



The Cost of a Poor Safety Philosophy

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“Give me six hours to chop down a tree and I will spend the first four sharpening the axe.”



Abraham Lincoln

What are the Real Costs of Poor Safety?

- Employee Apathy
- Employee Turn Over
- Loss of Productivity
- Loss of Revenue
- Loss of Customers
- Employee Injury
- Customer Damage

What are the Real Costs of Poor Safety?

- Equipment Damage or Loss
- Crashes or Accidents
- Lower Safer Scores
- Negative Social Media Reviews
- Higher Insurance Rates
- Higher Workers Compensation Rates

Challenges Facing Towing Companies Today

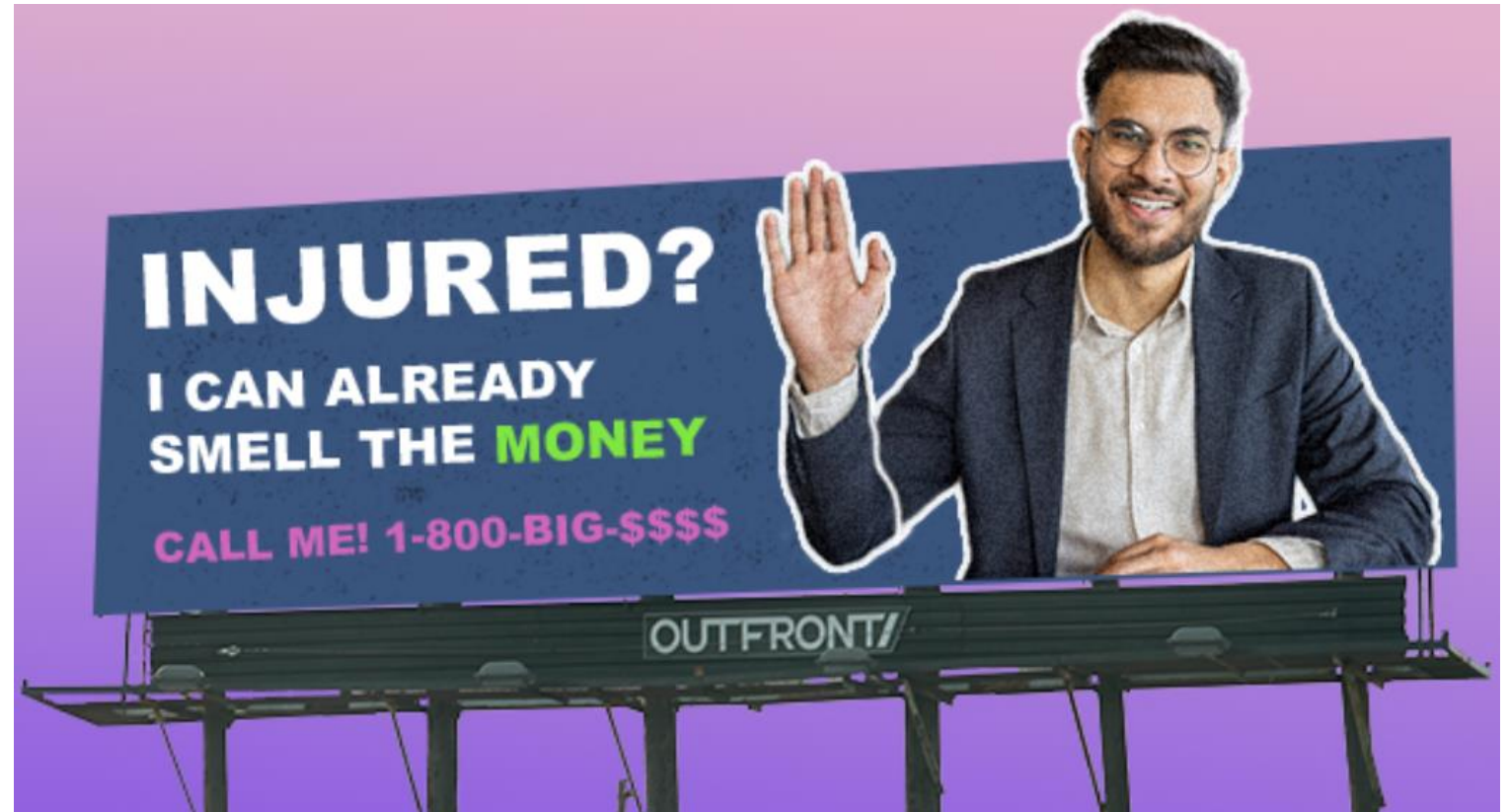
- Uncertain economic conditions
 - When cash flow is impacted, safety training is often the first thing cut
 - Employees are stressed over lower purchasing power and wages
 - Maintenance intervals are extended
 - Safety Corners are CUT
 - The "D" drivers, especially the Distracted and Drugged
 - Public is more likely to sue for quick money

Challenges Facing Towing Companies Today

- Public Relations Nightmares
 - When an industry makes the news it attracts attention
 - Most often NEGATIVE ATTENTION
 - NEGATIVE AMPLIFICATION (SOCIAL MEDIA)
 - Regulatory Agencies, MOTOR CARRIERS, OSHA, POLICE, ATTORNEY GENERALS OFFICE
 - Bill Board and TV Attorneys
 - Unscrupulous members of the public

Challenges Facing Towing Companies Today

- Jackpot Justice
 - Truck Wreck, Collect a Check
- Towers Have \$\$\$
 - Insurance
 - Property
 - Assets



Hiring Right Pays Huge Dividends

- Hire by Attitude and Aptitude
- Train and Document
- Test and Document
- Train OSHA PPE and General Industry Safety and Document
- Test OSHA Competency and Document
- Pay Solid Wages and Benefits and Retain the Best Employees!

Challenges Facing Towing Companies Today

- Labor Relations
 - Recruiting, Hiring and Retaining Employees
 - Competitive Hiring Environment
 - Employee Misclassification
 - Payroll Methods Hourly or Commission and Overtime/Compensation Issues
 - Health Insurance
 - Worker Compensation
 - Paid Time Off / Federal, State and Local Requirements

Pre-hire Investigations

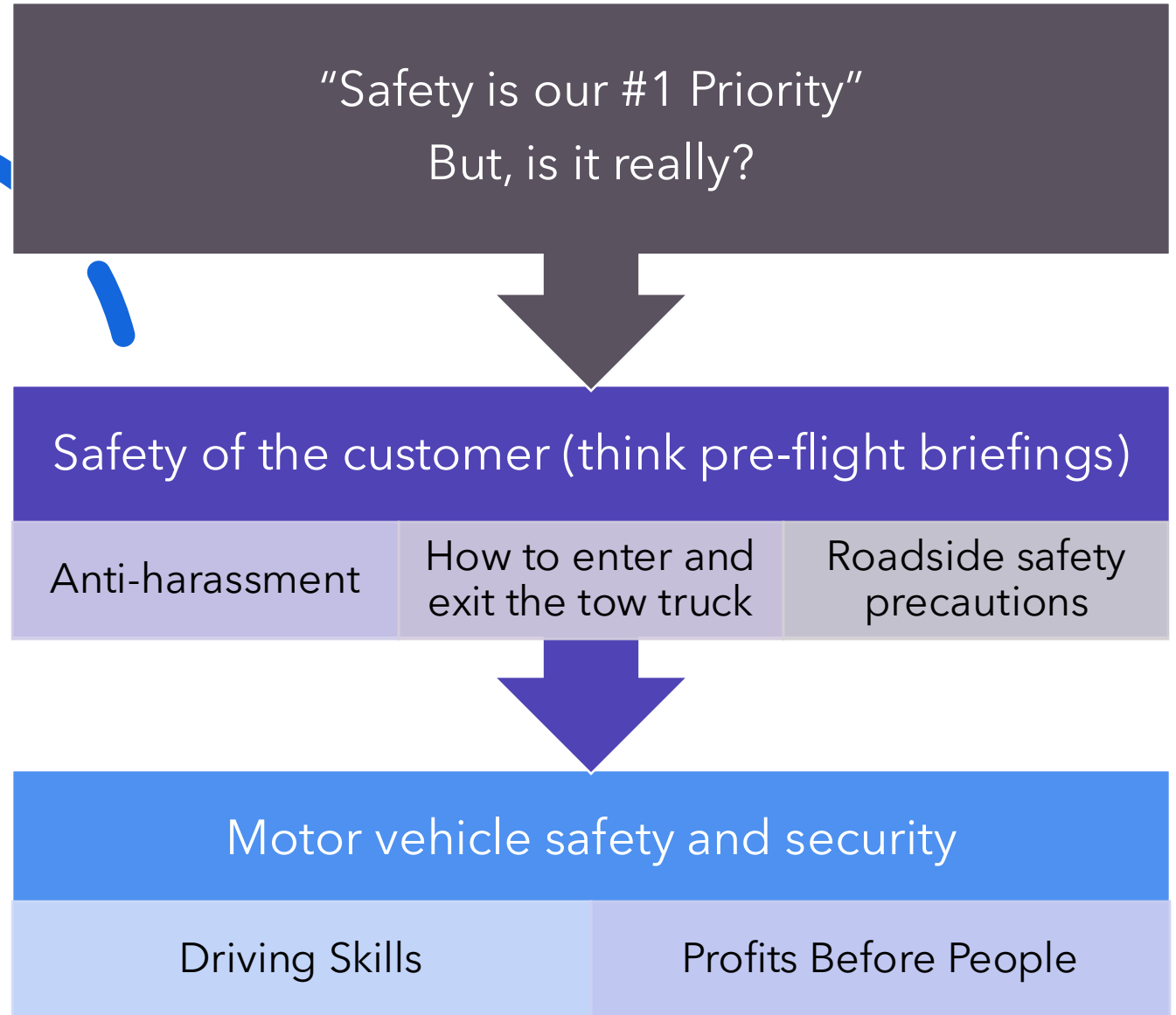
- 391.11 "Shall Not Drive" unless Qualified
- 391.15 Disqualification of drivers
- 391.21 Application for Employment
- 391.23 Investigations and Inquiries
- 391.25 Annual inquiry and review of driving record
- 391.31 Road test (exemptions in 391.33)
- 391.41 Physical Qualifications and Verification
- 382.701-727 Drug and Alcohol Clearing House Query

Challenges Facing Towing Companies Today

- Regulatory Compliance
 - With increased media attention comes extra scrutiny and Enforcement activity
- Local, State and Federal
 - Government entities look to fines as a revenue source to balance budgets
 - Industry specific targeting!



Hot Topics in Litigation



Courtroom Issues

Reptile Theory

- ✓ Plaintiff tactic to incite jury
- ✓ Appeals to primitive brain
- ✓ Not as common as before
- ✓ Used when merit alone is not enough to win a large award
- ✓ Easily countered with proper planning, strategy and good internal practices prior to event



Courtroom Issues

Edge Theory

- ✓ "Safety First" - Try the Lie!
- ✓ Treat company as hypocrite
- ✓ Foreseeable/Systemic failures
- ✓ Makes your driver a victim of corporate greed
- ✓ Just compliant is not good enough to prevent loss

Courtroom Issues

Social Justice

- ✓ Juries feel empowered
- ✓ Attacking corporate greed
- ✓ Venting their own frustrations
- ✓ Looking for someone to blame



Pop Quiz

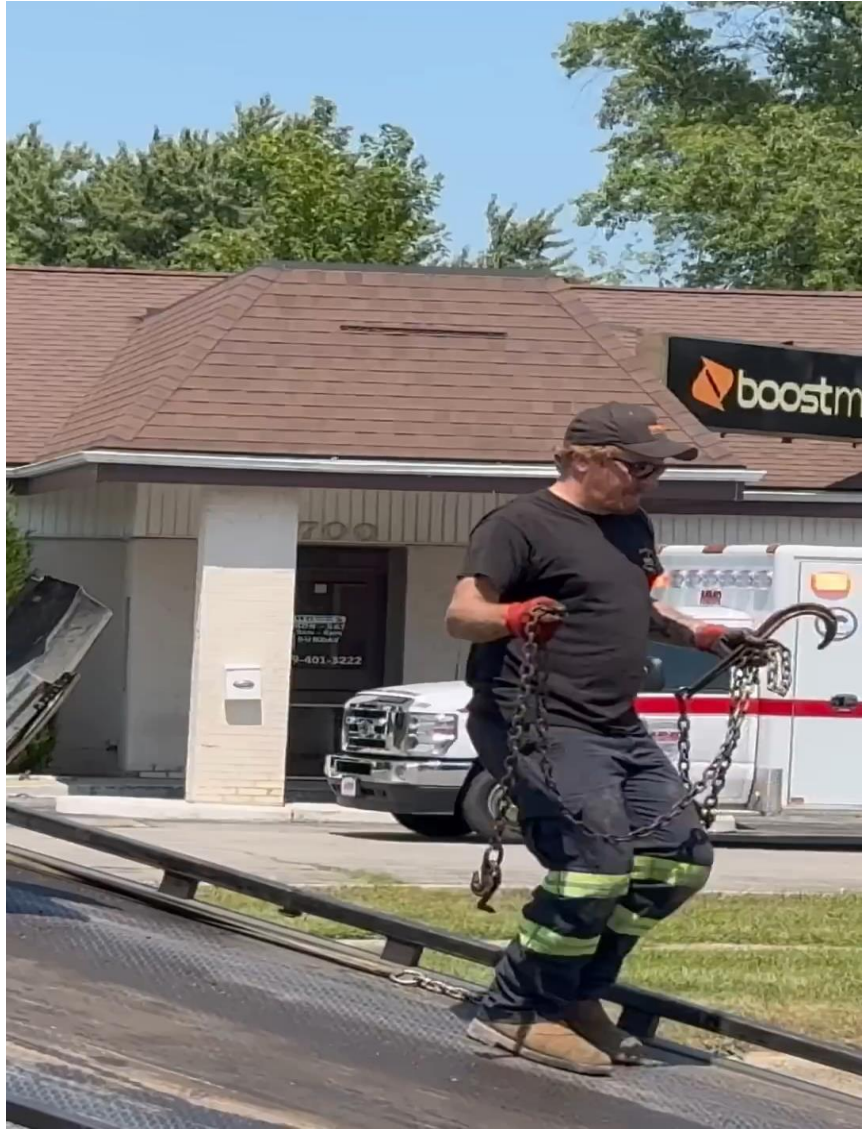
What is the #1 thing attacked in litigation against motor carriers?

Answer

Qualification of
Drivers and/or
Not Following
Your Own Policies

What Does Social Media Say About You?

- What do you post?
- What do your employees post?
- What photos and videos are out on Youtube, Tik Tok, Instagram
- What do the Video Clips show?
- Competent, safe professional operators?
- Appropriate PPE?
- **AVOID SELF INFLICTED WOUNDS!**



LAST NIGHT IN SAGINAW CLASS 3 SHIRT





**IF IT IS YOUR PRACTICE,
IT IS YOUR POLICY!**



What is our Policy for SAFETY?

- How many photos of videos on social media lack proper PPE
- No Safety Vest
- How many show improper methods or shortcuts
- How many show safety VIOLATIONS
- How many show DOT VIOLATIONS
- How many are shot by the Driver holding a phone while DRIVING?
- We are our own worst ENEMY!



Training programs, or the lack thereof, are the number 2 issue attacked in personal injury litigation against motor carriers



Where Should the Training Content Come From?

- Industry Standard Best Practices
- Your Own Company Policies
- State or Local Regulations
- Insurance Risk Programs
- Institutional Knowledge
- Personal Experiences
- OSHA guidelines

How Do I Know My Content is Accurate?



It complies with applicable regulations



It is based on industry standard or best practices



It is in line with the manufacturer's recommendations



You have peer reviewed it with other towers you know and respect

Courtroom Issues

Exceptions to Your Own Policy

- ✓ Must be defensible
- ✓ Likely to bite you in the arse
- ✓ Must be reasonable and fair
- ✓ Business need/profit is not a good excuse for exceptions
- ✓ Cannot jeopardize safety or minimum qualifications



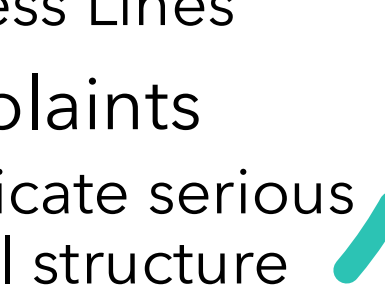
Courtroom Issues

They Shouldn't Have Been There

- ✓ Hiring standards
- ✓ Driver Qualifications
- ✓ Training
- ✓ Hours of Service
- ✓ Extreme Weather
- ✓ Vehicle Standards



Defense Strategies

- Corporate Structure
 - Who owns what? Diverse asset structure
 - Protecting the Corporate Veil
 - True “Arms Length” Transactions
 - Insulate Ownership from Operations
 - Policy and Procedures are Critical
 - Exceptions Often Are Fatal
 - Minimum Insurance is NEVER ENOUGH
 - Layered Policies, Blankets, Excess Lines
 - Customer or Employee Complaints
 - Be Proactive as these often indicate serious deficiencies in your operational structure
- 

FMCSA Where Do Fleets Fail?

Pre-hire investigations

File maintenance

Consistent application of standards

Actionable data

Documentation of events

Driving 101

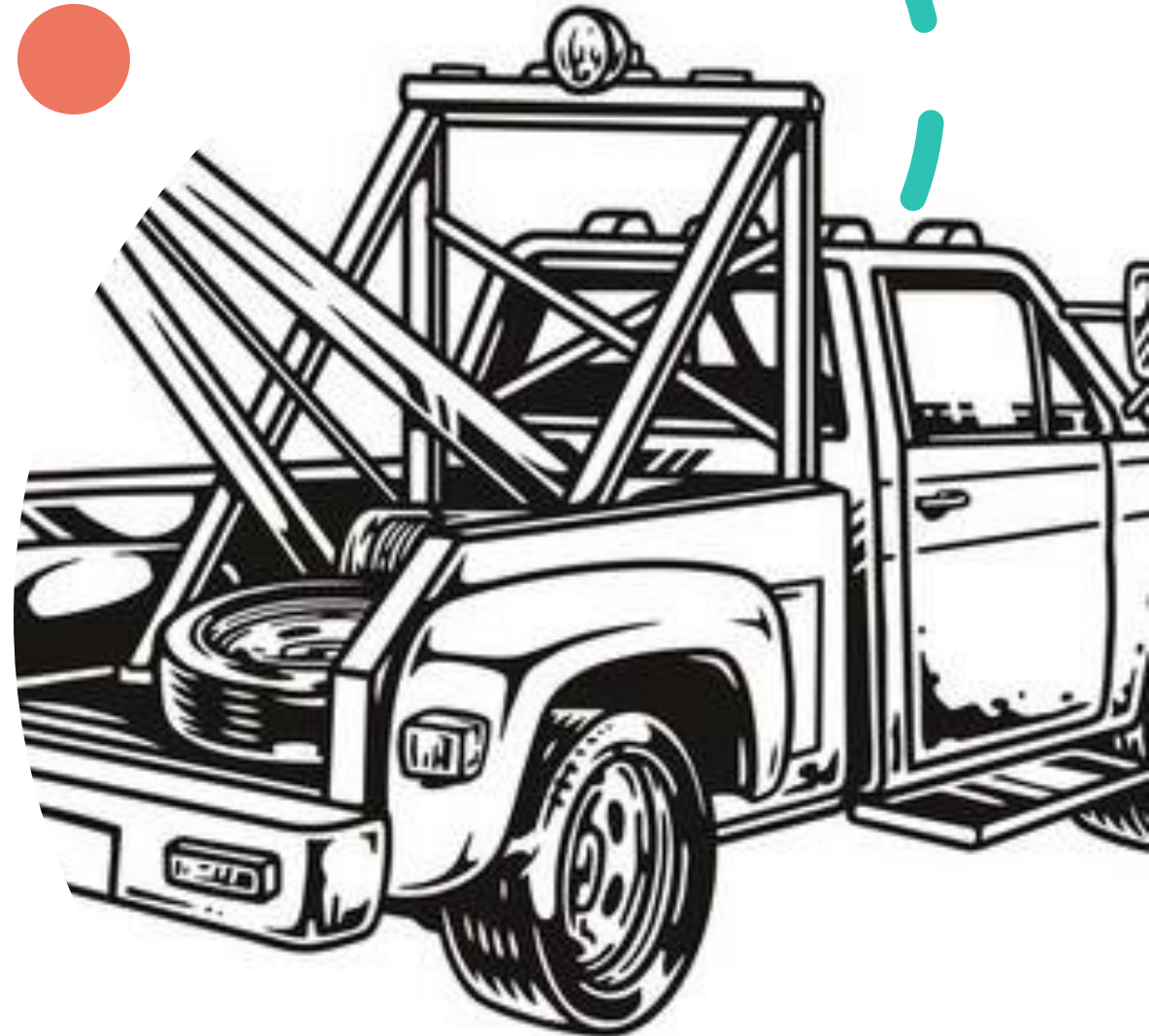


- Demonstrated proficiency-based evaluations - more than being licensed
- Applicable to all levels of experience
- Vehicle type specific / License Class
- Defensive driving methods (Smith, NSC, FCS, etc.)
- Rules of the road
- Basic control skills, vehicle inspections and out of service criteria
- Seasonal considerations
- Road Conditions



Basic Tow Equipment Operation

- Operator's manual review
- Industry standards
- Safe Working Limits
- Differences between makes/models
- Industry Training
- Out of service conditions



Drug and Alcohol Prohibitions

NOT JUST FOR CDL POSITIONS

391.15 (2) shall not operate under influence of D&A

391.41 (12) and (13) medical restrictions on D&A

But wait, there's more.....

382.501(c) includes interstate operation of non-cdl vehicles as defined in 390.5

OSHA 23 CFR 1910

PPE Hazard Assessment

PPE Hazard Certification

PPE Selection and Training

PPE Training Record

PPE Employee Assignment

PPE Equipment Policy

COMPANY PAYS FOR PPE!



OSHA 23 CFR 1910

PPE is Task Specific

PPE for the Driver

PPE for the Equipment Operator

PPE for the Mechanic / Road Service Technician

PPE for the Yard Workers / Maintenance Workers

COMPANY PAYS FOR PPE!

Work Site Specific PPE, Do We Belong?



OSHA 23 CFR 1910

Personal Protective Equipment Hazard Assessment Certification

Area or Job Being Assessed _____

Assessed By _____ Date _____

Position or Title of Assessors _____

Refer to: Table 1 and 2 of the General Industry Safety Standard part 33 on Personal Protective Equipment, and all applicable Occupational Health Standards, for additional hazards and applications. For more information, contact General Industry Safety and Health Division at (517) 322-1831.



EYE HAZARDS

Part 33 Rule 3312

flying particles dust & dirt
 chemical splash molten metal
 sparks weld flash electrical
other _____



HEAD HAZARDS

Part 33 Rule 3370

falling objects flying objects
 electrical hair entanglement
 hot surfaces chemicals
other _____



FACE HAZARDS

Part 33 Rule 3312

impact hazards chemical heat
 touch cutting welding casting
 high temperature exposures
other _____



HEARING HAZARDS

Refer to Occupational Health Rules

loud process and or equipment
 air and electrical impact tools
 forging logging tree trimming
other _____



HAND HAZARDS

Part 33 Rule 3392 and 3387

skin absorption punctures
 severe cut or laceration hazard
 chemical or thermal burns
other _____



FOOT HAZARDS

Part 33 Rule 3385

flying objects rolling objects
 powered lawn equipment
 wet process areas logging areas
other _____



BODY HAZARDS

Part 33 Rule 3394

wet process areas chemical
 buffing sand blasting polishing
 hot liquids (water, grease, acids, etc.)
other _____



BREATHING HAZARDS

Refer to Occupational Health Rules

spray finishing fumes vapors
 dust welding foundries
 permit required confined spaces
other _____



SLOW DOWN AND MOVE OVER

We ARE OUR OWN WORST ENEMY!

We DON'T WEAR PROPER PPE.

We OPERATE ON THE TRAFFIC SIDE.

We DON'T PARK DEFENSIVELY

We POST VIDEOS WITHOUT PROPER VESTS

We POST VIDEOS CRITICAL OF DRIVERS BUT DON'T MEET BASIC SAFETY STANDARDS.



Headline News

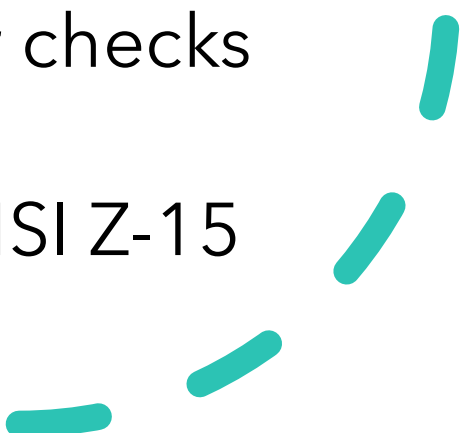


Background Checks

- Previous Employer Contacts
 - Insist on Verification
 - Consider 3rd Party Services to Catch Deliberate Exclusion
- I-9 Immigration Status Checks
 - Use E-Verify to CONFIRM LAWFUL STATUS
 - E-2, H2-A and H2-B per new E.O.
- PSP and Drug and Alcohol Clearinghouse
 - Not Just for CDL Drivers
- MVR
 - Check Other States
- Criminal History
- Physical Capability Exam



Consistent Application of Standards

- Treat all employees of the same class equal
 - Use caution when granting exceptions to hiring or retention standards
 - “Because my insurance said so” is NOT an acceptable defense
 - Be prepared to articulate why you selected your criteria
 - Use two party review or other checks and balances
 - Association standards, i.e. ANSI Z-15
- 

Actionable Data

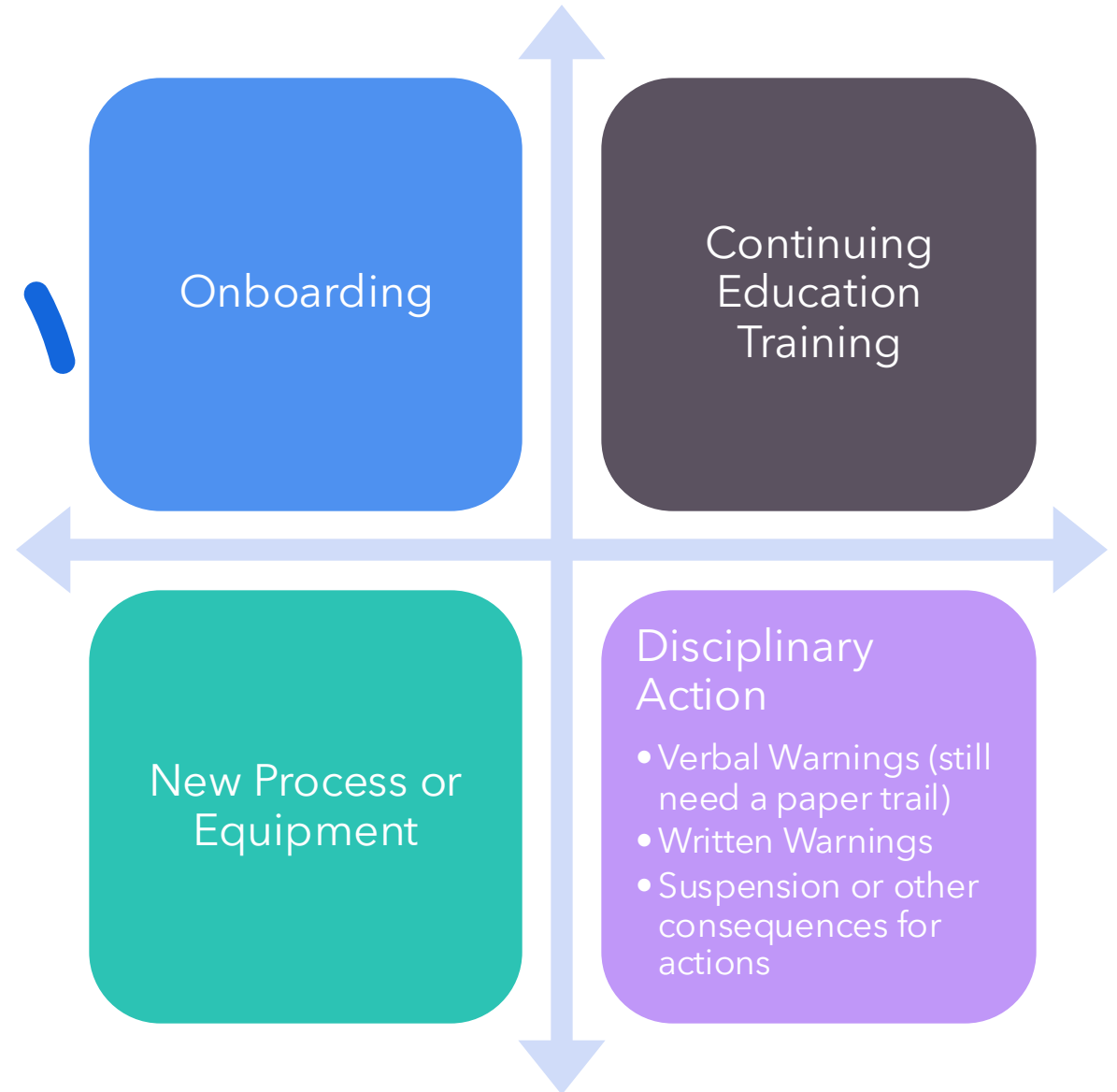
- Telematics from vehicles:
- GPS/ Dash Cams / AI Coaching
- Directly observed behaviors
- Official actions i.e, citations, DUI arrest, DOT inspections
- Manager or Supervisor reviews
- Customer or Employee Complaints



Best Practices Beyond Mere Compliance

- Merely compliant is not good enough anymore
- Is the Federal Standard the Minimum or the Baseline?
- Good safety is a culture, not a corporate policy
- Everyone has stop work authority
- Bottom up leadership
- Coach not Cop

Documentation of Events





Outside The Box – Additional Scrutiny

- Social Media Checks
 - Shows Their True Character
- Demonstrated Basic Competency
 - More Than a Road Test
- Transferable Skills and Development
- Build Your Own
 - Is Your Internal Development Up To Industry Standards

Training, Why Bother?

They ignore it anyway!

We only hire experienced staff.

What if they leave?

We don't have time for that!

It's only a snatch truck
LoL

They are only a yard attendant.

Policy Handbook, Why Bother?

They ignore it anyway!

We only hire experienced staff.


I can't possibly cover everything?

We don't have time for that!

I "borrowed" one from a buddy.

They are only a

How Do My Policies and Public Persona Play Into This?

- Wording Matters
 - Avoid "Absolute" phrases
 - Do you equally enforce your written policies with every employee?
 - What policies do you have in place for emergencies and unique situations?
 - Are your policies current? Compliant?
 - Are your policies realistic? Goal zero is noble but not realistic
- 



Other Policy Areas to Consider

Internal Promotions

Mergers and Consolidations

Parallel Business Units

Asset Protection Schemes

Generational Transitions

Best Practices

Mix of Internal
and External
Training

Dedicated
Trainers

Curated
Curriculum
(keep it current)

Small Bites

Varied Methods

Risk Balanced
(driving vs. tow
vs. recovery)

Repeat Often

Consistent Risk Management

- Implement telematics.
- GPS Tracking
- Forward and Driver Facing Cameras at a Minimum
- Adoption of Current AI Enhanced Coaching Tools
- You Will Have the Data
- Act on the Data
- Consistent Coaching and Discipline!

Safety Improvements to Start

- Lead by Example, PPE, Seat belts, Phone Use
- Keep Social Media Clean and Compliant
- Scrub Social Media as Needed
- Analyze Your Company Structure and Change as Needed
- Focus on Prevention of Incidents and Crashes
- Prepare and Protect Your Employee and Company When Incidents and Crashes Occur

Safety Dollars!

- Dollars Invested in Safety Today, are Dollars in Your Pockets in the FUTURE.
- Spend Those Dollars Wisely!

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Thanks for Attending



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