

## **Safety Management Council**

The Safety Management Council of the Nevada Trucking Association is dedicated to enhancing the safety and security of the trucking industry. This council brings together industry experts to share best practices, provide safety training, and networking with peers and partners in law enforcement and regulatory agencies. Join us today!

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## **Wreaths Across America**



The Nevada Trucking Association is partnering with Wreaths Across America to fill (virtually) one trailer load of sponsored veterans' wreaths to send to Arlington National Cemetery this December.

On December 14, 2024, Wreaths Across America donors and volunteers will Remember and Honor our veterans by laying veterans' wreaths on the graves of our country's fallen heroes. Please help us honor and remember as many fallen heroes as possible by sponsoring a wreath(s) or volunteering on Wreaths Day.

Thank you so much for supporting the Nevada Trucking Association and Wreaths Across America! The deadline to sponsor 2024 wreaths December 3<sup>rd</sup>! Click the link below to sponsor wreaths or to volunteer.

[www.wreathsassamerica.org/nevadatrucking](http://www.wreathsassamerica.org/nevadatrucking)

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## **Safety Council Meeting**

We will hold our next Safety Council meeting in Reno on January 14, 2025. There will be a zoom option for those who can't attend in-person.

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## Upcoming Training & Seminars

(contact [Patti@NevadaTrucking.com](mailto:Patti@NevadaTrucking.com) to register for any of these seminars)

### **\*\* SUPERVISOR TRAINING FOR REASONABLE SUSPICION: DRUG & ALCOHOL**

**February 11, 2025 – ZOOM – 8am – 11am - \$125/person**

Every supervisor who has interaction with CDL drivers is required to receive a minimum of 2 hours training in the detection of alcohol misuse or controlled substances use. In this course, the trained supervisor will receive the FMCSA mandated training and the necessary training certificate to be in compliance with 49 CFR 382.603.

### **\*\* PERIOD ANNUAL INSPECTIONS PROCEDURES & QUALIFICATIONS**

**June 3, 2025 – ZOOM – 8am – 12:30pm - \$140/person**

This course covers the elements of the DOT annual periodic vehicle inspection, completion of the annual inspection reports and placement of decals. Students will learn the regulatory requirements of the annual periodic vehicle inspection and 49 CFR 393 and 396 Appendix A, previously known as Appendix G. Inspectors/technicians will learn what the requirements are to become a qualified inspector and how to maintain their qualifications.

### **\*\* CERTIFIED DIRECTOR OF SAFETY / CERTIFIED SAFETY SUPERVISOR**

**March 10-14, 2025 – Las Vegas Office**

Made up of two 2-day courses, plus an exam and certification application, this Certified Safety Training is a nationally-recognized industry standard for excellence. CDS students must have 5 years in the motor fleet safety field or 4 years in the field with a 4-year college degree in order to qualify for certification, while CSS students must only have 2 years in fleet safety. However, the courses are open to everyone in the industry to take without the exam and certification.

**Motor Fleet Safety Basics:** This “Fleet Safety 101” program is designed to provide training on effective implementation of safety-related policies and procedures. A training requirement for NATMI’s safety certification program, this course is designed for line-level safety supervisors, with the basic emphasis on what they need to do and when and how to do it. Managers of small fleets and experienced safety professionals seeking a refresher on technical issues will find this course helpful as well. You’ll gain technical knowledge taught within the context of the importance of safety and applying a quality management approach to safety program implementation.

Some pre-reading is also required. The following topics will be covered:

- Objectives of a fleet safety program
- Overview of NATMI certification for safety professionals
- DOT/OSHA Record keeping issues and requirements
- Reporting and documenting vehicle accidents
- Employee injury control and prevention
- Hiring the right people
- Driver retention
- Safety training
- Implementing safety in your company

Managing Motor Fleet Safety Programs: This course is designed to provide current and prospective transportation safety directors with the vision and skills that they need to manage an effective safety program. Participants will be playing the role of a newly-hired safety director at a company in need of a safety overhaul. Through case-based scenarios, learn how to “sell” safety to top management, foster a safety “culture” in the organization, demonstrate safety’s ROI, and consistently improve the safety of company operations using quality management approaches. We will cover:

- How to become a Certified Director of Safety (CDS)
- Safety is good business – demonstrating the effect of safety on profitability.
- The quality management approach to safety programs: how to identify the root cause of company safety problems and establish systems for continuous improvement.
- Employee injury/illness management programs: focusing on critical safe behaviors to prevent or reduce injuries; managing injury costs through early return to work programs.
- Driver performance management: using quality tools to identify the root causes of Hours of Service violations and to analyze driver turnover.
- Accident analysis and litigation: root cause analysis of accident trends; a case study in accident litigation.
- Implementing safety: how to implement the concepts introduced in this course in your own company.

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## NV Heat Regulations Finalized

The Nevada OSHA Heat Illness Regulation was finalized on November 20, 2024. The Rule takes effect upon signature of the NV Secretary of State, and enforcement will begin 90 days after the state publishes guidance. (Stay tuned for actual dates.)

This regulation covers businesses with more than 10 employees, and requires those businesses to conduct a **Job Hazard Analysis**, create a **Written Safety Program**, develop **Emergency Procedures**, and **Train** their employees.

Once NTA receives the guidance, we will pass along the details. We will also host a webinar in January that will provide information on how to comply with this regulation.

The press release with a bit more information is attached at the end of the Newsletter.

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## **Save Money in 2025! Check out our NTA Partnerships**

NTA has partnered with multiple providers who will offer services, products, seminars, webinars and in-person training to our members at affordable price points. *Make sure and identify yourself as an NTA member to receive the negotiated prices and discounts!*

## WORKERS' COMPENSATION INSURANCE

**ProGroup Inc.** administers the Nevada Transportation Self-Insured Group for NTA. By joining this group you can realize cost savings, technical assistance and training in all areas of employee health and safety.

Contact Michelle Ferrise at ProGroup – [michelleferrise@pgmnv.com](mailto:michelleferrise@pgmnv.com) – 702-805-5122

## TRAINING/SEMINARS

**Scopelitis Transportation Consulting (STC)** is a specialized consulting and advisory business that serves the evolving safety, regulatory, compliance and business needs of the transportation industry. STC has developed a series of webinars focused on DOT regulatory compliance. These trainings are geared toward fleet / operations managers and safety / compliance professionals. Upcoming seminars include:

\*Vehicle Safety and Compliance - December 17, 2024

\*Accident Response, Crash Preventability Determinations & DataQs – Jan. 21, 2025

Go to [www.scopelitisconsulting.com](http://www.scopelitisconsulting.com) to learn more and to sign up for this series.

**Front Range Compliance Services (FRCS)** is a proven and trusted DOT compliance program manager. FRCS specializes in all things DOT, in all 50 states. They offer a variety of services ranging from DOT Compliance Training and internal mock “audits”, to file management and DOT Compliance Audit Preparation & Representation. FRCS is a full-service safety & consulting company. Training Programs currently include free informational videos and on-demand webinars via [www.DOTUniveristy.org](http://www.DOTUniveristy.org) (use code NTA to get discounted pricing). Additionally, NTA has scheduled two ZOOM classes for the first half of 2025:

\*Reasonable Suspicion Training (required for all motor carriers) – February 11<sup>th</sup> ZOOM

\*Periodic Vehicle Inspection & Qualifications – June 3<sup>rd</sup> ZOOM

Go to [www.frontrangecompliance.com](http://www.frontrangecompliance.com) for more information.

## DRUG/ALCOHOL TESTING

**TSC Testing** was founded for the Transportation Industry. They service all states and have thousands of collection sites to serve their clients. Through the NTA program, you receive discounted pricing on consortium fees, employee drug testing and more. Contact Levi Ochotorena, [lochotorena@tsctest.com](mailto:lochotorena@tsctest.com), 916-345-5022.

## LEGAL ASSISTANCE

**Driver's Legal Plan** is an actual national law firm dedicated to protecting the rights of truck drivers, and therefore the interests of trucking companies. This program offers subscription-based legal assistance for drivers to correct CSA data, manage citations and if necessary, assist with crashes.

Contact Tina Hopkins, [tina@driverslegalplan.com](mailto:tina@driverslegalplan.com), 405-724-4219.

## BUSINESS SERVICES – FREE REVIEWS

**Schooley Mitchell** is the largest independent cost reduction consulting firm in North America. On average, they reduce essential business service expenses by 28% and most do not require changing vendors. Services include credit card processing, ELDs, telecommunications, uniforms and more.

Contact Rodney Wead, [Rodney.wead@schooleymitchell.com](mailto:Rodney.wead@schooleymitchell.com), 317-588-9325.

## TIRES

**Goodyear Tires.** NTA Members receive discount pricing on all your Goodyear tires as well as any related incentives and rebates. Available at Goodyear Tire Dealers.

Contact your local Goodyear dealer or call Roland Corona, [roland\\_corona@goodyear.com](mailto:roland_corona@goodyear.com), 209-576-6064

## TECHNICAL ASSISTANCE – FREE PHONE SUPPORT

**Ironwood Business Consulting** is a leading national compliance consulting firm. NTA members receive **free** telephone support for questions on DOT / OSHA / HR and more. You can also receive discounted rates on in-depth consulting for training, crisis management, crash assistance and other areas.

Contact Tammy Bailey, [tammy@ironwoodbc.com](mailto:tammy@ironwoodbc.com), 936-537-0638.

## SAFETY REPORTS / MOMENTUM DASHBOARDS - FREE

**Momentum Dashboard / Bluewire Severity Reports.** NTA provides these reports free-of-charge to our members. The reports include safety performance tracking and detailed data from the CSA program and other sources.

Contact Patti Gillette, [patti@nevadatrucking.com](mailto:patti@nevadatrucking.com), 720-560-3957

## BUYER's GUIDE

**Strategic Value Media** has once again produced NTA's online Buyer's Guide. This guide offers our members a quick link to vendors across dozens of categories from financial services to truck parts and insurance.

Check out the guide at [www.nvtruckingbuyersguide.com](http://www.nvtruckingbuyersguide.com)

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## Save the Dates!

December 14, 2024 – Wreaths Across America Events – Nationwide  
January 6, 2025 – Nominations Open for Driver, Fleet, and Safety Awards  
January 14, 2025 – NTA Safety Council Meeting – Reno & ZOOM  
February 11, 2025 – Reasonable Suspicion Seminar via ZOOM  
March 3, 2025 – Award Nominations DUE  
March 10-14, 2025 – Certified Director of Safety course – Las Vegas  
May 3, 2025 – NV Truck Driving Championships – Reno  
June 3, 2025 – Periodic Inspection Procedures & Qualifications Seminar via ZOOM  
June 11, 2025 – Safety Symposium & Lunch – Las Vegas

## Other Dates of Interest

April 23-25, 2025 – ATA Safety, Security & Human Resources Conference  
April 27 – May 1, 2025 – CVSA Workshop – New Orleans, LA  
May 13-15, 2025 – International Roadcheck  
July 13-19, 2025 – Operation Safe Driver  
August 20-23, 2025 – National Truck Driving Championships – Minneapolis, MN  
August 24-30, 2025 – Brake Safety Week  
September 14-20, 2025 – National Truck Driver Appreciation Week  
September 21-27, 2025 – National Technician Appreciation Week

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## Get Involved!

We are excited to invite all members to actively participate in our Safety Council and safety-related programs. By joining, you'll have the opportunity to contribute valuable insights, share experiences, and collaborate on events. Let's work together to build a positive safety culture in Nevada. Join us in making a difference! Contact Patti today!



Patti Gillette \* Director of Safety \* [Patti@NevadaTrucking.com](mailto:Patti@NevadaTrucking.com) \* 720-560-3957



Guest Column – Doug Marcello, Esq., Saxton & Stump

## Not Just Safety — Reducing Risk by All Departments

### Why It Matters

Risk reduction and denuclearization is not solely the responsibility of safety and risk departments. Every department can – and must – act within their powers to reduce exposure to liabilities.

This is even more important in an era of deductibles/retention and captives. The all-out effort in every department protects the public, preserves company profits, and deflates an existential threat.

### What's the Problem

There is a misconception that risk is limited to being a safety and risk department problem. Impose procedures. Minimize claims.

Moreover, safety and risk are misconceived as company burdens. They restrict profits. They erode the bottom line. Burdens.

While safety and risk lead to risk reduction, it must be a company-wide effort. Every department can contribute to do what they can to minimize exposure.

Unfortunately, these other departments are incentivized to the contrary. Sales to get loads. Recruiting to fill seats. Operations to route. Maintenance to keep wheels turning.

All these functions have elements of risk. Yet few companies incentivize, let alone focus, on reducing these risk-bearing elements. In today's environments, it is a "must" to do so.

### What Can Be Done

Safety and risk is not just external, addressing interaction with the motoring public and billboard lawyers. It is also an *internal* endeavor evangelized to all departments:

- **Sales:** Risk-based pricing. Load pricing is market drive. But that pricing cannot ignore risk. The risk inherent in a load that goes to a litigious or accident-fraught location.

I have clients that lament the costs of cases in "hellhole" jurisdictions.

Yet, they priced the load to that location priced for less risky locations.

Sales must fulfill that role. Loads must be priced for the potential exposure. Or declined if the price does not factor the risk.

I know, easy for me to say as an attorney. But I've seen the alternative and the losses suffered by the failure to include risk or exposure in the pricing calculation.

- **Recruiting:** Exposure starts with drivers. Their actions, and their pasts, are potential detonators.

"Filling the seat" indiscriminately feeds the frenzy of the billboard attorneys. As I've said before, for them it's not about the accident, it's about the company. Systemic failures.

Questionable (dubious) hiring lobs them a soft one. The billboard attorneys can attack the company for hiring an unqualified driver to operate an 80,000-pound truck among the motoring public.

The defense starts with hiring. Qualified drivers. Defensible backgrounds. Training to address deficiencies.

Again, easy for me to say. But I've seen the alternative...and what it costs.

- **Operations:** How can operations reduce risks? They just direct traffic.

Answer: A lot. First, driver management is vital — hours of service, fatigue, weather ... all of these are potential detonators.

Second, routing is risk-related. Telematic companies provide insight into the most dangerous roads, days of the week, times of day. These are invaluable insights that can minimize risk if employed in routing.

And one of the largest recent verdicts included an argument that weather should have been considered in routing.

Third, detention time. The American Transportation Research Institute's recent study found increased risk when there is excessive detention time. Not just rushing to make up time, but even en-route to get the load.



- **Maintenance:** Functioning vehicles reduce risk. Not just by avoiding failure-caused accidents, but by minimizing driver distraction and rushing due to lost time.

Plus, post-accident inspections that reveal pre-accident defects are fodder for the argument of billboard attorneys that there is a systemic failure that requires a big verdict. “The company couldn’t even keep their vehicles compliant. How do you think the rest of the company operates?”

## **The Big Thing**

Multi-departmental safety and risk requires one overarching commitment: A safety culture. It starts at the top. With the folks who are responsible for, judged by, and profit from the bottom line.

In my current presentation, “Safety Profit,” I preach the message of this full-court press by the entire company and all departments to protect profit – and the company itself. Management must buy in and make clear their commitment to the message.

When that happens, safety and risk are no longer a burden. They are a profit. Keeping money on the bottom line by stemming the hemorrhage.

## **Bottom Line**

Safety and risk will determine your bottom line. But all departments can and must contribute. Make sure this message reaches all and is effectively enforced.

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## **Nevada OSHA Heat Illness Regulation Approved**

**Las Vegas, NV** — A heat illness regulation adopted by the Division of Industrial Relations (DIR) has been filed with the Nevada Secretary of State and is now in effect. The new regulation provides flexibility for each business to evaluate workplace hazards associated with heat to develop and implement a plan that addresses their specific needs.

According to Division of Industrial Relations Administrator Victoria Carreon, “Approval of this regulation is a critical step to reduce the health risks of heat exposure for Nevada workers in indoor and outdoor settings. This regulation is the culmination of four years of discussion and engagement with various stakeholders to develop a framework that works for Nevada’s workers and employers.”

Developing a Nevada-specific regulatory framework has been a priority of the Division due to the workplace hazards inherent in Nevada's increasingly hot climate. Heat-related complaints to Nevada's Occupational Health and Safety Administration have grown exponentially after seeing a dramatic increase in complaints submitted in 2021. During calendar year 2021, 344 complaints were filed, compared to 467 complaints filed through September 2024.

The approved regulation ([R131-24AP](#)) requires businesses with more than 10 employees to implement the following measures:

- **Job Hazard Analysis:** Businesses with more than 10 employees are required to perform a one-time job hazard analysis of working conditions that could cause heat illness.
  - This analysis is limited to job classifications where a majority of employees have occupational exposure to heat illness for more than 30 minutes of any 60-minute period, excluding breaks.
- **Written Safety Program:** If the job hazard analysis identifies conditions that may cause heat illness, a written plan is required that includes the following:
  - Provision of potable water;
  - Provision of a rest break when an employee exhibits signs or symptoms of heat illness;
  - Provision for means of cooling for employees;
  - Monitoring by a person designated by the employer of working conditions that could create occupational exposure to heat illness;
  - Identification and mitigation of work processes that may generate additional heat or humidity;
  - Training of employees; and
  - Procedures for responding to an emergency.
- **Emergency Procedures:** Employers are required to designate an individual who will contact emergency services if an employee is experiencing signs of heat illness.
- **Training:** Employers are required to provide training to employees identified in the job hazard analysis on the following topics:
  - How to recognize the hazards of heat illness; and
  - Procedures to be followed to minimize the hazards of heat illness.
- **Exemption for Climate-Controlled Environments:**
  - The requirements of the regulation do not apply to employees who work indoors in climate-controlled environments, including motor vehicles with a properly functioning climate control system.
  - If the climate control system becomes non-functional or ineffective, the employer shall make a good faith effort to reestablish an effective climate control system as soon as practicable.

- Until the climate control system is rendered effective, the employer must implement the potential hazards that could cause heat illness.
- **Collective Bargaining Agreements:**
  - Employers can exceed the requirements of the regulation on their own or through collective bargaining agreements.
  - Collective bargaining agreements cannot waive or reduce the requirements of the regulation; and
  - The regulation does not relieve an employer of contractual obligations under a collective bargaining agreement.

The regulation became effective upon signature by the Nevada Secretary of State. In the coming weeks, the Division will post additional guidance for employers on their website ([dir.nv.gov](http://dir.nv.gov)). Enforcement of the regulation will begin 90 days from the publication of the guidance.

The Division's Safety Consultation and Training Section (SCATS) will be developing and posting training courses for the new regulation on their website ([4safenv.state.nv.us](https://4safenv.state.nv.us)). Nevada SCATS also provides free workplace safety consultation services to all Nevada employers. For more information, visit <https://4safenv.state.nv.us>.

### **About the Division of Industrial Relations:**

The Nevada Division of Industrial Relations (DIR) is the principal regulatory agency responsible for workplace safety and worker protections in the state of Nevada. Comprised of five sections –Occupational Safety and Health Administration, Worker's Compensation Section, Mechanical Compliance Section, Mine Safety and Training Section, and the Safety Consultation and Training Section – DIR works to protect Nevada's working men and women and provides a broad scope of training and support to the regulated community. For more information please visit <http://dir.nv.gov>.

### **About Nevada OSHA:**

Nevada OSHA operates as an approved state program as defined by section 18 of the Occupational Safety and Health Act of 1970 and is required by the Act to operate in a manner that is at least as effective as the federal OSHA enforcement program. Operating out of district offices in Las Vegas and Reno, Nevada OSHA conducts inspections and investigations intended to identify hazardous conditions which could harm Nevada's workers, and enforces state and federal laws protecting the state's workers. For more information visit <http://dir.nv.gov/OSHA/>

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