



## ***SAFETY & TECHNOLOGY ORGANIZER***

### **FEBRUARY 2014**

#### ***ENCLOSED***

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##### **Safety Topic: “Hazards of liquid nitrogen in the Food and Beverage Industry”**

Please contact GAWDA's OSHA and EPA Consultant, Mike Dodd for more information.

##### **Traffic Bulletin: “FMCSA Issues Relief on Short-Haul Exemption from 30-Minute Break Rule”**

Please contact GAWDA's DOT and Security Consultant, Mike Dodd for more information.

##### **Medical Gas Bulletin: FAQs, Medical Gas Roundtable, and Micro-audit**

Please contact GAWDA Medical Gas Consultant, Tom Badstubner for more information.

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*GAWDA is pleased to distribute this information to: Distributor and Supplier Key Contacts and all Compliance Manual Owners. Please carefully review this mailing and be sure the information is passed to the appropriate person within your organization. Timely Safety data is a benefit of Membership in GAWDA*



**Safety Meetings are important!**

They: get your employees actively involved  
encourage safety awareness  
help identify problems before they become accidents  
motivate employees to follow proper safety procedures

**We are happy to provide you with a monthly topic for your agenda.**

**ROUTE TO:**

- General Manager
- Safety Coordinator
- Supervisor Dept. \_\_\_\_\_
- Other \_\_\_\_\_
- Date of Meeting \_\_\_\_\_

## **HAZARDS OF LIQUID NITROGEN IN THE FOOD AND BEVERAGE INDUSTRY**

The purpose of this month's Safety Topic is to make the membership more aware of a serious liability potential for selling certain cryogenics to establishments that are exposing employees and customers to cryogenic gases and temperatures.

Liquid nitrogen has been used for freezing foods such as ice-cream, preparing cold drinks, and for creating clouds or other special effects with the vapor cloud that liquid nitrogen produces.

The Compressed Gas Association (CGA) has published a Safety Alert (SA-25-2013) on this subject. It emphasizes some of the characteristics of liquid nitrogen and cautions people to do the proper training for employees and customers in the procedures and handling precautions when using liquid nitrogen in the food and beverage industry.

CGA has granted permission to reproduce this Safety Alert and it is available here:

[http://www.cganet.com/customer/publication\\_detail.aspx?id=SA-25](http://www.cganet.com/customer/publication_detail.aspx?id=SA-25)

For more detailed information on the properties, safe handling and use of liquid nitrogen and other cryogenic liquids, refer to your supplier safety data sheets and CGA P-12, *Safe Handling of Cryogenic Liquids*.

I know of one major supplier that has taken the stand to not sell liquid nitrogen for the following uses:

- Retail freezing operations where foodstuffs are offered for on-site consumption by the public such as ice cream parlors and restaurants.
- Direct cryo-sauna applications where cold vapors come in contact with the body.
- Leisure fogging and/or cooling effects within enclosed public spaces where there is intended exposure to the public.

A real concern is that the establishments and customer don't realize the hazards of the cryogenic temperatures and the potential oxygen deficient atmospheres.

Feel free to contact me if you have any questions.

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# TRAFFIC BULLETIN

February 2014

## FMCSA Issues Relief on Short-Haul Exemption from 30-Minute Break Rule

The Federal Motor Carrier Safety Administration has issued guidance that offers relief from one of the unintended consequences of the short-haul driver exemption from the 30-minute break requirement in the driver hours of service regulations. [78 Fed. Reg. 76757](#) (December 19, 2013).

The guidance, set out below, addresses the scenario where a CMV driver who is not subject to the log book or 30-minute break requirement might exceed 12 hours on duty, or drive outside the 100- or 150- air mile radius, and therefore must fill out a log book for that duty period; under the current rules, that driver has also violated the break requirement if he/she drove after eight hours on duty without a 30-minute break.

*§ 395.1 Scope of rules in this part.*

*Question 33. If a driver using either short-haul exception in § 395.1(e) finds it necessary to exceed the exception limitations for unforeseen reasons, is the driver in violation of the § 395.3 rest break provision if more than 8 hours have passed without having taken the required rest break?*

*Guidance. No. A driver using a § 395.1(e) short-haul exception who finds it necessary to exceed the exception limitations for unforeseen reasons, is not in violation of the § 395.3 rest-break requirements if 8 or more hours have passed at the time the driver becomes aware of the inability to use the short-haul exception. The driver should annotate the record-of-duty-status to indicate why the required rest break was not taken earlier, and should take the break at the earliest safe opportunity.*

The FMCSA noted that the ideal time to prepare a log book and to take the required break would be prior to preparing the record of duty status (log book) or immediately following the preparation of the log book. The agency said that under its existing HOS requirements and guidance, drivers would begin preparing the log books as soon as they determine they are no longer eligible for the log book exemption.

For GAWDA members, CDL drivers are able to take advantage of 49 CFR 395.1(e)(1), which exempts the drivers from log books and the 30-minute break rule. To be eligible for the exemption, the drivers must operate within a 100 air-mile radius of the normal work reporting location, and (except for a driver-salesperson) return to the work reporting location and be released from work within 12 consecutive hours.

If the CDL driver goes beyond the 100 air-mile radius, or is on duty for more than 12 hours, then the driver must complete a record of duty status (log book) for that day. In addition, the driver would also be subject to the rule that prohibits driving a commercial motor vehicle after 8 hours on duty until the driver has a break of at least 30 minutes.





# TRAFFIC BULLETIN

This new guidance says that when a CDL driver exceeds the 12 hours on duty, or the 100 air-mile radius, for “unforeseen” reasons, the driver does not violate the rule even if he/she has driven a CMV beyond 8 hours on duty without a break. The driver should complete a log book and take a break as soon as he/she determines that the exemption is no longer available.

If there are any questions regarding this Bulletin, please contact:

I would like to credit and thank Rick Schweitzer for this Bulletin material.

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# MEDICAL GAS BULLETIN

02/01/2014

## Frequently Asked Questions

**Q** – Where is the regulation that specifies the color of medical gas cylinders? Must the color of Nitrogen, NF cylinder be black?

**A** – There is no actual “regulation” that specifies the color of medical gas cylinders... however there are at least two published requirements:

1. In 2003, the FDA published its latest thinking on Current Good Manufacturing Practices in the “Draft Guidance”. On page 16, the document states:  
**Color code examination:** *The following colors are used by the medical gas industry in the United States to aid in identifying a medical gas. We recommend manufacturers use them.*
  - Carbon Dioxide - gray;
  - Helium - brown;
  - Medical Air - yellow;
  - Nitrogen - black;
  - Nitrous Oxide - blue;
  - Oxygen - green; and
  - Blends of medical gases use a combination of the corresponding color for each component gas. For example, oxygen and carbon dioxide would be green and gray.
2. In addition, in 1989, the FDA published the “Compressed Medical Gases Guideline”. This document is still official, though in many cases, the 2003 Draft Guidance has replaced it as the latest agency thinking. In 1989, the FDA specified the pre-fill inspection requirements: Page 7.... *A check to determine that each container is of the proper color to correspond to any color-coding system employed, such as that recommended by the CGA in its pamphlet C-9, Standard Color Marking of Compressed Gas Cylinders Intended for Medical Use in the United States.*

We highly recommend that GAWDA members download the latest copy of CGA C-9 and carefully review the proper colors for medical gases. The CGA pamphlets are available at no charge to GAWDA members.

## February Medical Gas Roundtable

These GAWDA Medical Gas roundtables are excellent sources of CGMP training and the latest industry compliance news. On Friday, February 28, we will cover **Subparts C - Buildings and Facilities**. *A sample facility maintenance and cleaning record will be available for downloading during the training.*

In addition we will be conducting the following additional training on February 28:

- **Specialty Gas** - Analytical Math (Precision, Accuracy, Linearity, Chromatography Performance) - *Includes and Excel spreadsheet to help make the calculations easier.*
- **ISO 17025** - Measurement Uncertainty – *Includes an Excel spreadsheet to calculate your own measurement uncertainty.*
- **Food Gas Roundtable** – the latest information about food gas regulations is reviewed – *The sample Food Gas SOPs are available for downloading during the seminar.*

If you would like to receive invitations to the training webinars, just send an email to [juliet@asteriskllc.com](mailto:juliet@asteriskllc.com).





# MEDICAL GAS BULLETIN

## Micro-audit

This section of the Medical Gas Bulletin lists small steps you can take each month to improve your medical gas management system. These steps are not designed to be a full audit, but rather small steps to sample your compliance.

For this month, simply do these items:

- 1. Cryogenic Hoses** - Be sure that your cryogenic fill hoses are capped when not in use.  
(Homecare vans and large cryogenic containers)
- 2. Quarantine** – Be sure you are quarantining cylinders that have been filled but not yet “released” by the Quality Control Unit.
- 3. Nitrous Oxide** – Be sure that your nitrous oxide is secure.

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