

SAFETY & TECHNOLOGY ORGANIZER

JUNE 2013

ENCLOSED

Safety Topic: “Child Labor Regulations”

Please contact GAWDA's OSHA and EPA Consultant, Mike Dodd for more information.

Traffic Bulletin: “Hours of Service”

Please contact GAWDA's DOT and Security Consultant, Mike Dodd for more information.

Medical Gas Bulletin: FAQs, Medical Gas Roundtables and Micro-audit

Please contact GAWDA Medical Gas Consultant, Tom Badstubner for more information.



Safety Meetings are important!

They: get your employees actively involved
encourage safety awareness
help identify problems before they become accidents
motivate employees to follow proper safety procedures

We are happy to provide you with a monthly topic for your agenda.

ROUTE TO:

- General Manager
- Safety Coordinator
- Supervisor Dept. _____
- Other _____
- Date of Meeting _____

Child labor regulations

Summer time is upon us again and our members are hiring summer help so this bulletin is a reminder that we have to follow certain rules for underage workers.

The Fair Labor Standards Act child labor provisions (29 CFR 570–580) are designed to protect minors by restricting the types of jobs and the number of hours they may work.

Prohibited jobs

Seventeen hazardous non-farm jobs, as determined by the Secretary of Labor, are out of bounds for teens below the age of 18. Generally, they may not work at jobs that involve:

1. Manufacturing or storing explosives
2. Driving a motor vehicle and being an outside helper on a motor vehicle
3. Coal mining
4. Logging and sawmilling
5. Power-driven wood-working machines*
6. Exposure to radioactive substances and to ionizing radiation
7. **Power-driven hoisting equipment (Forklifts)**
8. Power-driven metal-forming, punching, and shearing machines*
9. Mining, other than coal mining
10. Meat packing or processing (including power-driven meat slicing machines)
11. Power-driven bakery machines
12. Power-driven paper-products machines*
13. Manufacturing brick, tile, and related products
14. Power-driven circular saws, band saws, and guillotine shears*
15. Wrecking, demolition, and ship-breaking operations
16. Roofing operations*
17. Excavation operations*

* Limited exemptions are provided for apprentices and student-learners under specified standards.

Hour limitations

- Youths 18 or older may perform any job, whether hazardous or not, for unlimited hours, in accordance with minimum wage and overtime requirements.
- Youths age 16 and 17 may perform any non-hazardous job, for unlimited hours.
- Youths age 14 and 15 may work outside school hours in various nonmanufacturing, nonmining, nonhazardous jobs up to:



- 3 hours on a school day
- 18 hours in a school week
- 8 hours on a non-school day
- 40 hours in a non-school week
- Work must be performed between the hours of 7 a.m. and 7 p.m. (extended to 9 p.m. from June 1 through Labor Day).
- Youths enrolled in an approved Work Experience and Career Exploration Program may work up to 23 hours in a school week and 3 hours on a school day (including during school hours).

Requirements

Department of Labor regulations require employers to keep records of their employees under age 19 including their date of birth, starting and quitting times, daily and weekly hours worked, and their occupation. Employers may protect themselves from unintentional violation of the child labor provisions by keeping on file an employment or age certificate for each youth employed to show that the youth is the minimum age for the job. It is a violation of the Act to fire, or in any other manner discriminate against, an employee for filing a complaint or for participating in a legal proceeding under the Act.

Penalties

Employers are subject to a civil money penalty of up to \$10,000 for each employee employed in violation of the child labor provisions. When a penalty is assessed, employers have the right, within 15 days of receipt, to file an exception to the determination that will be referred to an administrative law judge for a hearing. Either party may appeal the judge's decision to the Secretary of Labor. If an exception is not filed in a timely manner, the penalty becomes final.

An employer who is convicted of a second offense is subject to a fine of not more than \$10,000, imprisonment for up to six months, or both. The Secretary of Labor may also bring suit to obtain injunctions to restrain persons from violating the Act.

Relation to state laws

Many states have child labor laws. When both this Act and a state law apply, the law setting the higher standards must be observed.

Feel free to contact me if you have questions.





TRAFFIC BULLETIN

June 2013

Hours of Service

New Changes (please note the rest breaks)

PROVISION	PRIOR RULE	FINAL RULE - COMPLIANCE DATE JULY 1, 2013
Limitations on minimum "34-hour restarts"	None	(1) Must include two periods between 1 a.m.- 5 a.m. home terminal time. (2) May only be used once per week.
Rest breaks	None except as limited by other rule provisions	May drive only if 8 hours or less have passed since end of driver's last off-duty period of at least 30 minutes. [HM 397.5 mandatory "in attendance" time may be included in break if no other duties performed]
PROVISION	PRIOR RULE	FINAL RULE - COMPLIANCE DATE FEBRUARY 27, 2012
On-duty time	Includes any time in CMV except sleeper-berth.	Does not include any time resting in a <u>parked</u> vehicle (also applies to passenger-carrying drivers). In a moving property-carrying CMV, does not include up to 2 hours in passenger seat immediately before or after 8 consecutive hours in sleeper-berth.
Penalties	"Egregious" hours of service violations not specifically defined.	Driving (or allowing a driver to drive) more than 3 hours beyond the driving-time limit may be considered an egregious violation and subject to the maximum civil penalties. Also applies to passenger-carrying drivers.
Oilfield exemption	"Waiting time" for certain drivers at oilfields (which is off-duty but does extend 14-hour duty period) must be recorded and available to FMCSA, but no method or details are specified for the recordkeeping.	"Waiting time" for certain drivers at oilfields must be shown on logbook or electronic equivalent as off duty and identified by annotations in "remarks" or a separate line added to "grid."





TRAFFIC BULLETIN

How do we document the rest breaks?

If you are doing logbooks, then you will just show the break on the log. For the drivers not doing logs, I suggest that you show this on the time cards by either clocking in and out or just making remarks on the time card. Nothing in the rules address whether or not the employer pays or not pays for the breaks. That is totally up to the employer.

Who must comply?

Most drivers must follow the HOS Regulations if they drive a commercial motor vehicle, or CMV. In general, a CMV is a vehicle that is used as part of a business and is involved in **interstate commerce** and fits *any* of these descriptions:

- Weighs 10,001 pounds or more
- Has a gross vehicle weight rating or gross combination weight rating of 10,001 pounds or more
- Is designed or used to transport 16 or more passengers (including the driver) not for compensation
- Is designed or used to transport 9 or more passengers (including the driver) for compensation
- **A vehicle that is involved in Interstate *or* intrastate commerce and is transporting hazardous materials in a quantity requiring placards is *also* considered a CMV**

Please remember that most states have adopted the Federal regulations for intrastate commerce so they would be enforcing the hours of service rules. The only change is that they apply the rules to vehicles over 26,001 pounds GVWR or GCWR if pulling a trailer.

DOT Hours of Service Website

Here is the website: <http://www.fmcsa.dot.gov/rules-regulations/topics/hos/index.htm>

There are some great links on the right side of the page. Very helpful is the logbook examples link where it shows how to fill out logs and some common mistakes or errors.

If there are any questions, please contact me. I always enjoy helping people.





MEDICAL GAS BULLETIN

06/01/2013

Frequently Asked Questions

Q – Is “Grade D” Breathing Air regulated by the FDA?

A – No, “Grade D” Breathing Air is regulated by OSHA and is not a drug. See 29 CFR 1910.134 (i) and CGA G-7.1, "Commodity Specification for Air" for details.

June Medical Gas Roundtable

These GAWDA Medical Gas roundtables are excellent sources of CGMP training and the latest industry compliance news. On June 7, 2013, we will cover strategies to survive an FDA audit. There are some simple items you can do before, during and after an FDA audit that will contribute to a better compliance outcome. In addition, we will make available a proven template document for responding in writing to FDA investigations.

For your information, we are also conducting the following webinars in June:

- **ISO 17025** - ISO 17025 - Establishing Calibration Schedules
- **Specialty Gas** - Robust and Efficient Gas Sampling Techniques
- **Food Gas Roundtable** – the latest information about food gas regulations is reviewed – The sample Food Gas SOPs are available for downloading during the seminar.

If you would like to receive invitations to the training webinars, just send an email to juliet@asteriskllc.com.

Micro-audit

This section of the Medical Gas Bulletin lists small steps you can take each month to improve your medical gas management system. These steps are not designed to be a full audit, but rather small steps to sample your compliance.

For this month, simply do these items:

1. Annual Records Review – Verify that you have looked at your records to determine if changes are needed in your medical gas program. This review can be easily completed and documented. Contact Tom if you need a form to document your annual records review.
2. Electronic Registration and Listing – Be sure your electronic registration and listing is correct. Print out the web pages with your information below to document your compliance:

Facility Registration - <http://www.accessdata.fda.gov/scripts/cder/drls/default.cfm>

Drug Listing - <http://dailymed.nlm.nih.gov/dailymed/search.cfm>

