

New Logo & New Name ...

*BUT OUR CONTINUED ATTENTION TO GREAT SERVICE
AND BUILDING LASTING RELATIONSHIPS IS THE SAME*

With the passing of our founder, it has become necessary to make a few technical adjustments. Over the next few months **MJS Safety LLC** will be transitioning to a new company name –

MJS Legacy Safety Consulting Services LLC

All of the services provided to you through **MJS Safety LLC** will remain the same and be available to you through **MJS Legacy Safety Consulting Services LLC** with no interruption. We are committed to carrying on the legacy that Mike envisioned for both the company and our clients, and will continue to make ‘*caring for our client’s needs*’ our top priority.

The contact information for both Carrie Jordan and Jeremy Jordan will remain the same.

Please note a new shipping address as: 1026 N. 1st Street, Johnstown CO 80534.

There is no change to the mailing address as: P.O. Box 10, Johnstown CO 80534.

Our training facility and offices will not change: 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543.

It has been our distinct pleasure to serve your business needs for the past 26 years under **MJS Safety**. We look forward to continuing a productive and successful business relationship with you under the **MJS Legacy Safety** brand for many years to come.

carriejordan@mjsafety.com — jeremyjordan@mjsafety.net

Continuing to feel ‘COVID weary’? It’s a topic we still need to think about often, staying informed about restrictions, being safe for our co-workers, our friends and our families. Until we can move on from thinking daily about COVID-19, we’ll do our best to provide you with as much helpful information as possible.

Here are Resource links that will provide the most current information and guidance for your workplace.

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



▶ [Training Summary/Class Schedule](#) • TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543 • [read more...](#)

→ **Distance Learning & Video Conference classes:** *We are excited to announce that PEC will be allowing us to temporarily offer Safeland and the PEC H2S Clear courses via video conferencing until December 2021. 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.**

OSHA / CONSTRUCTION NEWS SUMMARY

▶ **Visit OSHA's [COVID-19 Frequently Asked Questions page...](#)** [read more...](#)

▶ **OSHA's Recordkeeping Requirements During the COVID-19 Pandemic**

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

▶ **Drug Testing**

More and more of the 3rd 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. [read more...](#)



▶ **OSHA Standard Resource**

A new [Code of Federal Regulations website](#) provides easy access to a [complete list of OSHA standards](#). [read more...](#)

▶ **ASSP Safety2021: An OSHA update with Jim Frederick**

On the last day of ASSP's in-person show in Austin, Sept 13-15, Jim Frederick, Acting Assistant Secretary of Labor for Occupational Safety and Health, spoke to attendees on COVID-19 and OSHA's current priorities. [read more...](#)

▶ **Taking the Hazard Out of Hazardous Chemicals**

OSHA defines a 16-section format for all safety data sheets to adhere to. [read more...](#)



▶ **DOL Initiates Rulemaking to Protect Workers, Outdoors and Indoors, from Heat Hazards Amid Rising Temperatures**

Record-breaking heat in the U.S. in 2021 endangered millions of workers exposed to heat illness and injury in both indoor and outdoor work environments. [read more...](#)

▶ **Five Steps for Effective HAZWOPER First-Responder Training**

OSHA's Hazardous Waste Operations and Emergency Response aims at preventing or minimizing worker exposure to hazards during operations and emergency response to unplanned events... [read more...](#)



▶ **Top 10 Most Frequently Cited Standards for Fiscal Year 2020 (Oct 1, 2019, to Sept 30, 2020)** [read more...](#)

Top 10 Most Frequently Cited Standards for fiscal year 2021... [read more...](#)

▶ **EHS Data Collection: Overcoming cultural barriers**

In a recent poll we asked EHS Environmental Health Services professionals: what is your biggest barrier to collecting accurate EHS data? [read more...](#)



▶ **OSHA retaliation complaints rising – Have you checked your anti-retaliation program lately?** [read more...](#)

▶ **Tootsie Roll Machine Cuts Off Part of Worker's Finger**

OSHA has recommended that Tootsie Roll Industries pay more than \$136,000 in fines after a machine at its Chicago plant cut off part of an employee's finger... [read more...](#)

▶ **Asbestos Safety Measures for Construction Workers**

Each year, members of the cancer community recognize Mesothelioma Awareness Day (MAD) by spreading awareness about the disease. [read more...](#)

▶ **Here is a glimpse at the latest products and technological innovations entering the market today.** [read more...](#)

► How to Prepare for COVID-19 Vaccination Requirements

By Dec 8, 2021, all federal government contractors must be fully vaccinated against COVID-19. [read more...](#)



► Lasalle Dairy Cited in Manure Pit Death

AGRICULTURAL SAFETY SUMMARY

OSHA has cited a LaSalle dairy over safety violations that resulted in the death... [read more...](#)

► Agriculture Workers – You have the right to: [read more...](#)

TRANSPORTATION NEWS SUMMARY

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

► Can Truck Drivers Use CBD? All you need to know about cannabis, hemp, testing and the clearinghouse... [read more...](#)

► **Upcoming Public Meetings on the New Colorado Medium/Heavy Duty Vehicle Study**
(English and Spanish versions) [read more...](#)

► **Driver Safety** - OSHA's [revised brochure](#) urges employers to condemn texting while driving and stresses the importance of motor vehicle safety. [read more...](#)



► **FMCSA Tells States to Ban Drivers with Drug, Alcohol Strikes**

Truck drivers who have a positive drug or alcohol test and find themselves in the **FMCSA's Drug and Alcohol Clearinghouse** will begin having their licenses downgraded... [read more...](#)

► **Over 3,000 citations issued to U.S. CMV operators during Safe Driver Week...** [read more](#)

MSHA NEWS SUMMARY

► Pattern of Violations Screening

For the seventh year in a row, the U.S. Department of Labor's **MSHA** found none of the nation's 12,000 mining operations met the criteria for one of the agency's toughest enforcement tools, its [pattern of violations screening](#). [read more...](#)

► **Fatality Alert** ([pdf](#)) - On October 1, 2021, a 25-year-old miner was fatally injured when he entered a surge bin used as a feed hopper and was engulfed by material. [read more...](#)



MONTHLY SAFETY & HEALTH TIP NEWS SUMMARY

► Severe Weather Preparedness for the Workplace

Severe weather can happen anytime, in any part of the country. [read more...](#)



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MJS Legacy Safety OFFERS DRUG & ALCOHOL TESTING

to comply with DOT/FMCSA, PHMSA & Non-DOT requirements.

We offer an in-house drug testing consortium pool with customer service that cannot be beat.

We also provide assistance with 3rd party Drug Testing Compliance Auditing through NCMS, TPS Alert & Veriforce, as well as DISA account management.

“Training Spotlight”

(there will be a different course 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 Safety website](http://www.mjssafety.com)

SOURCES FOR THIS ISSUE

- INCLUDE:
- OSHA
- FMCSA
- ISHN
- CDC
- MSHA
- OH&S
- For Construction Pros.com
- NIOSH
- Utility Contractor Overdrive
- US Bureau of Labor Statistics
- BizWest Monthly Report
- MSCdirect.com
- Truckers News
- Daily Report Ready.gov
- CDOT
- Clean Trucking Strategy
- Avery Industrial

Schedule of classes November 2021: • TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543

- *PEC Safeland Basic Orientation: **NEW 2021 SAFELAND:** Nov 10, 22; 8 – 4:30;
This class available through video conference instructor led distance learning through 2021 - only upon request
- *First Aid/CPR/AED/BLOODBORNE PATHOGENS (We offer MEDIC FIRST AID): **In Person Classes:** Nov 1, 18; 8 – noon;
This class is also available for blended learning (online) with remote or in-person skills assessment
- *Hydrogen Sulfide Awareness [ANSI Z390 -2017 Course]: Nov 1, 18; 12:30 – 4:30;
This class available via Instructor Led video conference

[For any last minute schedule updates, go to www.mjssafety.com]

▶ **NEED ANY OF THESE CLASSES IN SPANISH? CONTACT carriejordan@mjssafety.com TO SCHEDULE TODAY** ◀

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

▶ *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.mjssafety.com
Jeremy
720-203-6325
Carrie
720-203-4948

Unable to attend a class?

MJS Legacy Safety offers multiple
“ONLINE TRAINING COURSES”

including

OSHA Construction, General Industry, Environmental,
Hazardous Waste Public Safety, DOT,
Human Resource, and Storm Water & ISO

or you can

Need Help With

- ISNetwork
- PEC/Veriforce
- NCMS
- Avetta/BROWZ
- TPS ALERT

CALL US!!!

Schedule training at our Training Center in Milliken...or On-Site at your facility



OSHA / CONSTRUCTION

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

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

OSHA's Recordkeeping Requirements During the COVID-19 Pandemic

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.

Drug Testing

More and more of the 3rd 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 Service 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!**

OSHA Standard Resource

A new [Code of Federal Regulations website](#) provides easy access to a complete list of OSHA standards.



ASSP Safety2021: An OSHA update with Jim Frederick

On the last day of ASSP's (*American Society of Safety Professionals*) in-person show in Austin, Sept 13-15, Jim Frederick, **Acting Assistant Secretary of Labor for Occupational Safety and Health**, spoke to attendees on COVID-19 and OSHA's current priorities.

Many had hoped Frederick would attend the conference in person. When Blaine Krage, senior media relations specialist at ASSP, announced Frederick would be giving a presentation he had previously recorded, there was an audible groan of disappointment from the crowd. However, Frederick did appear live via Zoom after the half-hour recorded update to do a question-and-answer segment with Krage.

He began by stressing the importance of workplace safety and health, now more than ever, and said OSHA has "worked diligently since January to move on President Biden's executive order to help protect workers from contracting COVID-19.

We are also prioritizing, getting our compliance officers on site during inspections, while also taking the necessary steps to ensure our workers' safety. A pandemic is still evolving, and we'll continue to monitor vaccination progress, virus variance, and other factors that will guide our continued efforts to ensure workers are protected from the virus while they're on the job.

On President Biden's emergency temporary standard

"We at OSHA are assessing where we currently are on the process, we're putting together our thoughts and ideas, we're continuing to work with health experts across the government to make certain that OSHA is a part of the overall government approach to address COVID-19 and we will keep stakeholders posted as we move forward as expeditiously as possible on implementing this new emergency temporary standard and make certain that you are updated as the progress of COVID-19 has been a major focus."

Hiring at OSHA

He said OSHA is requesting an increase of more than \$73M, mainly for hiring more than 200 additional compliance officers and support staff to bolster enforcement efforts.

"We need to continue to build and strengthen OSHA's enforcement program and ensure that the full range of enforcement tools are available to be used to make the greatest impact on worker health and safety. We're doing that by rebuilding OSHA's inspection capacity. But it's not just that, we also need to make sure that we're focusing our resources and our efforts where they'll have the greatest impact. We need to make sure we use our full range of enforcement tools and try to have the greatest impact possible."

Q and A

Krage: As many of our members know, ASSP is a strong proponent of workplace risk assessment. Do you think COVID has elevated the role of risk assessment and Occupational Safety and Health?

Frederick: I certainly think that the terrible events of the last year and a half plus have provided additional safety professionals with a much more elevated status and so many facets of our lives. And this is an opportunity for us to continue as we move forward, continue to fight through this issue of endemic any associated variants that we're facing and tried to get to the other end and make certain that we continue the elevation of Occupational Safety and Health in all of our organizations.

Krage: Where do you see OSHA going with management systems as far as encouraging our implementation?

Frederick: One of the real keys here for us is to make certain that we're going to those workplaces with very mature workplace health and safety management systems, and learning from them and sharing the learnings that we do at those workplaces, with others in the regulated community that need help to get to a better place.

COVID work

Krage asked Frederick to speak on some concerns from ASSP members about OSHA's COVID initiatives and how it has taken time away from traditional safety and health issues.

Frederick said it's difficult to balance and one OSHA struggles with on a daily basis.

"We are dealing with the exact same concerns that folks in the room or virtually through the folks watching from wherever they are experienced, of having staff contract COVID-19 and not being available. So having to deal with things like exposure when they are together on an inspection request.

"But a couple of things that we have been doing since January to make certain that we're moving forward in the right direction is one, making certain that the protections and the controls that are in place for the field staff of OSHA, as well as the office staff in any of our field offices, are present and available. They're being utilized so that our compliance officer safety when they're in the workplace is in the forefront. And then the second thing of that equation has been making certain that we get the field staff back into workplaces where complaints have been generated from or other reasons that were there for inspection. So, you know, kind of that two-pronged approach, make sure we're doing it safe and making sure we're also there in person."

Taking the Hazard Out of Hazardous Chemicals

OSHA defines a 16-section format for all safety data sheets to adhere to.

Chemicals are used in **most workplaces**, ranging from **household cleaning products** to **extremely flammable gasses** and **toxic metals**. It is **ironic** that the same **chemicals** that help make **safe products** and keep **work environments** clean and **healthy** can also be dangerous, even **deadly**, if used incorrectly. **Employers** have clear **responsibilities** regarding **chemical use**: *appropriately labeling containers, keeping safety data sheets (SDS) updated and available, and providing relatable employee training.* These are **not only ethical responsibilities**, but they are also **legal requirements**, as specified in **OSHA's Hazard Communication Standard 1910.1200(e)**.



The 3-1-1 on SDS

Proper labels and **SDS** are critical. **OSHA** defines a **16-section format** for all **SDS** to **adhere** to. The **uniformity helps** users find **relevant information** quickly—especially if they are **familiar with SDS**. Some **safety managers** find the format **easy to follow**, others may need some **assistance** when **reviewing an SDS**.

Four of the 16 sections are **non-mandatory**. If a **chemical manufacturer** did **not include** these sections in its **product SDS**, but that chemical is in **use at your facility**, it could be a **good idea** to insert this **information**. Information on **proper disposal**, transportation and **ecological impact** should be included to **ensure employees** know how to proceed **during these situations**.

Companies that have **all of their SDS** on file may **still benefit** from a **third-party review** to find **gaps** in **existing materials** and work processes. Yet any **consultant's credentials** and **nothing beats** a real **conversation** to help find a **good fit** for your **needs**.

SDS is Step One: (Over) Communication Must Follow

We all know the riddle: If a tree falls in the woods with no one around, does it make a sound? Less of a riddle is this question: Does a **perfectly written SDS** make a **safer workplace** all on its own? “No” is the **clear answer**. Your workplace is **only as safe** as your **people are trained**. A perfect **volume of SDS**, accurate **labels** and **fail proof processes** on paper are of **no use** if the **workers** are **not trained** to utilize them **properly**. **Successful training** requires **great content**, engaging **delivery** and seamless **documentation** to **keep track** of any **employees who missed training** or need **additional assistance**. So, let's take a **closer look** at these **three elements**.

Chemical Safety: What Employees Need to Know

Often, the **hardest part** about **adult learning** is convincing the **adult** they need to **learn something**.

This is **natural**, because **many adults** think of **school** as a thing in the **past**. When it comes to **chemical safety**, most workers **will correlate labels** on the **containers** to labels on the **household chemicals** they use **regularly**. This can lead to **false overconfidence**. Confidence without **proper knowledge** is **extremely dangerous**.

Chemical safety training should **cover** these key, **high-level concepts** at a **minimum**:

**Chemicals used at work can be more concentrated and pose greater risks than chemicals used at home, which is why they require more detailed information beyond the label.*

**Introduce SDS and where they can be found.*

**Present the standard sections of every SDS, teaching the uniform format will enable workers to use SDS correctly.*

**Emphasize key sections on hazard identification and proper use.*

**Demonstrate the nine universal hazard symbols of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS).*

**Teach employees how to protect themselves with the right PPE worn properly.*

**Provide reasons behind proper handling instructions, for example:*

**If mixing with water, add the chemical to the water (instead of adding water to chemical) so a splash would be water instead of chemical.*

**Don't pour chemicals into a container that sits above eye level to avoid splashing in eyes.*

**Never mix acids and chlorinated products, which could release deadly fumes.*

**Emergency preparedness: ensure employees know where eye wash stations, emergency showers and spill kits are and how to use them.*

Developing this training content can seem **overwhelming**. Adding to the **challenge**, most **safety experts** are **not trained** in **curriculum development**, and likewise, most **training coordinators** are not **safety experts**. **Collaboration** between these **two departments** is **essential**. There are **solutions** to **expedite** and streamline the **effort**.

A number of **quality third-party training vendors** provide **chemical safety training** courses. Choose the **right vendor** by finding the **best fit** for your **particular needs**. Here are **some things to consider**:

**Are the courses locked, or are they customizable to add site-specific elements if needed?*

**Do the courses come in the languages you need for your workforce?*

**Are the courses compatible with your learning management system (LMS)?*

**If you don't have a LMS, do they come with a basic LMS to properly track and deliver?*

**Do you need a one-off course for chemical safety, or is a wider workplace safety library of courses needed?*

**Is eLearning, classroom training or a combination more desirable?*

Finally, a **word for the wise**. Any **vendor** that claims its **training course(s)** are “**OSHA approved**,” “**OSHA certified**,” or **otherwise sanctioned** by **OSHA** is being **disingenuous**. **OSHA** does **not approve** or certify **training content** or training providers.

Keeping Employees Alert and Engaged

The job is **not done** after the **training materials** are created. Even the best, **most accurate content** possible could **miss the mark** if it does not keep learners **engaged** and interested. It is **important** to remember that **many workers** may see **training** as a **bother**. After all, they are **adults** and, in **many cases**, have **performed work** with **chemicals** in the past and nothing **went wrong**. Therefore, they **might feel training** is unnecessary. But the **60,000 workplace deaths** per year in the U.S. **due to chemical exposure** (on top of another **860,000 injuries**) is **another story**.

Story-telling is **actually a great method** to make **training** more **engaging**. **Adult learning experts** weave **narrative stories** into **training courses**, which hold **attention better** than lists, **droning instructions** and data alone. Another **proven concept** involves “**microbursts**” of **learning**. This is a **fancy way** to say you are **teaching one** or two concepts at a **time**, with concise **instruction**. Find ways to **repeat these concepts** before **introducing new concepts**. **Stitch together** a series of these **microbursts** to **round out** the instruction.

Even with **great course structure**, stronger **engagement tactics** are recommended. A common **best practice** includes **intermittent quizzes** throughout a **course**. Many employers **prefer a quiz** at the end, and this is **fine**. But **quizzes during a training segment** helps verify **understanding** and requires a **learner to pay attention**. A long stretch **without requiring interaction** or input from the **learner** invites **distraction**.

Another tactic, **specific to eLearning courses**, is known as “**auto pause**” or “**focus lock**.” This feature **automatically pauses** an **eLearning course** if the **student navigates** to another **browser window** or other app on the **computer**. This prevents a **learner** from **playing a course** in the background while **doing other work** or from taking **two courses** simultaneously. The **eLearning** only **resumes** once the **learner navigates back** to the **browser window** with the **course**, ensuring **multi-tasking** isn't possible to **keep focus** on the **instruction**.

Documenting Chemical Safety Training

When it comes to **chemical safety documentation**, keeping **accurate SDS** is top of mind for **safety directors**. Yet **current chemical safety employee training** records are **just as important** to comply with **OSHA's Hazard Communication Standard**. Again, a **strong partnership** with **HR** or learning and **development departments** is **beneficial**.

Most **companies** with **more than a couple dozen employees** will have an **LMS in place**. If not, a **manual process** of **sign-in sheets** and quiz grading for **chemical safety training** may be in use. It is **tedious** but can be **done**. It will **require strict discipline** and **meticulous filing** and classification, **especially if ever needed** for an **audit**.

The problem with **manual record-keeping**—aside from **inefficiency** and **opportunity for errors**—is it makes it **near impossible** to be **proactive** with training. An **LMS** makes it easy to **instantly** see which employees have **passed chemical safety training** and which **haven't**, as well as **those who are due for refresher training**. It is no **surprise** a recent **survey representing** more than **4,000 facilities** found **organizations** using an **LMS** are:

**49 percent more likely to be able to verify any individual employee understood their safety training.*

**30 percent more likely to provide refreshers and reinforcement for safety training.*

**26 percent more likely to provide documented safety training to temporary and contract workers.*

All of the above can have a **huge, positive impact** on an organization's **chemical safety program**. With **hazards** and **injuries ranging** from instant **chemical burns** and **explosions** to **slow-to-surface** skin disease and **respiratory illnesses**, the need for training beyond a **one-and-done approach** is necessary for **all employees**.

MJS Legacy Safety Consulting Services

can provide training for
HazCom, HAZWOPER, Spill Response,
and specific chemical training.
Give us a call to schedule a class!

US Department of Labor Initiates Rulemaking to Protect Workers, Outdoors and Indoors, from Heat Hazards Amid Rising Temperatures

Record-breaking heat in the U.S. in 2021 endangered millions of workers exposed to heat illness and injury in both indoor and outdoor work environments. Workers in outdoor and indoor work settings without adequate climate-controlled environments are at risk of hazardous heat exposure, and workers of color are exposed disproportionately to hazardous levels of heat in essential jobs across these work settings.

In concert with a [Biden-Harris administration interagency effort](#) and its commitment to workplace safety, climate resilience and environmental justice, the **U.S. Department of Labor's Occupational Safety and Health Administration** published an **Advance Notice of Proposed Rulemaking for Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings** on Oct. 27, 2021. Currently, **OSHA** does not have a specific standard for hazardous heat conditions and this action begins the process to consider a heat-specific workplace rule.

“As we continue to see temperatures rise and records broken, our changing climate affects millions of America's workers who are exposed to tough and potentially dangerous heat,” said U.S. Department of Labor Secretary Marty Walsh. “We know a disproportionate number of people of color perform this critical work and they, like all workers, deserve protections. We must act now to address the impacts of extreme heat and to prevent workers from suffering the agony of heat illness or death.”

The **Advance Notice of Proposed Rulemaking** will initiate a comment period to gather diverse perspectives and expertise on topics, such as heat-stress thresholds, heat-acclimatization planning and exposure monitoring.

“While heat illness is largely preventable and commonly underreported, thousands of workers are sickened each year by workplace heat exposure, and in some cases, heat exposure can be fatal,” said Acting Assistant Secretary of Labor for Occupational Safety and Health Jim Frederick. “The **Advance Notice of Proposed Rulemaking for Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings** is an important part of our multi-pronged initiative to protect indoor and outdoor workers from hazardous heat.”

Heat is the leading cause of death among all weather-related workplace hazards. To help address this threat, **OSHA** implemented a [nationwide enforcement initiative on heat-related hazards](#), is developing a **National Emphasis Program** on heat inspections and forming a **National Advisory Committee on Occupational Safety and Health Heat Injury and Illness Prevention Work Group** to provide a better understanding of challenges and identify, and share best practices to protect workers.

[Read the Federal Register notice for submission instructions](#). Beginning Oct. 27, submit comments at www.regulations.gov, the Federal e-Rulemaking Portal and refer to Docket No. OSHA-2021-0009. All comments must be submitted by Dec. 27, 2021.

Five Steps for Effective HAZWOPER First-Responder Training



OSHA's Hazardous Waste Operations and Emergency Response (*HAZWOPER 29 CFR 1910.120, 1926.65, EPA 40 CFR 311*), aims at preventing or minimizing worker exposure to hazards during operations and emergency response to unplanned events such as releases or spills. It mandates training for various categories of workers including the **First Responder**.

First Responder is a person who is among the first ones to appear at the scene of a release event. The **First Responder** could be **ANY** worker at the facility, including operations, maintenance, contractors, and office workers including, for example, IT, HR and accounting group. The central reasoning behind requiring training for the **First Responder** is that with appropriate training, he/she (**First Responder**) can **QUICKLY** relay crucial information about the release event to the **HAZOWOPER** team. With that information, the team can swiftly deploy appropriate equipment and respond to the event. The thrust of the response is to take **SAFE AND QUICK** action so that the release event can be prevented from turning into a major consequence. **HAZOWOPER** requires the regulated entities to have systems and trained people in place so that any release event can be contained safely and quickly.

Beyond regulatory compliance with **HAZOWOPER**, there are practical considerations as well: Events, if not arrested quickly, lead to major consequence in terms of loss of life, environmental degradation, tarnished image of your company, and potential litigation. Almost after each major incident companies have faced litigations which put heavy stress on company resources. Still, **ALL** companies have the central goal to protect workers and environment.

HAZOWOPER classifies **First Responder** into two categories:

- 1. First Responder Awareness Level:** *The responder notifies the **Emergency Response Team** (ERT) with relevant information about the release event. Awareness level worker is not authorized to touch or handle process equipment. Typically, training is four hours annually.*
- 2. First Responder Operations Level:** *The responder not only notifies the **ERT** with crucial information, she/he can take appropriate actions such as closing the valve or barricading the spill, if it is **SAFE** to do so. Typically, training is eight hours annually.*

Many safety professionals have observed the following about training:

- Training is mistaken as one-time activity. Training and reinforcement of training should be an ongoing process. Implicit in **HAZOWOPER** is the notion that **HAZOWOPER** training is a continuing process.
- Training for the **First Responders** tends to get mired in “weeds.” This tends to miss the core objective--- quick detection of hazard and appropriate initial mitigative actions **ONLY** if safe to do so.

The following five-step system is an effective way to train **First Responders** and accomplish regulatory compliance. Beyond that, it will help create a positive safety culture.

Arrange periodic plant tours for the potential First Responders:

First Responders (*Awareness level*) are generally not familiar with hazards present in plant operations or maintenance, and as a result they may put themselves in harms' way. For example, out of curiosity, they may enter a confined space — not knowing a permit is required for entry. In addition, it would be imprudent to expect that they know even basic rudiments of process equipment. As an example, a short tour was given to account executives. As the group was passing by a flare (*the flare looked like a Saturn Rocket*), one executive asked: This is a nice shuttle, do you fly space missions from here? The executive was not joking — simply, he was curious. The person conducting the tour briefly explained the purpose of the flare. The point is that periodic tours will help them recognize plant operations and potential hazards.

Develop plot plans that show major equipment, chemical storage, and hazards: Plot plans provide a bird's eye-view of the major equipment and hazards at your plant site. Plot plans can be used in conjunction with plant tours. The key crucial point to keep in mind in developing a plot plan is that focus should be on **MAJOR** equipment and hazards. Avoid peripheral details. For example, a large gas compressor for, say methane gas, will typically include numerous support systems such as knock out drums, lube oil system, cooling systems and others. Major hazard of this compressor is potential fire or an explosion. The plot plan should show the compressor and state the major hazard—but leave out smaller systems. Here again, the key objective is to familiarize **Awareness** workers with the **BASIC** equipment and hazards. Intent is not to bog down in other details which can distract the would-be **First Responders**.

Avoid or minimize technical jargon

The key to HAZOWOPER training is: How well the **First Responder** learns to identify hazards quickly—and **NOT** how good he/she gets with complex terminology. On the other hand, some terminology could be crucial in hazard identification and communication (*by a **First Responder** to the **ERT***) in the event of a hazardous release. The terminology you want to keep or avoid depends on the plant and type of hazards involved.

Some examples to consider

Terms including **Auto Ignition Temperature** (*AIT*), **PEL** (*Permissible Exposure Level*), **STEL** (*Short term Exposure Level*), and several other similar terms can be de-emphasized during the training.

On the other hand, other terms such as **LEL** (*Lower Explosive Limit*), **UEL** (*Upper Explosive Limit*), **Carcinogen**, **Respiratory Hazard**, **Acute** and **Chronic** effects may be included and explained in practical terms during the training. Give plenty of examples and especially, examples which help identify specific hazards at your plant.

Tools including, for example, **OSHA's 9 hazard classes** with corresponding diamond symbols, **ERG** (*Emergency Response Guide*), **SDS** (*Safety Data Sheets*), and other resources may be used. **Visual, Audio, and Olfactory** means of hazard recognition would help enhance hazard identification process. For example, bulge in a drum, unusual noise from a pump or a compressor, grinding sound of gears, smoke, odor, rattling sounds from a pipe (*possible water hammer*) may be helpful in hazard recognition process.

Contractors

Contractors on occasional assignment at your plant present a serious risk in the event of a release. Contractors — occasional, short-term long-term **ALL** should be trained in hazard recognition process at your plant. **Best In Class (BIC)** companies implement careful screening of contractors so that they have robust safety and training program at their site. Safety professionals visit and audit potential contractor sites to ensure only the contractors that meet their company's safety criteria are considered for contract work. Contract workers should have prior **HAZOWOPER** training. They should be trained in hazard recognition and communication at your plant.

Group interaction

Would-be **First Responders** (*Awareness*) interacting with plant personnel will enhance their appreciation of hazards and ways to minimize exposure to those hazards. The focus of the interaction should be imparting a high-level understanding of the plant operations to the **First Responder Awareness** workers. An important side benefit of this interaction would be team spirit and openness.

At the first glance, it may seem that cost to do these steps may be prohibitively high. However, experience shows otherwise. Investment in training will help you minimize many release events from becoming unmanageable.

Judiciously used training resources will yield high ROI: Return on Investment. Openness, trust and team spirit will yield significant benefits!

Top 10 Most Frequently Cited Standards

for Fiscal Year 2020 (Oct. 1, 2019, to Sept. 30, 2020)

The following is a list of the top 10 most frequently cited standards following inspections of worksites by federal **OSHA**.

OSHA publishes this list to alert employers about these commonly cited standards so they can take steps to find and fix recognized hazards addressed in these and other standards before **OSHA** shows up. Far too many preventable injuries and illnesses occur in the workplace.

1. Fall Protection, construction ([29 CFR 1926.501](#)) [[OSHA page](#)]
 2. Hazard Communication Standard, general industry ([29 CFR 1910.1200](#)) [[OSHA page](#)]
 3. Respiratory Protection, general industry ([29 CFR 1910.134](#)) [[OSHA page](#)]
 4. Scaffolding, general requirements, construction ([29 CFR 1926.451](#)) [[OSHA page](#)]
 5. Ladders, construction ([29 CFR 1926.1053](#)) [[OSHA page](#)]
 6. Control of Hazardous Energy (lockout/tagout), general industry ([29 CFR 1910.147](#)) [[OSHA page](#)]
 7. Powered Industrial Trucks, general industry ([29 CFR 1910.178](#)) [[OSHA page](#)]
 8. Fall Protection—Training Requirements ([29 CFR 1926.503](#)) [[OSHA page](#)]
 9. Eye and Face Protection ([29 CFR 1926.102](#)) [[OSHA page](#)]
 10. Machinery and Machine Guarding, general requirements ([29 CFR 1910.212](#)) [[OSHA page](#)]
- Search the [top violations of an industry with a specific NAICS code](#)
 - Search and view the [industry profile for violations of any specific OSHA standard](#)



Oct. 12, 2021 - **OSHA** announced its preliminary **Top 10 Most Frequently Cited Standards** for fiscal year 2021.

Fall Protection (1926.501) remains at the top of the list for the 11th year in a row, followed by Respiratory Protection (1910.134) and Ladders (1926.1053). HazCom, which spent the last several years at number 2, moved to the 5th spot on this year's list.

1. Fall Protection – General Requirements (1926.501): 5,295 violations
2. Respiratory Protection (1910.134): 2,527
3. Ladders (1926.1053): 2,026
4. Scaffolding (1926.451): 1,948
5. Hazard Communication (1910.1200): 1,947
6. Lockout/Tagout (1910.147): 1,698
7. Fall Protection – Training Requirements (1926.503): 1,666
8. Personal Protective and Lifesaving Equipment – Eye and Face Protection (1926.102): 1,452
9. Powered Industrial Trucks (1910.178): 1,420
10. Machine Guarding (1910.212): 1,113

EHS Data Collection: Overcoming cultural barriers

In a recent poll we asked EHS **Environmental Health Services** professionals: what is your biggest barrier to collecting accurate **EHS data**? The clear winner was “**cultural barriers to data entry**” followed by “**training of data collectors**” which received 39% and 30% of the vote respectively. Culture is a word that is commonly used in the **EHS industry** and building a safety culture is often a focus of **EHS professionals**. However, a specific focus on lowering the cultural barriers to data collection can have a huge impact on the **greater safety culture** and help embed safety in everyday operations. This article will look at four key elements to lowering the **cultural barriers** to data collection.

Establish the mission and vision:

The **first step** to lowering the cultural barriers to data collection is establishing a mission and vision for your data collection and analytics journey. Too often companies implement a data collection technology and expect that tool to act as a golden ticket to **EHS success**. When you rely on the **golden ticket fallacy** you don't provide your teams with the purpose and the vision for how this will transform the organization for the better.

Providing the tool is a start but providing the team with a **mission** (*the purpose for focusing on data collection*) and a **vision** (*where you want to be*) will help give structure to the effort. Instead of being viewed as **random button clicking**, employees will be able to see how their insight will help drive the company to a future **improved state**. At the end of the day, you are relying on employees to take time out of their workday to give you an insight into the workings of daily operations. Without a **mission** and **vision** to help outline how their insights will be used to move the company down the road to **improved safety** in operations, you run the risk of **data collection** being viewed as another flavor of the month.

Know the roles:

Once you have established a **mission** and **vision** for your effort, you need to outline the roles to be played. To say that everyone plays the same role in the **data collection** and **analytics journey** is disingenuous. Moreover, it tends to muddy the waters of expectation and overwhelms the team members. Just like in operations, individuals in **different levels** of the organization bring different skills and perspectives to the table which allows everyone to play different critical roles. When you look to implement **data collection** and **analytics processes** in your **EHS programs**, you should carefully define the role that each level of the organization is expected to play. This will bring additional structure to the effort and help people understand how they can help move the needle without feeling overwhelmed. For example, a front-line employee's role may be to **collect safety observations** throughout the workweek. The supervisor's role may be to provide time for his/her employees to collect **safety observations** and provide feedback on trends and corrective actions to his/her team. Furthermore, an **EHS manager's** role may be to aggregate and analyze the data to create digestible and actionable reports for the supervisor's and the executive team. Lastly the executive team may be responsible for providing the **institutional backing** for this program to grow. Roles create **tangible expectations** and make it easier for people to understand how their effort will help achieve the greater **mission** and **vision**.



Time is of the essence:

The **third key** to lowering the cultural barrier to **data collection** is to allow data collectors time to collect the data. Talking the talk about valuing **data collection** is one thing, but allowing employees time to make their inspections, or observations is **walking the walk**. As the Chinese philosopher Lao Tzu said “**Time is a created thing. To say, “I don't have time” is to say, “I don't want to.”**”

When an organization says there is no time for **data collection**, what they are really saying is that it is not a priority. This is not to say that operations take a back seat to **data collection**, but it is to say that organizations should consider how they can incorporate time for employees to provide their valuable insights. This might mean **re-organizing toolbox talks** or instituting a **post shift de-brief**.

Whatever the solution, allotting time for **data collection** and analysis helps promote a culture with an eye towards **data collection** and lets employees know that their insight is critical to **improving safety** in the workplace.

Vicious or virtuous:

Finally, to build a culture that promotes **EHS data collection** you need to enforce the virtuous and reject the vicious cycle. By this point you have your **mission** and **vision**, you have defined your roles, and have allotted time to **collect data**. Now the question becomes, what do you do with that information? If you ask employees to provide insights on potential **workplace hazards**, sit on that information and don't show them how you are **analyzing** and using this data to **institute change**, you are creating a vicious cycle. In the vicious cycle engagement will wither and quality will plummet each time you request input. When people don't see their insights coming back to them in the form of **corrective actions** they wonder, what is it all for?

Moreover, you aren't living up to your **mission** and **vision**. To sustain a culture around **data collection**, you need to maintain a **virtuous cycle**. In this cycle, employees are asked for their insights, the insights are analyzed, communicated and **corrections are made**. This ensures that employees see the fruits of their insights. The virtuous cycle also **builds engagement**, and reinforces a **positive feedback loop** around **data collection**, analysis, and corrective action.

Lowering the cultural barriers to **EHS data collection** is critical if you want your organizations to make data driven decisions to improve **workplace safety**. Concentrating on building a culture that promotes **data collection** and **data analysis** will help promote an overarching safety culture.

There are **four key elements** to lowering the cultural barriers to **data collection**: establish a **mission** and **vision**, know the roles, create the time, and ensure a **virtuous cycle**. Lowering the **cultural barriers** to **data collection** in your **EHS programs** will embed **EHS** in everyday operations and help us achieve our goal of **eliminating death** on the job by 2050.

OSHA retaliation complaints rising – Have you checked your anti-retaliation program lately?

Most workers in the United States are **protected** from **retaliation** for raising **workplace health** and **safety concerns** and for reporting **work-related injuries** or **illnesses**. While these **protections** have been in place for **decades**, the **COVID-19 pandemic** has led to a **record number** of complaints from **covered employees** claiming **retaliation** by their **employer**. Since February 2020, the **Occupational Safety and Health Administration (OSHA)** has received nearly **6,000 whistleblower complaints** related to **COVID-19** (and *OSHA-approved State Plans have received more than 2,000 additional complaints*), representing a **dramatic increase**. Because employee **complaints** are one of the **major triggers** for **OSHA** investigations, it is likely that a **whistleblower complaint** will lead to an **OSHA** inspection and **investigation**. For this, and other reasons, **employers should** be aware of **OSHA's anti-retaliation law** and how to avoid **triggering retaliation claims**.



What is OSH Act Section 11(c)?

OSHA's Whistleblower Protection Program (WPP) enforces the **provisions** of more than **two dozen federal laws** protecting a **wide range** of employees from **retaliation** in the **workplace**. Under the **OSH Act** in particular, **WPP enforces** Section 11(c), which **prohibits employers** from taking any **unfavorable employment actions** against employees for **exercising** a variety of rights guaranteed under the **OSH Act**, including:

- *filling a safety or health complaint with OSHA;*
- *raising a health and safety concern with their employer;*
- *participating in an OSHA inspection; and*
- *reporting a work-related injury or illness.*

Unfavorable employment actions (*i.e., retaliation*) can include **termination**, **demotion**, **threats**, **intimidation**, **reducing pay** or **hours**, **denying overtime** or **promotions**, **denying benefits**, or even **changing** an employee's **work schedule**. Generally speaking, for a **retaliation claim** to be successful, an employee must be able to **demonstrate** that "but for" their **protected activity**, they would not have suffered the **adverse action**.

If the evidence **supports** an employee's claim of **retaliation** and a voluntary settlement **cannot** be reached between the **employer** and employee, **OSHA** may **litigate** the case in federal court. **OSHA** may **seek relief** to make the employee whole, including **reinstatement**, **back pay** (*with interest*), **compensation** for expenses the employee may have **incurred** as a result of the **retaliation** (*with interest*), **compensation for emotional distress**, **punitive damages**, **non-monetary relief**, or any appropriate **combination**.

What steps can employers take to prevent retaliation claims?

Employers against whom a **retaliation complaint** is made face a **potentially disruptive** and years-long investigation and **enforcement process**, regardless of the merits of the **complaint**. Having a strong **anti-retaliation policy** and program in place can help **avoid whistleblower complaints**. If new to the concept and interested in fashioning an **anti-retaliation program**, **OSHA's Recommended Practices for Anti-Retaliation Programs** is a good place to **start**. If an effective program is already in place, be sure to **periodically review**, monitor, and refine that program, as well as **retrain employees**.

A good, **proactive anti-retaliation** program typically includes management commitment, a **compliance concern response system**, an anti-retaliation response system, **anti-retaliation training**, and program **oversight**. In more basic terms, employees should know where to **raise health** and **safety concerns** without fear of **retaliation**, managers should know how to **handle** such concerns and **document responses**, and management should regularly monitor and support the program. **Training** and solid human **resources practices** are central to defending a **retaliation complaint**. If an **adverse** employment action is **necessary** – but unrelated to the employee **exercising** their rights **guaranteed** under the **OSH Act** – then robust documentation **justifying** such action is **advisable**. Such documentation, along with **evidence** of thorough training, can be vital to **resolving** a retaliation claim **quickly**.

Recent developments with OSHA anti-retaliation

So far this year **OSHA** has undertaken **several** actions related to **whistleblower protections** and anti-retaliation policies. On his first day in office, President Biden **announced** that **OSHA** would launch a **national emphasis program** focused, in part, on **COVID-19 violations** that are contrary to **OSHA's** anti-retaliation principles. In March 2021, **OSHA** issued its **National Emphasis Program – Coronavirus Disease 2019 (NEP)** and issued a **revised NEP** in July. Among other things, the revised **NEP** includes an added focus on **ensuring** that workers are protected from retaliation. **OSHA** inspections under the **revised NEP** will have an added focus on **anti-retaliation policies and procedures**.

In June 2021, **OSHA's COVID-19 Emergency Temporary Standard (ETS)** for the **healthcare industry** took effect. While this **ETS** is only applicable to the **healthcare industry**, it can serve as **guidance** for all employers. It is also likely that many aspects of the **Healthcare ETS** will find their way into the new **COVID-19 ETS** applicable to **all industries** and expected to be **issued** very soon. Along with numerous **COVID-19-related requirements**, the Healthcare ETS **mandates** anti-retaliation measures that **go beyond** the statutory bar on **retaliation** in Section 11(c).

Such **measures prohibit** employers from **discharging** or discriminating against **employees** for exercising their rights and **obligations** relating to the **COVID-19 pandemic**. This includes **disclosing** a positive test, disclosing **COVID-19 symptoms**, quarantining after **testing positive** for COVID-19, or **notifying** an employer of hazardous **COVID-19 related** conditions at the **workplace** (*such as insufficient PPE or failure to implement enhanced cleaning and ventilation procedures*).

Employers must also **inform employees** of the requirements of the **Healthcare ETS** and that they are protected **against retaliation**. The manner by which an **employer provides** this information is within an **employer's discretion** and can be done in writing, **orally**, or incorporated in **relevant training**. Furthermore, under the Healthcare ETS, **OSHA** may address **retaliation** directly by **issuing a citation**, as opposed to **commencing litigation** as required for **Section 11(c)** claims. **OSHA** may issue such **citation** up to **six months** following the alleged **retaliation**.

Takeaways

Given the **substantial increase** in retaliation **complaints** observed during the **pandemic**, all employers are **reminded** that they **remain subject** to the requirements of the **OSH Act**, including Section 11(c)'s **anti-retaliation** provision. Employers would be **well served** to understand what actions are **prohibited** once an employee **exercises their rights** under the **OSH Act**, as well as what those rights are.

Employers would also be **well served** to take a fresh look at their **anti-retaliation policies** and programs – or **implement** such policies and

programs – and **ensure executives** and managers understand the **protections** afforded by the **OSH Act** (as well as other **whistleblower protection statutes** applicable to a **workplace**). Responding to and **defending** a retaliation claim can be a **costly** and time-consuming **endeavor** with **significant consequences** for employers. Employers should regularly **undertake employee** training and should also **audit** their anti-retaliation **policies** and procedures periodically. Being **proactive** may provide an **opportunity** to resolve **concerns** before an **employee** looks to **OSHA** for **assistance**.

As with all **inquiries** and **investigations** from **OSHA**, engaging **technical** and legal **support early** in the process can help organize a **focused response** that may **resolve problems** before they become **major issues** and distractions.

Tootsie Roll Machine Cuts Off Part of Worker's Finger



OSHA has recommended that Tootsie Roll Industries pay more than \$136,000 in fines after a machine at its Chicago plant cut off part of an employee's finger this year, according to The Associated Press.

The U.S. Department of Labor said in a news release Tuesday that its **Occupational Safety and Health Administration** issued one willful violation Sept. 24 "for inadequate machine guarding" and proposed the fines after an investigation into the April 19 incident.

The Labor Department said a 48-year-old employee reached into a machine to remove stuck paper debris when a bag sealer snapped shut on one of his fingers. The incident happened after the company allowed the machine's access doors to remain unguarded, the department said.

"Hundreds of workers are injured needlessly each year because employers ignore safety guards, often to speed up production, and that's exactly what happened in this case," **OSHA** Chicago South Area Director James Martineck said in the release. "Employers must never put profits before people. When they do and fail to meet their obligations to keep workers safe, we will take action to hold them accountable."

Tootsie Roll Industries said in a statement: "We do not agree with the alleged violation and are investigating it. We intend to meet with **OSHA** to discuss the basis for the citation and to enter into a dialogue to hopefully reach a mutually agreeable resolution."

The company can also contest the findings before an independent **OSHA** review commission, request an informal conference with **OSHA's** area director, and pay the fines.

Asbestos Safety Measures for Construction Workers



Each year, members of the cancer community recognize **Mesothelioma Awareness Day (MAD)** by spreading awareness about the disease. **Mesothelioma** is a preventable type of cancer caused by exposure

to asbestos. Today, laws prohibit new uses of asbestos in the U.S, but construction workers continue to be at risk of exposure from old uses of the mineral.

The **OSHA** has created laws to protect workers from dangerous airborne particles. However, respiratory protection was the third most cited [OSHA violation in 2020](#), moving to second position in 2021. To prevent asbestos exposure in the workplace, it's important for construction workers and employers to understand proper safety practices.

Why are construction workers at risk of asbestos exposure?

Until the 1980s, asbestos was widely used to construct many homes and buildings. The mineral was popular in construction because of its strength, durability and resistance to heat. For decades, construction crews utilized asbestos products in insulation, roofing, drywall, plumbing and a variety of other areas.

As the dangers of asbestos became known, [OSHA created regulations](#) to protect workers from exposure. The **Environmental Protection Agency (EPA)** also limited the asbestos use in new products. Unfortunately, homes and buildings constructed before the 1980s may still contain asbestos products.

Today, construction workers risk asbestos exposure during renovations and demolitions of older structures. If an asbestos-containing material breaks apart at a construction site, fibers may be released into the air. Workers who inhale airborne asbestos fibers [risk developing mesothelioma](#) or lung cancer later in life.

Protections and safety measures for workers

To protect workers from asbestos exposure, **OSHA** outlines specific standards for the construction industry. Building owners and employers of construction workers are required to follow specific rules under these standards.

Employers must closely monitor the air quality at job sites where asbestos may be present. Individuals working in areas with asbestos-containing materials should be provided with the appropriate personal protective equipment, such as ventilators. Employers must also provide medical monitoring and exams to individuals working in an asbestos-contaminated area.

The [EPA's Clean Air Act](#) also requires employers to follow certain protocols. For example, work areas must be thoroughly inspected before a renovation or demolition. If the presence of asbestos-containing materials is suspected, the renovation owner or operator is required to notify the appropriate state agency. Most states then require contractors to submit a plan to remove the hazardous materials.

Safely removing asbestos materials

The best way to safely remove asbestos-containing materials from a construction site is to hire a professional abatement contractor. Asbestos abatement professionals are educated on how to remove the material according to state and federal standards.

Professional abatement contractors must also be licensed to legally remove asbestos-containing materials. Employers should never permit unlicensed construction workers to remove asbestos materials. Improper removal of asbestos can put workers and individuals nearby at risk.

Employers who do not comply with state and federal asbestos regulations can face hefty fines and potential jail time. These regulations exist to protect workers and the public from mesothelioma and other asbestos diseases.

Here is a glimpse at the latest products and technological innovations entering the market today.
Click on the links provided to learn more about the equipment and accessories.

ISHN - Sponsored by Avery Industrial

Print Your Own Safety Labels & Signs ([link](#))

Avery Industrial labels provide a fast and easy way to create your own durable GHS labels, adhesive signs, barcode labels, asset tags and more. Print on-site instantly using your standard desktop printer, or let us print them for you. Access hundreds of free OSHA & ANSI compliant templates.



Quickly Create and Post Safety Messages ([link](#))

Avery Industrial adhesive signs and labels help facilities stay up to date and ready for inspections. Available in durable vinyl, reflective and Surface Safe options, you can print your own signs using a standard laser printer. Customize your signs and labels using a wide variety of free templates.

Properly Label Your Cleaners & Chemicals ([link](#))

Meet OSHA standards by using the correct labeling for your secondary containers of cleaners and hazardous chemicals. UltraDuty GHS Labels and Avery online software make it simple. Labels are waterproof and resistant to UV, chemicals, tearing and abrasion.



Create Durable Safety & Facility Tags Onsite ([link](#))

Print custom safety, lockout and facility tags onsite using your standard laser printer. Durable tags are waterproof, tearproof, and come in both 50lb and 100lb pull strength versions, meeting or exceeding OSHA LOTO requirements. Customize your tags using free online design software and templates.

How to Prepare for COVID-19 Vaccination Requirements



By December 8, 2021, all **federal government contractors** must be **fully vaccinated** against **COVID-19**. According to the guidance, contractors are **required to obtain** documentation on every employee's **vaccination status**. Meanwhile, private sector employers with **100 or more employees** will more than likely be **required to uphold** the same standard.

Even prior to recent mandates, **essential businesses** were requiring workers and subcontractors to be **vaccinated**. For example, hospitals required **general contractors** to ensure workers and subcontractors were **vaccinated** before the start of any **construction projects**. From an administrative point of view, this is **challenging**.

It's not about politics or **foisting an employer's beliefs** on employees. Rather, it's about the **logistical process** of verifying and documenting that every employee and **subcontractor working** onsite has been **vaccinated**, or that negative **test results** are current, without **disrupting** the work to be done.

Thinking back to the beginning of the **pandemic**, there were lots of **lessons learned** when it came to documenting **employee health**. Daily face-to-face **health screenings** for essential workers took hours. The **answers** were often handwritten on paper or filled out on **PDFs** and input into spreadsheets or **stored in filing** cabinets. Along with the potential for **illegible writing**, human error and heightened **risk of infection**, this process made timely contact tracing **nearly impossible**.

For any business that's just now **determining** how to document **vaccination verification**, they should consider some of the **solutions** that have been refined over the **past 18 months**.

Lessons learned from essential businesses

For one **essential business** that provides electrical transmission, distribution and **engineering services** as well as construction services, at the **beginning** of the **pandemic**, they initiated policies based on **CDC guidelines** and used a two-step process to **ensure safety**.

For employees entering the office, they use a **temperature screening technology** that also features **facial recognition** and connects data to **HR** and building security. The **second step** is to have employees and contractors complete a **digital check-in** via a web app. They privately answer **health screening questions** on their smartphone and **managers** are only alerted if someone has **not been approved** to enter the office or job site.

For organizations that immediately **instituted work-from-home** policies, tracking **vaccination verification** once employees **return to work**, either full-time or on a hybrid schedule, is a **new challenge**. To save time, keep **employee data** private, and have an additional **level of safety**, here are **three recommendations** for rolling out a company-wide **vaccination verification** process.

- *Don't use paper-based forms or a PDF template to document employee vaccination status. The process will be more time consuming than you anticipate and makes it difficult to easily prove what percentage of the workforce has been vaccinated.*
- *Verify vaccination based on authentic CDC cards. The guidance states that employee attestation is not sufficient to meet OSHA requirements. Employees must show proof of vaccination through CDC cards. To streamline the process, consider using a digital check-in app that allows employees to upload a photo of their vaccination card and securely attach it to their digital check in record. They only need to upload it once and it provides the employer with the necessary documentation. It gives project managers additional insight for employee assignments based on workload and accommodating social distancing, if necessary.*
- *If you can't do a two-step verification process such as temperature checks tied to HR and security and digital check-in, opt for digital check in. Not only is this a fast and secure way to verify vaccination, there are additional post-pandemic benefits. For example, you have a digital record of hours worked for invoicing and billing. You can also analyze productivity by project and employee or subcontractor. And as an additional safety tool, you can always quickly know who is or was onsite at any time.*

As companies with **federal contracts** prepare for the **December deadline**, private businesses are also getting ready. And it's not just **businesses with 100** or more employees. In anticipation of **additional mandates** or client requirements, businesses of **all sizes** are now taking steps to **document** who has been **vaccinated**.

They know the **urgency** could be stepped up if **OSHA** institutes an **Emergency Temporary Standard** requiring immediate documentation of **vaccination status** for any business that falls under its **requirements**.

To save time, **improve safety**, and increase productivity, businesses need to **establish processes** now to verify **vaccination** so they can quickly respond to mandates and **customer requirements**. The most effective way to do this is by taking advantage of **newer technologies** such as those that **link security systems** with **HR** as well as **digital check in** apps that make it easy to ask the **question once** and maintain **secure digital records** that are **easy to access**.

Lasalle Dairy Cited in Manure Pit Death

The federal **Occupational Health and Safety Administration** has cited a **LaSalle dairy** over **safety violations** that resulted in the **death** of an **equipment operator**.

The **citation**, issued Sept. 24, **stemmed** from the **death** of a **44-year-old worker** who was using a **vacuum truck** to **handle manure**. The truck **slipped** into a **12-foot manure pit** and the driver was **trapped** in the **cab** of the **truck** under the **liquid manure**.

OSHA said in the **citation** that the business **failed to install** adequate **guarding** or curbing to **prevent vehicles** from **falling** into the pit. It also **cited** the dairy for **safety violations** in **training** for use of the **equipment**, along with **failure** to **notify employees** about **hazardous chemicals** used on the farm.

OSHA assessed a **\$24,575 fine** for the **workplace violations**. The dairy had **15 days** from the **date of the citation** to contest it, according to the **letter** from **OSHA** area **director** in Denver.

While a **decision** on whether to **contest** was **not apparent** at the time, the dairy **did issue** a **statement** earlier indicating its **willingness to work** with the **investigating government** agencies.

“We **cannot adequately express** the deep **sadness** we feel over the **accident** that **involved** one of our **employees**. Our **sympathy** is with their **family** as we all **mourn this loss**. Safety **protocols** and **physical barriers** were in place at the **time** of the **tragedy**, and our team is **working** with the **Weld County Sheriff Office** and **OSHA** in **full cooperation** with their **efforts** as the **investigation** of this truly **unfortunate incident** continues.”

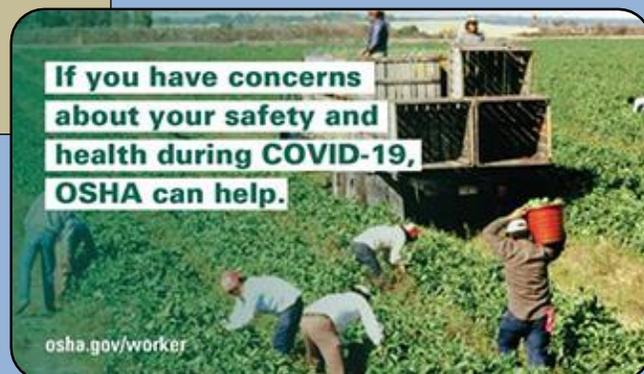
Agriculture Workers –

You have the right to:

- A safe and healthy workplace
- Protection from hazards
- Report unsafe working conditions

Call 1-800-321-OSHA (6742) or visit

<http://OSHA.gov/worker>
[#NationalFarmSafetyWeek](#)
[#NFSHW](#)



Reminder - Revised Federal Drug Testing Custody and Control Form Must be Used Beginning August 30, 2021

U.S. Department of Transportation sent this bulletin at 08/24/2021 10:10 AM EDT

On August 17, 2020, the Office of Management and Budget (OMB) approved a revised Federal Drug Testing Custody and Control Form (CCF). In addition, OMB authorized the use of the old form through August 29, 2021. You can view the revised CCF [here](#).



▶ **As of August 30, 2021, 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.

Can Truck Drivers Use CBD? All you need to know about cannabis, hemp, testing and the clearinghouse

Across the country, **more and more states** are **decriminalizing** and outright **legalizing marijuana**, and meanwhile **CBD**, an extract of **industrial hemp plants**, a legal cousin to **marijuana**, has **emerged** as an **effective treatment** for everything from **chronic pain** to **anxiety** and **sleep disorders**.

But despite the **warming national attitudes** toward the **hemp plant** and all its **potential derivatives**, CDL holders should **approach** any form of the **substance** with **extreme caution**.

Here is a [link](#) to a [video](#) that will **go over** what drivers need to know about **CBD, THC**, and keeping their **CDLs** – the landscape for **hemp/cannabis-derived products** has only gotten **more chaotic**, and murky in **terms of legality** in the past **several months**.

A barrage of **consumer products** have swept through **gas stations** and **truck stops** across the country. Recently, **savvy businesspeople** have started selling **so-called Delta-8** and **Delta-10 THC**, or concentrated **THC** derived from **fully legal hemp plants**.

These **products exploit** the federal **loophole** that deems industrial **hemp byproducts** legal but **plants grown for THC illegal**. While these **products remain legal**, for now, they too will cause a **failed drug test** as the **Delta-8** and **Delta-10 compounds** produce the same **metabolites** as **Delta-9**, plain-old **THC-bearing marijuana**, the kind that's **federally illegal**.

Amid the **madness** in the market for **cannabis products** and the **ample confusion**, an untold number of **truckers** have had their **careers sidelined** due to **positive drug tests** for **THC**.

From **January 6, 2020** to **June 1, 2021**, **80,098 urine drug tests** administered under the **mandatory federal program** for **CDL drivers** came back **positive**. More than **half of those tests** found **marijuana**.

The [video](#) tracks the **legality** of different **products** and states the **official DOT position** on **CBD**.



Upcoming Public Meetings on the New Colorado Medium/Heavy Duty Vehicle Study

(Spanish version follows below / La versión en español se ofrece más abajo)

Dear Stakeholders,

In October, the Colorado Energy Office (CEO), the Colorado Department of Transportation (CDOT) and the Colorado Department of Public Health & Environment, Air Pollution Control Division (APCD) released the [Colorado Medium- and Heavy-Duty Vehicle Study](#), a study on strategies to encourage cleaner trucks in Colorado. The study looks at the existing medium and heavy-duty vehicles in the state as well as opportunities and challenges associated with a transition to zero-emission vehicles (ZEV) that could reduce negative climate impacts and improve air quality. The study and upcoming public input opportunities will inform the development of a Colorado Clean Truck Strategy.

We would like to invite you to review the study and participate in upcoming input opportunities. We will host three public input meetings, where staff will provide an overview of the study's findings, answer questions, and invite feedback:

- November 10, 2021: 1:00 PM - 3:00 PM
- November 10, 2021: 6:00 PM - 8:00 PM
- November 20, 2021: 9:30 AM - 11:00 AM

Spanish interpretation will be available upon request.

Please click [here](#) to sign up for the public meetings, download the Medium/Heavy Duty Vehicle Study, and to find other key information about the development of the Colorado Clean Truck Strategy.

Thank you,

Próximas reuniones públicas sobre el nuevo estudio de vehículos de servicio mediano / pesado de Colorado

Estimados interesados,

Este mes, la Oficina de Energía de Colorado (CEO), el Departamento de Transporte de Colorado (CDOT) y el Departamento de Salud Pública y Medio Ambiente de Colorado, División de Control de la Contaminación del Aire (APCD) publicaron [el Estudio de vehículos pesados y medianos de Colorado](#), un estudio sobre estrategias para fomentar camiones más limpios en Colorado. El estudio analiza los vehículos medianos y pesados existentes en el estado, así como las oportunidades y desafíos asociados con una transición a vehículos de emisión cero (ZEV) que podrían reducir los impactos climáticos negativos y mejorar la calidad del aire. El estudio y las próximas oportunidades de participación del público informarán el desarrollo de una estrategia de camiones limpios de Colorado.

Nos gustaría invitarlo a revisar el estudio y participar en las próximas oportunidades de aportes. Organizaremos tres reuniones públicas de aportes, donde el personal proporcionará una descripción general de los hallazgos del estudio, responderá preguntas e invitará a recibir comentarios:

- 10 de noviembre de 2021: de 1:00 pm a 3:00 pm
- 10 de noviembre de 2021: de 6:00 pm a 8:00 pm
- 20 de noviembre de 2021: de 9:30 am a 11:00 am

Habrà interpretación en español disponible a pedido.

Por favor haga clic [aquí](#) para inscribirse en las reuniones públicas, descargar el estudio de vehículos de servicio mediano / pesado y encontrar otra información clave sobre el desarrollo de la Estrategia de camiones limpios de Colorado.

Gracias,

Driver Safety

OSHA's [revised brochure](#) urges employers to condemn texting while driving and stresses the importance of motor vehicle safety.



Texting while driving dramatically increases the risk of a motor vehicle injury or fatality. Employers need to make it clear to all workers that their company doesn't require or condone texting while driving. It's literally a matter of life and death.

How businesses can get started:

Strong policies

- Have a strong policy that prohibits the use of portable electronic devices while driving.
- Establish work procedures and rules that do not make it necessary to text while driving.
- Make safe driving an integral part of your business culture.

Training

- Provide continuous driver safety training and communication.
- Train workers on driving distractions and to not solely rely on navigation and other advanced technology systems.
- Instruct drivers to take extra precautions during inclement weather.
- Ensure drivers know procedures, times and places for drivers to use phones and other technologies for communicating with managers, customers and others.

Vehicle and driver safety

- Review and consider the safety features of all vehicles used, including late model vehicle safety systems (e.g., collision warning, driving control assistance).
- Check the driving records of all employees who drive for work purposes.
- Ensure vehicles are safe and properly maintained.
- Encourage workers to focus on the road, avoid electronic distractions, slow down in work zones and not drive if fatigued.

Safety at work is no accident

- Build a workplace culture of safety through explicit policies and sound practices.
- Incorporate safe communications practices into work orientation and training.

Benefits to your business

- Keep your employees safe ☑ Reduce the costs of crashes and incidents
- Reduce stress and improve employee morale
- Minimal business interruptions

How OSHA can help

OSHA's [On-Site consultation program](#) can help small- and medium-size businesses keep workers safe by providing:

- No-cost and confidential occupational safety and health services
- Assistance with identifying workplace hazards
- Advice on compliance with OSHA standards
- Assistance with safety and health programs

To learn more, visit <https://www.osha.gov/> or call 1-800-321-OSHA (6742), TTY 1-877-889-5627.

When you commit to keeping your employees safe behind the wheel, you are also ensuring the safety of coworkers, pedestrians and other road users.

FMCSA Tells States to Ban Drivers with Drug, Alcohol Strikes



Truck drivers who have a **positive drug or alcohol test** and find themselves in the **Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse** will begin having their **licenses downgraded** after a **final rule** from the agency takes effect.

That rule was **published** in the **Federal Register** Thursday, Oct. 7. With it, **FMCSA** is **amending its regulations** to establish **requirements** for state driver's **licensing agencies (SDLAs)** to access and use **information** in the **Clearinghouse**.

Under the **new rule**, which will be **effective** as of **Nov. 8, 2021** – with a **state compliance date** of **Nov. 18, 2024** – states will be **barred from issuing, renewing, upgrading** or transferring a **CDL** or **commercial learner's permit** for any driver **prohibited from driving a commercial vehicle** due to one or more **drug or alcohol violations**.

Additionally, states will be **required** to remove the **CLP** or **CDL privilege** from the **license** of drivers subject to the **CMV driving prohibition**, resulting in a **downgrade** of the **license** until the driver **completes** return-to-duty (**RTD**) requirements.

By removing the **commercial driving privilege** from licenses, the rule will also allow **all enforcement officers** to easily **identify prohibited** drivers by conducting a **license check** during a **traffic stop** or other **roadside intervention/inspection**.

FMCSA said the rule will **ensure** that drivers with **drug and alcohol violations** don't operate **commercial vehicles** until they complete their **return-to-duty process**.

Currently, most **state agencies** don't receive "**drug and alcohol program violation information** about **CDL** or **CLP holders** licensed in their state," the **agency** said in its rule. State agencies are thus "**unaware when a CMV operator is subject to the driving prohibition** set forth in **49 CFR 382.501(a)**, and the **CMV operator** continues to hold a **valid CDL** or **CLP** despite the **driving prohibition**."

The agency added that the rule "**closes that knowledge gap**," giving state **agencies** the ability "**to determine whether CMV drivers** licensed in their state are **subject to FMCSA's CMV driving prohibition**."

Trucking's hand-wringing over the Clearinghouse

While the **rule will help** get more **truck drivers** with **drug and alcohol problems** off the road **quicker** than the **current system**, which most in the industry agree is a **good thing**, there has been some **hand-wringing** in the industry about the **number of drivers** already **sidelined** due to the **Clearinghouse**.

As of Sept.1, there were **87,438** drivers in the **Clearinghouse's** RTD process, with **69,937** in **prohibited** status. Of **prohibited drivers**, **52,691** (75%) had **not started** RTD.

At the **Truckload Carriers Association's Truckload 2021** annual convention, a question from the **audience** aimed at a panel of **trucking company execs** asked about the **follow-on effects** of **FMCSA's Drug and Alcohol Clearinghouse**, given more than **100,000 positive tests** logged there over its nearly **two-year existence**. A relative few of those **drivers** have completed documented **return-to-duty procedures**, as the **questioner** noted, adding: "**I'm assuming Amazon loves us to keep letting these drivers go**."

The **comment** suggested drivers lost by **truckload operations** might be joining the **ranks** of the **lighter-duty package delivery force**. The **commenter** wondered about the need for some kind of **reliable roadside testing** for impairment in particular, as it relates to **growing marijuana use** all around the **nation**. "**We're going to be in a serious situation losing 100,000 drivers every two years**."

Knight Transportation Chairman Kevin Knight said it was a "**difficult question**" to address **overall**, given his fleet (*among others*) engages in **hair testing**, above and **beyond** what's required in **urinalysis** by the rules. Also, he said, "**I think there is a difference between driving an Amazon van and an 80,000-lb. truck on an irregular route**," he said. **Overall**, though, he and fellow panelist **Mark Seymour, Canada-based Kriska Transportation Group's CEO**, were in **agreement** about one **crucial element**: "**There isn't any room for drugs on our highways**," Knight said.

The **growing acceptance** of **marijuana** around the United States and in **Canada** **complicates** matters, however. "**It's moving to being viewed like alcohol**," Knight said. "**It's sad to think that**" in a **setting** where the drug is **legal** and on **personal time** a "**driver maybe smokes a joint – am I saying that right? – and then they're done**" in trucking.

Knight noted he **did believe** that "**slight recreational users**" in the **testing regime** in place today may **ultimately get** some **wiggle room** on **legal substances**, and hoped that "**something will develop that allows us to be able to test for impairment from marijuana use at roadside**."

He urged **carriers** to "**do a better job of helping these folks who get displaced – we have to help them get another job. They can't become the problem of the government**."

At once, **Seymour underscored** a **harder line**. "**Some things just don't go together**," he said. "**Driving a big truck and 'banging lefties' on the weekend don't mix...they don't go together. Yes, maybe 100,000 people have been lost to the Clearinghouse. A campaign to get those people back while continuing with habitual preferences is not what we want**" as an industry.

The **provision** in the **final rule** that prohibits states from **issuing**, **renewing**, **upgrading** or transferring a **CDL to a driver** in the **Clearinghouse** requires **state agencies** to **query** the **database** prior to **conducting** any of those **actions**. If the **query indicates** the driver is **prohibited** from operating a **commercial vehicle**, the agency must **deny** the transaction, **resulting** in non-issuance. **Drivers can reapply** for the transaction after **complying** with the **return-to-duty (RTD)** requirements and getting a **negative RTD test** result that's **reported** to the **Clearinghouse**.

For the **downgrade** provision, **FMCSA** will send **notifications** to states when a **drug or alcohol** violation is **reported** to the **Clearinghouse**. The rule requires **states** to complete and **record the CDL** downgrade on the **CDL Information System** driver record within 60 days of **notification**.

"The **CDL downgrade requirement** rests on the **simple**, but **safety-critical**, premise that drivers who **cannot lawfully operate** a **CMV** because they engaged in **prohibited use** of drugs or **alcohol** or refused a test should not hold a **valid CDL or CLP**," the **rule states**.

FMCSA will also send a **notification** to the **state agency** when the driver **complies** with **RTD requirements** and is no longer **prohibited** to drive by **FMCSA's** regulations.

The rule also **includes** a provision that **states** if for **some reason** a driver is **falsely identified** as prohibited, **FMCSA** will notify the **state** that the individual is **not prohibited**, and the state must "**promptly reinstate**" the driver's **CDL privileges** and expunge his or her **driving record**.

Other Clearinghouse changes in the rule

The **final rule** also amends how **employers'** reports of "**actual knowledge**" violations are **maintained** in the **Clearinghouse**. Currently, employers who have **actual knowledge** of a driver's **prohibited use** of drugs

or **alcohol** based on a **citation** or other **document** charging **DUI** in a **commercial vehicle** must report the "**actual knowledge**" violation to the **Clearinghouse**.

The **new rule clarifies** that a **CLP** or **CDL holder** who is charged with **DUI** in a **CMV** is **prohibited from operating** a **CMV** until **completing** the **return-to-duty** process, regardless of **whether** the driver is **ultimately convicted** of the offense. The rule also **amends Clearinghouse** regulations by **requiring** that this type of **actual knowledge violation** remain in the **Clearinghouse** for five years, or until he or she has **completed** **RTD**, whichever is later, **regardless** of conviction of the **DUI charge**.

Drivers will be **allowed**, however, to **provide documentary** evidence of non-conviction to their **Clearinghouse** record for **potential future** employees to see.

States must achieve "**substantial compliance**" with the **new rule** as soon as practicable, **FMCSA** said, but by **no later than Nov. 18, 2024**.

Over 3,000 citations issued to U.S. CMV operators during Safe Driver Week

Law enforcement officers in the U.S. issued **3,158 citations** and **4,420 warnings** to drivers of commercial vehicles during an annual seven-day enforcement effort in July.

Officers participating in the **Commercial Vehicle Safety Alliance's (CVSA) Operation Safe Driver Week** safety initiative pulled over a total of **23,871 commercial motor vehicle drivers** the association says were engaging in unsafe driving behaviors.

Officers also pulled over **9,366 passenger vehicles** and issued **9,106 citations** and **4,018 warnings** to passenger vehicle drivers.

The **CVSA's Safe Driver Week** was held July 11-17 in the U.S., Canada, and Mexico.

The **top five citations** issued to commercial vehicle drivers included:

1. Speeding/Speed too fast for conditions, 1,690 (2,549 warnings issued)
2. Failure to use a seat belt, 1,225 (954 warnings issued)
3. Failure to obey a traffic device, 522 (869 warnings issued)
4. Texting/using a handheld phone, 344 (336 warnings issued)
5. Improper lane change, 122

Officers also issued **310 warnings** for following too closely.

In Canada, officers pulled over **1,828 commercial motor vehicle drivers** and **7,759 passenger vehicle drivers** engaging in dangerous driving behaviors and issued **275 warnings** and **4,020 citations**. Broken out, that's **136 warnings** and **593 citations** for commercial motor vehicle drivers, and **139 warnings** and **3,427 citations** to passenger vehicle drivers.

In Mexico, officers pulled over **2,449 commercial motor vehicle drivers** and **785 passenger vehicle drivers** for unsafe driving behaviors. Officers issued a total of **1,689 warnings** and **528 citations**. That's **1,115 warnings** and **412 citations** for commercial motor vehicle drivers, and **574 warnings** and **116 citations** to passenger vehicle drivers.

"Since we know that most crashes are caused by drivers, the best way to prevent crashes is to start with the cause – drivers," said **CVSA** President Capt. John Broers with South Dakota Highway Patrol. "If seeing a patrol car causes a driver to slow down in a high-risk crash area of the roadway, then we'll put patrol cars in that area. If being stopped by an officer causes that driver to be more conscientious, then our officers will pull over unsafe drivers. We will continue to do our part to make our roadways as safe as possible."



Pattern of Violations Screening

For the **seventh year** in a row, the U.S. Department of Labor's **Mine Safety and Health Administration** found **none** of the nation's **12,000 mining operations** met the **criteria** for one of the agency's **toughest enforcement tools**, its [pattern of violations](#) screening.



In **MSHA's** annual **screening of operations** from Aug. 1, 2020 to **July 31, 2021**, the agency found **no pattern of violation** notices. The **Federal Mine Safety and Health Act of 1977** includes the **pattern of violations provision** for mines that **pose the greatest risk** to miners' **safety and health**, particularly those with **chronic violation records**.

"While the **pattern of violations** provision gives us an **enhanced enforcement tool** that alerts us to **mine operations** with the **most serious violations**, we know more **must be done** to prevent **mining fatalities**," said Principal Deputy Assistant Secretary for **Mine Safety and Health** Jeannette J. Galanis. "We have seen **too many tragic incidents** in 2021 and we **encourage mine operators** to intensify their **efforts** to ensure the **safety, health and well-being** of their miners."

MSHA provides **mine operators** with **online tools** to help **monitor their compliance**. The [POV tool](#) informs **operators** how they **rate** against the **screening criteria** and when **appropriate corrective actions** are needed. The agency's [S&S rate calculator](#) enables **operators** to monitor their "**significant and substantial**" violations.

Fatality Alert [\(pdf\)](#)

MINE FATALITY – On October 1, 2021, a **25-year-old miner** was **fatally injured** when he entered a surge bin used as a **feed hopper** and was **engulfed by material**.



Best Practices:

1. **Design surge bins and feed hoppers to prevent blockages.** Equip bins and hoppers with mechanical devices or other effective means of handling material, so miners are not required to enter or work inside bins and hoppers.
2. **Provide a safe means of access** that allows miners to conduct tasks, such as removing large rocks and other material, safely.
3. **Ensure handrails and gates are substantially constructed**, properly secured, and free of defects.
4. **Don't stand on material stored in bins.** Material stored in a bin can bridge over the hopper outlet, creating a hidden void beneath the material's surface.
5. **Establish policies and procedures** to remove blockages in bins and hoppers safely. Train and ensure miners follow these policies and procedures.
6. **Wear an appropriate safety harness, lanyard, and lifeline**, and make sure these are maintained, in good condition, and securely anchored. Assign another miner to constantly monitor and adjust the lifeline, as needed.

Additional Information:

This is the 28th fatality reported in 2021, and the third classified as "Handling Material."

Severe Weather Preparedness for the Workplace

Severe weather can happen anytime, in any part of the country. Severe weather can include hazardous conditions produced by thunderstorms, including damaging winds, tornadoes, large hail, flooding and flash flooding, and winter storms associated with freezing rain, sleet, snow and strong winds.



Know your Risk - Understand the types of hazardous weather that can affect you where you live and work.



The **Occupational Safety and Health Administration (OSHA)** [standard 1910.38](#) requires all employers to develop a **written emergency** action plan to **protect** their associates **during any type of emergency, including bad weather.**

“Having a plan in place **before a severe storm hits** is **absolutely necessary** to be able to **respond effectively**,” says Glenn Taylor, assistant **regional administrator** for compliance assistance programs in **OSHA Region 7**. “Employers can’t be **complacent** when

it comes to **these things** because without **good planning** and preparation, **injuries** and illnesses **can occur—and maybe even deaths.**”

Prepare a Written Emergency Action Plan

“**Proper planning** prior to a **severe weather emergency** includes **thinking ahead** of time about what **will be necessary** to respond **effectively** to each **possible scenario**,” Taylor says. “For example, **in the Midwest**, we have tornadoes, and along with those a lot of **flooding occurs**, as well as **structural damage** to manufacturing **facilities** from either a **direct hit** or **high winds**.”

Assign Emergency Response Roles

Emergency **preparedness** includes dividing up **responsibilities** among managers and **employees** with **safety duties**. Appoint someone to **ensure that** all **electrical equipment** is shut down **before exiting** the area.

Designate Emergency Exit Routes

The plan **must include** a way to **account** for **all personnel** during the **emergency**, and it should **lay out** the exit routes employees **need to use** to reach a **designated assembly area** or **shelter-in-place location**.

Prepare a Checklist

Use this **checklist** of **best practices** to prepare for **hazardous weather conditions**, including electrical storms, blizzards, and tornadoes.

Designate Safe Spaces

The **American Red Cross** recommends preparing a “**shelter-in-place**” (*SIP*) location where **associates**, visitors and **business partners** can go if an **emergency strikes** suddenly. For **tornado-prone locations**, the emergency **shelter** might be **below ground** or in a room with **no glass windows**.

Install Emergency Alarm System

OSHA requires **employers** to develop an **audible** and **possibly visible** (*strobe light*) **alarm system** to **notify workers** when an **emergency exists**. Monitoring **weather conditions** daily is important for **identifying** the chance of **severe weather** ahead of time. Assign **someone** to **sound the alarm** to let workers know **severe storms** are on the way.

Install Landline Phone Service

Prior to a storm, the **Red Cross** recommends setting up a **landline phone** in the **designated shelters** or safe rooms because **cell service** could be **disrupted**.

Create Emergency Response Team Organizational Chart

An **emergency response team** organizational chart **should specify** the names or **titles** of all those **who need** to be contacted, **both inside** and outside the **company**, to collect and **disseminate information** about the **emergency**, Taylor says.

Inform Employees About the Emergency Action Plan

Initially, **meet with all levels** of managers and **employees** to educate them on the **company’s EAP** and the **dangers** posed by **severe storms**. Meet with **all new associates** to introduce them to the **plan**.

Schedule Regular Emergency Practice Training

Just like **monthly fire drills** in elementary school, the **safety manager** should run **practice drills** often enough so that **associates automatically** know where to go and **what to do** when the **emergency alarm sounds**.

“If the **associates** are **not engaged** in that process—and **brought in to practice, practice, practice**—in an **emergency** they won’t know how to **respond appropriately**, and management **will be in disarray**,” Taylor says.

Train Outdoor Workers in Lightning Safety

Brandon Hody, an *industrial hygienist at Concurrent Technologies*, recommends using the **30/30 rule** for **suspending** and resuming **work outdoors** in a **lightning storm**.

“If it takes **less than 30 seconds** to hear **thunder** after seeing a **flash of lightning**, it is **not safe** to remain **outdoors**,” Hody says. “Then **wait 30 minutes** after the **last flash** of lightning **appears** before **going back outside**.”

Train Employees to Avoid Hazards After a Storm

Just because the **severe weather** is over **does not mean** all danger is **past**. According to the **Federal Emergency Management Agency (FEMA)**, more **accidental deaths** occur in **flash flooding** following storms than from **lightning strikes** during storms. **High winds** also may have **damaged buildings**, which could **collapse**, and knocked down **trees** and **utility poles**, leading to **power outages** that may **cause further deaths**.

Provide Proper Personal Protective Gear and Training in Its Use

If associates are **participating** in **post-storm cleanup**, they may be **exposed** to flooding, **heat waves**, chemical or **radiation exposure**, biological hazards from **sewage**, or downed **electrical wires**. Employers must **provide proper** personal protective **equipment**, as well as **instruction** in **safe practices** and **OSHA standards** for **operating** in these **hazardous conditions**.

How often do you practice your emergency action plan for severe weather?

For more information on developing an emergency action plan, visit [OSHA’s planning page](#).

Visit the [CDOT website](#) for “Winter Driving Preparedness” ...
preparing your vehicle, necessities that should be in your vehicle in case of an emergency,
tips for driving in snow, and more!

Be Ready!

**From all of us at
MJS Legacy Safety**

Please...

**WORK SAFE
BE SAFE
STAY HEALTHY**