

Safety is a Challenge
By Geoffrey H. Doughty
Director of safety & Loss Control

Safety is always a challenge, whether it be trying to promote safety in the attempt to make your employees become safer workers or creating a safe working environment. The two are connected, of course, but at its heart is asking: what is important to us? Is it staying alive so as to support your family? Is it to remain in business? There is a connection here, also.

One thing you should do is take a look at the world around us – pay attention to the rest of the world and what kind of society we are turning into. For those who can remember a time when life didn't seem as rushed or as violent, the past seems like a pretty nice place, assuming you don't think about the Cold War and the constant threat of nuclear annihilation. Just to put things in perspective, I offer the following thoughts.

While driving into work, I listen to the radio like many others who drive to work early in the morning. I learned that Charlie Brown's Christmas Special aired on television for the first time 50 years ago (1964). Jeez, Louise! Did I black out? Was it THAT long ago?

The music from that show still plays in stores and on the radio and whenever I hear it, I think of that program...I'm not the only one. It's in our "DNA," as a society.

I also realize that the only time anyone saw a police officer in a school was on a bike safety day. How times have changed.

Do you remember 1980? *That* was 35 years ago. Feeling old, yet?

What were transportation's big issues then? Alcohol and motor carrier deregulation.

Let's begin with alcohol. It was a big safety problem as far as safety in the workplace and on the highways was concerned, and don't misunderstand, it still is...but more on that in a bit.

Part of the issue was the variance in state laws regarding a minimum legal drinking age (MLDA). In 1933, the 21st amendment to the United States Constitution repealed the prohibition of the manufacture and sale of alcoholic beverages, thereby allowing each state to regulate how and by whom alcohol could be consumed. At that time, most states set the minimum legal drinking age at 21, the standard legal age of adulthood. The State of New York opted for an MLDA of 18 and a few states had a 21-year-old legal age but permitted certain beverages (low-strength beer) to be purchased at age 18. Additionally, some states continued for some years to prohibit alcohol or allowed the prohibition of its sale as a local option.

The Vietnam era brought about a national change in the *age of majority* to 18 years and many states followed by reducing the legal drinking age. By 1982, only 14 states retained a MLDA of 21; the MLDA in the other 36 states was 18, 19, or 20.

In the 1970s and early 1980s, MLDA laws became a traffic safety issue. Several studies during this period showed that youth traffic crashes increased as states lowered their MLDA. In addition, the "blood borders" between states with different MLDAs caught public attention after highly-publicized crashes in which youth below the legal drinking age would drive to an adjoining state with a lower MLDA, drink legally, and crash on their way home.

Advocacy groups urged states to raise their MLDA to 21. Several did so in the late 1970s and early 1980s, but others did not. Poor decision-making by youth was only aided by state laws relating to MLDA.

To encourage a national drinking age, Congress enacted the Uniform Drinking Age Act in 1984 which provided that states that failed to raise their Minimum Legal Drinking Age to 21 would lose a portion of their federal-aid highway construction funding. In response, all states (that hadn't already) increased their MLDA to 21 by 1988.ⁱ

So, there was a consensus about the dangers of drinking alcoholic beverages and safety on the roads and highways of the nation. What also resulted was a greater focus on the dangers of alcohol use on the job in all industries, not just transportation.

In the National Highway Systems Designation Act of 1995, Congress used the same strategy as it did for *MLDA 21*, encouraging *zero tolerance* laws: states failing to enact a zero tolerance law by 1999, at a blood alcohol concentration (BAC) limit of 0.02% or lower and covering all persons under 21, would lose a portion of their federal-aid highway construction funds. Most zero tolerance laws took effect between 1994 and 1998, and by 1998, all states had zero tolerance laws in place. FMCSA adopted the MLDA level for commercial drivers in 2000 based on the Federal Transit Administration rule adopted in 1982, but it wasn't until 1986 that Federal Highway Administration adopted a 0.04% level for commercial drivers. The State of New Hampshire adopted the 0.04% level for commercial drivers in 1989. So, there was general recognition of an alcohol problem that impacted transport safety and a greater focus on remediation.

By 1987, illegal drug use was beginning to be a problem in transportation – all forms of transportation, not only trucking!

Motor carrier deregulation was a part of a sweeping reduction in price controls, entry controls, and collective vendor price setting in United States transportation that began in 1970-71 with initiatives in the Nixon Administration, and carried out through the Ford and Carter Administrations, and continued into the 1980s, collectively seen as a part of general deregulation movement. Deregulation of the trucking industry began with the Motor Carrier Act of 1980, signed into law by President Carter on July 1, 1980.

Today's safety issues are quite different. Our society is different, so our social safety issues are different. We have welcomed cell phones and other "electronic devices" into our vehicles producing another, perhaps greater safety issue: distracted driving. Then we developed the art of *texting*. As a nation we recognized that doing this behind the wheel was a dangerous act, so states passed laws prohibiting the practice, but some drivers still believe they can do this without becoming involved in a collision.

Another serious safety issue is prescription drug abuse. Thirty-five years ago prescription drugs were not allowed to be advertised on TV...today, you cannot turn on the TV without being assaulted by advertisements for health issues that you never heard about. Legalization of certain drugs (especially marijuana) that was unthinkable ten years ago is now a topic of national discussion. Drugs and a more liberal view toward their use have eroded the moral fibers of our society while use of them is endangering the safety of workers everywhere, in all forms of employment.

What should bother you is that the next generation of your employees comes from this brave new world, but our industry is not the only one that is threatened by these events. All forms of transportation are having to meet these same challenges, not just trucking. Rules and regulations can be applied but it comes down to you to inform and promote safe working habits that don't involve the issues discussed in this article. Making your employees aware of these issues is important to their safety and the future of your company. We have to adapt; we have to maintain our standards of operations.

Our job is to help you develop a culture where the safety of persons and property are your top priorities and to meet these and other challenges. Plan for the future; talk with your employees about safety... *their* safety...and the world around them.

¹ US Department of Transportation – NHTSA “Fewer Young Drivers” Report