal liability for employers. Employers can be sentenced to jail for a serious injury resulting from any violation of the OSHA regulations! The definition of the employer has been expanded to include officers and directors of corporations. The jail time can be five years for the first offense. If a “knowing” violation occurs which results in a death, jail time is set at ten years for the first offense. Currently employers can face jail time of up to six months for fatalities only if they were the result of a willful violation.

Another significant change was the unveiling of the mandatory 2-hour introduction to OSHA presentation for 10- and 30-hour OSHA courses. Although OSHA is not scheduled to note the new requirement in the next revision of the Outreach Training Program Guidelines until October, the change took immediate effect. Anyone who has had a chance to review the new material will notice how the content is driven to employee rights and employer obligations. It even includes an activity to assure employees know how to file a complaint with OSHA. While these rights are important, this curriculum seems to beg employees to file complaints against their employers.

So... while the administration might not be like the Shakespearean witches “round about the caldron go; in the poison'd entrails throw,” it does appear that some of these new and proposed regulations might do just as good of a job at “stirring the pot.” Only time will tell if the results are “double, double toil and trouble”!

NOTE: All of our prior newsletters are archived on our website under the “Contact Us” Tab