



Comments :SWANA [and MRWMD] objects to the inclusion of the requirement in this credit that a 30-minute non-driving break should take place between the 4th and 6th hour of driving. The federal government has considered, issued, and revised Hours of Service (HOS) rules for decades based on research. There is not a mandatory break requirement in the HOS rules because it is not supported by the preponderance of scientific evidence.

Current SWEEP Language:

SWC: Commitment to safe working conditions

“Drivers should limit hours driven consecutively. A 30-minute non-driving break should take place between the 4th and 6th hour of driving. Drivers should work no more than 12 hours per day. Drivers should not work more than 6 days consecutively except in situations of responding to Force Majeure events. Or state/federal regulations, whichever is more stringent.”

Response:

While SWEEP understands SWANA and MRWMD’s position on HOS requirements, we disagree with the comment’s premise that the HOS as written represents an adequate bar for safety in a leadership standard. The HOS is a minimum safety performance standard designed to apply to the entire market, in other words: “safe enough”. Put another way, “if conditions were less safe, it would be illegal.”

Based on research done by SWEEP during the Standard development and comment response process we found literally no safety-focused organizations, including the National Transportation Safety Board that agreed with FMCSA’s HOS as written. In fact, the preponderance of safety focused evidence is that driver fatigue is a massive issue that is inadequately addressed. However, FMCSA in its balancing of safety with other factors, determined that the HOS represented the best balance.

However, SWEEP is a leadership standard and the focus of the credits in question is to prioritize safety beyond what is minimally acceptable. As the fifth most dangerous industry in the United States, we’ve found overwhelming evidence that breaks before a certain period (8 hrs) are crucial to mitigate any SCE’s (safety critical events) that may occur while on the job.

The Safe Working Conditions credit is not mandatory in SWEEP and not achieving the credit will not materially affect a jurisdiction’s ability to certify, even at the highest levels of SWEEP. It will be up to certifying organizations to balance factors important to them in determining which credits to pursue.

Appended below are facts, as cited by NTSB (National Transportation Safety Board), that support our position.



Notes from: PETITION FOR RECONSIDERATION Of The Final Rule On Hours of Service of Drivers Published at 85 Federal Register 33396, June 1, 2020, Docket FMCSA-2018-0248

Fatigue and fatality

- Since 2009, the number of fatalities in large truck crashes has increased by 46%. (Large Truck and Bus Crash Facts 2017, FMCSA, May 2019, FMCSA-RRA-18-018.)
- Fatigue is associated with elevated health risks including hypertension, diabetes, obesity, depression, heart attack, and stroke (Commercial Motor Vehicle Driver Fatigue, Long-Term Health, and Highway Safety: Research Needs, National Academy of Sciences, Mar. 10, 2016.)
- Fatigue and sleep deprivation, and the associated dangers of falling asleep at the wheel, inattention and loss of alertness, are responsible for 13 percent or more of heavy truck crashes. (2010 NPRM, 75 FR 82176)
- "The risk of being involved in an SCE (safety critical event) generally increased as work hour increased. " (84 FR 44190 (Aug. 22, 2019) (2019 NPRM).
- "Risk of occupational injury was 41 percent higher for 10- hour working days compared to 8-hour working days ... [and] when working more than 12 hours per day, three studies showed a 98% increase in involvement in occupational injury. (Simo Salminen, a senior researcher at the Finnish Institute of Occupational Health)
- Cumulative fatigue has been acknowledged as a serious, but ultimately preventable, safety concern. (Susan A. Soccolich, Myra Blanco, Richard J. Hanowski, Rebecca L. Olson, Justin F. Morgan, Feng Guo, Shih-Ching Wu. An analysis of driving and working hour on commercial motor vehicle driver safety using naturalistic data collection, Accident Analysis & Prevention, Volume 58, 2013, Pages 249-258)
- There is compelling research that found lengthening a work day results in increased injury risk to a worker. One study found that injury risks go up after eight hours on task, with a 30 percent increase on a 12-hour task. (Folkard, Simon, and David A. Lombardi. "Modeling the Impact of the Components of Long Work Hours on Injuries and 'Accidents.'" American Journal of Industrial Medicine, vol. 49, no. 11, Nov. 2006, pp. 953-963., doi: 10.1002/ajim.20307.)
- **Numerous researchers have stressed that long consecutive driving hours, long duty weeks, and inadequate and interrupted sleep are directly related to increased crash risks. In fact, many researchers, as well as the FMCSA, have shown that the risk of having a crash rapidly increases after the 8th or 9th consecutive hour of driving. Research conducted for the FMCSA confirms that crash risk increases as time spent driving increases for drivers from at least the 7th through the 11th consecutive hour of driving.**
- **For drivers who voluntarily take additional rest breaks, the existing rules may incentivize these drivers to speed in order to complete their driving prior to the end of the 14-hour driving window, resulting in increasing crash risk. The split duty provision would alleviate these unintended consequences by allowing drivers to take a break if they feel fatigued, or if their work day straddles a time period that doesn't provide for meaningful work to be accomplished (e.g., long detention times)**