



Help, or at least do no harm

By John A. Gentle, DLP

HELP OR AT LEAST DO NO HARM: Is that the motto you live and work by? Or are you always trying to be politically correct? Or maybe you straddle the fence? Or maybe you just don't want to get involved?

Do you think it's the fault of our coaches, teachers, drill sergeants, and/or parents when we see something that's gone wrong? All too often too many of us choose to remain silent or push the responsibility on to someone else's plate.

The other day I saw a flatbed on the interstate that didn't have the proper securement on the front and back pallets. Under the right conditions that payload could have shifted and caused a serious accident. I bet many of us have seen vehicles going down the road lopsided because the load shifted. And I'm sure that most of you have seen and laughed at the infamous picture of a small car with sheet rock loaded on its top by a building materials store—the vehicle subsequently collapsed.

In that case, the loaders and drivers are guilty of negligence. But, let me ask you this: If you're a shipper or DC operator, do you have any responsibility to ensure that your product is transported safely to its destination—or at least know that it was properly secured on a vehicle designed to carry the payload when it left your charge?

The answer is yes. Having drivers sign waivers, which you think should get your company off the hook, is certainly misguided because you're admitting that it's improper. And to top it off, you may even be putting your family members, who could be driving on the road that day, at risk.

The law generally looks to the carrier and its driver for load securement, but some drivers don't have the right equipment, don't know the requirements, or are ignorant of the law and the consequences of improper loading.

When closed vans are loaded in the absence of the driver, generally for the convenience of the shipper, the responsibility for properly loading and

securing the shipment falls to the warehousemen. Warehouse teams that simply open the trailer doors for drivers, offering them an opportunity to inspect the last tier of the fully loaded trailer, are attempting to falsely transfer the responsibility to the driver and carrier. Presenting a false opportunity to inspect a load is not an opportunity.

In both cases warehousemen need to know and follow the law and enforce good common sense. The days of watching from the sidelines as misguided and improper practices are being employed to secure or overload a vehicle must come to an end. Logistics professionals cannot sit idly by and allow these vehicles to go on the public roads.

Picture this: Your team loads a vehicle either improperly by themselves or it loads the vehicle because the driver told you to put the material on a vehicle not designed for the products. Then there's

an accident and everyone is named in the negligence law suit. The trial attorney asks you if this is the way your company normally loads and you say, "Absolutely not." He then says: "And knowing this was improper

and against the law, you let the vehicle leave?" I hope you have deep pockets and, more importantly, can face the people who are suffering as a result of your team's act of indifference. Ignorance of the regulations is no excuse.

So what to do? Hippocrates said, "...as to diseases, make a habit of two things—to help, or at least do no harm." This is true for logistics professionals as well.

Either help correct the problem or ensure that no harm is done. I suggest the first thing you do is determine how products should be loaded and secured on different vehicles. If you need help, your strong safety conscious carriers can be of assistance.

Second, educate and communicate with your carriers, brokers, warehouse teams, as well as your customers and third party logistics providers. Third, post pictures of proper loading and securement patterns for everyone to see. Fourth, reinforce the rules. If a driver will not conform, immediately call his dispatcher, or 911, or the FMCSA hot line at 1-888-DOT-SAFT.

Being silent can no longer be an option. If you don't know the cargo securement rules, consider yourself admonished and get them today from the FMCSA.

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