

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: 1026 N. 1st Street, Johnstown CO 80534.

There is no change to the mailing address: 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

Navigating the landscape of COVID-19 and its continuing variants has seemingly become less confusing. Hopefully this will be the path for the future. So that you can access the most updated information, we’ll continue to provide links for your convenience.

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

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

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

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



▶ **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 June 2022. 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...](#)



▶ **Read This Before Submitting 2022 Injury and Illness Data** [read more...](#)

▶ Safer Jobsites, Better Business

Keeping health and safety first helps eliminate risk, injury, and delays so you can keep your jobsites moving and your business profitable [read more...](#)

▶ Is Nighttime Construction Work Essential To The Job?

Construction sites may have to employ night shift workers to get tasks done promptly without potentially inconveniencing the public. [read more...](#)

▶ The Ultimate Safety Guide to Welding PPE

Welding is an essential part of numerous manufacturing and assembly processes, employing more than 400,000 people in the United States alone. [read more...](#)

▶ **How to Winterize Pressure Washers ... Tips and tricks to properly winterize pressure washers.** [read more...](#)

▶ **The Real Costs Of Eye Injuries ... Risks include permanent damage, financial stress and job loss** [read more...](#)

▶ When to Use High-cut Work Boots for Your Construction Job

There are many types of work boots on the market today. Not all of them are designed for your construction job. [read more...](#)

▶ **WORKPLACE SAFETY REMINDER ... Preventing Slips on Snow and Ice** [read more...](#)

▶ 5 Best Practices For Improving Construction Worker Safety

Across the U.S, there are nearly 10 million people working in almost 3.8 million construction businesses daily. [read more...](#)

TRANSPORTATION NEWS SUMMARY

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

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

▶ TWIC, Hazmat Endorsement Fees Get More Affordable

The new lower fees took effect Nov. 3. [read more...](#)



▶ DOT Awards Funding to Community Colleges to Prepare Veterans for Jobs in Trucking

FMCSA has awarded \$3.1 million to community colleges and training institutes through the Commercial Motor Vehicle Operator Safety Training (CMVOST) Grant Program. [read more...](#)

▶ 'Women Of Trucking Advisory Board' Holds Inaugural Meeting

...members discussed crime prevention for female truck drivers and the results of a new **FMCSA** report on driver safety. [read more...](#)

▶ Comment Period on Potential Future ELD Regs Changes Closed

Read some of the feedback. [read more...](#)

▶ FMCSA Guidance Reaches For Clarity: *Do dispatch services need brokerage authority?* [read more...](#)

▶ Trucking Groups Cite Privacy Concerns Over Electronic ID Proposal

Privacy concerns were a popular theme among the more than 2,000 comments submitted to the **Federal Motor Carrier Safety Administration** over a proposal to require electronic IDs on commercial motor vehicles. [read more...](#)

▶ HOS, Blue Lights Incompatible with Good Sleep

It all comes down to the circadian rhythm -- the natural tendency of humans to sleep at night and work during the day. [read more...](#)

▶ Mine Rescue Teams are Critical to MSHA's Mission

On Oct. 30, 1911, the **first national mine rescue demonstration** was held in the **U.S.** [read more...](#)



▶ MINER SAFETY & HEALTH APP

MSHA now has an app available to provide information directly to miners. [read more...](#)

MSHA NEWS SUMMARY



MONTHLY SAFETY & HEALTH TIP NEWS SUMMARY

▶ National Safety Council Releases New Guidance on Preventing Workplace Violence

Workplace violence is on the rise, yet nearly half of U.S. employers report they are unprepared to prevent and respond to incidents on the job. [read more...](#)



“Training Spotlight”

(a different course will be featured monthly)

> MEDIC FIRST AID INSTRUCTOR DEVELOPMENT

Looking for a more cost-effective approach to train your employees in 1st Aid / CPR? Become a Medic First Aid Instructor! Bring your training in-house and train your own employees on your own schedule, house your own records in your company's training center. Classes are scheduled on an as needed basis. The Instructor Development Course is a blended learning course, with computer based training paired with the hands-on skills assessment and instructor development course completion.

For all of our Course Offerings visit the [MJS Legacy Safety website](http://www.mjslegacysafety.com)

Schedule of classes December 2022: • TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543

- *PEC Safeland Basic Orientation: **NEW 2021 SAFELAND:** Dec 19, 29; 8 – 4:30;
This class available through video conference instructor led distance learning thru 6/30/22 - only upon request
- *First Aid/CPR/AED/BLOODBORNE PATHOGENS (We offer MEDIC FIRST AID): Dec 12, 30; 8 — noon;
In Person Classes:
This class is also available for blended learning (online) with remote or in-person skills assessment
- *Hydrogen Sulfide Awareness [*ANSI Z390 -2017 Course*]: Dec 12, 30; 12:30 – 4:30;
This class available via Instructor Led video conference

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

▶ NEED ANY OF THESE CLASSES IN SPANISH? CONTACT carriejordan@mjsafety.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

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

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

CALL US!!!

Order
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www.mjssafety.com
Jeremy
720-203-6325
Carrie
720-203-4948

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

SOURCES FOR THIS ISSUE

- INCLUDE:
- OSHA
 - FMCSA
 - ISHN
 - US DOL
 - MSHA
 - For Construction Pros
 - Hilti Inc
 - National Safety Council
 - Emily Whitcomb-Work to Zero
 - Ironpros
 - Nate Abrahams-Karcher
 - shopify
 - Overdrive
 - CCJ-Jason Canon
 - Land Line
 - National Sleep Foundation
 - truckinginfo.com



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

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

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



Read This Before Submitting 2022 Injury and Illness Data

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

Establishments in [certain industries](#) are required to report injuries and illnesses for each calendar year by **March 2** of the following year using Form 300A.

If your establishment is required to submit this data, you must use OSHA's [Injury Tracking Application](#), or ITA.

The DOL recently updated the ITA as part of the Department of Labor's information technology modernization and security enhancement efforts.

What's different? All current and new account holders must connect your ITA account to a [Login.gov account](#) with the same email address in order to submit your 2022 data by March 2, 2023.

Why must employers create a Login.gov account to submit their 2022 workplace injury and illness data to OSHA?

Login.gov is a secure sign-in service that allows the public to access government applications using one account and password. Since October 2022, the **OSHA Injury Tracking Application** requires you to create an ITA account and then a Login.gov account to report your establishment's injury and illness data.

A new [video](#) explains how to create an account or log in to an existing account using *Login.gov*.

You can find answers to other [FAQs](#) as well as detailed instructions for entering injury and illness information in the ITA.

Need more assistance? Use the [help request form](#) at the end of the FAQs.

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

Safer Jobsites, Better Business

Keeping health and safety first helps eliminate risk, injury, and delays so you can keep your jobsites moving and your business profitable



The dynamic nature of construction work challenges contractors to help identify and reduce jobsite safety issues along with work-related health problems. Running a safer and healthier jobsite is not only better for your onsite workforce, it's better for business.

Employees respond positively to genuine commitments to improving the health and safety culture. Business leaders who take an active role in executing effective safety strategies can expect a more engaged workforce, which leads to quicker adoption that can measurably reduce injuries and downtime.

Common Pain Points To Tackle

Most injuries stem from risky working conditions and can be categorized by these common root causes.

People

Includes human error and risky or reckless behavior; misuse of tools or PPE; lack of knowledge or experience; inattention; working under the influence; and misjudgment of risk

Example: *Lifting heavy loads is the most common cause of musculoskeletal disorders such as joint, bone, sprain, strains, and nerve injuries.*

Tools

Includes damaged or poorly maintained equipment leading to defects; missing or improper use of PPE; missing safety accessories; and using improper, worn, or damaged inserts

Example: *A damaged or overused grinder disc can break unexpectedly, sending pieces flying. This is even more dangerous if the guard is missing.*

Organization

Includes missing or improper PPE; inadequate training or certification; inattention to hazards and ergonomic risks such as discomfort and fatigue; and inadequate planning leading to rushing

Example: *Overexposing employees to vibrating tools that drill, chisel, break, or grind can lead to operator discomfort and fatigue.*

Environment

Includes poor lighting; excessive noise; distractions; poor weather conditions or extreme temperatures; hazardous substances such as dust or chemicals; and working at heights or overhead

Example: *Drilling concrete can create dust particles that can damage the respiratory system. Risk increases when working on ladders: falls are the leading cause of death on jobsites.*

By adopting a health and safety strategy, taking advantage of technological innovations, and investing in products and services that help reduce jobsite risk, you're helping enable a safer and healthier jobsite and workforce while protecting your bottom line.

Is Nighttime Construction Work Essential To The Job?

Construction sites may have to employ night shift workers to get tasks done promptly without potentially inconveniencing the public. The construction industry is a massive field valued at over \$1 trillion in the United States alone, making it an essential part of the economy.

Because construction work is so core to society's well-being, safety managers need to ensure crew members remain protected from any threats that might come their way. Unfortunately, the job becomes much more difficult when crews must work at night.



Why does nighttime construction work happen?

Nighttime construction work can be unavoidable with some jobs and contracts, especially if the deadlines are tight or the incentives are good. Companies may have to rely on working around the clock if a project needs faster completion times.

In some cases, nighttime construction is scheduled because it's just easier. There's less traffic to worry about on the roads, so employees won't have to pause their work to allow people to move through the work site. There's also less risk of heat-related issues like heatstroke when projects are scheduled through summer months.

Sometimes, delays happen due to inclement weather or a force outside of anyone's control, which can cause delays that nighttime work schedules can help alleviate. This was a common problem throughout the COVID-19 pandemic, as project managers scrambled to keep projects afloat and reduce exposure with staggered worker schedules and unexpected site closures.

If it's necessary, here's how to reduce nighttime risks

The night shift can be dangerous, even if fewer cars are on the road. Nighttime employees must avoid several hazardous situations [while maintaining their focus](#) and working through the darkness. Though the night shift might be inherently more complex than a daytime shift, you can still make your crew feel safe, no matter the situation.

1. Keep adequate lighting

Firstly and most importantly – light it up. Adequate lighting at night can help your crew avoid traffic or heavy machinery injuries. You need lights bright enough to illuminate every dark corner. That way, your employees can see every task they're working on clearly and be aware of where their teammates are at any time.

Bright lights can also help cars on adjacent roads know workers are around, thereby increasing their focus. Lights are practical, but they are a safety necessity first and foremost. Health and safety professionals should implement this step before any other.

2. Pay attention to all surroundings

Nighttime construction on highway and road projects can be especially hazardous due to lower visibility. Additionally, there are usually more drunk drivers out at night. Fatalities due to driving under the influence are all-too-common, accounting for about 30% of all driving-related deaths.

If you can spare an employee, have someone watching traffic during the night. This person – or people, if you send them out in shifts – acts as a guard who will notice if a driver seems off. This way, they can radio the others and tell them whether an erratic driver is coming through.

3. Wear reflective safety gear

In addition to the usual safety gear you wear while working, make sure your crew wears reflective material. Most people know to wear reflective vests, but you should add reflective strips to helmets or work boots.

Anything that may help your crew get seen by oncoming cars works well.

[OSHA requires nighttime workers wear high-visibility clothing](#) to minimize the event of an accident. As a safety manager, you must ensure everyone does what they can to avoid a work site accident.

4. Minimize noise when possible

It may seem impossible to minimize the noise at a construction site, but you have to be conscious of the people in the area. If your site operates both during the day and at night, try to complete loud activities – such as using a jackhammer or running diesel engines – during the day whenever possible. This will help ease relations with the community, who may not appreciate nighttime construction in a residential or commercial district.

Cutting down on noise at night can also help your employees stay healthy and alert. It reduces the potential for workers to be distracted when verbal communication and signals are more important than ever. Plus, it's general best practice for workers' hearing to reduce noise as much as possible in construction.

5. Rest properly

Breaks are essential to any job well done, but [night work can be especially draining](#) on mental and physical health. If your crew has been working since the day, they need a few long breaks to rest their muscles and minds.

In addition to adequate breaks, ensure your workers get enough rest at home. If they have to work long shifts throughout the day and night, they deserve a day of rest. If you're in charge of scheduling, ensure they have plenty of time to recuperate from doing manual labor for long hours.

Not everyone works well at night, as many people thrive on being active during the day and resting in the evening. The adjustment might be difficult on your crew, so do what you can to make the transition as seamless as possible – including advocating for them to take care of themselves.

Be cautious, especially at night

Nighttime can be dangerous in all fields, but construction workers experience an extra level of hazard just by nature of the darkness, proximity to traffic and other risk factors. Safety should be an utmost priority at any site. Productivity might slow to keep everyone safe, but taking a bit longer on a single job is better than facing an injury.

Education will be a huge help when advocating for safety measures to your crew. Do what you can to keep them safe and they'll be glad for the additional provisions you provide while looking out for them.

The Ultimate Safety Guide to Welding PPE

Welding is an **essential part** of numerous **manufacturing and assembly processes**, employing **more than 400,000 people** in the United States alone. Because of the **nature of the job** — working with **high temperatures and molten metals** — injuries are likely. **Personal protective equipment (PPE)** can help **reduce the risk of on-the-job injuries** or accidents in the **welding industry**.



Here is a **welding safety guide to welding PPE** so you can **stay safe on the job**. All welders must **understand how to protect themselves from the hazards their workplace** can bring.

Common Welding Safety Hazards

Understanding the **common risks you might face** in the **workplace** is vital. According to [information collected by OSHA](#), these **dangers include**:

- *Exposure to metal fumes*
- *Exposure to ultraviolet radiation*
- *Burns*
- *Arc flashes*
- *Explosions*
- *Crushed fingers or toes*
- *Eye damage*
- *Electrical shock*
- *Cuts and lacerations*

The risks **also vary depending** on the **type of welding**. Stick welding is **popular because it produces the best-looking welds**, but it also has **many moving parts**, meaning the **risk increases**. It has an **accident rate three times higher than MIG or TIG welding**. Underwater welding can be even more **dangerous**.

Protecting Hands

Even **under the best circumstances**, welding jobs **require proximity to high temperatures and molten metals**. Human skin isn't meant to **withstand those conditions**, so **protection is essential**. Opt for **gloves that are comfortable** to work in for **extended periods**. Cut-resistant versions are **helpful**, as are **welding gloves** made from **natural or artificial material**, designed to **protect you from the searing heat**.

Protecting Skin

Your **hands aren't the only body part that needs protection** from heat and **errant sparks of molten metal**. Opt for **densely woven fabrics** made from **cotton or wool**, preferably treated with **flame-retardant chemicals**. Standard **wool or cotton** can be flammable, and **artificial materials** like polyester or **acrylic** are made of **plastic** and can **melt to the skin** if they **catch on fire**.

If a **complete outfit of flame-retardant clothing** isn't an option, **consider a welding jacket** or apron to **protect your wardrobe** from the **brunt of the molten metal sparks**. This can make a **huge difference** in **worker safety**.

Protecting Eyes And Face

The **eyes are an essential part** of a welder's craft, but **they are also one of the most vulnerable parts** of the human body. **Eye protection** is necessary to **protect the eyes** from any debris. **Exposure to concentrated UV light** acts like a **sunburn on the cornea**. These **flash burns are painful** and can take **several days to heal**. Any hair on your **head or face** could also **represent an ignition point** that needs protection.

A welder's **helmet and mask** can accomplish **both these tasks**, keeping the **UV light from the weld point** from damaging your **eyes while protecting your head** and facial hair from **flying sparks or droplets** of molten metal.

Protecting Feet

As with any **industrial setting**, **proper footwear** is essential to any **head-to-toe welding PPE build**. Ensure you're **wearing high-top, close-toed shoes, preferably made of leather**, to offer additional **fire retardant properties**. You may also **wish to wear welding spats** or **heat-resistant coverings** to protect the **lower half of your body** from molten metal and **falling objects**.

Steel-toed boots can add an **extra layer of protection** if you're prone to **dropping heavy things** on your toes, but they **aren't strictly necessary**. Consider them a **bonus**.

Protecting Hearing

Welding isn't an industry you **generally associate** with noise, but **hearing protection** is required if it **generates sounds louder than 85 decibels**. **Listening to levels this high** for more than **eight hours** at a time can **cause progressive hearing loss**. The **longer you listen** or the **louder the sounds**, the greater the risk. Each **3 dBA rise in volume** cuts the **safe listening time in half**, so you're **down to two hours** by the time you **reach 91 dBA**.

The easiest way to **protect hearing and prevent work-related hearing loss** is to **wear properly fitted protection**. **Ear muffs or headphones** are standard, but if they **don't fit under your welding helmet**, **earplug options** can accomplish the **same task** by cutting down the **noise you hear**.

Protecting Respiratory Systems

Welding fumes are **usually made up of a mixture** of silicates, **fluorides and metal oxides**, atomized by the **welding process** and cast into the **atmosphere**. The last place you **want these fumes to end up** is in your lungs. **Overexposure to welding fumes** can **damage the lungs, liver, kidneys and bones**, up to and including some **varieties of cancer**. Occupational **lung disease and lung cancer** are the **most common ailments** associated with **welding fume exposure**.

If you're **working with iron or steel**, an N95 mask is **often more than enough** to keep you from **inhaling the fumes** and particles that could **cause respiratory damage**. For other metals, **upgrading to an N95 respirator** or an **N99 mask** is recommended.

The **ozone generated** by arc welding requires a **more complex respirator** to ensure you're **not inhaling all these fumes**. Manual ventilation practices can also **help remove fumes from your welding space**.

Protecting Everyone Else

You aren't the **only one at risk** when welding. **Anyone in your immediate vicinity** could **catch some stray sparks** or breath in **lungfuls of fumes**.

Your **welding safety guide** should include the **installation of booths with fume hoods** or other **manual ventilation tools**. They should be **made of noncombustible materials** that protect against **UV light**. If it's **designed properly**, it should **safeguard anyone working adjacent** to the **welding project**, with only a **minimal need for additional PPE**.

Only people **properly outfitted in welding PPE** should be allowed into the **booth while a job** is underway. Introducing **welding booths** helps prevent any **collateral damage and injuries** to people walking by.

Create A Welding Safety Guide That Includes Welding PPE

By its **very nature**, welding can be one of the **most dangerous jobs** — but it doesn't have to be. **Wearing proper welding PPE** and creating a **welding safety guide** can help **prevent many of these injuries** and make your **workplace safer**. Accidents **aren't always preventable**, but it is **possible to mitigate the damage**.

MJS Legacy Safety can help with your
Workplace Safety Solutions

We are your One Stop Safety Shop

Give us a call!

How to Winterize Pressure Washers

Tips and tricks to properly winterize pressure washers.



As winter approaches, it's important to remember to winterize pressure washers before freezing temperatures hit. "It's a thing that's overlooked too often in the industry. People forget about it, but it is critical," says Nate Abrahams, senior sales trainer at Karcher. "You put a pressure washer in the back of a truck, and it's 30 degrees out and you're going down the highway: It's going to freeze in a matter of minutes. Winterizing pressure washers is really easy to do once you've done it once or twice. People just need to make sure they remember, or they could have a \$7,000 machine that needs \$3,000 worth of work when it freezes."

How to do it

There are several different techniques professionals can use to winterize their pressure washers.

"Whether it be a cold or hot water pressure washer, they should be winterized. The fear of a hot water pressure washer freezing is the heating coil. That's an expensive mistake if it does freeze. If that freezes, they normally will burst; the coil itself will expand enough where it'll actually rupture. If you have a cold water pressure washer, there's a chance you can bust the pressure washer head, crack the aligner or mess up the packing."

One technique involves users blowing all the water out of the pressure washer.

"While blowing it out, some people will actually start the pressure washer to run it for a few minutes, but if they do that, there's always that residual water that's sitting in that pressure washer, so before you start it, you have to bring it into a warm environment and make sure all that leftover water is through before you start it."

Another method is to introduce an antifreeze product into the machine. If using an antifreeze product, it needs to be introduced in every place water would touch, including the pump, bypass loop, accessories, hose and trigger gun.

"That means you're going to introduce antifreeze where you would normally have the water hookup, and that would then replace all of the water in the system and make it completely protected. If it's a trailer system, that would include the water tank itself. I would recommend that they stick with either RV antifreeze or automotive antifreeze. Some people use windshield washer fluid, and that can work, but it's not great for the seals inside of that pump. I prefer automotive because RV antifreeze tends to turn into a slush and you have to let it basically unplug before you can pump it out, whereas automotive antifreeze is always liquid."

Many manufacturers also provide winterizing kits that introduce a product into the system to keep it from freezing.

Some people who live in warmer areas choose not to winterize their pressure washers and simply store them in a warm location. However, professionals should keep an eye on the weather to make sure freezing weather is not ahead.

"Now, for example, in Texas, they typically don't have to worry about winterizing, but if you remember last year, they got that severe storm. There were hundreds and hundreds of machines that were frozen last year during that power outage and deep freeze they got. So, a lot of service work had to be done for a lot of customers."

For people who live in colder areas, winterizing the machines around Halloween is usually a safe bet.

All in all, the process doesn't take very long.

"If it's your first time, it will take maybe 15 minutes. If you've done it before on a traditional machine, I can have that machine done in less than five minutes, probably closer to two."

Anstoetter recommends that people winterizing pressure washers lean on the manual if in doubt about the process.

Other maintenance tips:

- Watch the oil levels and the oil in the pump itself. If you see the oil turning a milky color, change it immediately.
- If you happen to see any water leaking from underneath the head of the pump, that's an indication that there's possibly a cracked liner or maybe the packings are going bad.
- Check the pumps, valves and ceramic liners.
- Make sure the correct nozzles are being used and that the gun isn't leaking anywhere.
- Check the pressure washer hoses to ensure there are no leaks or scrapes. If you start to see damage, take it out of service and replace it.



The Real Costs Of Eye Injuries



Risks include permanent damage, financial stress and job loss

An eye injury is **painful**, expensive, and can have **long-term impacts**. Yet, studies show **90% of all eye injuries** are preventable. In the US, **half of them occur** at home while the other **half occur at work**. Of the reported injuries, **up to 20% cause temporary or permanent vision loss**.

Excuses for **not wearing eye protection** include discomfort, **improper fit**, fogging or **distorted vision**, and simply believing there is **no need for wearing it**.

The most **common types of injuries** at work are **chemical exposures**, foreign objects in the eye, and **scratches on the cornea**. Other **high-risk injuries** are **burns from steam** and welding-related injuries from **ultra-violet and infra-red** exposures.

Common home-related **eye injuries** are caused by home repairs, **yard work**, cleaning, and **cooking**. Another 40% of **non-work-related injuries** occur during **recreational or sports** events.

Quality-of-life impact

With **any eye injury**, there is always **risk of vision loss**. Whether temporary or **permanent**, that loss **impacts the quality** of life of that **person and family**. The injured person **will experience** significant pain and **discomfort during recovery**. The quality-of-life impact includes changes to **family routines**, inability to **see or interact** with **loved ones in daily** activities, and **stress with long-term** implications of depression, **anger**, and changes in **relationships**.

Financial stress will **likely occur**, as well. Whether the **injury happens at home** or at work, a **person can experience** loss of income, **loss of spousal income** while caring for the **injured person**, mortgage or **rent concerns** that can **lead to loss of home**, which can lead to **problems meeting daily** or family obligations.

If the **injury occurs away** from work, most **health insurance plans** have **high deductibles** and co-pays up to the **maximum out-of-pocket costs**. For family coverage, that **can exceed \$15,000**. This does **not include follow-up** visits, **additional surgeries**, loss of wages during recovery, or **long-term vision loss**.

Assessing **eye injury risks** will quickly **identify the need** for eye protection. **Flying debris** or particulates that **become embedded** in the eye or **scratch the eye's surface** requires **safety glasses** with side shields or **wrap-around protection**. Liquid splashing, **sprays**, or **mists** require the use of **indirectly vented goggles**. Fine dusts or air-suspended **particles require** non-vented goggles. All of these **hazards should include** wearing a **face shield** in addition to the **primary eyewear**.

Workers' compensation not a given

In North America, **many people believe** an injury occurring at **work is covered by workers' compensation** benefits. Unfortunately, depending on how the **injury occurred**, the claim **could be denied**, leaving the **expenses and loss** of income with the **injured person**. If **workers' compensation** accepts the claim, there is **still a loss of some income** as most **benefits only pay 2/3 of wages** and **long-term** benefits may **only cover on-going** medical costs related to that injury. It **doesn't pay the employee's** health insurance **premiums and** over the long-term, **claim payments can reach** a maximum pay-out.

An **eye injury** is financially **expensive for the employer**, as well. Using the **OSHA "Safety Pays" calculator**, a **vision loss injury** has a direct cost of **\$76,000**. If the eye **requires surgical removal**, the cost exceeds **\$100,000**. Just a **'simple' removal** of a foreign **embedded object** is **\$22,000**.

Additional **indirect costs** are **three to five times** the **direct medical cost**. There is also **risk of job loss**. An employer cannot terminate an **employee because** of **experiencing** an injury. But the **incident investigation** may show the **employee was not following** prescribed **procedures** (such as not using LOTO – lockout/tagout) or was **engaged in horseplay** that resulted in the **injury**. Such **performance would not** be acceptable, with or without **injury**. The employer would be **obligated to follow disciplinary** policies, which could **include termination**.

An **injury resulting** in days away from work, a **transfer to another position** while healing, or **long-term restricted duty**, can result in an **employer reducing** the person's **pay scale** because of a **change in duties** or position. If the **employee can no longer** perform **essential functions** for the **position in which he** or she was hired, the **employer may help** the employee find **another position** within the **organization** at the **new position's base** pay rate, which **would likely be lower** than the **original position**.

An **employee who can no longer** perform **essential functions** of the job from **long-term injury affects** can be terminated for **business needs**. Accommodations **under the federal ADA law** are **not required if there** is a loss of **essential job functions**. So, an **injured person**, whether injured at work or **outside of work**, risks the pain, the **loss of vision**, even the **loss of employment**, which may have all **been preventable** by **wearing proper safety** eyewear.

Better PPE available

All, however, **is not gloom and doom**. PPE manufacturers **recognize the need** for employees to **wear protection**. They know the **statistics and know** employees will **likely not wear PPE** that is **uncomfortable**, fits poorly, or **simply does not function well**.

Today, **PPE manufacturers** conduct their **own research to develop** protective eyewear that **provides the right feel**, fit, and function so **employees will choose** protection over **risk exposure**. It is the **employer's role** to properly **assess and select the right eyewear** and the **employee's duty** to wear it.

Manufacturing and **distribution representatives** can help with **your risk assessment** and providing **options for safety eyewear** that will **meet you and your** employees' needs. **Selecting and wearing** the right **eye protection** can save on pain, **recovery, and cost**, whether at **home or at work**.

When to Use High-cut Work Boots for Your Construction Job

A high-cut work boot for construction is a boot with a collar or shaft height greater than 4-in. typically not exceeding 16-in. This type of work boot is ideal for demanding construction jobs, such as concrete work, carpentry, electrical, welding and more.



There are many types of work boots on the market today, but not all of them are designed for your construction job. To ensure performance and support, you must choose a pair that matches your work or range of activities on the job site.

Two common choices for construction work boots are low cut and high cut. These two types differ greatly from structure and design to functionality and cost. In this article, we take a closer look at the high-cut work boot and the different kinds of construction jobs it is suitable for.

What is a High-cut Work Boot?

A high-cut work boot for construction is a boot with a collar or shaft height greater than 4-in., typically not exceeding 16-in. The high end of this range is reserved for tall, rubber waterproof work boots without laces for wet working environments. There are no laces on rubber waterproof boots for complete waterproof protection. The low end of this range, between 4-in and 8-in., is where you'll find leather work boots with laces. The high-cut boots in this range are ideal for most construction jobs, such as concrete work, carpentry, electrical, welding and more.

Anything below 4-in. is considered a low-cut work boot. Use this specification when sifting through catalogs of work boots to easily find high-cut models.

Characteristics and Performance at Construction Sites

Most high-cut work boots cover your ankles for additional support at the job site. This feature makes the footwear very safe and offers support when walking on slippery or uneven surfaces, as well as lifting heavy objects. Some high-cut work boots can make you feel like your ankles are locked in place, forcing you to rely on your legs for foot placement on the surface. Again, this stiff movement reduces unnecessary flopping around the ankles. For added stability, high-cut work boots may come with heavy-duty soles for gripping on wet or oily surfaces.

It is common for high-cut work boots to have padding around the collar or shaft for comfort, which can also help minimize leg fatigue. If your construction job requires you to move around a lot or extend your range of motion, it is highly recommended to go with a high-cut work boot with padding around the shaft. Tall, high-cut work boots may have a pull loop at the top to help you put on the boot. Low-cut boots don't usually have this feature.

High-cut work boots can have a steel toe or composite toe for protection. On dangerous job sites, such feature is required for safety.

Do You Need a High-cut Work Boot for Your Construction Job?

The type of construction work you do ultimately dictates whether or not you need a high-cut work boot. As mentioned earlier, if your job entails a lot of moving and heavy lifting, you're most likely going to need a high-cut work boot.

Examples of these construction jobs include:

- Equipment installers
- Construction laborer
- Flooring installer
- Sheet metal worker
- Roofing professional
- Landscaper
- Pipelayer
- Iron worker
- Site inspector
- Plumber
- Logger
- Cleaners
- Farming jobs

On the other hand, construction work that may not require high-cut boots include vehicle or machine operators, civil engineers and project managers.

Another factor that could affect your decision in choosing a high-cut boot over a low-cut boot is the working environment. In snowy or wet sites, hazardous areas as well as locations with a lot of stairways, it is better to use high-cut work boots regardless of the job so that you can effectively get around in a safe manner.

Don't Forget about Boot-cut Work Pants

High-cut work boots for construction can be bulky, especially for models with padding around the collar. To make wearing and using high-cut work boots easier and more comfortable, pair this type of footwear with boot-cut work pants.

Boot-cut work pants have wide openings at the ends to accommodate boots.

WORKPLACE SAFETY REMINDER

Preventing Slips on Snow and Ice



To prevent slips, trips, and falls, employers should clear walking surfaces of snow and ice, and spread deicer, as quickly as possible after a winter storm. In addition, the following precautions will help reduce the likelihood of injuries:

- Wear proper footwear when walking on snow or ice is unavoidable, because it is especially treacherous. A pair of insulated and water resistant boots with good rubber treads is a must for walking during or after a winter storm. Keeping a pair of rubber over-shoes with good treads which fit over your street shoes is a good idea during the winter months.
- Take short steps and walk at a slower pace so you can react quickly to a change in traction, when walking on an icy or snow-covered walkway.

5 Best Practices For Improving Construction Worker Safety

Across the U.S., there are nearly 10 million people working in almost 3.8 million construction businesses daily. Although their work is essential to keep the economy thriving, their tasks come with certain hazards ([OSHA Quick Card](#)). They often work under unfavorable weather conditions, work at height, and many operate various kinds of heavy machinery.

However, the presence of these unavoidable hazards doesn't mean that workers' safety must be negatively impacted. To help construction businesses improve their safety performance, we're looking at 5 best practices that can immensely improve construction worker safety while on the job.



1. Update safety procedures and protocols

Sometimes vital safety documents and information end up neglected and almost completely forgotten.

Let's take the example of a safety policy. A documented safety policy is mandatory in an organization with five or more staff. Usually, it encompasses safety plans, emergency procedures, safety regulations, etc.

However, simply having this document doesn't mean that you're set up with safety. When were these documents last updated in your company? Do they reflect the latest version of safety information for the industry? Do your safety policies incorporate OSHA guidelines for [construction work](#)?

- Regular reviews and updates are necessary to enable companies to:
- Remain compliant with any changes to health and safety regulations.
- Safely adapt to changes in their business operations (e.g. a larger workforce, new machinery acquired, etc).

It's advisable to take action right away and confirm the status of your safety protocols and documentation. With the often hectic pace of work in construction businesses, it's possible that quite some time has elapsed since the last updates occurred.

Ideally, during this exercise, check for updates on other resources as well — such as your SOPs and safety checklists.

Digitizing of these documents can improve and simplify your safety procedures and practices. The availability of digital copies will make it easier to update and distribute these items among staff. Digitized copies will also empower staff to input their observations and feedback easily.

2. Benchmark safety performance

Across different industries, [benchmarking](#) remains one of the best practices that enables companies to identify areas of improvement, track their progress in those areas, and reach their goals faster. Regarding construction workers safety in the US, Bancroft construction and Denark Construction are often featured for being the best in safety standards, performance, and keeping records.

To benchmark your safety performance, you can research what these companies are doing differently, and find ways to integrate those ideas in your company's operations.

3. Onboarding processes

After attracting and hiring qualified job candidates, passing them through a thorough onboarding process can establish the foundation for safe work practices going forward.

When companies continually emphasize safety at this stage, it positively affects their perception about the company. This is also a key factor that helps to keep safety top of mind for their remaining stay in the organization.

During onboarding, it's necessary that new hires are exposed to two types of training, namely:

- Skill-based training, where new workers see hands-on demonstrations of the procedures required to perform specific tasks — e.g. handling hazardous equipment.
- Awareness-based training, using resources (e.g. safety policies, videos, audio, etc) to teach employees how to confidently identify, report, and manage safety risks.

4. Safety training

We've established that training new hires is one of the key best practices for improving safety. Another practice that improves safety is adopting a culture of frequent and continuous safety training and education for all workers.

This continuous training should cover topics such as:

- Identifying and reporting hazards
- Safely operating heavy machinery
- PPE usage

Additionally, consider investing in safety training and certifications offered by reputable OSHA-AUTHORIZED trainers.

These courses help to build competence for employees, and expose them to the most up-to-date and relevant safety information in the industry. Furthermore, they can later pass on their newly acquired knowledge to other staff.

5. Proactive equipment maintenance

There's hardly any task completed on a construction work-site without using a piece of equipment or tool. However, many of these assets pose serious risks for those operating them and everyone else in close proximity.

From cranes to compactors and even hand tools, the risk of equipment-related injuries is a daily reality for construction workers. Fortunately, these risks can be significantly reduced by keeping these assets in optimal condition — using a proactive and thorough construction asset management program.

A strategic asset management program will help keep infrastructure reliable and safe for many years. While adopting and implementing an asset management program, ensure that measures are in place to check and minimize the following common causes of maintenance inefficiencies:

- Rushing through maintenance procedures (pencil whipping) or even neglecting some maintenance tasks completely.
- Equipment-related hazards that aren't reported in a timely manner.
- Human error.

Let's look at the issue of [human error](#). This is a particularly tricky, but ever-present safety risk that most of us can relate to

In the context of equipment usage and maintenance, it manifests as "forgotten" repairs and other oversights. To minimize the impact of human error in maintenance, the accepted best practice is to automate as much of equipment maintenance as possible.

Construction maintenance teams can automate and streamline every area of equipment maintenance by deploying a computerized maintenance management system (CMMS). By using a CMMS, they can ensure that hundreds of repetitive maintenance tasks are organized and executed by the software while they focus on other work demands.

In Conclusion

In essence, worker safety will always remain a key issue in construction. And, the buck doesn't stop on the employer table. Certainly, employers have a large share of this responsibility. However, employees owe it to themselves to watch out for each other's safety as well.

With all parties working together, the goal of getting everyone home in a safe and healthy condition after a hard day's work will be easier to achieve.

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ONE STOP SHOP FOR TRAINING.

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

Questions?

CALL US!!

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Reminder - Revised Federal Drug Testing Custody and Control Form Mandatory



- ▶ 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.

DOT Implements Annual Regs Violation Penalty Increases

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

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

TWIC, Hazmat Endorsement Fees Get More Affordable

The **Transportation Security Administration** announced recently it is reducing the fees associated with obtaining a [Transportation Worker Identification Credential](#) (TWIC) and a [Hazardous Materials Endorsement](#) (HME). The new lower fees took effect Nov. 3.

TSA conducts security threat assessments (STAs) of applicants to these programs and collects fees from the applicants to recover its costs to conduct the vetting and credentialing. The administration said fees are impacted by several

factors, such as changes in contractual services. TSA reviews its fees every two years, and upon review, if it finds that the fees collected exceed the total cost to provide the services, or do not cover the total cost for services, it must adjust the fee.

Prior to Nov. 3, the application and renewal fee for the TWIC Program was \$125.25, while the reduced application fee for applicants who possess a comparable STA, such as an HME, was \$105.25. The replacement card fee for lost, stolen, or damaged TWICs was \$60.00.

In August, TSA implemented a new online renewal process for certain TWIC applicants, allowing permits-eligible applicants to renew their TWIC without visiting a TSA enrollment center. Online renewal will now cost \$117.25, with in-person renewals or new applications remaining at \$125.25.

The revised fee for an eligible reduced-fee enrollment decreased from \$105.25 to \$93, and the fee for a replacement card is the same at \$60.

For the hazmat endorsement, the fees will remain the same for new enrollments and renewals. However, TSA is revising the fees that apply when using a comparable threat-assessment to obtain an HME. The fees for applicants with a comparable assessment was reduced from \$67 to \$41.



DOT Awards Funding to Community Colleges to Prepare Veterans for Jobs in Trucking

The U.S. Department of Transportation's **Federal Motor Carrier Safety Administration** (FMCSA) has awarded \$3.1 million to community colleges and training institutes through the Commercial Motor Vehicle Operator Safety Training (CMVOST) Grant Program.

These grants will assist current and former members of the Armed Forces who want to pursue careers in trucking to get commercial driver's licenses (CDLs) and the training they need to enter the profession.



'Women Of Trucking Advisory Board' Holds Inaugural Meeting

New FMCSA advisory board focuses on harassment, violence against women truckers



The first meeting of the **Federal Motor Carrier Safety Administration's Women of Trucking Advisory Board (WOTAB)** was held Wednesday, Nov. 9, where members discussed crime prevention for female truck drivers and the results of a new **FMCSA** report on driver safety. Truck parking safety was among a **myriad of topics** discussed at the first meeting.

The **WOTAB** is composed of 16 founding members with diverse backgrounds in the industry, and is focused on recruiting, retaining, supporting and ensuring the safety of women commercial motor vehicle drivers and strengthening the trucking industry as a whole.

Collectively, **WOTAB** members have more than 80 years of driving experience with trucks, motorcoaches and ports and more than 275 years in trucking and other modes of transportation. Currently, women make up just 7% of all truck drivers on the road today.

"Truck drivers are the **lifeblood of American** supply chains, **yet at a time** when America needs truck drivers more than ever and **can't afford to leave** any talent on the table, **women are still vastly** underrepresented in the industry," said **U.S. Transportation Secretary Pete Buttigieg**, who **kicked off the meeting**. "Everyone deserves to **feel safe in the workplace**, and we're grateful to this first **Women of Trucking Advisory Board** for helping **address safety** and other industry challenges to ensure these good, vital careers are accessible to all."

FMCSA conducted its survey, [Crime Prevention for Truckers](#), to better understand the nature and prevalence of harassment and assaults against truckers, specifically women and minorities. The report details harassment, threats of harm, or actual physical harm perpetrated against truckers, their possessions, vehicles or cargo.

The survey found that female truck drivers are exposed to more sexual harassment at their companies or by their trainers than their male counterparts. Additionally, roughly half of the harassment incidents go unreported due to concerns that reporting the incident would not make a difference, the study found.

The **WOTAB** will use the results of this survey and other data, as well as the firsthand experience of its members, to make recommendations and discuss the next steps regarding the findings on harassment, assaults, and crimes being committed against women truckers.

"The survey information will contribute to better understanding obstacles to joining the industry, and to implementing best practices moving forward," said **FMCSA** Administrator Robin Hutcheson. "Addressing the results and recommendations of the study will be the first of many opportunities for **WOTAB** to make an impact."

Visit the [WOTAB website](#) for further information on the committee's activities to advance women in the trucking industry.

Comment Period on Potential Future ELD Regs Changes Closed

The final day to file a comment on the **Federal Motor Carrier Safety Administration's** notice soliciting feedback on a number of potential changes to the electronic logging device mandate was Tuesday, Nov. 15.

Back in September, the agency published an advance notice of proposed rulemaking asking for public comment "on ways to improve the clarity" of current ELD regulations, specifically as it relates to five areas:

- Applicability to pre-2000 engines, particularly glider kits featuring remanufactured pre-2000 engines
- The process for removing ELD products from FMCSA's list of certified devices
- Addressing ELD malfunctions
- Technical specifications
- ELD certification

On the issue of pre-2000 engines being exempt from ELD regs, **FMCSA** posited that many trucks with pre-2000 engines do in fact have ECMs that could accommodate an ELD. "Should **FMCSA** re-evaluate or modify the applicability of the current ELD regulation for rebuilt or remanufactured CMV engines or glider kits?" the agency asked.

A good many of the nearly 1,200 comments received up to the final day for comment pertain to that question, largely coming from truck owners who invested heavily in glider kits when the pre-2000 engine exemption was announced. When **FMCSA** published the ELD mandate final rule in 2015, it cited comments from the then-California Construction Trucking Association (now the Western States Trucking Association) that detailed research into the cost to bring many pre-2000 engines' electronic controls up to date such that they could satisfy the rule's technical specifications. While some ELD providers in their own commentary cited less-costly figures than CCTA, ultimately the agency agreed that retrofit may be cost-prohibitive for many, thus justifying the pre-2000 exemption in the current rule.

"Comments have indicated, and **FMCSA's** research has confirmed that pre-2000 model year trucks may not allow the ELD to connect easily to the engine," the agency wrote. "While the Agency has confirmed that there are ways of equipping older vehicles to use an ELD consistent with today's rule technical specifications, these are not always cost beneficial or practical. Further, the Agency lacks confidence that the technology will be available to address this entire segment of the market (pre-2000 model years) at a reasonable cost."

FMCSA Guidance Reaches For Clarity:

Do dispatch services need brokerage authority?

The **Federal Motor Carrier Safety Administration** published recently (Wed, 11/16) in the *Federal Register* interim guidance to provide clarification on the agency's interpretation of the definitions of "broker" and "bona fide agents," as well as the role of dispatch services, as it relates to broker-bonding and other regulatory requirements in trucking, an issue the agency sought public comment on earlier in the year.

While the [interim guidance](#) will be effective immediately, **FMCSA** is also seeking [comments](#) through Jan. 17 in response to the guidance and may issue updated guidance if comments demonstrate a need.

The guidance is in response to a requirement of the *Infrastructure Investment and Jobs Act* (IIJA), which mandated **FMCSA** issue guidance clarifying the definitions of the terms. The guidance was required to take into consideration how technology has changed the nature of freight brokerage, the role of motor carriers' bona fide agents, and other aspects of trucking.

FMCSA was also required to examine the role of dispatch services, the extent to which dispatch services could be considered brokers or bona fide agents, and clarify the level of financial penalties for unauthorized brokerages otherwise operating as dispatch services and not meeting bonding and other brokerage requirements.

Fundamentally, nothing is changing with regard to the **U.S. Code-codified and regulatory definitions** of what constitutes a **broker** or a **bona fide agent** of a motor carrier. But the agency's guidance places new emphasis on any intermediary broker's handling of money exchanged between a shipper and a motor carrier.

For dispatch services, the interim guidance attempts something of a definition in the absence of clarity in U.S. code and in regulation, and offers two sets of factors for players in the multi-carrier dispatch-service space to consider.

Explosion Of Communications Tech Fundamentally Changes Nothing About Broker/Agent Definitions

Regarding how technology has changed freight brokerage, **FMCSA** found that brokerage "has changed immeasurably due to technology, including moving from a phone-based system to one based on the internet." Yet those changes "do not impact the fundamental nature of brokerage" and do "not have a significant impact" on the guidance.

On the definition of "broker," **FMCSA** said it cannot change the actual definition without a rulemaking, but it can offer guidance. The agency said there was a split among commenters responding to a June request for comments on whether the current definition of broker was adequate, but a majority of commenters, **FMCSA** said, believed the current definition is adequate.

Given that prevailing view among commenters that the current definition of broker is adequate, the agency said it feels the need to clarify it in only one area -- the relevance of an entity's handling of funds in a transaction between shippers and motor carriers.

Several commenters believed if an intermediary is handling money between a shipper and a carrier, then the intermediary is conducting a brokered transaction and should have broker operating authority.



In its guidance, **FMCSA** said money exchanged between shippers and motor carriers is a factor that strongly suggests the need for broker authority, but it is not an absolute requirement for one to be considered a broker.

Regarding the definition of "bona fide agent," **FMCSA** said, "representing more than one motor carrier does not necessarily mean one is a broker rather than a bona fide agent." The agency noted that a determination would be "highly fact-specific and will entail determining whether the person or company is engaged in the allocation of traffic between motor carriers." Part of the codified definition of **bona fide agent** precludes such allocation.

Factors For Dispatch Services To Consider When Considering Brokerage-Authority Need

FMCSA noted that, while the infrastructure legislation required the agency to examine the role of dispatch services in trucking and the extent to which they would be considered brokers or bona fide agents, comments made clear there is no universally accepted definition of a dispatch service, nor did Congress define the term in the provision mandating the guidance.

According to a self-identified dispatch service commenting on **FMCSA's** June notice, dispatchers represent motor carriers and do not connect shippers and motor carriers as a broker does. They don't handle money, the dispatch service noted, but they do provide carrier support services. Other commenters noted that dispatch services perform back-office duties for carriers, including booking freight, administrative duties and basic accounting, and are paid a percentage of the freight from a carrier.

"After consideration of the public comments, while it is clear that there is no commonly accepted definition of a dispatch service, such services appear to have certain common features," **FMCSA** said. "First, they work exclusively for motor carriers, not for shippers. Second, they source loads for motor carriers. And third, they perform additional services for motor carriers that are unrelated to sourcing shipments."

FMCSA clarified in its guidance that "when a dispatch service does not participate in the arrangement of freight, or when it represents only one motor carrier, it is not a broker."

However, if a dispatch service arranges transportation on behalf of multiple carriers and engages in the allocation of traffic, "it is not a bona fide agent and must obtain broker operating authority registration."

The agency noted that, ultimately, whether or not a person or entity requires broker authority "is often highly fact-specific and must be made on a case-by-case basis." For dispatch services, that determination depends on if the services being provided fall within the definition of bona fide agent. However, if the dispatch service allocates traffic between two motor carriers, it cannot be a bona fide agent by definition.

In its guidance, **FMCSA** also lists nine factors relevant to whether a dispatch service is not required to obtain broker authority, and six factors that would indicate the dispatch service should obtain broker authority.

Trucking Groups Cite Privacy Concerns Over Electronic ID Proposal



Privacy concerns were a popular theme among the more than 2,000 comments submitted to the **Federal Motor Carrier Safety Administration** over a proposal to require electronic IDs on commercial motor vehicles.

Prompted by a petition from the **Commercial Vehicle Safety Alliance, FMCSA** issued an [advance notice of proposed rulemaking](#) that considers requiring all commercial motor vehicles operating in interstate commerce to possess a unique electronic identifier. **CVSA** claims the mandate would improve the efficiency and effectiveness of the roadside inspection program by allowing officers to focus their efforts on high-risk carriers and drivers.

The comment period ended Nov. 22, with nearly 2,100 comments submitted to the [Regulations.gov website](#). **FMCSA** will now be tasked with reading all of the comments before deciding whether or not to move forward with a notice of proposed rulemaking.

If the agency does elect to proceed, it won't be because of a lack of opposition. The **Owner-Operator Independent Drivers Association** called the proposal an "unwarranted intrusion," while most of the other trucking groups and individual truck drivers at least cited concerns regarding the security of information.

"Perhaps the most concerning aspect of this proposal is **FMCSA's failure to address** the shortcomings and security risks associated with previous technology-based requirements, including the **ELD mandate**," **OOIDA** wrote. "There is insufficient recognition of the concerns motor carriers and drivers have continuously expressed about privacy and data security, and there are no indications **FMCSA** has taken any meaningful steps to alleviate these concerns. Barreling forward with a new mandate involving the transmission of sensitive information only intensifies concerns involving identity theft, cargo theft, security threats and more."

Concerns

The **Specialized Carriers & Rigging Association** said it is "deeply concerned" about **FMCSA's proposal**.

"Requiring yet another on-board device to monitor their activities is highly intrusive, not only to the operator but to the carriers who are operating successful businesses in already heavily regulated industries," the group wrote.

The **National Association of Chemical Distributors** said the purported benefits of the mandate wouldn't outweigh the risks.

"**NACD** is concerned that adding a regulation to require electronic IDs poses the risk of burdening the trucking industry, creating security vulnerabilities, and exacerbating supply chain issues. Adopting this system would create more opportunities for sensitive information to be taken advantage of while also requiring business to adopt new administrative processes. Furthermore, there has not been any data to suggest that the addition of this kind of regulation would increase safety or inspection programs."

Hundreds of individual truckers also wrote in opposition.

"This is yet another breach of our right to privacy," one trucker wrote. "If this information is being transmitted, then everyone and anyone can have access to it. This is a privacy issue. We already have our trucking company information displayed on our trucks. All necessary information can be derived from the information that is already on the trucks."

The [American Trucking Associations](#) and [Truckload Carriers Association](#) did not formally oppose the proposal, but both organizations said that concerns would need to be addressed before they would endorse a rulemaking.

Supporters

Safety groups are the main proponents for a rule requiring electronic IDs.

"There is no question that electronic IDs will positively impact truck safety by making it far simpler and more efficient for law enforcement to use its scarce resources to maximize impact," the **Truck Safety Coalition** wrote. "For far too long, **FMCSA** has largely relied on an 'honor system' when it comes to enforcing safety standards. Electronic IDs help provide overdue transparency and accountability in monitoring the safety and compliance of commercial motor vehicles in day-to-day operations."

The **Advocates for Highway & Auto Safety** say the mandate would reduce crashes and save lives.

"**FMCSA** should promptly complete this rulemaking as truck crashes continue to needlessly claim far too many lives and cause far too many injuries each year," the safety group wrote.

However, **OOIDA** contends that an electronic ID mandate could negatively affect highway safety if enforcement officers begin prioritizing roadside inspections based on potentially unreliable data, instead of observable safety hazards.

"The **CVSA** petition contends a unique electronic identifier mandate would allow their members to better focus their enforcement efforts on high-risk carriers," the Association wrote. "**OOIDA** believes the systems currently used to determine high-risk carriers are critically flawed, such as the **Compliance, Safety, Accountability** program, diminishing any perceived safety benefits of the proposal."

HOS, Blue Lights Incompatible with Good Sleep

The top doctors studying sleep agree on one thing: *Trucking's hours of service regulations do not set up professional drivers for restful nights or long-term health. In fact, they serve as a pretty serious barrier, and with operators experiencing poor health outcomes and increased risks of things like diabetes, heart disease and obesity, it's time to get serious about fighting back.*

Hours of service regulation "goes against the nature of our body clocks," said National Sleep Foundation Vice President Dr. Joe Dzierzewski. Dzierzewski and the foundation last recently promoted what they call "[Drowsy Driving Awareness Week](#)," and he said truck operators face increased risk of being involved in a drowsy driving accident, but also the long-term impacts of disrupted sleep.

"Research shows upwards of 15% of all big rig crashes have fatigue or sleepiness as a cause, and there's a lot to be done in terms of driver awareness," said Dzierzewski. The NSF (*National Sleep Foundation*) has a [handy guide](#) on strategies to fight drowsy driving, most of which simply recommends healthy, consistent behaviors that Dzierzewski admits can be hard in the OTR lifestyle.

Often enough, demands of a particular load, or the preferences of individual operators looking to avoid increasingly hairy daytime traffic, mean truck owner-operators move at night. The International Agency for Research on Cancer made no bones about it in 2019: night shift work is "probably carcinogenic," the organization said. Though a small but significant share of owner-operators have noted more daytime truck traffic since the electronic-logging-device mandate came into play in late 2017 (which comes with its own risks), night work remains common for many; Dzierzewski pointed to an associated "increased rate of stroke, heart attacks, depression, and anxiety" as well as more vehicle crashes for people who consistently work nights.

It all comes down to the circadian rhythm -- the natural tendency of humans to sleep at night and work during the day. One of the world's top researchers on the subject, who practically introduced the concept to the world by writing 10 books and more than 140 scientific papers on the topic, is Dr. Martin Moore-Ede. The researcher's lately been on a crusade against one great modern killer of sleep: [Cheap blue lights](#).

Moore-Ede, who has done extensive work related to hours of service regulations ([demonstrating in 2007 a need for increased flexibility for operators with sleeper berths](#), among other things), said that today's HOS regs aren't exactly circadian-friendly, but the negative effects can largely be mitigated with a simple change of lighting.

LED lights have become the norm in electronic lighting from sleeper cabs to smartphone and tablet screens, and they "produce white light with a big pump of blue" in it, he said. "The blues are causing a problem. You need it during the day, but during the night you need to take it out."

This blue light is ubiquitous across all kinds of devices now because it's cheap. LEDs can efficiently convert electricity into light by doing it at frequencies that produce a lot of blue. Moore-Ede now works as the Chief Medical Advisor at Korrus, a company that says it's found a way to remove the harmful blue light and replace it with violet hues with a light that's still very efficient and not noticeably different.

It's important to note that neither the old blue-blocker shades at convenience stores nor your expensive Mac computer really work as advertised. Moore-Ede said they're not really blocking the right blues in the spectrum, and in the case of screen dimmers, the screens still use blue-heavy LEDs. Screen dimmers "are merely adjusting the color temperature of the light -- an aesthetic fix after Apple got very nervous when media came out with stories that blue light makes you fat."

As for those stories, he said they're unfortunately true. "Blue actually makes your appetite" increase at night, he said. "With regular LEDs, people start snacking more. They're much hungrier under the blue rich light than the zero blue."

Moore-Ede said research firmly supports that just a few days worth of night shift work under blue lights has a negative influence on sleep pattern, appetite, obesity and diabetes risk.

"You can make someone diabetic just by the simple thing of keeping them up all night under regular blue-rich LED lights," he said, citing studies of glucose tolerance. LEDs in trucks and logistics offices are "energy efficient and cheap, but it kills you. You don't have to wait for a cancer diagnosis. There's a very measurable type of effect."

Korrus manufactures and sells its own lights, and also has licensed its technology to other device makers. Moore-Ede suggested trucking could benefit from putting these lights in sleeper berths and dispatch offices.

"There are big benefits in terms of sleep and alertness and fewer errors, particularly in LTL hubs and warehouses with people doing all this sorting and unloading," he said. "That's a place where you can put in proper lighting and it takes the risk factor out of the equation." He likened the damage done by blue lights to jet lag, a "real nightmare" that can take days or weeks to recover from.

Both Moore-Ede and Dzierzewski agreed that it's probably smart to limit screen time and blue light exposure before bedtime, and for kids as well.

As for the hours of service regulations, Federal Motor Carrier Safety Administrator Robin Hutcherson said recently the organization had no plans to add greater rest flexibility than what already exists following the 2020 split-sleeper changes. "We're not looking at further changes right now," she said in an October interview. She hoped a driver compensation study and infrastructure improvement, among other initiatives, would yield safety benefits long-term.

If Moore-Ede and Dzierzewski's research is right, perhaps the agency should consider promoting awareness of blue light's effects. Owner-operators who put good emphasis on sleep and control those environmental factors likely can reduce the risk not only of crashes, but also silent, slow killers like diabetes and cancer.

Mine Rescue Teams are Critical to MSHA's Mission



President Taft and Joseph Holmes watch a mine rescue demonstration at Forbes Field on Oct. 30, 1911.

On Oct. 30, 1911, the **first national mine rescue demonstration** was held in the **U.S.** It was organized by Dr. Joseph A. Holmes, **who in 1910 was appointed** as the first director of the **U.S. Bureau of Mines** by President William Howard Taft. Holmes and Taft attended the **inaugural event at Forbes Field** in Pittsburgh, Pennsylvania. In 2013, [Oct. 30 was designated as National Mine Rescue Day](#).



Throughout our nation's history, members of the **mining community** have been called upon to **rescue their fellow miners from emergency** situations in **coal and metal and nonmetal mines**, whether trapped by **fires, explosions, roof falls**, flooding or harmful gases. Over time, these **mine rescuers have become better** trained and organized, and the **equipment they use has become** more sophisticated.

Today, **over 250 mine rescue teams are currently** certified and **equipped to perform mine rescue** operations in the United States. They **train and compete in mine rescue contests** nationwide, culminating in **national championships for coal and for metal and nonmetal mines**, so they are **ready to answer the call** that they hope never comes. **When they are called**, these rescuers **do not hesitate**. They undertake some of the **most difficult and risky emergency** response work in this country, sometimes **traveling miles in dark underground mines** filled with debris and **poisonous and explosive gases** to find missing miners or **recover those who did not survive**.



Mine rescue teams participate in the International Mine Rescue Competition in September 2022.

The time that **training, contests and rescues take from rescuers' families and communities** is **something we never take for granted**. Even those **rescue teams that never get the call** to a mine accident **play a critical role to keep all mine rescue teams ready**.

At **MSHA**, our mission is to **prevent death, illness and injury** from mining and **promote safe and healthy workplaces** for all U.S. miners. The **work that mine rescue teams do across the country is not only critical to our mission** – it saves lives.

On **Mine Rescue Day**, we salute these **brave individuals who give their time** and risk their lives in the **service of others**. Learn more about the **fascinating history of mine rescue** in this [short video](#). For **more information on mine rescue**, [visit our mine rescue training page](#).

MINER SAFETY & HEALTH APP



The **Mine Safety and Health Administration's** mission is to **help ensure miners go home** from work **safe and healthy**. As a result of **countless conversations**, feedback from **miners and members** of the mining community, **MSHA** now **has an app available** to provide **information directly to miners**.

The app **does not relieve mine owners and operators of their responsibility** to provide thorough, **substantive training** that is updated as **new information becomes** available. The app is an **additional tool to reach** miners quickly and **simply and help** keep them **safe and healthy**.

Miners can **use the app** to know and **understand their rights and responsibilities as miners**, to search and use **best safety and health practices**, and to **receive notifications of accidents** in the **mining community** – and **how to prevent them**.

The **app is available free** and **can be found by clicking Android or iPhone** and can **also be found** at the respective **app stores by searching for "Miner Safety & Health."**

National Safety Council Releases New Guidance on Preventing Workplace Violence



Workplace violence is on the rise, yet nearly half of U.S. employers report they are unprepared to prevent and respond to incidents on the job. Recognizing this critical gap in safety preparedness, the National Safety Council, America's leading nonprofit safety advocate, released a report and playbook through its [Work to Zero](#) initiative: [Workplace Violence: Using Technology to Reduce Risk](#). This new resource aims to equip organizations with the information and solutions they need to more effectively mitigate and address workplace violence.

"Research shows that overt acts of workplace violence rarely occur out of the blue, but too often the catalyst for implementing effective means of prevention comes in the wake of tragedy," said Paul Vincent, NSC executive vice president of workplace practice. "This report provides business leaders and safety managers alike with a foundation for understanding the top workplace violence trends and industry-specific risk factors, while offering a playbook to prevent on-the-job assaults and fatalities before they occur."

In 2020, the Bureau of Labor Statistics found nearly one in six occupational fatalities stemmed from violent incidents. Additional research further illustrates the threat workplace violence poses to workers across all industries and occupations:

- *Over the past decade, healthcare has consistently ranked as the industry most impacted by workplace violence, with an average of nearly 13,000 non-fatal violent incidents occurring annually.*
- *Behind transportation incidents, violence is the most common cause of death for women in the workplace.*
- *Frontline retail and transportation workers face the highest risk of criminal-perpetrated violence. Flight attendants, teachers and law enforcement officers are most susceptible to acts of violence committed by culprits.*

In addition to calling for more legislative action to address this national issue, the report examined key steps employers can take to reduce workplace violence risk, including:

- **Designating a workplace violence prevention task force.** *In addition to bringing a multi-disciplinary understanding of risk assessment, this group is likely to have an existing rapport with employees, making them ideally equipped to perform trainings on sensitive safety topics.*
- **Conducting regular table-top exercises or simulations** to engage key stakeholders, identify gaps in existing prevention plans and clarify worker responsibilities in emergency situations.
- **Utilizing technology to prevent workplace hazards.** *Notably, the report outlines the benefits and applications of 10 key technologies, such as digital floorplan mapping, virtual reality training, and weapon detection systems.*
- **Fostering a workplace culture in which psychological safety is prioritized,** and where all workers feel empowered to voice concerns and initiate broader safety conversations.

"Employees serve as the eyes and ears of their organization, and their role in preventing workplace violence cannot be overstated. This report not only details how employers can implement the latest safety technology into their workplace but identifies specific steps leaders can take to enhance employee engagement enterprise wide. Together, these safety solutions can make the difference between a high and low risk workplace," said Emily Whitcomb, director, *Work to Zero*, NSC.

IMPORTANT REMINDERS FOR THIS HOLIDAY SEASON & BEYOND ...

Plan to Drink, Use Cannabis, or any other Drug?

- Plan a sober ride home before heading out.
- Consider getting a sober ride to your destination so you won't be tempted to later drive impaired. Options available include taxis, Uber, Lyft and public transit.
- If you have a designated driver, ensure they are truly sober, not simply more sober than you are. Buzzed driving is still drunk driving.
- If you're ever unsure whether you are safe to drive, always err on the side of caution and find a sober ride home.

Hosting a Party?

- Encourage your guests to designate a sober driver or plan for a safe ride home before heading over.
- Create an Uber or Lyft group ride code for your party and share with your guests.
- Provide plenty of food and non-alcoholic drinks and encourage your guests to bring their favorites to keep everyone fed and hydrated throughout the party.
- Don't forget that, as a host, if you serve a guest alcohol and he or she gets in a crash, you could be held liable.
- Offer guests a night on your couch if a sober ride home is unavailable.

Are You the Designated Driver?

- If you're driving, do not drink. Your responsible choice can save lives.
- Offer safe rides to those who may not have prepared a sober ride home.
- Buckle up for safety and require all your passengers to do the same when it's time to head home.

