



Advocacy Alert

FROM: Jesse Maxwell, Advocacy & eLearning Program Manager, SWANA
TO: SWANA Core Advocacy Group
DATE: November 29, 2017
SUBJECT: **Updates on Electronic Reporting and Electronic Logging Device Rules**

Two major rules affecting the solid waste industry are scheduled to go into effect in December: OSHA's electronic reporting requirements and DOT's Electronic Logging Device (ELD) regulations. This Alert provides the latest information on deadlines and compliance.

Electronic Reporting Requirement

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has [delayed the compliance date](#) for employers to electronically submit their injury and illness data for 2016 until December 15. The original deadline was July 1, 2017, and was previously extended by OSHA to December 1st earlier this year.

Under the [Improve Tracking of Workplace Injuries and Illnesses rule](#), all employers with 250 or more workers that are subject to OSHA's recordkeeping regulations must [electronically submit](#) OSHA's Form 300A by the new deadline. It is important to note that the rule also requires establishments with 20-249 employees in [certain high-risk industries](#) to submit data as well. **This includes waste collection, waste treatment and disposal, and remediation and other waste management services (NAICS 5621, 5622, 5629).**

SWANA will continue to monitor the roll-out of the electronic reporting rule and provide further updates as needed.

Electronic Logging Devices

On December 18, 2017, the Department of Transportation's (DOT) [electronic logging device \(ELD\) mandate will go into effect](#), with regular enforcement delayed until April 1, 2018, according to Joe DeLorenzo, director of the DOT Federal Motor Carrier Safety Administration's (FMCSA) Office of Compliance and Enforcement.

Until April 1, drivers who are not yet using an ELD, but who have their paper logs in order, will receive a citation, but not be placed out of service. The carrier will know a violation happened, but it won't count against the carrier's Safety Measurement System score maintained by the DOT. An online FAQ site from the FMCSA is available [here](#).

The [ELD rule](#) applies to most motor carriers and drivers who are involved in interstate commerce and are currently required to maintain records of duty status (RODS) per Part 395, 49 CFR 395.8(a). This is a federal rule and is not applicable to a solely intrastate carrier. Haulers that operate on a purely intrastate basis may have different compliance timelines as states decide to adopt the federal standard. Carriers are encouraged to contact their state transportation agency for additional information.

Concerns have been raised with FMCSA that the Hours of Service [multiple stop rule](#) (section 395.2 Definitions), cannot be properly accommodated by solid waste collection trucks using the approved ELDs available, due to the large number of stops made per trip. A [waiver and/or exemption](#) can be applied for while FMCSA determines a solution to this challenge. A waiver and an exemption can both be filed at once, as a waiver can only run for a maximum of 90 days, but can be processed more quickly than an exemption, which takes several months.

SWANA is in contact with FMCSA concerning the application of the ELD requirement to solid waste collection vehicles and will provide updates on any changes, waivers, or exemptions.

If you have any questions or comments about this alert, please feel free to contact me at jmaxwell@swana.org or 240-494-2237.

cc: David Biderman

