



COPY

2020 JUL - 15 AM 8:31
RECEIVED
Police County Highway Dept

NIRMA's

Loss Prevention and Safety Department
Monthly Newsletter

NIRMA's Safety Shorts

General Safety, Highway & Law Enforcement

July 1, 2020

Volume 8, Number 7



July Is UV Safety Awareness Month

We all love to take in those warm summer rays, but everyone must remember to protect their skin and eyes from the damaging effects of the sun.

Here are the harmful things unprotected sun exposure can do:

- Cause vision problems and damage to your eyes
- Suppression of the immune system
- Premature aging of the skin
- Skin cancer.



GENERAL SAFETY

By Chad Engle, Loss Prevention and Safety Specialist

DOT Clearinghouse

Recently I have received a couple of questions regarding the DOT Clearinghouse and positive drug test results. Most Designated Employer Representatives (DERs) do not have a lot of experience dealing with positive drug test results, and that is a good thing. Please do not hesitate to reach out if you have questions, much better if we get it right the first time.

By now, all counties with DOT random drug testing programs should be registered with the Clearinghouse as employers and your employees with CDLs should be registered as well. If you are unfortunate and have an employee test positive for drugs and/or alcohol you are required to report the violation to the Clearinghouse. Some member counties have designated their consortium/third party administrator (C/TPA) to assist with the reporting requirements, which is permissible, just keep in mind that ultimately it is the employer's responsibility to ensure compliance. Be sure to communicate with your C/TPA so that you know what is and is not reported, your C/TPA can only report what they are aware of. If your alcohol tests are not conducted by your C/TPA or reported to them, they cannot report them to the Clearinghouse.

Your job is not complete just because the violation has been reported to the Clearinghouse. As an employer you still have all the other duties required by the DOT before the Clearinghouse was put in place. It is still the employer's responsibility to remove the employee from safety-sensitive positions and to provide them with a list of Substance Abuse Professionals (SAPs). You will also need to follow whatever your employee handbook requires you to do for a failed drug or alcohol test.

Please take a minute and visit the Drug & Alcohol Clearinghouse Learning Center, the information is very easy to navigate based on whether you are an employee, employer, C/TPA, MRO or SAP. It will be time well spent.

CBD Products and the DOT

I would caution any employees that are subject to DOT drug testing that CBD use is not a "legitimate medical explanation" for a safety-sensitive employee who tests positive for marijuana. Hemp-derived products; CBD oils, lotions, gummies, etc. that contain less than 0.3% THC are no longer considered controlled substances. However, some of the products may contain a higher level of THC than what is on the label. There is no independent testing to ensure the labels are accurate and if the CBD use results in a positive DOT drug test there is no defense. To be able to

Loss Prevention
and Safety

Keep your

Employees

Safe

We're on the Web

www.nirma.info

phone
402-742-9220

fax
402-742-9230

toll free
800-642-6671



CBD Products and the DOT *continued*

drive a CMV again that driver will have to complete the Return-To-Duty process.

Please contact me at chad@nirma.info or 1.800.640.6671 if you have any questions or would like to arrange for a training session.

HIGHWAY DEPARTMENT

By Tim Baxter, Road Safety and Loss Prevention Specialist

Fuel Storage Tanks Nebraska State Fire Marshal's Office – Fuel Storage Division Rules and Regulations

You may not remember but in December of 2015 at the Winter Highway Superintendents Association meeting, this topic was presented with handouts. Many issues were discussed pertaining to fuel storage and since then, there have been several changes.

We are in full swing with Shop Safety Audits and are finding many deficiencies where above ground fuel storage tanks are concerned. To better assist you in making the necessary improvements, listed below are some of the most glaring issues. Remember, the Fire Marshal's office can fine counties for violations on each deficiency. We would much rather assist you in making the improvements than to see your county fined.

One of the worst problems we find is counties with fuel storage tanks located inside county shops, with no ventilation, no containment, etc. If you are going to allow fuel storage tanks inside county shops, they must comply with all Fuel Storage Division rules and regulations. They require venting at least two feet above the building roof line, containment, all required signing, barriers to prevent vehicles and equipment from hitting them, etc. Another problem with fuel storage tanks located inside county shops is fuel can only be dispensed from a container/tank that does not exceed 120 gallons. NFPA 9.2.4. The fuel tanks we are seeing in county shops are 300 gallons and larger, so no one can legally dispense fuel from those tanks anyway. If the tanks contain Type I fuel or gasoline, the entire building would require rewiring for Class I Division I fuels. NFPA 30.

Historically, one of NIRMA's largest fire exposures has been road department shops. NIRMA's reinsurer, County Reinsurance, Limited (CRL) has been taking a real hard look at property risk of loss, with fire being one of their prime concerns. Storing 300 gallons or more of fuel inside a shop is like allowing a bomb inside a building just waiting to go off. Should a fire start in a county shop with a fuel tank in it, the entire building could be lost in a short period of time.

Below are some standard and updated fuel storage regulations from the Nebraska State Fire Marshal's Office – Fuel Storage Division:

- The following decals/signs are required to be conspicuously posted on or near the fuel facility:
 - NO SMOKING
 - SHUT OFF ENGINE WHEN REFUELING

Loss Prevention and Safety

July is UV Safety Awareness

According to the [American Cancer Society](#), an estimated 5.4 million basal skin cancers are diagnosed annually, and nearly 3.3 million people are diagnosed with squamous cell skin cancers annually. Even more troublesome is that many people are diagnosed with more than one skin cancer type. Invasive melanoma represents about 1% of all skin cancer cases, but it accounts for the majority of skin cancer deaths with an estimated 87,110 new cases of invasive melanoma annually and 9,730 deaths annually.

Overexposure to UV radiation can also cause eye cataracts, eye damage, skin aging, growths on the skin, and immune system suppression.



Fuel Storage Tanks Nebraska State Fire Marshal's Office – Fuel Storage Division Rules and Regulations – *continued*

- IDENTIFICATION OF CONTENTS (TWO SIDES OF TANK)
- LOCATION OF EMERGENCY FUEL SHUT OFF SWITCH
- LOCATION OF FIRE EXTINGUISHER
- Protective posts/barriers are required to protect the pump/tank from errant vehicles.
- Fire extinguishers inspected monthly and annually, are required within 100 feet of fuel storage tanks.
- A fuel containment system, liquid tight, is required on all above ground fuel tanks.
- Handrail is required on steps and fuel depot platform and requires top and mid rails.
- Holes shall not be cut in building walls to allow fuel lines or hose to run through to fuel equipment inside building from outside tank.
- Above ground fuel storage tanks must be equipped with emergency venting terminating at least 12 ft. above the ground for Class I fuels/gasoline, and above snow line for Class II fuels/diesel.

County highway superintendents, and county boards with no full-time highway superintendents, who have fuel storage tanks inside county shops will be contacted requesting the tanks be relocated outside the building in compliance with fuel storage regulations.

Attached please find an updated version of the fire marshal's office information from the 2015 Winter Meeting presentation.

Please contact Tim at 402-310-4417 or tim@nirma.info with any questions pertaining to fuel storage or contact the State Fire Marshal's Office – Fuel Storage Division at their website, (www.sfm.ne.gov), or call their office at 402-471-2027.

Chad Engle contributed to this newsletter article.

LAW ENFORCEMENT AND CORRECTIONS

By Terry Baxter, Law Enforcement and Safety Specialist

Use of Force / Chokeholds

Use of Force, I know this topic has been addressed over and over but based on what we continue to see nationwide and the growing push from various organizations wanting to provide input on changes to law enforcement use of force polices, this topic is not going away any time too soon and quite frankly this topic never will.

I can't help but think scrutiny relating to use of force has to be weighing heavy on the minds of our law enforcement officers, which may be perceived as a reluctance to act, especially since use of force is a hypersensitive issue right now and law enforcement is now concerned with public opinion when (you will notice I didn't say "if") force is used which in my opinion could pose a different type of a problem, public and officer safety.

Loss Prevention
and
Safety

chad@nirma.info

tim@nirma.info

terry@nirma.info

pat@nirma.info

lossprevention@nirma.info

Safety:

The only job
more important
than the job.



Use of Force / Chokeholds *continued*

¹Nationwide studies have shown most use force encounters are done through weaponless tactics, usually on the lower end of the force continuum, such as grabbing, pushing, and takedowns. Officers are trained to use force progressively starting with the least amount of force necessary to accomplish their goal. What has rocked the nation is the use of force involving in-custody deaths, shootings, severe beatings, and using restraints on suspects such as chokeholds has drawn the most attention to law enforcement, especially when injury or death occurs to the subject.

Some law enforcement agencies still allow the use of carotid hold, sleeper hold, or a lateral vascular neck restraint by restricting blood-flow to the brain, rendering the subject unconscious. In some instances, you can use these methods to safely subdue a violent suspect that is resisting, **but, only when officers were properly trained, and the restraint was deployed correctly.** The downfall to this type of restraint is, if the hold isn't done properly you can easily shut off a person's airway. So, tell me, if you permit this type of activity, is it outlined in your policy and does your agency train and practice these restraints during training exercises on a regular basis? In other words, how proficient and comfortable are your officers when applying this type of restraint technique? How comfortable are you as an administrator if this type of force was taken by one of your officers?

There is a strong push to ban chokeholds from law enforcement curriculums and in some academies across the United States it has already happened. Quite frankly, this isn't such a bad thing coming from a risk management point of view, as a majority of law enforcement officers never receive adequate training on these type of restraint applications, so the chances of doing it right are low.

This type of restraint is taught in martial art schools or dojo's under the direct supervision of a seasoned martial art instructor where a student learns correct techniques of body positioning, head and arm positioning, where to place the hands and how to protect themselves as well as the person the hold is being applied on. Senior Instructor Sensei's indicate when a chokehold is applied, it should never be held for more than four seconds.

If your agency does permit the use of chokeholds, your policy at the very least needs to indicate this type of restraint is only permitted when deadly force can be justified.

We all know and understand the level of force an officer uses varies, based on the situation facing the officer at the time, but one thing that has remained the same and how the aftermath will be perceived, will depend on the officer's level of training, experience, agency policy, but most all whether the amount of force used; was it reasonable and was it justified.

¹CNN 06/16/2020 Wall St. Journal 06/30/2020 Forbes Magazine 06/16/2020

For more information or to request training involving law enforcement and/or corrections operations., contact Terry at: terry@nirma.info, or (402) 686-9332.

Questions of Fire Marshal's Office Fuel Storage Division

1) What are the regulations, in distance/feet, for fuel tank placement from buildings, property lines, other utilities, pump placement?

- Electrical must be hardwired in conduit with explosion proof fittings, for Class I or gasoline tanks, according to the National Electric Code. Diesel tanks require hardwiring but do not require explosion proof fittings. Electric extension cords cannot be used to power fuel pumps.
- Emergency fuel shut off switch must be available, should be located on the exterior of the building and visible from fuel station.
- Emergency fuel shut off switch must be identified with a sign.
- Underground fuel facilities must have properly trained, with licensed Class A, B, or C operators.
- Distances:
 - Fuel tanks used for fueling equipment, vehicles, etc. must be located at least 100 feet from property line.
 - Fuel tanks must be located at least 50 feet from nearest important building.
 - Fuel pump must be located at least 50 feet from tank.
 - UL 2080, fire rated, fuel tanks must be located at least 25 ft. from nearest important building.
 - UL 2085, fire rated, fuel tanks must be located at least 5 ft. from nearest important building.
- Fuel tanks located inside buildings must have venting a minimum two feet above roof line.
 - Fuel can only be dispensed from a container/tank that does not exceed 120 gallons. NFPA 9.2.4
 - If tank inside building contains Class I fuel or gasoline, entire building would require wiring for Class I Division I. NFPA 30
 - Holes cannot be cut in shop walls to run fuel hose through to fuel equipment inside from tanks located outside building
- There is no grandfather clause for fuel tank installations.
- Facilities shall have an emergency plan to respond to fire or other emergencies and shall be kept readily available.
- A fuel tank is any container larger than 60 gallons and must comply with fuel storage regulations.
- Above ground fuel storage tanks must be equipped with emergency venting terminating at least 12 ft. above the ground for Class I fuels or gasoline, and above snow line for Class II fuels or diesel.
- Any piping located above ground must be steel.
- The following decals/signs are required:
 - NO SMOKING
 - SHUT OFF ENGINE WHEN REFUELING
 - DO NOT USE ELECTRONIC EQUIPMENT
 - IDENTIFICATION OF CONTENTS (TWO SIDES OF TANK)
 - LOCATION OF EMERGENCY FUEL SHUT OFF
- Protective posts/barriers are required to protect the pump/tank from errant vehicles.
- Fire extinguisher is required within 100 feet of fuel storage tanks.
- A fuel containment system, liquid tight, is required on all above ground fuel tanks.
- Handrail is required on steps and fuel depot platform and requires top and mid rails.

Fuel pumps may be installed on the tank if tank is a UL listed, fire resistant tank.

- **Propane tank installations**

- 500 gallon and smaller tanks may be installed no closer than 10 ft. from the nearest building.
- 500 to 2000 gallon may be installed no closer than 25 ft. from the nearest building.
- Any propane tank must be at least 20 ft. from any liquid fuel tank.
- Propane tank must be 50 ft. away from any liquid dispenser for motor vehicle fueling.

2) Are overhead tanks permitted? Do they also require containment?

Overhead tanks are allowed in certain cases:

At remote, rural temporary construction sites, this shall be determined by authority having jurisdiction.

Tank size is limited to less than 1,100 gallons nominal capacity

Must be a minimum of 40 feet from nearest important building

These types of tanks do not require containment if the above criteria have been met.

3) What are the advantages or disadvantages of underground tanks compared to above tanks?

Advantages and disadvantages for both, depending on location and need of the individual operation or facility

4) What are the containment regulations for above ground fuel tank placement?

NFPA 30 requires that the containment system needs to be liquid tight, must be:

- constructed of earth, metal or concrete
- walls must be able to withstand a full hydrostatic head
- sides, top and bottom constructed to be liquid tight
- capable of containing a complete release from the largest tank inside the containment

5) Are certified installers required in the State of Nebraska? Can any work be done by county forces?

Aboveground—No certification required

Underground—Yes only licensed and certified contractors can install tank systems

6) Are there fuel tank capacity regulations?

At fleet facilities where only Class II liquids are stored and dispensed the maximum of 80,000 gallons is allowed with no tank larger than 20,000 gallons.

At facilities where Class I and Class II liquids are stored and dispensed, Class I, or gasoline, storage tank may not be larger than 12,000 gallons for fleet fueling.

7) What is the permitting process? Fees?

Permits to install are required for either USTs or ASTs. Permits are obtained through our office or in certain cases from a State Fire Marshal Delegated Authority. The fees are:

USTs--\$50.00 per tank and associated piping, or \$50.00 for piping only (regardless of # of tanks)

ASTs--\$50.00 for all tanks and /or piping only

8) What are the requirements and deadlines that must be met to comply with current regulations?

ALL requirements must be in place NOW except for Operator Training at UST sites. The deadline at those sites is December 31, 2015. (about 3 weeks)

9) Can fuel tanks containing different fuels be buried in same hole?

YES

10) What are some estimated costs associated with meeting requirements of underground fuel storage tanks?

DEPENDS. I know this is an important question but with the variety of choices a single facility may have it's very difficult to fit them into a session and format like this. Working with a Flammable Liquids Storage Tank Deputy from our office as well as a qualified petroleum equipment provider will assist in coming up with the right compliance package for each facility.

11) What if an underground fuel facility is in place and the county does not have enough employees to have an A, B, or C licensed employee available at all times? Can non-licensed county employees fuel up or do they have to wait until licensed employee is present?

Class "C" operators are not required to be on site for fleet fueling operations.

12) How are the regulations different for placement of underground fuel storage tanks compared to above ground fuel storage tanks?

The separation from buildings, property lines, public rights-of-way, and the dispensing devices are far more onerous when aboveground storage tanks are utilized.

Separation distance can be significantly reduced by using an aboveground that is either in a vault OR constructed in a manner that it will be protected from fire

These distance/separation requirements virtually "go away" for underground storage tanks.

Where space is a premium, underground tanks may be the best choice.

13) Does the Fire Marshall's office have a list of certified contractors in Nebraska?

Yes. A current listing of both licensed closure contractors and licensed installation contractors can be found on the web site (www.sfm.ne.gov). These licensed contractors are necessary when activity is performed on UNDERGROUND tanks. Contractors who provide activity on ABOVEGROUND tanks are not required to be licensed. You may find that many licensed underground contractors provide services for aboveground tanks as well.