



## MJS Legacy Safety Consulting Services LLC

continues to focus our attention on  
*'Providing Great Service and Building Lasting Relationships'*

It has been our distinct pleasure to serve the needs of businesses both big and small since 1995. MJS Safety transitioned to **MJS Legacy Safety Consulting Services** in 2021 with the passing of our founder, Mike Stookey. But our goal has not changed. We continue to grow the legacy of customized service and individual attention that we have provided to so many companies in Colorado, Wyoming, Montana, and surrounding states. Meeting your unique safety and regulatory needs is our mission.

We look forward to continuing a productive and successful business relationship with you through **MJS Legacy Safety Consulting Services** for many years to come.

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## DOL Adjustments to OSHA Civil Penalties for 2023

The U.S. Department of Labor changes to **Occupational Safety and Health Administration** civil penalty amounts based on cost-of-living adjustments for 2023.

In 2015, Congress passed the Federal Civil Penalties Inflation Adjustment Act Improvements Act to advance the effectiveness of civil monetary penalties and to maintain their deterrent effect. Under the Act, agencies are required to publish "catch-up" rules that adjust the level of civil monetary penalties and make subsequent annual adjustments for inflation no later than January 15 of each year. In 2023, January 15 fell on a Sunday and January 16 was a federal holiday. Therefore, new OSHA penalty amounts became effective Jan. 17, 2023.



OSHA's maximum penalties for serious and other-than-serious violations increased from \$14,502 per violation to \$15,625 per violation. The maximum penalty for willful or repeated violations increased from \$145,027 per violation to \$156,259 per violation.

- Visit the [OSHA Penalties page](#) and read the [final rule](#) for more information.
- Inspections, Citations, and Proposed Penalties Standard Number: [1903.15](#)
- [Enforcement Memo](#)

▶ **DOL Adjustments to OSHA Civil Penalties for 2023**

The U.S. Department of Labor changes to **Occupational Safety and Health Administration** civil penalty amounts based on cost-of-living adjustments for 2023. [read more...](#)

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**Your Right to Know**

**TRANSPORTATION NEWS SUMMARY**

▶ **Reminder - Revised Federal Drug Testing Custody and Control Form Mandatory...** [read more...](#)

▶ **DOT Implements Annual Regs Violation Penalty Increases** [read more...](#)

▶ **FMCSA Removes Two Devices from List of Registered Electronic Devices**

Provider's ELDs placed on the Revoked Devices list [read more...](#)



▶ **68 Mph? FMCSA Backtracks After 'Inaccurate' Reveal Of Speed-Limiter Intentions**

**FMCSA** reached out to note the initial information provided in the document was inaccurate [read more...](#)

▶ **Colo. Law: Move Over for Me**

"*Slow Down, Move Over*" protections to **ALL disabled vehicles.** [read more...](#)

## TRANSPORTATION NEWS SUMMARY cont'd

▶ **FMCSA finalizes lower UCR fees for 2024**

UCR fees for 2024 registration year about 9% reduced [read more...](#)

▶ **CDOT urges you to follow . . . Safe-Driving Tips When Traveling Through Cone Zones**

Remember: In Colorado, the fines are doubled for most infractions in a work zone. [read more...](#)

▶ **what's happening at the National Highway Traffic Safety Administration .....**

**Battery Safety Initiative** Data Collection Activities – Research – Enforcement – Safety Standards [read more...](#)

▶ **Are FMCSA and NHTSA Skirting Congressional Directive with AEB Proposal?**

The comment period for the proposed rulemaking to require automatic emergency braking closed with plenty in the way of criticism. [read more...](#)

## MSHA NEWS SUMMARY

▶ **The Mine Safety and Health Administration is now on FACEBOOK!** [read more...](#)

▶ **MSHA Safety and Health Alerts** [read more...](#)

Enclosed Cabs Health Alert — Personnel Carriers - Safety Alert — Preventing Falls from Height - Safety Alert



## MONTHLY SAFETY & HEALTH TIP NEWS SUMMARY



*September was Suicide Prevention Month.....*

*Let's work to make every month Suicide Prevention Month*

What Employers Should Know About Suicide Prevention [read more...](#)

## COVID INFORMATION/RESOURCES SUMMARY

For your convenience, we have moved all COVID information and resource [links](#) to the last page of the newsletter.



“Training Spotlight”

(a different course will be featured monthly)

> DOT-PHMSA HAZARDOUS MATERIALS AWARENESS TRAINING

This course covers the FMCSA/PHMSA REQUIREMENTS -The training is required for all HAZMAT employees in accordance with PARTS 232, 126 & 181. Hazard classification, safe operation of vehicles, specific requirements by hazard class, use of the Emergency Response Guidebook and many other topics are covered. This training shall be completed within 90 days of hire and then refreshed every three years. Training is scheduled upon request.

For all of our Course Offerings visit the [MJS Legacy Safety website](#)

Schedule of classes October 2023: • TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543

- \*PEC Safeland Basic Orientation: **NEW 2021 SAFELAND:** Oct 2, 17; 8 – 4:30;  
*This class available through video conference instructor led distance learning thru 6/30/22 - only upon request*
- \*First Aid/CPR/AED/BLOODBORNE PATHOGENS (We offer MEDIC FIRST AID): Oct 16, 30; 8 — noon;  
*In Person Classes: This class is also available for blended learning (online) with remote or in-person skills assessment*
- \*Hydrogen Sulfide Awareness [ANSI Z390 -2017 Course]: Oct 16, 30; 12:30 – 4:30;  
*This class available via Instructor Led video conference*
- \*Fall Protection Training [4 hour Awareness and 8 hour Competent Person available]: Oct 23;
- \*Confined Space Entry Training - Attendant, Supervisor, Competent Person & Entrant [NUCA Course]: Oct 24;
- \*Confined Space Rescuer [2 day course]: Oct 25;  
*(Students must complete the Confined Space course to be eligible for the 2nd day Rescue Course)*

To sign up for one of these classes, or inquire about scheduling a different class,  
Call Carrie at 720-203-4948 or Jeremy at 720-203-6325  
Need any classes in Spanish? Contact Carrie to schedule.

For any last minute schedule updates, go to [www.mjslegacysafety.com](http://www.mjslegacysafety.com)

► MJS Legacy Safety also offers custom classes to fit the needs of your company ◀

— FEATURED TRAINING PROGRAMS —

- Safeland Basic Orientation • Hydrogen Sulfide Awareness • First Aid/CPR
- OSHA 10 Hour for General Industry or Construction • Confined Space for Construction
- Competent Person for Excavations • HAZWOPER 8, 24 & 40 hr Courses

Order  
First Aid  
& other  
Safety Supplies  
[www.mjslegacysafety.com](http://www.mjslegacysafety.com)  
Jeremy  
720-203-6325  
Carrie  
720-203-4948

Want to schedule a class  
On-Site at your Facility...  
~ or ~  
Attend a class at our Training Center?  
Just give us a call !!

Need Help With  
■ ISNetworkd  
■ PEC/Veriforce  
■ NCMS  
■ Avetta/BROWZ  
■ TPS ALERT  
CALL US!!!

► **Distance Learning & Video Conference classes:** Through the Pandemic we have been able to offer Safeland and the PEC H2S Clear courses via video conferencing, and Veriforce has extended the authorization to continue this until at least June 2023. We are also able to offer the 1st aid/ CPR classes with an online blended learning option, and remote skills verification – as well as our In-House H2S Awareness Course. Ask about other distance learning opportunities for more information.

► **Video Conference Courses** Must Be Scheduled Separately and Are Available Upon Request.

SOURCES FOR THIS ISSUE INCLUDE:  
OSHA  
FMCSA  
ISHN  
US DOL  
His  
CDC  
SAMHSA  
John Dahunsi  
MSHA  
US DOT  
ATA  
OOIDA  
Overdrive  
NHTSA  
CDOT

► MJS Legacy Safety can help guide you through training requirements. Call us! ◀

## Drug Testing

More and more of the 3<sup>rd</sup> Party Auditing companies like NCMS and TPS Alert are requiring drug testing levels slightly above the levels of some of the regulatory levels to ensure drug testing is being completed each quarter.

MJS Legacy Safety Services conducts both drug testing and Auditing account management for our in-house consortium clients as well as the management of other client drug testing consortium accounts, such as DISA. Many have modified their random selections process to work more effectively when a policy is tied to multiple auditing agencies. In specific situations, this may result in slightly more random selections being generated than clients are previously used to seeing to ensure compliance with both the regulatory requirements as well as client specific requirements.

Drug testing policies typically mirror the requirements of an auditing agency (e.g. DOT, DCC, DISA Monitoring, NCMS, etc.). When customers setup a single policy for more than one monitoring agency, and these auditing agencies require different random percentages, the number of random selections generated may be lower than one of the two agencies requires.

**If you have questions on the selection process,  
need assistance with the management of your TPS Alert, NCM, or  
other drug testing audit accounts,  
or need to sign up for a consortium, give us a call!**



### Report a Fatality or Severe Injury

- All employers are required to notify **OSHA** when an employee is killed on the job or suffers a work-related hospitalization, amputation, or loss of an eye.
- A fatality must be reported within 8 hours.
- An in-patient hospitalization, amputation, or eye loss must be reported within 24 hours.

#### **To Make a Report**

- Call the nearest [OSHA office](#).
- Call the OSHA 24-hour hotline at [1-800-321-6742](tel:1-800-321-6742) (OSHA).
- [Report online](#)

Be prepared to supply: Business name; names of employees affected; location and time of the incident; brief description of the incident; contact person and phone number. [FAQ's](#)



# Injury Tracking Application



Collecting data on workplace injuries and illnesses is an important element of the **Occupational Safety and Health Administration's** mission to improve workplace safety and health.

Establishments in [certain industries](#) **Must Submit Required Injury And Illness Data** for each calendar year by **March 2** of the following year using Form 300A. **Employers must post their most recent Summary of Work-Related Injuries and Illnesses (Form 300A) from February 1 through April 30 in a visible location for their employees' awareness.**

OSHA's Form 300A (Rev. 04/2004) Summary of Work-Related Injuries and Illnesses			
Number of Cases			
Total number of deaths	Total number of cases with days away from work	Total number of cases with job transfer or restriction	Total number of other recordable cases
0	0	0	0
Number of Days			
Total number of days away from work	Total number of days of job transfer or restriction		
0	0		
Injury and Illness Types			

OSHA provides a [secure website](#) that offers three options for injury and illness data submissions. If your establishment is required to submit this data, you must use OSHA's [Injury Tracking Application](#), or ITA. At this link you'll find detailed information on the following:

- Launch the Application
- Who is covered by this reporting requirement?
- What must covered establishments submit?
- FAQs
- Job Aids (How-To)
- When must covered establishments submit their completed Form 300A?
- How do I submit my establishment data?

All **current and new account holders** must connect your ITA account to a [Login.gov account](#) with the same email address in order to submit your data.

**Need more assistance?** Use the [help request form](#).

To report safety and health violations, file a complaint, or ask safety and health questions, call 800-321-6742 or visit [osha.gov/ContactUs](#).

## DOL Announces Rule Expanding Submission Requirements for Injury, Illness Data Provided by Employers in High-Hazard Industries

***Final rule takes effect Jan. 1, 2024, for certain employers***



The U.S. Department of Labor recently announced a final rule that will require certain employers in designated high-hazard industries to electronically submit injury and illness information – that they are already required to keep – to the department's **Occupational Safety and Health Administration**.

The [final rule takes effect on Jan. 1, 2024](#), and now includes the following submission requirements:

- Establishments with 100 or more employees in certain high-hazard industries must electronically submit information from their Form 300-Log of Work-Related Injuries and Illnesses, and Form 301-Injury and Illness Incident Report to OSHA once a year. These submissions are in addition to submission of Form 300A-Summary of Work-Related Injuries and Illnesses.
- To improve data quality, establishments are required to include their legal company name when making electronic submissions to OSHA from their injury and illness records.

OSHA will publish some of the data collected on its website to allow employers, employees, potential employees, employee representatives, current and potential customers, researchers and the general public to use information about a company's workplace safety and health record to make informed decisions. OSHA believes that providing public access to the data will ultimately reduce occupational injuries and illnesses.

"Congress intended for the Occupational Safety and Health Act to include reporting procedures that would provide the agency and the public with an understanding of the safety and health problems workers face, and this rule is a big step in finally realizing that objective," explained Assistant Secretary for Occupational Safety and Health Doug Parker. "OSHA will use these data to intervene through strategic outreach and enforcement to reduce worker injuries and illnesses in high-hazard industries. The safety and health community will benefit from the insights this information will provide at the industry level, while workers and employers will be able to make more informed decisions about their workplace's safety and health."

The final rule retains the current requirements for electronic submission of information from Form 300A from establishments with 20-249 employees in certain high-hazard industries and from establishments with 250 or more employees in industries that must routinely keep OSHA injury and illness records.

The announcement follows proposed amendments announced in March 2022 to regulations for requiring specific establishments in certain high-hazard industries to electronically submit information from their Log of Work-Related Injuries and Illnesses, and Injury and Illness Incident Report.

Learn more about OSHA's [injury and illness recordkeeping and reporting requirements](#).

## Fee Changes for Student Course Completion Cards for Outreach Training Program

**Effective Oct. 1, 2023, OSHA** will increase the fee for new course completion cards from **\$8 to \$10 per card** to address **significant cost changes** associated with **producing and distributing the cards**. The **new fee reflects** the first **cost increase since 2017**.

**OSHA** also announced the agency will adjust the **fee every two years** if needed based on the **Consumer Price Index**.

Fees for **replacement cards**, established by the **Authorizing Training Organizations**, may also be **affected by this cost** increase. Workers who **already have outreach cards do not need to request replacements**.

**OSHA** has created **10- and 30-hour basic safety** courses **tailored to construction**, maritime and **general industry**, as well as **7.5- and 15-hour classes** for disaster **site workers**. These courses **cover the basics of worker** rights and **OSHA** protections. They **also describe how to identify**, avoid and **prevent workplace hazards**. **OSHA** does not **require these courses** but **some municipalities, unions, employers and other organizations do**. In fiscal year **2022**, the program **trained more than one million students**.



### MJS Legacy Safety

is an [Authorized Outreach Trainer](#).

We offer the OSHA 10 & 30 hour courses for students.

**WE CAN HELP WITH REPLACEMENT STUDENT COURSE COMPLETION CARDS IF THE COURSE WAS TAKEN WITH CARRIE AND IS LESS THAN 5 YEARS OLD.**

**Give us a call!**

To obtain **copies of course completion** documents, such as **student course completion** cards, students **must contact the original** training provider. Please note, **replacement student course completion** cards for **OSHA Outreach Training Program** classes **cannot be issued for training** completed more than **five years ago**. Only **one replacement card** may be issued **per student per class**.

[Authorized outreach trainers and online providers](#)

[More about OSHA's voluntary Outreach Training Programs](#)

## Stop yelling at me! How soft skills make you a better safety person.

It might surprise you to learn that improving your communication skills will make you a better EHS professional (*safety professional, safety manager, you know who you are*). Often the relationship of the EHS professional with the other managers, leaders and even workers at the organization is adversarial. You are providing information and guidance, implementing program and policy changes, however those you are asking to make changes don't work directly for you.

**STOP YELLING AT ME!**



The EHS professional can be seen as part traffic cop, part punitive parent and part "gotcha" manager in the shadows, looking for mistakes and then coming down hard on fellow workers.

To be effective in your job, you have to be skilled at communication, winning people over, and sometimes having difficult conversations. And those entail shifting your role from working **AGAINST** others to working **WITH** them.

Focusing on the following might help:

1. Approach conversations from a seeking understanding perspective vs. one of delivering information and giving instructions.
2. Improve listening, curiosity, and finding common ground with others.
3. Use strategies for having difficult conversations, especially when emotions are high (ex. after an incident or injury).
4. Identify when an interaction is becoming adversarial and switch to a collaborative, team viewpoint where you and the other person are working towards a common goal.

**If you do better, chances are everyone will do better!**

## DOL Announces Proposed Changes to Clarify Regulations on Authorized Employee Representation During Workplace Inspections

Seeks public, stakeholder comments on proposed changes



The U.S. Department of Labor recently announced a [notice of proposed rulemaking](#) to revise regulations regarding who can be authorized by employees to act as their representative to accompany the department's **Occupational Safety and Health**

**Administration** compliance officers during physical workplace inspections.

Specifically, the **proposed rule** clarifies that **employees** may authorize an **employee**, or they may **authorize a non-employee** third party if the compliance officer determines the third party is **reasonably necessary** to conduct an effective and **thorough inspection**.

The **proposed changes** also clarify that **third-party representatives** are not limited to industrial **hygienists** or **safety engineers**, two examples included in the **existing regulation**. Third-party **representatives** may be **reasonably necessary** because they have **skills**, knowledge or **experience** that may **help inform** the compliance officer's **inspection**. This information may **include experience** with particular **hazards**, workplace **conditions** or language skills that **can improve communications** between **OSHA** representatives and **workers**.

"Congress **considered worker participation** a key element of **workplace safety and health inspections** when it passed the **Occupational Safety and Health Act**," explained **Assistant Secretary for Occupational Safety and Health** Doug Parker. "This **proposal aims** to make inspections **more effective** and **ultimately** make workplaces **safer** by **increasing opportunities** for employees to be **represented** in the inspection **process**."

In **addition** to the **NPRM's proposed** revisions, **OSHA** is also seeking public comment on the criteria and degree of deference **OSHA** should give to employees' choice of representative in determining whether a third party can participate in an inspection.

The **Occupational Safety and Health Act** gives the **employer** and **employees** the right to **have a representative** authorized by them accompany **OSHA** officials during a **workplace inspection** to aid the **investigation**. Employee **participation** and **representation** is critical to an **inspector's ability** to complete a **thorough** and effective **workplace investigation** and helps **OSHA** gather **information** about the job **site's conditions** and **hazards**.

The **proposed revisions** do not **change** existing **regulations** that give **OSHA** compliance officers the **authority to determine** if an individual is authorized by **employees** and to **prevent** someone from **participating** in the **walkaround inspection** if their **conduct interferes** with a fair and **orderly** inspection, or to **limit participation** to protect **employer trade secrets**.

Submit comments at [Regulations.gov](https://www.regulations.gov), the federal eRulemaking portal by **Oct. 30, 2023**. Include **Docket Number OSHA-2023-0008** on all submissions. [Read the Federal Register notice for more information](#).

This article available in [Spanish](#).

## DOL Seeks Reinstatement, Back Wages from a Texas Pipe Manufacturer that Allegedly Fired Employee who Raised Safety Concerns

Lawsuit claims the pipe co. violated federal whistleblower protections

The U.S. Department of Labor filed a lawsuit against a Texas Pipe

Whistleblower PROTECTION

Company alleging **violations** of **federal whistleblower protections** after the company **fired an employee** because they **requested to use a respirator** to protect them from **smoke and fumes** in the **work area**.

The department's **Occupational Safety and Health Administration** opened an **investigation** at the Pipe Company after **learning** of the **alleged October 2022 retaliation**. The agency's [Whistleblower Protection Program](#) investigators in Dallas **determined** the company **violated federal whistleblower protections** by **terminating** an employee who **exercised their protected** rights to request **personal protective equipment**.

"Every worker is empowered with the right to speak up if they are concerned about their safety or that of others," explained **OSHA Regional Administrator** Eric S. Harbin in Dallas. "Rather than fulfilling their responsibility to provide a safe and healthy workplace, the company terminated an employee who raised safety concerns, and that is unacceptable."

Filed in the **U.S. District Court** for the Eastern District of Texas, the **department's complaint** asks the **court to order the Pipe Company** to make the **employee whole** for the **illegal retaliation**.

"The **U.S. Department of Labor** will enforce all laws to the extent of our power to ensure all protections afforded to employees are fully exercised," said **Regional Solicitor of Labor** John Rainwater in Dallas.

Learn more about [OSHA's Whistleblower Protection Programs](#).



# A Safety Refresher: QUICK DISCUSSION POINTS FOR RISK AWARENESS



Workplace safety is something the law requires and employees frequently take for granted. In the eyes of regulators, employers are responsible for identifying and communicating about hazards and making the work environment as safe as possible.

Discussing short safety topics can be a great way to keep people aware of the potential risks in their line of work. These refreshers will elevate safety from a background issue to a top priority for all involved.

Here are some short safety topics to add to a rolling list to tackle during company meetings and morning standups. Not all of them will apply, but if you make your living in construction, manufacturing or anything where workers put their bodies on the line, a substantial number probably will.

## 1. Be aware of your surroundings

*This is a familiar refrain in any work environment involving heavy lifting and large equipment. According to [OSHA, 5,333 workers lost their lives](#) on the job in 2019. There's no way to tell how many of these could've been prevented through better spatial and situational awareness, but chances are good the number is considerable.*

## 2. Maintain health and fitness

*There's no way around the fact that some occupations are more physically demanding than others. When it comes to workplace safety, research suggests physical conditioning can reduce the likelihood of sustaining workplace injuries.*

*Stretching before shifts may not make an appreciable difference, but encouraging solid general fitness among workers can.*

## 3. Wear appropriate PPE

*Employers are required by law to provide personal protective equipment (PPE) matched to each task and its risks. They also must regularly coach team members on wearing it during every shift. PPE deserves regular mention because it saves limbs and lives.*

## 4. Get enough sleep

*Tie the previous two points together — awareness of one's surroundings and attaining peak physical condition — with a short safety topic relating to sleep hygiene. You and your team earn your living in a physically and mentally demanding field. Show your bodies the respect they deserve by aiming for an amount of sleep [commensurate with your age](#) and physical job requirements.*

## 5. Understand emergency procedures

*Meetings — whether workplace-wide or departmental — are ideal opportunities to refresh teammates' memories on what to do during emergencies. Nobody wants to dwell on the implications of a severe-weather event or an active shooter. Still, it's even worse to potentially face these events without the proper mental and material preparation.*

*The Department of Homeland Security has [a guide for workplaces](#) with some timely reminders worth repeating, such as having a plan in place beforehand and being prepared to leave your belongings behind during an evacuation.*

## 6. Follow proper safety incident responses

*A related point is communicating what to do during various safety incidents. These might include:*

- Spills of chemicals and other materials
- Bodily injuries
- Vehicle collisions
- Equipment malfunctions
- Unsafe conditions at the worksite
- Damaged facilities or equipment

*Not every employee will be trained on chemical-spill procedures, but they should all know to deploy signage or cones, avoid the area, and alert a supervisor immediately. Other responses may also be universal, such as [never moving an injured person](#) to avoid provoking further damage to their body.*

## 7. Address mental health and workplace bullying

*There will probably always be unreported cases of workplace bullying and sexual or physical harassment. Still, employers can ensure there are fewer places in their organizations for such behavior to hide.*

*When acts of aggression or abuse go unreported, it's often because the victim fears there's no channel to do so or because they worry leadership won't take them seriously. Use short safety tip meetings to let your teams know you run a zero-tolerance workplace where uncivilized behavior is answered decisively.*

## 8. Provide news about ongoing or future changes

*Management in manufacturing, construction and logistics environments sometimes gets too caught up in technology investments, workflow changes and facility upgrades to communicate about these changes effectively to the workforce.*

*Will new procedures and technologies change how workers do their jobs? If so, companies get better results when [communicating about them before](#), during and after implementation. Doing so ensures workers can roll with the punches safely and ask questions before implementing new materials or practices.*

## 9. Teach how to lift heavy objects

*Pride is the cause of lots of workplace injuries, from dislocations to hernias. Take every opportunity to remind employees there's no shame in calling in a buddy to perform a team lift on a heavy or awkwardly shaped burden or to reach for something from the oversized warehouse racking. Lots of job listings request applicants who can lift 50 or 100 pounds, but it doesn't necessarily mean doing so is safe in every case.*

## 10. Discuss tool handling and storage

*Your facility or work site might have dozens or hundreds of hand tools and pieces of powered equipment. Each has a function, and workers expect their devices to operate safely each shift, from brooms and hammers to air compressors and lift trucks. There's a lot of potential subject matter to cover in short safety topic meetings related to handling and storing tools and equipment. Here are some of the highlights worth hitting regularly:*

- *Every team member must conduct a pre-startup inspection of powered equipment.*
- *All tools must be returned to their designated storage areas to avoid damaging them and causing unsafe operation.*
- *Tools left in unexpected locations can cause pedestrian injuries and vehicle malfunctions if they're stepped on or run over.*
- *Team members should take damaged tools and equipment out of circulation if they detect breakage or unsafe operation. Never attempt to use compromised equipment.*
- *Machine and tool breakdowns are [among the leading causes](#) of safety incidents in various industries.*

## 11. Mention seasonal hazards

*If you live someplace where the weather oscillates between seasonal extremes or gets dangerously hot, you owe it to your team to discuss seasonal and weather-based hazards.*

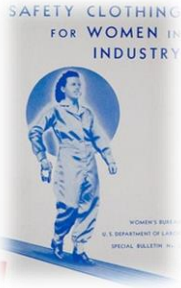
*Heat exposure killed [43 employees in 2019](#) — lower than 2011's figures but higher than most years in between. Wherever heat can cause illness, ensure workers know the risks and feel empowered to take regular breaks in the name of their health.*

*There are plenty of other hazards worth coaching on, although they vary by area. Discussing flooding contingencies, locations to take shelter during extreme weather events and the best ways to avoid Lyme disease while working outside are all fair game.*

### Use short safety topics to create a culture of safety

**These short safety topics are perfect for discussing at morning standups and other meetings. New hires and old hands alike benefit from regular repetition of core learning concepts. Try to couple these gatherings and formal training sessions with positive reinforcement for safe behaviors. Combining these efforts inevitably leads to a safer and more conscientious workplace culture.**

# Gender and Safety at Work



Workers experience safety at the intersection of different parts of their identity, including gender. The Women's Bureau, created in 1920, has been at the forefront of efforts to improve working conditions for women and advocate for their safety over the past century.

**Safe + Sound Week**, held during the week of Aug 7-13, explored three key issues of gender equity in the workplace that relate to occupational safety and health:

## Gender-Based Violence And Harassment In The World Of Work

As recognized in the first [U.S. National Plan to end Gender-Based Violence](#), gender-based violence and harassment is not only a manifestation of discrimination, but also an occupational health and safety issue. Co-workers, supervisors, clients or customers can perpetrate gender-based violence and harassment against workers not only on their job sites, but anywhere workers are paid, in places workers take rest breaks, in work-related training, and through work-related communications. Intimate-partner violence and other forms of gender-based violence can also spill into and impact the workplace, threatening worker safety. For example, if a stalker comes into their victim's workplace, it can make the employee and others feel unsafe.

When feasible, the Department of Labor's [Occupational Safety and Health Administration \(OSHA\)](#) enforces the [General Duty Clause of the Occupational Safety and Health Act](#) when conducting inspections related to violence at work, including gender-based violence. The **General Duty Clause** mandates employers to provide "employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm."

Additionally, the Women's Bureau entered into a memorandum of understanding with the International Labor Organization Office for the United States and Canada to uplift the principles and promising practices featured in the [ILO Violence and Harassment Convention](#). One of the key principles is on the importance of identifying hazards and assessing the risks of violence and harassment, with the participation of workers and their representatives, and taking measures to prevent and control them. Prevention is key in ending gender-based violence and harassment in the world of work, particularly by addressing its root causes.

## Personal Protective Equipment For Diverse Bodies

Many employers in male-dominated industries, like the construction trades, do not offer properly fitting [personal protective equipment \(PPE\)](#) and [personal protective clothing](#) to all workers, which may compromise women workers' safety. For example, safety gloves are often too big for women's hands and can become dangerous if they are loose or get caught in machinery. Similarly, respirators that are too large may not adequately protect women from chemical hazards.

Providing personal protective equipment and clothing for a variety of bodies is a matter of both safety and gender equity. In July 2023, [OSHA proposed a rule that would require that equipment fit each affected employee properly to protect them from occupational hazards](#). And as we've learned from the Women's Bureau [Women in Apprenticeship and Nontraditional Occupations grant program](#), providing equipment that fits can help not only keep women safe, but can also help employers retain talented women in pre-apprenticeship, apprenticeship and nontraditional skills training programs.

## Maternal Mental Health

The theme for this year's **Safe + Sound Week** was mental health and well-being, and maternal mental health is often overlooked as an area of concern when it comes to occupational health and safety.

The Department of Labor is raising awareness that workers have the right to unpaid leave to attend to mental health. Mental health conditions, including conditions like postpartum depression, postpartum anxiety, birth trauma, can be a [serious health condition](#) under the FMLA.

Additionally, the [Equal Employment Opportunity Commission](#) just released proposed [Regulations to Implement the Pregnant Workers Fairness Act](#) for public comment, recognizing that mental health conditions related to pregnancy are also qualifying reasons for accommodations.

Learn more about some of the ways the Department of Labor is supporting women's health and safety:

- ❖ [Ending Gender-Based Violence at Work and Beyond](#)
- ❖ [Fostering Access, Rights and Equity \(FARE\) grant program](#)
- ❖ [Making PPE the Right Fit for All](#)
- ❖ [Mental Health and the FMLA](#)
- ❖ [Mental Health at Work](#)
- ❖ [Maternal Mental Health Hotline](#)

# National Emphasis Program on Warehousing and Distribution Center Operations

OSHA has launched a [National Emphasis Program](#) to identify and reduce or eliminate hazards in warehousing and distribution centers, mail/postal processing, parcel delivery/courier services, and certain high-injury rate retail establishments.

Enforcement activities related to this NEP will begin **October 13, 2023**.

## Why is OSHA launching this initiative?

Warehousing and distribution center operations pose a variety of serious safety and health hazards and expose workers to serious injury or death. Processes that present these hazards include, but are not limited to, powered industrial vehicle operations, material handling/storage, walking-working surfaces, means of egress, and fire protection. In addition, heat and ergonomic hazards may also be present in these workplaces. Warehousing and distribution centers have experienced significant growth over the past ten years. From January 2011 to December 2021, the warehousing and distribution centers industry experienced a surge in employment, increasing respectively from 668,900 employed to a total 1,713,900 employed (seasonally adjusted).

High-injury rate retail establishments also contain the same types of hazards as warehousing and distribution facilities mentioned above, particularly in loading and storage areas. The NEP defines a high-injury rate retail establishment as those retail establishments with the highest rates of injuries and illnesses resulting in days away, restricted duty or job transfer. The most recent employer reported data (CY2021) indicates that these high-risk retail establishments are in the NAICS codes listed below and are covered by this NEP.

## Industries targeted by this National Emphasis Program:

### Covered Industries

491110 Postal Service (*Processing and Distribution Centers only*)  
492110 Couriers and Express Delivery Services  
492210 Local Messengers and Local Delivery  
493110 General Warehousing and Storage  
493120 Refrigerated Warehousing and Storage  
493130 Farm Product Warehousing and Storage  
493190 Other Warehousing and Storage

### High Injury Rate Retail Establishments

444110 Home Centers  
444130 Hardware Stores  
444190 Other Building Material Dealers  
445110 Supermarkets and other grocery stores  
452311 Warehouse Clubs and Supercenters

What can you do as an employer to prevent the next serious injury or worker death? There are several key actions an employer can take to prevent accidents and improve workplace safety and health:

- Establish safety and health as a core value; let your workers know that it is important that they go home safe each day.
- Inspect your facility to identify and correct hazards.
- Conduct a thorough job hazard assessment for all job tasks.
- Solicit input from workers in identifying and controlling hazards and take prompt corrective action when hazards are identified.

- Implement appropriate safety measures, such as work rules/policies and procedures, and proper training for your employees.
- Utilize and maintain safety equipment and devices; and provide and require the use of Personal Protective Equipment (PPE) as appropriate.
- Implement and maintain a reporting system for workers to report any injuries & illnesses, incidents and near misses.
- Address emergencies by identifying foreseeable emergency scenarios and develop instructions on what to do in each case.

For additional information, please see the [OSHA web-site- Safety Management - A safe workplace is sound business](#) | [Occupational Safety and Health Administration \(osha.gov\)](#)

How can OSHA help? OSHA Region 8 (*Denver*) is providing outreach, materials and guidance to employers covered by this NEP through a series of compliance assistance resources which can be found on our webpage at [Warehousing Overview](#).

You may contact your nearest [OSHA area office in Region 8](#) for further assistance or thru our toll-free number at 1-800-321-6742.

OSHA funds a free consultation program under Section 21(d) of the [Occupational Safety and Health Act of 1970](#) primarily targeted for small employers (*less than 250 site employees or less than 500 corporate wide*), that is confidential and separate from enforcement. The consultation programs help employers identify and correct hazardous conditions at their worksites, as well as improve workplace safety and health management programs. These programs are well staffed with highly trained safety and health professionals. To schedule an on-site consultation visit, please contact your local consultation program ([OSHA's Consultation Directory](#)).

And, don't forget, [MJS Legacy Safety](#) is always here to help if you have a workplace safety and health question.

Your commitment to workplace safety and health are key to the protection of your worker. Remember: Warehouse workers face many hazards, but proper design, planning and training can keep them safe.

LET MJS Legacy Safety BE YOUR

OSHA-AUTHORIZED

ONE STOP SHOP FOR TRAINING.

See [page 4](#) for classes offered this month as well as links to [All of the training available](#).

Questions?

CALL US!!

WE'RE HERE TO HELP!

# Requiring Employers to Keep Employees Informed

## Labor Law Posters

Some of the **statutes and regulations** enforced by the **U.S. Department of Labor (DOL)** require that **notices be provided** to employees and/or **posted** in the **workplace**. DOL provides **free electronic copies** of the **required posters** and some of the **posters** are available in **languages** other than **English**.

**Posting requirements** vary by **statute**; that is, **not all employers** are **covered** by each of the **Department's statutes** and thus **may not be required** to post a **specific notice**. For example, **some small businesses** may **not be covered** by the **Family and Medical Leave Act** and thus **would not** be subject to the **Act's posting requirements**.

The [elaws Poster Advisor](#) can be **used to determine** which **poster(s)** employers are **required to display** at their **place(s) of business**. Posters, **available in English and other languages**, may be downloaded **free of charge** and printed **directly** from the **Advisor**. If you **already know** which **poster(s)** you are **required to display**, the **site** makes it easy to **download and print** the appropriate poster(s) **free of charge**.

Please note that the **elaws Poster Advisor** provides **information on Federal DOL poster requirements**. For **information on state poster requirements**, please visit [state Departments of Labor](#). For **Colorado posters**, use this [link](#).

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*Each month we'll highlight a different topic and do our best to keep you up to date on any new or changing statutes and regulations.*

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## Paid Family and Medical Leave Insurance

Colorado voters approved Proposition 118 in November of 2020, paving the way for a state-run Paid Family and Medical Leave Insurance (FAMLI) program. The FAMLI program will ensure all Colorado workers have access to paid leave in order to take care of themselves or their family during life circumstances that pull them away from their jobs — like growing their family or taking care of a loved one with a serious health condition.

Both employers and employees will contribute premiums to the program. Premium payments begin in 2023, so employees may start to see a FAMLI premium deduction on their pay stubs beginning January 1, 2023. FAMLI will start providing benefits to employees beginning January 1, 2024. Most eligible employees will receive up to twelve weeks of leave. Those who experience pregnancy or childbirth complications may receive an additional four weeks.

[2023 FAMLI Program Notice Poster](#) (pdf)

## Reminder - Revised Federal Drug Testing Custody and Control Form Mandatory

▶ **DOT-regulated employers and their service agents [collectors, laboratories, Medical Review Officers (MRO)] must use the 'revised CCF'.** ◀



[Learn more](#) about what this means for DOT drug testing.



**COLORADO**  
Department of Revenue

**Home page for State of Colorado/ Colorado Department of Revenue –**  
Division of Motor Vehicles - [link](#)

### DOT Implements Annual Regs Violation Penalty Increases

The Department of Transportation published a final rule in the *Federal Register*, Monday, March 21, 2022 updating the civil penalty amounts (*effective immediately*) that may be imposed for violations of certain DOT regulations, including **Federal Motor Carrier Safety Administration** regulations focused on in trucking-company audits.

[The updated fines for FMCSA regulations violations can be seen here.](#)

## FMCSA Removes Two Devices from List of Registered Electronic Devices

The U.S. Department of Transportation **Federal Motor Carrier Safety Administration (FMCSA)** has recently removed **FALCON ELD** and **KSK ELD** from the [list](#) of registered **Electronic Logging Devices (ELD)**. **FMCSA** has placed these ELDs on the **Revoked Devices list** due to the **providers' failure** to meet the **minimum requirements** established in [49 CFR part 395, subpart B, appendix A](#), effective **September 14, 2023**.

**FMCSA** will send an industry email to inform motor carriers that all who use these revoked ELDs must take the following steps:

1. *Discontinue using the revoked ELDs and revert to paper logs or logging software to record required hours of service data.*
2. *Replace the revoked ELDs with compliant ELDs from the [Registered Devices list](#) before November 13, 2023.*

**Motor carriers** have up to **60 days** to replace the revoked ELDs with compliant ELDs. If the ELD providers correct all identified deficiencies, **FMCSA** will place the ELDs back on the list of registered devices and inform the industry and the field.

During this time, **safety officials** are encouraged not to cite drivers using the **revoked ELDs** for [395.8\(a\)\(1\)](#) – “No record of duty status” or [395.22\(a\)](#) – “Failing to use a registered ELD.” During this time, **safety officials** should request the driver’s **paper logs**, logging software, or **use the ELD display as a back-up method** to review the **hours of service data**.

Beginning **November 13, 2023**, motor carriers **who continue to use** the **revoked devices** listed above will be **considered to be operating** without an ELD. Safety officials who **encounter a driver** using a **revoked device** on or after **November 13, 2023** should cite [395.8\(a\)\(1\)](#), and place the **driver out-of-service (OOS)** in accordance with the [Commercial Vehicle Safety Alliance \(CVSA\) OOS Criteria](#).

**FMCSA** strongly encourages motor carriers to take the **actions listed** above now to **avoid compliance issues** in the event that the **deficiencies are not addressed in time**.

For **more information** on ELDs, visit [FMCSA's ELD implementation website](#).

## 68 Mph? FMCSA Backtracks After 'Inaccurate' Reveal Of Speed-Limiter Intentions



*UPDATE, as of 5 p.m. Central time Monday, Sept. 25: After naming a 68-mph speed setting for trucks newer than 2003 model year in the DOT update detailed in this story, FMCSA reached out to note the initial information provided in the document was inaccurate and that any specifics about the speed limiter mandate proposal still have to go through the regulatory approval process.*

*The [DOT Significant Rulemakings report](#) now reads that trucks equipped with an "electronic engine control unit (ECU) capable of governing the maximum speed be required to limit the CMV to a speed to be determined by the rulemaking and to maintain that ECU setting for the service life of the vehicle."*

*FMCSA said the 68 mph speed limit originally included in the report is one of the options being considered for the supplemental notice of proposed rulemaking that the agency is planning to publish before the end of the year, but noted that no decision has been made on the maximum speed limit that will be proposed.*

### Original story:

The U.S. Department of Transportation recently released its [Report on DOT Significant Rulemakings](#), outlining potential timing for rules in the works at a variety of DOT agencies, including the **Federal Motor Carrier Safety Administration**.

For the first time, the agency signaled the speed at which it hoped to require motor carriers' speed limiters to be set: 68 mph.

As reported in DOT's previous Significant Rulemakings report last year, FMCSA plans to proceed with a motor carrier-based speed limiter rulemaking by preparing a supplemental notice of proposed rulemaking. The new SNPRM would supersede FMCSA's joint proposal with the National Highway Traffic Safety Administration in 2016.

FMCSA said it will propose to require truck owners or operators to set the engine control unit to a maximum speed of 68 miles per hours, according to the new report. That will apply to trucks with a gross vehicle weight or gross vehicle weight rating (GVWR) of more than 26,000 pounds, whichever is greater -- and only trucks manufactured after model year 2003.

FMCSA now plans to publish the proposal by Dec. 29, 2023.

Among other regs highlights was a knowledge test for new entrant carriers, the mandate for automatic emergency braking systems and more.

As it does for the speed-limiter proposal, the report provides a rough timeline of when the other rulemaking proposals may be published, as well as when proposals in the works may move to their next phase, if at all. FMCSA has six other rulemakings with dates posted in the report, signifying the agency's intent to move on them.

## Colo. Law: Move Over for Me

THE NEW PROTECTIONS TOOK EFFECT IN AUGUST 2023.

Colorado joined the ranks of just nine other states in offering robust "[Slow Down, Move Over](#)" protections to ALL disabled vehicles.

[HB23-1123](#) requires that drivers move over a lane whenever they encounter ANY stationary vehicle with its hazards flashing – and if they can't move over, they must slow down.

# FMCSA finalizes lower UCR fees for 2024

UCR fees for 2024 registration year about 9% reduced

FMCSA announced in a *Federal Register* notice that published Thursday, June 22<sup>nd</sup>, that it is reducing the fees for registration in the Unified Carrier Registration (UCR) Plan and Agreement for the 2024 registration year.

The fees for the 2024 registration year are approximately 9% less than fees for 2023, with varying reductions between \$4 (for the smallest carriers) and \$3,453, depending on the applicable fee bracket. The changes reduce the fees paid by motor carriers, brokers, freight forwarders, and leasing companies to the UCR Plan and the participating states.

The UCR Plan Board provides fee adjustment recommendations to the Secretary when revenue collections result in a shortfall or surplus from the amount authorized by statute. If there are excess funds after payments to the States and for administrative costs, they are retained in the UCR Plan's depository, and fees in subsequent fee years must be reduced.

The official website of the UCR plan is [Plan.UCR.gov](http://Plan.UCR.gov).



## The new fees for the 2024 registration year:

2023 vs. 2024 Unified Carrier Registration Plan fees						
No. of power units	0-2	3-5	6-20	21-100	101-1,000	1,001 and above
2023 fee (previous)	\$41	\$121	\$242	\$844	\$4,024	\$39,289
2024 fee (new)	\$37	\$111	\$221	\$769	\$3,670	\$35,836
Difference	-\$4	-\$10	-\$21	-\$75	-\$354	-\$3,453

*CDOT urges you to follow...*

## Safe-Driving Tips When Traveling Through Cone Zones



Remember: In Colorado, the fines are doubled for most infractions in a work zone.

### Expect the Unexpected

Normal speed limits may be reduced, traffic lanes may be changed, and people may be working on or near the road.

### Slow Down

Speeding is one of the major causes of work zone crashes.

### Don't Tailgate

Keep a safe distance between your car and the car ahead of you. The most common crash in a highway work zone is a rear-end collision, so leave two car lengths between you and the car in front of you.

### Be Aware of Construction Crews

Keep a safe distance between your vehicle, and the construction workers and their equipment.

### Heed Signs

The warning signs are there to help you and other drivers move safely through the work zone. Observe the posted signs until you see the one that says you've left the work zone.

### Obey Flaggers

Flaggers know what's best for moving traffic safely in the work zone. A flagger has the same authority as a regulatory sign; you can be cited for disobeying his or her directions.

### Stay Alert and Minimize Distractions

Dedicate your full attention to the roadway, and avoid changing radio stations or using cellphones while driving in a work zone.

### Keep with the Traffic Flow

Help maintain traffic flow and posted speeds by merging as soon as possible. Don't drive right up to the lane closure and then try to barge in.

### Plan Your Drive

Schedule enough time to drive safely, and check radio, television and websites for traffic information. Expect delays, and leave early so you can reach your destination on time.

### Be Patient and Stay Calm

Work zones aren't there to personally inconvenience you. Remember: The work zone crew members are working to improve the road and make your future drive better.



## Battery Safety Initiative

Data Collection Activities – Research – Enforcement – Safety Standards

**NHTSA** is establishing its **Battery Safety Initiative for Electric Vehicles** to coordinate research and other activities to address safety risks relating to batteries in electric vehicles.



### Data Collection Activities

- Collect and analyze data related to electric vehicle battery safety
- Examine field incidents: conduct special investigations of electric vehicle crash and non-crash events related to battery safety

### Research

- *Battery Diagnostics and Prognostics*  
Evaluate the health of a battery: early detection (prognostics), diagnostics, and intervention
- *Battery Management System (BMS) Cybersecurity*  
Explore risks and vehicle-side measures related to wired and wireless charging communications and other vehicle connectivity paths (e.g., telematics) that could access BMS
- *High-Voltage Battery Charging Failure Modes and Effects Analysis*
- *Extremely fast charging (350 KW – 1 MW) safety*
- *Wireless charging safety*
- *Advances in battery management systems*
- *Test procedures development*

### Enforcement

Continue to conduct investigations into potential safety-related defects related to electric vehicle batteries. **NHTSA's Office of Defect Investigations** has conducted several investigations and overseen multiple recalls associated with vehicle and house fires caused by issues relating to electric vehicle batteries.

### Safety Standards

Develop a proposal for Phase 1 of **Global Technical Regulation (GTR) No. 20 for Electric Vehicle Safety** into the **Federal Motor Vehicle Safety Standards**.

- **NHTSA** chaired the development of the **GTR** for electric vehicle safety, which was established under the **United Nations (UN) World Forum** for the **Harmonization of Vehicle Regulations** in 2018. The **GTR** contains requirements for in-use operational safety, post-crash electrical safety, and battery fire safety. The document can be accessed at this [link](#).

Continue to advance battery safety through **NHTSA's** participation in the development of Phase 2 of **Global Technical Regulation No. 20 for Electric Vehicle Safety**.

- **NHTSA** continues to advance electric vehicle and battery safety by chairing the development of the second phase of work currently underway at the UN. The activity is considering, among other things, safety issues related to battery thermal runaway, water immersion, and vibration resistance.

# Are FMCSA and NHTSA Skirting Congressional Directive with AEB Proposal?



The comment period for NHTSA/FMCSA's joint notice of proposed rulemaking to require automatic emergency braking closed with plenty in the way of criticism. Class 8 truck owners and operators provided a number of cautionary tales of AEBs getting hard on the brakes when it wasn't necessary. Several larger associations, too, echoed such complaints from members, among other noted complications.

The comment period for the joint notice of proposed rulemaking (NPRM) proposing to mandate automatic emergency braking (AEB) systems on heavy trucks by the National Highway Traffic Safety Administration and Federal Motor Carrier Safety Administration closed recently, with plenty of input from owner-operators, truck drivers and associations around trucking. The rule also proposes to mandate electronic stability control (ESC) systems for truck classes not currently required to be outfitted with ESC (10,000-26,000 lbs.), then proposing an extended timetable for those trucks to be outfitted with AEB as well.

As previously detailed, Class 8 truck owners and operators provided a number of cautionary tales of AEBs getting hard on the brakes when it wasn't necessary. Several larger associations noted they'd heard similar input from their members. Several trucking stakeholder groups of carriers and other truck owners, while supportive of the idea of having a driver-assist technology to alert drivers of a problem on the road ahead, felt the proposal from the agencies still needed work to recognize the assist nature of current AEB technology. As one association put it, though regulation does play a role in safety, "in today's trucking industry, that endgame result is still the professional truck driver" at the controls.

Other groups took their criticism a step further, contending FMCSA and NHTSA failed to follow a directive from Congress in the 2021 infrastructure legislation regarding AEBs.

The Owner-Operator Independent Drivers Association said the rulemaking as proposed doesn't ensure AEB systems "will meet necessary safety standards before the technology requirement becomes effective."

OOIDA echoed owner-operators who raised issues of false activations of AEB systems, arguing that the NPRM "mandates AEB systems without sufficiently addressing false activations, properly consulting with professional truck drivers, or completing ongoing research programs."

The group said it believes the proposal tries to meet Congressional deadlines "at the expense of satisfying the requirements for driver consultation and safety," adding that AEB and NHTSA "seem poised to ignore the operational experience and concerns of those who make their living behind the wheel. Instead, DOT should listen to truckers and take all the time necessary to address the shortcomings of these systems."

CDL Drivers Unlimited strongly objected to the proposal on somewhat similar grounds, with concerns that FMCSA and NHTSA had not followed the 2021 infrastructure legislation's direction that the agencies review AEB systems and address any deficiencies, likewise consult with truck drivers regarding their experiences with AEBs.

Congress also called for a DOT study of equipping under-26,000-lb. trucks with AEBs -- those units have not previously been required to have electronic stability control systems. The study was directed to include "an assessment of the feasibility, benefits, and costs associated with installing" the systems.

With publication of the NPRM, NHTSA and FMCSA declared the notice itself to represent such review and study, summarizing a great deal of past research around AEBs. "The analysis accompanying this NPRM fulfills this requirement," the agencies stated.

CDLDU, in its comments, said the "instructions are straightforward and specific as to how you were to conduct your actions and investigate this subject matter and then come to an understanding of how this eventual rulemaking would ensure a safer and more thorough consideration. Why weren't the instructions followed?" The group asked to see "the research, studies, surveys, and current wide range testing that was conducted. We know that many of our member drivers will be put at greater safety risk and an undue financial burden to comply with this faulty proposed rule."

OOIDA elaborated in their own comments that truck owners and operators as a general rule are not opposed to technology that might help "improve their safety and the safety of other motorists. But until the agencies can offer assurances this rulemaking can meet its desired safety objectives, they should not set forth any mandate."

Regarding reports of false activations specifically, OOIDA said the proposal doesn't outline testing protocols and performance standards that will ease drivers' worries. The testing procedures outlined in the proposal -- the steel trench plate test and the pass through test -- won't ensure safe performance as currently designed, as they do not properly solve false activation problems, OOIDA said. "The NPRM seeks to effectively replace professional drivers possessing years of experience and millions of accident-free safe driving records with equipment admittedly lacking thorough testing," OOIDA added. "It is inconceivable the government would require professional drivers to acquiesce control of CMVs to a technology the agencies openly admit may or may not be able to accurately detect legitimate threats."

Ultimately, **OOIDA** called on **DOT** to “overhaul the **NPRM** in the interests of all motorists, and in particular the professional drivers who travel our highways.”

Like **OOIDA** and **CDLDU**, the **National Association of Small Trucking Companies** raised concern over the alleged safety benefits of **AEBs**. “We know from member companies’ driver experience with **AEBs** that these features put the lives and safety of truck drivers and the people in vehicles near them in jeopardy every day,” **NASTC** said. “**AEBs** sometimes suddenly slam on a truck’s brakes. This catches the truck driver by surprise. The suddenness of the device’s action causes near-misses and may require evasive action on the professional driver’s part. At present and for the foreseeable future, **AEBs** present more of a threat to road safety than a solution.”

As part of its [comments](#), **NASTC** included commentary from members relaying their experiences with the technology. The majority reported negative experiences.

Striking a similar chord in comments filed by the **Commercial Vehicle Safety Alliance**, both the **Truckload Carriers Association** and the **American Trucking Associations** recognized that the design of **AEBs** is intended to mitigate crashes, not prevent them, “and that driver trust remains a major barrier to maximizing the potential of not only **AEB** but **Advanced Driver Assistance Systems (ADAS)** more broadly,” **ATA** said. “A well-trained and attentive driver is the safest thing you can have on a truck, and technology that supports the driver rather than hinders them or erodes their trust will achieve the best safety outcomes.”

**ATA’s** primary concerns with the proposal are within the **medium-duty (Classes 3-6)** sector, which **Congress** required the agencies to **study before proposing** a rule. **ATA** noted that while it **strongly supports AEB** in all vehicles, “the reality of **AEB** in medium-duty Class 3-6 vehicles is that the technology is not as widely available as **NHTSA** and **FMCSA** believe, and that development would take longer and be more expensive than proposed, particularly among vehicles with hydraulic brakes.”

**ATA** also cautioned **FMCSA** and **NHTSA** to “not discount driver concerns over false activations, adverse weather performance, or unintended consequences. **NHTSA** and **FMCSA** should use the proposed rule as an opportunity to address these concerns and improve usability for drivers.” The group said the agencies should consider how treating **AEB** like a **crash prevention technology** “could potentially increase false activations, create unintended consequences, and exacerbate the problem of driver trust.”

“The intent of **ADAS** and **AEB** are that the driver should always remain in control and that the technology helps the driver attend and respond to potential crashes,” **ATA** said. “The **DOT’s** proposed approach to mandating the technology should reflect this fact.”

**TCA** took that thought further, with greater emphasis on the importance of the driver. “Mitigating or lessening the severity of the accident is commendable,” **TCA** said, “but it should be noted that **AEB** and its corresponding technologies are not entirely accident prevention measures that **NHTSA** and **FMCSA** seek to supply. In today’s trucking industry, that endgame result is still the professional truck driver.”

Despite reports of false positives from drivers across the industry, both **TCA** and **ATA** said the associations and their members “still support technology that would lead to fewer road accidents in an effort to prevent crashes.”

The **National Tank Truck Carriers** group representing the tank truck industry said it supports the **NPRM**, noting that many of its members have already added **AEBs** to their trucks “and have seen positive safety benefits with their implementation.”

**NTTC** noted that it “does not have any concerns about **AEB** false activations assuming sensors are properly installed. False positive alerts, triggered by guardrails and construction barrels as examples, can result from poor sensor alignment.”

The **National Safety Council** voiced support for the proposal, even taking it a step further by recommending additional provisions to strengthen **AEB** requirements. Among the recommendations are to require pedestrian and bicyclist **AEB** systems in heavy vehicles, and to require **AEB** performance standards in low lighting conditions. **NSC** noted a 2022 study by the **Insurance Institute for Highway Safety (IIHS)** that indicated that **AEB** systems using camera sensors performed poorly at night.

“This **NPRM** proposes testing **AEB** performance in dry daylight conditions on straight roadways,” **NSC** said. “Because heavy trucks operate in a variety of lighting conditions, **NHTSA** and **FMCSA** should set performance standards and test in low light.”

Like the **NSC**, the **Advocates for Highway and Auto Safety** are in favor of an **AEB** mandate on heavy trucks, but noted there are some technical issues that the agencies should address. Those include **AEBs** for vulnerable road users like pedestrians and cyclists, darkness testing, testing requirements for **electronic stability control** systems for **Class 3-6 heavy vehicles** and more.



## Connect with MSHA

The Mine Safety and Health Administration is now on [FACEBOOK!](#)

FOLLOW NOW FOR MINING NEWS, REGULATIONS, AND SAFETY & HEALTH BEST PRACTICES.



## MSHA Safety and Health Alerts

### Enclosed Cabs Health Alert

#### Operator Booths, Control Rooms, Enclosed Cabs

[Health Alert - Enclosed Cabs.pdf](#) (242.04 KB)



A properly designed and maintained operator booth, control room, and enclosed cab can reduce miners' exposure to respirable dust, including silica.

#### Best Practices

- Use a filtration and pressurization system that allows filtered air to enter the enclosed area.
- Replace worn seals/gaskets around doors and windows, and patch holes and cracks in doors and windows.
- Keep enclosure interiors clean; remove floor heaters; and use rubber floor mats instead of carpeting.
- Keep doors and windows closed.



### Personnel Carriers - Safety Alert

[Safety Alert - Personnel Carriers.pdf](#) (325.08 KB)

Since 2018, there have been seven fatalities involving miners operating personnel carriers. These accidents could have been prevented if mine operators: 1) *had adequate procedures in place to ensure safe travel of personnel carriers*, 2) *maintained braking systems*, and 3) *trained miners on the safe operation of personnel carriers*.

#### Best Practices

- Maintain steering and braking components.
- Conduct adequate pre-operational inspections of mobile equipment. Correct any defects affecting safety before operating mobile equipment.
- Tag out and remove equipment from service when defects affecting safety are found that cannot be corrected.
- Maintain roadways free of debris, excessive water, mud, and other conditions that impact an equipment operator's ability to control mobile equipment.
- Operate mobile equipment at speeds that are consistent with the type of equipment, roadway conditions, grades, clearances, visibility.
- Task train miners on personnel carrier safety.



### Preventing Falls from Height - Safety Alert

[Safety Alert - Fall protection 2023.pdf](#) (487.81 KB)

In the last ten years, 22 miners and contractors have been fatally injured and over 1,000 have been disabled or lost time from work in fall-from-height accidents.

Fall from height accidents result in over 100 fatal and serious injuries every year. Prevent these injuries by providing walkways and platforms with handrails that provide safe access, and by using adequate fall protection.

#### Best Practices

- **Reduce hazards.** Design work areas and develop job tasks to minimize fall hazards.
- **Have a program.** Establish an effective fall prevention and protection program. Provide task and site-specific hazard training that prohibits working at unprotected locations.
- **Provide fall protection** to each miner who may work at an elevated height, or a location unprotected by handrails. Ensure their use.
- **Provide secure anchor points.**
- **Provide mobile or stationary platforms or scaffolding** at locations and on work projects where there is a risk of falling.
- **Provide safe truck tarping and bulk truck hatch access facilities.**

### MSHA REPORT EMERGENCY

Mine operators are required by law to report all mining accidents immediately – within 15 minutes of when the operator knew or should have known about the accident. [Report Accidents - Hazardous Conditions](#) or call **1-800-746-1553**

*September was Suicide Prevention Month.....*

*Let's work to make every month Suicide Prevention Month*



## What Employers Should Know About Suicide Prevention

SOURCE: John Dahunsi - a psychiatric mental health nurse practitioner for the Occupational Safety and Health Administration

As a mental health provider, I have seen firsthand the consequences of not paying attention to mental health, substance use and suicide prevention in workplaces. Unfortunately, workplaces are often overlooked when the reality is that mental health impacts workers' productivity and performance, as well as the employers' operations and mission. Employers need to recognize the misconception that pre-existing mental health conditions are not a concern in the workplace. Ignoring the [warning signs](#) of an individual's mental health struggles could potentially escalate to the risk of suicide.

Suicide is a complex and distressing issue that touches all demographics in all industries. While suicide prevention awareness has grown there is more we need to do to address this issue in the workplace. The workplace is a significant part of people's lives because of the time we spend there and often acts as a catalyst for stress, anxiety and other mental health challenges. Employers should consider mental health as part of their safety and health management system.

[Recent studies](#) show a concerning rise in suicide rates among workers, underscoring the urgency of this issue. Recognizing this increase is the necessary first step in taking effective prevention measures. The next step is promoting mental health awareness and eliminating the stigma of seeking help for psychological distress.

To cultivate a supportive environment that champions mental well-being and reduces the risk of suicide, employers can:

- ▶ Implement mental health programs.
- ▶ Provide resources for workers to get help.
- ▶ Foster a culture of openness and understanding around mental health issues.
- ▶ Train managers and staff to recognize the signs of mental distress and potential suicidal ideation.
- ▶ Encourage open dialogue about mental health to destigmatize these issues and help those workers struggling to seek help.

Employer-provided resources such as [Employee Assistance Programs \(EAPs\)](#), mental health days and access to mental health professionals can offer crucial support for workers in need. By taking these steps, workplaces can not only help prevent suicide but also enhance overall employee well-being and productivity. Raising awareness among employees and providing training on suicide prevention can empower colleagues to identify warning signs and take appropriate actions.

The importance of suicide prevention awareness in the workplace cannot be overstated. By prioritizing mental health support and prevention strategies, we can create healthier, more supportive workplaces that benefit everyone.

Find [OSHA resources](#) to help reduce workplace stress and support your workers' mental health. You can also call or text 988, or visit [988lifeline.org](https://www.988lifeline.org).

See [Role of Employers in Preventing Suicides](#) (pdf)

Navigating the landscape of COVID-19 has seemingly become less confusing. So that you can access the most updated information, we'll continue to provide links for your convenience.

Here are Resources containing the most current information and guidance for your workplace.

- [CDC – Centers for Disease Control](#) – Important info re: [COVID-19 vaccine & boosters](#)
- [CDPHE – Colorado Department of Public Health and Environment](#)
- [WHO - World Health Organization](#)
- [OSHA Guidance](#)
- [DOL Resources](#)
- [Covid19.colorado.gov](#)

**COVID-19 Resource - Filing Whistleblower Complaints Related to COVID-19**

OSHA's [new fact sheet](#) explains how workers can protect their right to raise workplace health and safety concerns relating to COVID-19 without fear of retaliation.

Visit OSHA's [COVID-19 Frequently Asked Questions](#) page for current information

**OSHA's Recordkeeping Requirements for Exposure to COVID-19**

OSHA issued enforcement guidance related to the COVID-19 pandemic for [Recording and Reporting Occupational Injuries and Illnesses](#) required under *29 CFR Part 1904*.

For more information see the [Enforcement Memoranda](#) section of OSHA's [COVID-19 Safety and Health Topics page](#).

**SUPPORTING WORKERS WITH LONG COVID**

According to the [Centers for Disease Control and Prevention](#), some people who had COVID-19 experience a range of new or ongoing symptoms, known as post-COVID conditions or Long COVID.

These symptoms can last weeks, months, or years, and can worsen with physical or mental activity.

[Read more including examples of accommodations for common symptoms of Long COVID and its related conditions.](#)

