

From: noreply@formstack.com
Sent: Friday, January 29, 2016 10:26 AM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 01/29/16 9:39 AM

Name (optional)::

Company/Organization (if applicable) (optional)::

Address (optional)::

Primary Phone (optional)::

Email (optional)::

CMR Number (If known): : DPS revised 520 CMR 6.0 Hoist Machinery

General Regulatory Themes:: Public Safety

Please list the Agency or Agencies affiliated with this regulation:: Department of Public Safety

Describe the regulatory issue or observation::

The Department of Public Safety has done a very very poor job in demanding a continuing education credential of Hoist license renewals.

It seems strange to be against education in the workplace, when it is the very essence of quality work, but the way DPS has introduced a requirement for Continuing Education, it is a nuisance, leaving the workplace with less formal training, and should be abolished.

Prior to the DPS requirement for Continuing Education, workplaces focused on the OSHA training requirement. OSHA training is specific to equipment, location, company policies about repairs, maintenance and accidents, etc.... Swapping OSHA training for DPS Continuing Education is a poor exchange. The DPS training is so general, it is without relevance. Worse, every endorsement requires an additional 4 hour training, in which three hours of the additional training is a repeat of the general information. A person holding 5 endorsements would need 20 hours of continuing education, where 12 hours would be a repeat of basic information. How can anyone call that education?

These online timed training programs, in which one frame will not advance on the computer screen until time has elapsed, ensuring that the total viewing time adds up to the mandated four hours, should be outlawed. Boredom is real, and it is an offense to all people who take training seriously. Boredom

teaches mindlessness, and mindlessness is the greatest threat to safety in any workplace.

After a few dissatisfying online experiences, we persuaded our safety consultant, John Furrh Associates, to get certified by DPS to provide 'continuing education', because he had so effectively trained our forklift operators in the past, every three years, per OSHA standard.

What a disappointment. In the past, Furrh came in to our business, talked very specifically about how OSHA standards applied to our equipment, our property, our work practices and our operating procedures. The training was relevant and excellent. But once Furrh was certified by DPS, he was wedded to the curriculum and class materials, which were generalized pablum. My technicians fought off sleep while they listened to a general lecture about equipment we do not own, hazards that we do not have, and work practices of other industries. There was no real meaningful information about our vulnerabilities. I wish words could convey how demoralizing this waste of time training is to our hard working staff.

After it was over, I made suggestions to Furrh about how to make the training could be made more specific to our business. Furrh, with whom I have contracted for decades, told me he could not make any changes. His materials had been approved by DPS; modifying would be too difficult; future presentations would be identical to this one.

I must repeat - Boredom is real, and it is an offense to all people who take training seriously. Boredom teaches mindlessness, and mindlessness is the greatest threat to safety in any workplace.

I will continue to use Furrh Safety Consultants for many services, but I will find someone else to do my forklift training, and that is a big loss for everyone. DPS 'continuing education' requirement is a loss for Furrh Safety Consultants, a loss for my employees, a loss for people who care about safety, and a loss for the Massachusetts economy. (The only people I know who are profiting from the DPS continuing education requirement are the people to whom DPS sold the private email addresses).

Suggestions for improvements to the regulation::

The Department of Public Safety should focus on PUBLIC areas and leave workplace safety to OSHA. If OSHA is failing to do its job, then DPS can point that out. But unless DPS can point to where OSHA falls short, and specify how DPS could offer an improvement - DPS should let OSHA do its job.

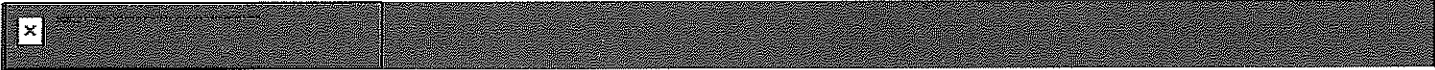
The disaster called 'DPS required Continuing Education' has robbed workers and employers of making the best use of formal training time. Formal training time now goes down a rat hole of foolishness where hard working people are made to sit in front of a computer screen watching a countdown of a seconds - and for that 30, 60, or 90 second delay, stay away by Googling celebrity gossip web sites. Has anyone at DPS sat through four hours of one of these computer generated classes? This is an example of people in power having no idea what they are requiring. Shame on DPS for wasting so much valuable time.

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This is a customer service email.

From: noreply@formstack.com
Sent: Friday, January 29, 2016 11:23 AM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform



Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 01/29/16 9:00 AM

Name (optional)::

Company/Organization (if applicable) (optional)::

Address (optional)::

Primary Phone (optional)::

Email (optional)::

CMR Number (If known): : DPS revised 520 CMR 6.0 Hoist Machinery

General Regulatory Themes:: Public Safety

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Describe the regulatory issue or observation::

The problems are -
OSHA - DPS ignored OSHA, and now there are two separate sets of rules, and neither one can claim to be the proper standard. Operators cannot be certain what the true regulations are. This is a case where more rules means no rules.
DOT - DPS wrongly requires a DOT health card, and thus disqualifies good operators, and is wrongly preventing people from working
CONTINUING ED - The continuing education requirement may be well intentioned, but it starves workers of formal training.
BUREAUCRACY - Too much paperwork is required, and neither DPS or private business can get it done in a timely manner.

Suggestions for improvements to the regulation::

1. Please direct DPS to edit out every instance of regulation that is equal to or less stringent than the OSHA Standard, and take those words to a Public Hearing, after proper notice has been published.
2. Require a DOT card from operators who will "...operate a CMV in intrastate commerce..." and not anyone else. In the old days, DOT health cards were easy to get, and the DPS requirement simply added to the cost of licensing. Now, doctors are reading the fine print. I lost one forklift operator to cataracts, another to diabetes, and a third to a heart abnormality. This is flat out wrongful discrimination, and should be eliminated immediately.

The DOT official form states in its introduction, on the top of the first page, "PURPOSE:to determine qualification to operate a CMV in intrastate commerce..." This form was created for Intrastate commerce. We may in fact have safer roads if cataracts and diabetes disqualify an operator from driving an 18 wheeler through a snowy night at the end of an 18 hour stretch, but let's not cheat someone out of a job by misapplying an erroneous standard.

3. DPS should not try and micromanage training - particularly by forbidding a change in training materials. Respect credible safety consultants, like John W. Furrh, Associates. Trust them to issue certificates when an employee has received training in accordance with OSHA standards. DPS should accept such certificates as a Continuing Education Credential.

4. This is a two-year license 48 states do not require. Expand it to five or ten years.

Forget the DOT card.

Stop requiring an email address. It is an invasion of privacy.

Require a copy of a valid license, but forget about follow-up, ie, copies of renewals.

Be a lot more open about Continuing Education. For example, if a credible trainer represents that training meets OSHA standards, accept it.

Beginning in 2017, OSHA will require a National Hoist License. These National Licenses are already in circulation. If an operator holds a National License, DPS should require no more than a copy of that license and a check.

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