



Important Message to our fellow Business Owners, Clients and Communities

We are closely following the latest guidance from the Centers for Disease Control (CDC), the World Health Organization (WHO), local governments, and public health agencies and are prepared to navigate these challenging circumstances with everyone's safety in mind.

Like all of you, we are closely following the latest guidance from the Centers for Disease Control (CDC), the World Health Organization (WHO), local governments, and public health agencies and are prepared to navigate these challenging circumstances with everyone's safety in mind.

Our physical office remains open to continue to serve our clients during this evolving situation. Social distancing protocols, class size limitations, and pre-entry screening have become a part of our daily lives.

Due to heightened health and safety measures recommended by the CDC and implemented by state and local health departments, we have enacted the following:

- Capacity is limited to not more than 10 people at a time in one area.
- Our staff disinfects all common surfaces after each class
- Masks may be required when social distancing cannot be maintained
- 1st Aid/CPR courses will require each student utilize their own mannequin. There will be no sharing of supplies of mannequins during class.
- Respiratory fit tests, drug test collections, and alcohol breath collections will be conducted according to the current best practices.

Our sincerest gratitude for your business and the opportunity to serve you. Considering the current global situation surrounding the Coronavirus (COVID-19) pandemic, we wanted to reach out and share the actions [MJS Safety LLC](#) is taking to keep your operations up and running.

carriejordan@mjsafety.com — mjs@mjsafety.com — jeremyjordan@mjsafety.net

Because information regarding COVID-19 and its widespread effects is ever-changing, articles in this month's newsletter referring to COVID-19 will show the release date of the information. We will do our best to pass along the most current information. However, if an article relates to you or your industry directly, you may want to check for any updates that might affect you.

Here are some of the many helpful Resource links:

- [CDC – Centers for Disease Control](#) – Important info re: **2020-2021 Flu Shots** & the **COVID-19 vaccine**
- [CDPHE – Colorado Department of Public Health and Environment](#)
- [WHO - World Health Organization](#)
- [Water and COVID-19 Frequently Asked Questions](#)
- [OSHA Guidance on Preparing Workplaces for COVID-19](#)
- [OSHA Alert — Prevent Worker Exposure to Coronavirus \(COVID-19\)](#)
- [DOL Resources to help Workers and Employers Prepare for the COVID-19 virus](#)
- [Colorado Works — Temporary Assistance for Needy Families \(TANF\) program](#)
- [Colorado PEAK - Medical, Food, Cash, and Early Childhood Assistance programs](#)
- Covid19.colorado.gov

Good Wishes for a Healthy & Happy 2021 ❖ from all of us at MJS Safety



Important Updates from the State of Colorado/ Colorado Department of Revenue

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

➔ Please see the Home page for detailed information on what will be required prior to visiting one of the locations. Here's the [link](#) for complete details.

Nov 2020

→ The **Colorado Department of Revenue – Division of Motor Vehicles** [posted updated restrictions](#) for their locations, listed by county and effective dates.

In this issue – JAN 2021

▶ **MJS SAFETY TRAINING ANNOUNCEMENT**

MJS SAFETY LLC is proud to continue offering Operator Qualifications through a variety of programs such as NCCER and O.Q.S.G. to our OQ Services.

MJS SAFETY LLC is an "Authorized Assessment Center" for Proctoring Final Assessments and completing Performance Evaluations for O.Q.S.G. and NCCER – as well as other OQ disciplines such as MEA-EnergyU, Veriforce & EnergyWorldNet. [read more...](#)

▶ **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 the end of May. 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

▶ **COVID-19 Q&A** [read more...](#)

▶ **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...](#)

▶ **COVID-19 Continues to Impact Our Personal and Professional Lives.**

How Can We Reduce Outbreaks? [read more...](#)

▶ **BLS: Workplace Fatalities at Highest Level in 12 Years**

A total of 5,333 workers died as a result of on-the-job injuries in 2019... [read more...](#)

▶ **Emergency Rules Require Public Health Emergency Leave for ALL Employees on January 1**

On December 23, 2020, the Division of Labor Standards and Statistics in the Colorado Department of Labor and Employment (CDLE) adopted temporary or emergency rules concerning the Healthy Families and Workplaces Act (HFWA)... [read more...](#)

TRANSPORTATION NEWS SUMMARY

▶ **Trucker Safety Video Unveiled for I-70**

The Mountain Rules: *Slow, Steady, Safe for the Long Haul* [read more...](#)

▶ **Relief Extended for License Delays due to COVID Disruptions**

Because truck drivers are essential workers and many state driver license agencies have backlogs, FMCSA has again extended its waiver for license renewals. [read more...](#)

▶ **ORM-D Phase Out**

After December 31, 2020, hazmat shippers will no longer be able to use the ORM-D Consumer Commodity marking on packages containing limited quantities of low risk hazardous materials. [read more...](#)

▶ **TSA NOT Extending HME Further**

ATA learned TSA would **NOT** be extending the [current exemption](#) for **Hazardous Materials Endorsement (HME) Security Threat Assessment (STA)**, also known as background checks. [read more...](#)

▶ **Roadcheck Inspection Blitz Targets Driver Violations**

During this year's *International Roadcheck*, 45,046 Level I, II and III Inspections were conducted in the U.S. [read more...](#)



▶ **Avoiding Brake-Related Out-of-Service Incidents**

A good place to start is making sure you're checking the same things roadside inspectors are. [read more...](#)



▶ **Third-Party CDL Testing from Trainers OK, says FMCSA**

Should the same person who trained a truck driver be allowed to administer the driver's CDL test? [read more...](#)



▶ **3 Ways Drivers Can Boost Their Immune Systems**

The past few months have been unique and challenging, to say the least. [read more...](#)



▶ **CDC Releases New Drug-impaired Driving and Data Linkage Fact Sheets**

Impaired driving happens when someone operates a vehicle while impaired by a substance like marijuana, other illicit drugs, some prescribed or over the counter medicines, or alcohol. [read more...](#)

▶ **FMCSA Drug, Alcohol Clearinghouse Records 46,000 Violations in First 10 Months Online**

The leading cause of drug test failures was marijuana. [read more...](#)

▶ **What Does MORE Act Mean for Truckers and Marijuana?**

Would transportation workers be left out of federal decriminalization of marijuana? [read more...](#)



MSHA NEWS SUMMARY

▶ **Opioids & Aggregates**

Miners Are Among the Most Likely Workers to Receive an Opioid Prescription, Putting Them at High Risk for Addiction. [read more...](#)



MONTHLY SAFETY & HEALTH TIP NEWS SUMMARY



▶ **National Safety Council Report:**

Here's How COVID-19 Will Fundamentally Alter the Future World of Work [read more...](#)

MJS SAFETY LLC is proud to offer NCCER, OQSG, Energy Worldnet, MEA EnergyU, and Veriforce Operator Qualifications.

MJS SAFETY LLC is an "Authorized Assessment Center" for Proctoring and Testing for ENERGY worldnet, Inc., as well as OQ Performance Evaluation Services.

MJS SAFETY LLC continues to offer Proctor and Testing Services, as well as Operator Qualification [OQ] Performance Evaluations under the "EnergyU" system – a service of Midwest ENERGY Association – as well as Veriforce.

MJS SAFETY LLC has "Authorized" Performance Evaluators on staff that can perform this service for specific "Covered Tasks."

MJS SAFETY LLC is also available to assist with the Knowledge Based Training for these tasks. Knowledge-based training is designed to help personnel successfully pass the OQ Knowledge Based Testing as well as the Performance Evaluation process.

The Operator Qualification Rule – commonly referred to as the "OQ Rule" addressed in Title 49 of the Code of Federal [US DOT] regulations, mandates that individuals who perform "Covered Tasks" on covered pipeline facilities be qualified through the Operator Qualification Process.

The intent of the OQ rule is to ensure protection of both pipeline personnel and the public at large. Providing individuals with the necessary knowledge and skills is an essential element of any Operator and Contractor OQ plan.

Acceptable requirements for qualification are determined by the operator. The quality and validity of data related to OQ training, testing, and performance is critical to meet these requirements.

If we can be of assistance with these types of services for your company, please [call to schedule](#).

MJS 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)

CONFINED SPACE ENTRY RESCUER TRAINING

This course is designed to train your employees to perform the duties of the designated rescuer for confined space entry operations. This 2 day hands-on course will take employees through a variety of scenarios, equipment use, and rescue techniques. Additional training for respiratory protection, medical evaluation & fit testing, and 1st Aid/CPR is needed to complete the rescuers credentials.

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

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

SOURCES FOR THIS ISSUE INCLUDE:
 OSHA
 FMCSA
 MSHA
 CDOT
 CDC
 CVSA
 ISHN
 HDT TruckingInfo
 Transport Topics
 USDOT-Pipeline & Hazardous Materials Safety Admin.
 NIOSH
 CMCA
 BLS
 National Safety Council
 rockproducts.com
 Sherman&Howard

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

• *SEE [MORE INFORMATION](#) FOR Distance Learning & Video Conference classes*

- ***PEC Safeland Basic Orientation: January 8, 21, 29; 8 – 4:30;**
This class is available through video conference instructor led distance learning through 12/31/2020 - only upon request
- ***First Aid/CPR/AED/BLOODBORNE PATHOGENS (We offer MEDIC FIRST AID): January 11; 8 – noon;**
This class available for blended learning (online) with remote or in-person skills assessment
- ***Hydrogen Sulfide Awareness [ANSI Z390 -2017 Course]: January 11; 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 or Mike at 303-881-2409

— 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
 or Mike
 303-881-2409

Unable to attend a class?

MJS 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

- ISNetworld
- 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

COVID-19 Q&A



Will employers have additional time to complete annual training requirements because of mandated social distancing and other restrictions enacted during the coronavirus pandemic?



OSHA issued [interim guidance](#) on using discretion in enforcement when employers make good faith efforts to comply with OSHA standards during the pandemic.

▶ **MJS Safety can help guide you through the requirements. Call us!** ◀

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

(questions are grouped by topic)

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*.

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

COVID-19 Continues to Impact Our Personal and Professional Lives.

How Can We Reduce Outbreaks?

What Can We Do as Safety Leaders to Ensure Our Employees Stay Safe?

Workers and employers are seeking new ways to provide service while keeping their workforce and others safe. Get [information](#) for implementing COVID-19 procedures to prevent exposure, infection, and spreading.

~ And check out how one company is dealing with the pandemic ~

Watch this [FREE webinar](#) with Alcumus eCompliance customer, **Avenge Energy**, on how they are doing onsite testing to get immediate **COVID-19** results to reduce the spread of **COVID-19**. Andrew Bursey, Director of **HSE and Transportation** from **Avenge Energy**, walks you through:

- How he implemented this proactive onsite testing program to mitigate COVID-19 outbreaks
- How Alcumus eCompliance assisted in digitally tracking all results in real-time
- How other high-risk companies can implement our COVID-19 Tracking Package



Mitigate COVID-19. Protect your team. Streamline safety in real time.

P.S. Read Avenge Energy's Case Study to learn more about how Alcumus eCompliance helped reduce COVID-19 outbreaks and drive safety success [here](#).

BLS: Workplace Fatalities at Highest Level in 12 Years

A total of **5,333 workers** died as a result of **on-the-job injuries** in **2019** – a **1.6% increase** from **2018** and the **highest number** of fatalities since **5,657 were recorded in 2007**, according to [Census of Fatal Occupational Injuries data](#) released Dec. 16 by the **Bureau of Labor Statistics**.

Additionally, the **data shows** that the **overall rate of fatal workplace injuries** was unchanged, remaining at **3.5 per 100,000 full-time equivalent workers** for the third **successive year**. Key statistics in the report include:

- *1 out of 5 workplace fatalities in 2019 were Hispanic or Latino workers. The 1,088 deaths among this group marks a 13.2% jump from the previous year and the most since the census began in 1992.*
- *Transportation-related fatalities rose 2% to 2,122 while accounting for 39.8% of all fatal work-related injuries.*
- *Slips, trips and falls resulted in 880 deaths – an 11.3% increase from the previous year.*
- *Workers in construction and extraction occupations experienced 1,066 fatal injuries – a 6.3% increase from 2019 and the highest total since 2007.*
- *Drivers/sales workers and truck drivers experienced 1,055 fatal injuries, the most since 2003.*
- *Deaths related to unintentional overdoses from nonmedical drug or alcohol use while at work climbed slightly to 313, marking the seventh straight annual increase in this category.*

“Fatalities should never be the **cost of doing business**,” the **National Safety Council** said in a **statement**. “Employers need a **systematic approach** to safety that **includes having** policies, training and **risk assessment techniques** in place to **address major** causes of fatalities and **injuries**. Leadership needs to **set the tone** from the top and **engage all workers** in safety, **identify hazards** and measure **safety performance** using leading indicators to **continuously improve**.”

“With many **safety advancements** being readily available to **employers nationwide**, it’s troubling that we’re **continuing** to see **higher numbers** of worker fatalities,” said **ASSP President** Deborah Roy, M.P.H., RN, COHN-S, CSP, CIT, FASSP, FAAOHN. “Most **occupational incidents** are **preventable** given today’s **technologies** and proven **safety and health strategies**.”

The **data release** is the **second** of two **annual BLS reports**. The first, released **Nov. 4**, explored [nonfatal injuries and illnesses among private-sector employees](#).

Emergency Rules Require Public Health Emergency Leave for ALL Employees on January 1

Source: [Brooke Colaizzi](#), [Amy Knapp](#), and [Beth Ann Lennon](#) of Sherman & Howard

On December 23, 2020, the **Division of Labor Standards and Statistics** in the **Colorado Department of Labor and Employment (CDLE)** adopted **temporary or emergency rules** concerning the **Healthy Families and Workplaces Act (HFWA)** as it **applies** beginning on **January 1, 2021**.

Specifically, the **rules interpret** the **HFWA’s** requirement that **employers provide** employees with **supplemental paid sick leave** of up to **80 hours** for a **public health emergency** to be **applicable to all** employers, **regardless** of size and **industry**, and **immediately** upon **January 1, 2021** because of the **COVID-19 pandemic**.

Read the full advisory [here](#).

For **any questions** about this **advisory**, please contact a **member** of the **Sherman & Howard Labor & Employment Group**.

Trucker Safety Video Unveiled for I-70

The Mountain Rules: *Slow, Steady, Safe for the Long Haul*

With winter officially getting underway, the Colorado Department of Transportation, in partnership with the Colorado State Patrol and Colorado Motor Carriers Association, are distributing a video to help educate truckers on the challenges and best practices for safely traveling the *Interstate 70 Mountain Corridor*.

The **Mountain Rules** video includes information on potential hazards truckers may face driving the Corridor year-round, including sudden weather changes such as heavy snowstorms, high winds, poor visibility and avalanches – along with rockfall, wildlife, and wildfires.

“Our mountains can be an immense challenge for all drivers but especially for those who drive semi-trucks. Producing this video as part of **The Mountain Rules** program is another tool designed to prepare in-state and out-of-state truckers for what they may encounter when driving through the high country,” said CDOT Executive Director Shoshana Lew. “The mantra is simple – ‘*Slow, Steady, Safe for the Long Haul*’ – no matter the time of year you’re traveling I-70.”

In addition to the natural hazards, the video also details other challenges truckers may encounter, including chain laws, steep grades and overheated brakes.

“Safety is our first priority and the video reiterates the necessary key practices and what the existing options are when driving the I-70 West corridor, including the availability of runaway truck ramps,” said CSP Colonel Matthew Packard. “Those ramps exist for all commercial carriers. Should your brakes fail, please save lives and use those ramps. You will not be cited by law enforcement for using them in an emergency.”

CDOT’s Freight Office and CMCA are distributing the video to numerous freight industry stakeholders, including state and national trucking companies and associations, Ports-of-Entry, truck driving schools and other educational institutions.

“The **Mountain Rules** video provides an excellent framework for safe driving for truck drivers through the forever changing and unpredictable conditions that one may experience in traveling through Colorado’s High Country,” said CMCA President Greg Fulton. “The video provides a great overview of the mountain terrain, geo hazards and extreme weather conditions as well as preparing drivers for snow, wind, rain, chaining up/down and navigating the steep hills to avoid overheating brakes.

We commend CDOT for their work and for partnering with Colorado State Patrol and the Colorado Motor Carriers to enhance the safe travel of Commercial Motor Vehicles in Colorado.”

CDOT, CSP and CMCA would like to thank Colorado truck driver and America’s Road Team Captain Nate McCarty from ABF Freight for narrating **The Mountain Rules** video.

BACKGROUND

The **Mountain Rules** is a strategic and comprehensive safety-focused campaign between CDOT, CSP and CMCA, designed to inform and educate in-state and intra-state trucking companies and drivers of the challenges of driving in Colorado’s mountains. I-70 is serving as the pilot corridor for implementation of new safety elements and protocols. The **Mountain Rules** video is a key component of the overall campaign.



Relief Extended for License Delays due to COVID Disruptions

Because truck drivers are essential workers and many state driver license agencies have backlogs, FMCSA has again extended its waiver for license renewals.

The **Federal Motor Carrier Safety Administration** has extended the waiver of commercial drivers' licenses, learners permits, and medical certificate requirements that was set to expire on Dec. 31.

This waiver becomes effective on Jan. 1, 2021 and expires on Feb. 28, 2021. States must individually authorize the extensions.

The extension was needed because potential backlogs that still exist at some state driver's license agencies across the country from shutdowns earlier in the year. On top of that, some areas have implemented new, stricter stay-at-home orders and other emergency measures in the face of major surges in COVID-19 cases and hospitalizations, which will likely cause further economic and logistical disruptions.

In response to emergency declarations from President Trump, in March, June, and September, **FMCSA** granted waivers covering various regulatory provisions affecting CDL holders, CLP holders, and non-CDL drivers operating commercial motor vehicles, the latest of which will expire on Dec. 31, 2020.

Due to the COVID-19 public health emergency, many states are experiencing greater than normal employee absences, reduced hours of operation, or closures of their licenses offices.

And the pace of return to normal operations after lockdowns earlier this year has varied across the country, causing backlogs that have left many CDL and CLP holders unable to renew their CDLs and CLPs or provide medical certificates to the license office.

In addition, due to limited operations or backlogs among medical examiners, drivers may not be able to get appointments for the required physical examinations.

ORM-D Phase Out

After December 31, 2020, hazmat shippers will no longer be able to use the ORM-D Consumer Commodity marking on packages containing limited quantities of low risk hazardous materials. Packages must be marked with the Limited Quantity marking in accordance with the Code of Federal Regulations, Title 49, Section 173.156.

PHMSA published a final rule in January 2011 that revised the Hazardous Materials Regulations (HMR) to align with various international standards regarding hazard communication, hazard classification including packing group assignment, packaging authorization, air transport quantity limitations, and other harmonization-related topics. This final rule specified the phase-out of the marking for limited quantity materials reclassified as "other regulated material" (ORM-D).

What is ORM-D?

The ORM-D classification stands for **Other Regulated Materials—Domestic** and is used for materials that meet the DOT definition of a *consumer commodity*. A consumer commodity, as defined in § 171.8, is a material that is packaged and distributed in a form suitable for retail sale or consumption by individuals for purposes of personal care or household use.

[Federal Register Notice](#)

[ORM-D Phase-Out Poster.pdf](#)

See [more information](#) on the phase-out



U.S. Department
of Transportation

Pipeline and
Hazardous Materials
Safety Administration

TSA NOT Extending HME Further

ATA learned TSA would **NOT** be extending the [current exemption](#) for Hazardous Materials Endorsement (HME) Security Threat Assessment (STA), also known as background checks. The exemption for HME STAs will expire, as scheduled, on **December 31, 2020**. TSA had previously extended and then re-extended the exemption but now reports no backlogs in state applications and says **DMVs** have not approached them about processing center closures.

This exemption applied to individuals with HMEs that expire between **October 30** and **December 31** from undergoing a new STA. It also lets states extend HMEs by up to 180 days. Drivers must have initiated or completed the submission of the required information at least 60 days before the expiration of state-granted extension dates to be eligible for the extension.

As a reminder, the HME extension *only* applies to the **STA / Background** check – **NOT** the issuance of an **HM Endorsement** by state drivers licensing agencies on a **Commercial Driver's License**.

Roadcheck Inspection Blitz Targets Driver Violations

During this year's International Roadcheck, 45,046 Level I, II and III Inspections were conducted in the U.S.



Nearly 21% of vehicles were put out of service during CVSA's annual Roadcheck inspection blitz in September, up from just under 18% last year. And with a special focus on drivers this year, more than 3,000 drivers were put out of service, nearly 35% of those for hours-of-service violations.

More than 50,000 North American Standard Level I, II, III and V Inspections were conducted throughout Canada, Mexico and the U.S. during the Commercial Vehicle Safety Alliance's three-day International Roadcheck commercial motor vehicle and driver inspection and enforcement initiative. This year's event took place Sept. 9-11, after being postponed from its original May dates due to the coronavirus pandemic. (Law enforcement personnel conducted inspections following their departments' health and safety protocols to protect inspectors and drivers.)

The overall vehicle out-of-service rate in North America was 20.9%. By comparison, in 2019, CVSA reported that of the 67,072 inspections conducted, more than 12,000 vehicles were put out of service, representing a 17.9% overall vehicle out-of-service rate.

Top Five Vehicle Out-of-Service (OOS) Violations – North America

	Violation Category	# of OOS Violations	% of OOS Vehicle Violations
1	Brake System	3,163	25.8%
2	Tires	2,326	19.0%
3	Lights	1,650	13.5%
4	Cargo Securement	1,586	12.9%
5	Brake Adjustment	1,567	12.8%

The total number of out-of-service vehicle violations from Canada, Mexico and the U.S. combined was 12,254.

Brakes continue to be the most common cause of out-of-service violations during CVSA Roadcheck.

Each year, International Roadcheck places special emphasis on a category of violations. The 2020 focus was on the driver requirements category of a roadside inspection. A driver may be placed out of service for violations related to the driver's age; commercial driver's license or operator's/chauffeur's license or permit; medical/physical requirements; record of duty status (hours of service); sickness or fatigue; or intoxicating beverages, drugs and other substances.

The total number of driver out-of-service violations was 3,247. The top driver out-of-service violation during the 2020 Roadcheck was for hours of service, accounting for 34.7% of all driver out-of-service violations. That's a lower percentage than last year, when 2,784 drivers were put out of service, with hours of service at violations making up 37.2%. Despite the fact that the electronic logging device mandate came fully into effect between the 2019 and 2020 inspection blitzes, the percentage of false log violations was not drastically different: 14.7% in 2019 and 14% in 2020.

Top Five Driver OOS Violations – North America

	Violation Category	# of OOS Violations	% of OOS Driver Violations
1	Hours of Service	1,128	34.7%
2	Other (moving violations, cell phone use, etc.)	709	21.8%
3	Wrong Class License	687	21.2%
4	False Logs	455	14.0%
5	Suspended License	141	4.3%

Hours of service continue to dominate driver out-of-service violations, despite mandatory ELDs.

During 2020 International Roadcheck, CVSA -certified inspectors primarily conducted the 37-step North American Standard Level I Inspection; however, the Level II Walk-Around Driver/Vehicle Inspection, Level III Driver/Credential/Administrative Inspection and Level V Vehicle-Only Inspection were also acceptable. All told, this year, CVSA said, 26,451 Level I Inspections, 11,224 Level II Inspections, 11,364 Level III Inspections and 1,112 Level V Inspections were conducted.

Vehicles without critical vehicle inspection item violations, after a Level I or Level V Inspection was completed, were eligible for a CVSA decal. Decals were applied to 9,303 power units, 3,662 trailers, and 123 passenger carrier vehicles, for a total of 13,088 decals issued throughout North America.

The CVSA decal is a visual marker that signifies a vehicle has been inspected by a CVSA -certified inspector and no critical vehicle inspection item violations were detected. Generally, vehicles with recently issued decals, which are valid for up to three months, are not re-inspected.

Avoiding Brake-Related Out-of-Service Incidents

A good place to start is making sure you're checking the same things roadside inspectors are.



Because most fleets conduct robust brake maintenance, brake issues are more likely to be discovered by a roadside inspector than at any other time, resulting in totally inconvenient, largely unnecessary, expensive service delays. But if brake maintenance processes are solid, why are so many trucks being sidelined by inspectors?

Inspection statistics show brake systems consistently are the biggest culprit for out-of-service declarations at roadside inspections. 2019's annual **Roadcheck** week by the **Commercial Vehicle Safety Alliance**, although focused on steering systems, was no exception, with more than 28% of reported out-of-service events related to brake systems.

Any out-of-service declaration is not only inconvenient, but also has the added downside of impacting **CSA** scores. And given the attention on driver hours of service under new electronic logging device rules, downtime due to a roadside inspection includes the penalties of delaying service to a customer and complicating hours-of-service — all over a largely preventable occurrence.

So how can a fleet, especially one with trucks operating across a wide geographic territory, prevent or reduce the possibility of its trucks being sidelined by a roadside inspection event?

Review Your PM Process

The first step is to ensure that a fleet's first line of defense, preventive maintenance, fully embraces the **Federal Motor Carrier Safety Administration's Rule 396.17** on braking performance. A good summary starting point is a review of **CVSA's** Level I Inspection checklist. Using the 11 items related to braking systems, fleets can compare that to their own PM checklist.

Both the **CVSA** and the **Technology & Maintenance Council** of the **American Trucking Associations** offer excellent resource material providing inspection and maintenance detail on each braking system component.

One common misconception involves automatic slack adjusters, also called automatic brake adjusters. Just because they're automatic doesn't mean they are maintenance-free. In addition to requiring periodic lubrication at each PM, they can lose their adjustment criteria for mechanical reasons.

Manually adjusting an automatic slack adjuster is never recommended, as doing so masks the underlying problem and may give the driver a false sense of security. The National Transportation and Safety Board has very strongly worded language against manually adjusting an automatic slack adjuster.

Instead, within their PM process, fleets should always include an operational check of slack adjuster travel, regardless of slack adjuster type, and repair/replace adjusters that fail to conform operationally. In the case of automatic slack adjusters, when they do not operate properly, it's very likely the cause lies beyond the adjuster itself.

Routine PM processes for a fleet should include these elements:

- *Correcting brake adjustment, either manually or, if equipped with automatic slacks, assuring adjuster rates of travel is correct;*
- *Antilock brake system warning light operation;*
- *Inspection of air hoses and tubing, preferably with the brakes applied;*
- *Assurance that all hardware is in place and secure;*
- *Proper thickness of linings and drums exists;*
- *No presence of air leaks;*
- *The low air warning system operates properly.*

A block of wood can be a handy helper in brake maintenance. Cut to a length allowing it to be wedged as to assure full application of the foot brake pedal, it can be used to apply the brakes, allowing the technician or the driver to conduct a walk-around to listen for air leaks and visually inspect tubing and connections for bulges or looseness.

Another use for this seemingly primitive tool is to check for wheel end play or wobble after removed wheels are reinstalled following the performance of brake or related wheel-end maintenance, such as lining, bearing or seal replacement.

On the other end of the sophistication scale for brake inspection tools, some state inspectors and fleets use a **Performance Based Brake Tester (PBBT)** in their inspection and/or maintenance processes. This tool includes the loaded weight of the vehicle, per axle, and calculates the effectiveness of the truck's actual braking performance under load. While being a generally accurate test, it also can pinpoint specific axles with braking system issues, allowing focus on that axle specifically.

The Driver's Role

It is an industry given that commercial drivers are required to perform a pre-trip inspection. But it is also an industry given that a typical driver's pre-trip inspection is less comprehensive than most fleets would prefer and/or admit. Although the pre-trip inspection is the first line of defense in preventing an inspection-related out-of-service violation, many drivers perform this function in a sub-standard fashion, and fleets suffer the consequences.

Just as up-to-date training is essential in educating technicians on the latest PM processes, the same is true for drivers. Reinforcing the importance of a high-quality pre-trip inspection through training can be money and time well spent. Unfortunately, this step is often missed by fleets who prefer to presume their drivers are performing this task as thoroughly now as when they were testing for their commercial driver's license.

Proactive fleets conduct driver inspection workshops on a regular basis, which includes the process of testing and adjusting brakes on tractors and trailers. Unless drivers have specifically been trained under **FMCSR 396.25**, they are prohibited from adjusting their brakes. Fleets that train to this requirement recognize both the operational and safety benefits. (*But again, drivers should not be trying to adjust automatic slack adjusters.*)

Don't Overlook Brake Imbalance

Yet another brake system element that is often overlooked is balance. In a tractor-trailer application, balance may be critical in brake operation. Brake imbalance can result in a degradation of safety by compromising brake system performance.

If the combination braking system is mistimed or out of balance, stopping distance may be greatly extended. In a single truck or tractor application, certain maintenance strategies include repairing brakes only on one side of the axle when an issue is discovered. In order to maintain proper balance, a better strategy, albeit costlier, is to assure both axle sides are treated and repaired equally, even when one side seems OK.

Brake balance is often overlooked because it is often manifested in unequal brake lining wear between the tractor and the trailer. Because the tractor and trailer are rarely or never serviced together, lining thickness inconsistencies remain unseen. When axle lining thickness inconsistencies are evident from measuring the brake lining wear patterns, brake imbalance is likely the cause. This condition should immediately be addressed, as one or more axles on one side of the truck or trailer is doing more braking work than the other, possibly creating an unsafe condition.

The performance of braking systems is only as strong as its component parts. The well-being of drivers and the motoring public depends on each fleet's braking system maintenance and inspection proficiency. These proficiencies should extend all the way to the last line of defense...the driver.

One Last Note: Brakes do not stop trucks; tires stop trucks.

Without well-maintained tires, the most robust braking system will be compromised.

Third-Party CDL Testing from Trainers OK, says FMCSA

Should the same person who trained a truck driver be allowed to administer the driver's CDL test?



The **Federal Motor Carrier Safety Administration** has OK'd a practice that it previously banned because of concerns it could allow **unqualified truck drivers** to get **commercial licenses**.

The **new rule** will **allow states** to permit a **third-party skills test** examiner to **administer** the **commercial driver's license skills test** to **applicants** the **examiner** has also **trained**.

The **agency** says the **final rule** will "**streamline the process** for men and **women interested** in entering the **trucking workforce**." The **rule change** was effective **60 days** from **publication** in the *Federal Register*.

Third-party testing allows companies **outside** the **state's licensing system**, such as **driving schools** or **trucking companies**, to **test** their students or **employees** and **certify them** for **commercial driver's licenses**.

Federal rules previously **prohibited** a **third-party CDL skills instructor** who is also **authorized** by the state to **administer** the **CDL skills test** from **performing** both the **instruction** and the **qualifying testing** for the **same applicant**. The **new rule** **eliminates** that **restriction** and permits **states**, at their **discretion**, to allow **qualified** **third-party skills trainers** to also **conduct** the **skills testing** for the **same individual**.

This **new rule** is designed to **alleviate testing delays** and eliminate **needless inconvenience** and **expense** to the **CDL applicant**, said the **FMCSA** in a Dec. 16 **press release**. The agency believes the **change will not** compromise **safety**.

Where Did the Third-Party CDL Testing Restriction Come From?

In **2011**, after a **three-year review** of **shortcomings** in the **CDL system**, the **FMCSA** posted a **rule** that, among **other reforms**, prohibited **third parties** from **administering skills tests** to the **applicants** they have **trained**. The agency put in the **prohibition** as protection against a **possible conflict of interest** arising from a **trainer** at a **commercial training school** also **acting** as a **state-certified test examiner**.

In 2013, the agency loosened that to allow the school to do the testing, as long as the actual trainer was not the one doing the testing.

In 2017, as part of the Trump administration's efforts to reduce regulation, DOT published a Notification of Regulatory Review seeking input on existing rules and other agency actions. Sage Truck Driving Schools recommended that FMCSA eliminate the third-party tester prohibition, saying it made the process to obtain a CDL more difficult and costly, exacerbating the driver shortage and contributing to delays in some states. Sage argued that states have other tools to detect and prevent fraud in CDL skills testing.

FMCSA agreed, publishing a notice of proposed rulemaking in July of 2019 to drop the provision.

In its final rule, FMCSA pointed to the state measures that Sage cited. It also said that another fraud detection tool will be available when the [Entry Level Driver Training](#) regulations are implemented on Feb. 7, 2022.

The agency also emphasized that the rule only allows states to lift the restriction; it does not require them to do so. States that do not currently allow third-party testers are not required to do so as a result of this rule. Lifting the restriction simply permits states that already authorize third-party testing to allow skills test examiners to train and test the same individual.

FMCSA received 95 comments on the proposal, including individuals who were trainers, testers, or drivers, and organizations such as the Commercial Vehicle Training Association, Truckload Carriers Association, and American Trucking Associations. A number of state driver license agencies also commented.

Most commenters opposed the proposal, FMCSA said, citing concerns about fraud, conflict of interest, or examiner bias, if the restriction were lifted. Several individuals argued that lifting the restriction would lead to abuses by trucking companies with in-house training programs, which are already under economic pressure to increase the number of CDL holders.

Those supporting the proposal cited other available fraud detection resources, a potential reduction in skill testing delays, and increased flexibility and efficiencies for both applicants and third-party testers. Most of the organizations that commented believe that lifting the restriction would not compromise safety, due to extensive fraud detection resources already in place.

Trainers bristled at the notion that they would put drivers on the road who were unsafe, with one commenter saying the restriction presumes that "all teachers are frauds and not trustworthy to test their own students."

However, there have been numerous cases in the past where third-party testers did put unqualified drivers on the road, which is what led to the restriction in the first place.

Third-Party CDL Testers

Third-party testers in general, not only those testing their own students, came under fire in the late 1990s after numerous scams were uncovered involving bribes in exchange for an easy pass of a "driving test" by some testers.

In 1999, Illinois announced changes in third-party CDL testing rules in the wake of a huge CDLs-for-bribes scandal that saw at least 30 people convicted.

A 2000 DOT report investigated the Illinois CDL scandal, as well as a similar one in Florida, and came up with 34 recommendations for actions states should take to prevent the same thing from happening elsewhere – including to consider whether a single employee should be allowed to complete the entire application process, from taking the application, to administering the knowledge and skills tests, to issuing the license.

In 2002, the DOT inspector general's office issued a report on its investigation into this and other CDL problems. Since 1998, the report noted, suspected fraud in the testing and licensing of commercial drivers had been identified in 16 states.

For instance, during a DOT Inspector General's audit, in a covert review, an Arkansas state trooper took the driving tests at three of the state's 31 third-party testers. At one, the trooper passed the driving test even though his "driving test" consisted mainly of a conversation on the trooper's Army experience.

In a [December 2008 report to Congress](#), a CDL Task Force, called for in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), reported that during a three-year investigation, FMCSA identified more than 15,000 people who were suspected of obtaining their CDL fraudulently. Third-party testers were the primary source of the frauds uncovered by FMCSA.

3 Ways Drivers Can Boost Their Immune Systems

Source: Commentary by Sergio Rojas

The past few months have been unique and challenging, to say the least. The coronavirus has put an added strain on the trucking world for both drivers and fleet owners. But as with every challenge, there are lessons to be learned and wisdom to be gained. So, what has the COVID-19 pandemic taught us? Or at least shined a brighter light on so we can see more clearly?

I believe the main lesson to be learned here is that having a healthy and strong immune system is extremely important for all of us, and even more so for truck drivers. We should be more proactive in teaching drivers ways to develop and maintain a healthy immune system, instead of being reactive and waiting until a flu or pandemic occurs.

Here are the three most critical factors for strengthening your immune system.

1. Reduce Stress

The most important factor for our immune system is also the most challenging for many truck drivers — especially now — and that is chronic stress. Truck driving can be extremely stressful, with delivery deadlines, poor road conditions, traffic, and being away from family.

For truck drivers to reduce their stress, they need to approach the problem from various angles. Exercising and spending time in nature are two simple ways to lower stress. This can be as simple as doing stretches and taking a daily walk. Listening to inspiring audiobooks or podcasts are often very helpful in managing stress.

It's important for fleets to talk to their drivers about stress and ways to relieve it, and even offer coaching or counseling services.

2. Get Enough Sleep

Despite all the challenges drivers face when it comes to getting quality sleep, there are certain things they can do to help improve the quality of their sleep, and sometimes the quantity as well. Start by having a bedtime routine that does not include electronics. Reading, journaling, or listening to relaxing music are all ways to help get the body ready for sleep. Exercising and moving throughout the day will increase melatonin production, which helps with sleep. Drivers should be coached to cut out caffeine at least six hours before bedtime and avoid eating for the last two hours before bed, as digesting food inhibits our deep sleep.

3. Eat a Healthy Diet

Diet also plays a part in our immune systems' health. Some research indicates that the "good" bacteria in our gut plays an important role, and a poor diet filled with processed foods destroys that good bacteria. Fermented foods like miso, kefir, sauerkraut, Greek yogurt, and Kombucha can help your gut bacteria and in turn boost your immune system. Replace those processed foods with fruits, vegetables, nuts, seeds, and whole grains.

Vitamin supplements should at least include a daily multivitamin to help fill in the gaps in nutrients drivers may miss on the road. Some specific vitamins that are believed by some to help include vitamins C, D3, and K2, as well as fulvic acid.

As fleet owners and managers, we need to consider not only how we can best support our truck drivers with this information, but more importantly, with implementing these practices.



CDC Releases New Drug-impaired Driving and Data Linkage Fact Sheets



Impaired driving happens when someone operates a vehicle while impaired by a substance like marijuana, other illicit drugs, some prescribed or over the counter medicines, or alcohol.

Over 12 million Americans reported driving under the influence of marijuana or other illicit drugs in 2018. Driving while impaired is illegal in the United States and can be dangerous or even deadly.

We know a lot about alcohol's effect on driving. However, we need more research to understand the effect of drug use and polysubstance use (using more than one drug or using drugs and alcohol together) on crashes. There are promising strategies that can assist states and communities with preventing impaired driving.

CDC recently released a [drug-impaired driving fact sheet](#). The fact sheet presents strategies such as high-visibility enforcement and the use of drug recognition experts to identify impaired drivers and highlight what some states have done and what other states can do to address impaired driving. CDC encourages states to use the new fact sheets to identify strategies to help people stay safe on the road.

CDC also recently released a new [fact sheet on data linkage for non-fatal crash injury surveillance](#). About 3 million people are injured in motor vehicle crashes every year in the United States. Linking existing data sources such as police, hospital, and emergency medical service (EMS) records is one way to better understand these crashes. Data linkage is essential to inform injury prevention programs, policies, and decision making. The fact sheet explains how states can start or expand a data linkage program. Decision makers and public health professionals can use the new data linkage fact sheet to learn how linking data can help states and communities better target crash prevention efforts.

Learn more:

CDC: [Transportation Safety](#)

CDC: [Impaired Driving](#)

CDC: [Data Linkage](#)

FMCSA Drug, Alcohol Clearinghouse Records 46,000 Violations in First 10 Months Online

The leading cause of drug test failures was marijuana.

Nearly **46,000** driver drug-related violations have been recorded in the federal **Drug and Alcohol Clearinghouse** during its **first 10 months** of operation, but only about **4,400** drivers have completed their **return-to-duty** requirements.

The leading number of **drug test failures** — 24,000 — was for **marijuana**, said David Yessen, the **Federal Motor Carrier Safety Administration's** compliance division chief. There were more than **6,650** failed tests for **cocaine** use, and **4,280** for **amphetamines**. Also included in the total were about **2,000** **drug tests** that were **suspected attempts** to **cheat**, Yessen said.



The **Clearinghouse** is a **database** containing information on **commercial driver license holders'** drug and **alcohol violations**. Carriers, **state driver licensing agencies** and law enforcement officials use the **Clearinghouse** to check a **driver's violations**.

"The **worrying number** for me is the **38,000** drivers who had a **violation** that haven't completed the **return-to-duty process**," Yessen said. "That's something that we will be **keeping an eye on**."

Those are **drivers** who have been **flagged** for violations but have not completed their **treatment** or been **hired back** to operate in a **safety-sensitive** job.

"I don't ever want to say **violations** are **healthy**," Yessen said. "But it's **not unexpected**. From our **perspective**, it's good to see that the **system** is working."

He added, "This has been a **sobering number** because it does represent **violations**. Ideally, we want to see that at **zero**, but that's **not going to happen**."

Yessen gave the **Clearinghouse** update to **trucking executives** attending a Dec. 4 **virtual presentation** during **American Trucking Associations' Safety, Security and Human Resources National Conference**.

So far, about **1.3 million** drivers and **153,000** employers have registered on the **Clearinghouse**. "Ideally, that's a **number** we would like to see **go higher** because we know that **number of carriers** is a lot **higher** than that," Yessen said. About **53,000** of the employers **registered** have identified themselves as **owner operators**, according to **FMCSA**.

Of the **2.3 million queries** conducted, more than **1.1 million** have been for **pre-employment checks**, with the remainder being **limited queries**, according to **FMCSA**. The agency is **asking employers** to make their required **employee checks** as soon as possible, rather than **waiting** until the last hours to get in before the **Jan. 6 inquiry** deadline. Besides making **pre-employment checks**, employers are **required** to make **checks** on the **database annually** to ensure none of their **employees** has any **drug violations**.

"We know we will have **people waiting** until the **last minute**," Yessen said.

Dave Widly, CEO of **DriverFacts Inc.**, said some of his **company's customers** have yet to make **limited queries** of all their **employees**, as required by the **Clearinghouse** rule.

"Make sure you have all your **valid releases** from the drivers before you **submit** these queries," said Widly, a **member** at the **session's panel**. "You want to **make sure** that when you get them, you're **ready to go**. Remember, the driver **does not** have to be **registered**."

All **employers** who are subject to the **regulations** have to conduct the **limited queries** of their **driving pool** by **Jan. 5**, said Abigail Potter, **ATA's** manager of **safety** and **occupational health** policy.

"I think the **rush is going** to be **everyone** will want to do it at the **last minute**," Potter said. "The **concern** that we have is that the **rush** could **tax the system**. If so, we could see the **system going** down if so many **people** are using it **all at once**."

DRUG & ALCOHOL CLEARINGHOUSE

What Does MORE Act Mean for Truckers and Marijuana?

Would transportation workers be left out of federal decriminalization of marijuana?



For the **first time**, a bill that would **decriminalize marijuana** at the **federal level** has passed one chamber of Congress. However, the **House-passed MORE Act** has virtually **no chance** of getting through the **Republican-controlled Senate**. In addition, it would **allow marijuana** to remain on the list of **disqualifying substances** for safety-sensitive **workers** such as **truck drivers**.

"**Millions of Americans'** lives have been **upended** as a result of **convictions** for possessing **small amounts** of marijuana, and the **racial disparities** in conviction rates for those **offenses** are as shocking as they are **unjust**," House Majority Leader Steny Hoyer, a Maryland Democrat, said in a **statement** after the vote. "That's why we passed the [Marijuana Opportunity Reinvestment and Expungement \(MORE\) Act](#)."

The **MORE Act** would entirely **remove cannabis** from the **Schedule of Controlled Substances** – but there's language that would allow **federal agencies** to still require testing of "**safety-sensitive**" **transportation workers** for marijuana.

The bill would prohibit "**engaging in suspicionless cannabis drug testing** of prospective or current employees, **except with respect to drug testing for safety-sensitive positions**, as defined under the **Omnibus Transportation Testing Act of 1991**."

Federal **transportation agencies** would continue to be able to test workers in **safety-sensitive jobs** for **marijuana** use for "**any substance** that was a **substance** under such section as of **December 1, 2018**, and whose use the **Secretary of Transportation** decides has a risk to transportation safety." **Marijuana** was a **Schedule I** substance as of **Dec. 1, 2018**.

One of the **groups pushing** for that **carve-out amendment** was the **National Drug & Alcohol Screening Association**. "The decision to **provide language** for a safety carve-out was the **right one** and will protect the **public** when it comes to **transportation safety**," said NDASA Board Chairman Jim Greer in an **email announcement** from the group.

More about MORE Act

The **bill notes** that 47 states have **reformed** their laws pertaining to **cannabis** despite the **Schedule I** status of marijuana and its **Federal criminalization**. It points out that **legal cannabis** sales totaled **\$9.5 billion** in 2017 and are projected to reach **\$23 billion** by 2022.

Enforcing cannabis prohibition laws costs **taxpayers billions** of dollars every year, and **enforcement** and sentencing **disproportionately** affect **people of color**.

Currently, **33 states** and the **District of Columbia** regulate the **production**, sale, and use of **marijuana** and **marijuana-infused** products for **medical purposes**. Eleven of these states also **permit marijuana** possession by adults, and **10** of them also **regulate adult-use sales**.

These **state-level legalization** policies are in **conflict** with **federal law**, which classifies the **cannabis plant** as a **Schedule I** criminal substance, along with **drugs** such as heroin and **LSD**. According to the **Drug Enforcement Administration**, substances are **classified** as **Schedule 1** under the **Controlled Substances Act** that have "**a high potential** for abuse, no **currently accepted medical** use in treatment in the United States, and a **lack of accepted** safety for use under **medical supervision**."

By **removing marijuana** from the **controlled substances act**, the bill would give **individual states** the authority to be the **primary arbiters** of cannabis **policy** and eliminate the **existing conflict** between state-level **marijuana legalization** policies and **federal law**.

Even though the **MORE Act** is **highly unlikely** to make it into law, a **number of observers** have called it **historic**. As **marijuana advocacy** group **NORML** notes, "It will be the first time since the **passage** of the **Controlled Substances Act of 1970** that a **Congressional chamber** has ever voted on **legislation** to **remove marijuana** from its **prohibitive classification** under **federal law**."

It's **unclear** what fate **cannabis** may have under the **Biden Administration**. Joe Biden has **publicly supported** decriminalizing **cannabis possession**, legalizing **medical cannabis**, expunging prior **cannabis convictions**, and allowing **states** to make their **own laws/regulations** on the subject, but has **stopped short** of calling for **legalization**.

The **Biden administration** could move on the **regulatory side** and move **marijuana** to **Schedule II** of the **Controlled Substances Act** with other **drugs** with only a "**high potential for abuse**," like morphine, **codeine**, and fentanyl.

However, **Democrats** are also **typically pro-safety** regulation, so it's **quite possible** that any such **moves** could still mean **marijuana** would be **illegal** for **truck drivers** and others in **safety-sensitive positions** as outlined in the **MORE Act**.

Opioids & Aggregates

Miners Are Among the Most Likely Workers to Receive an Opioid Prescription, Putting Them at High Risk for Addiction. Hazard Training Can Help Protect Them AND Your Operation.



The **opioid crisis** in the United States makes headlines on a **nearly daily basis**, including an early November report in **The Washington Post** regarding the tentative **\$26 billion settlement** reached between four pharmaceutical companies and the **2,500 counties** and cities that sued them in what the newspaper describes as “**the largest federal court case in American history.**”

Separately, **The Wall Street Journal** covered Purdue Pharma’s agreement to **plead guilty** to three felonies related to its marketing and distribution of **OxyContin** as part of an **\$8 billion settlement**.

And, during the age of **COVID-19**, the problem is only growing. In late October, the **American Medical Association (AMA)** reported that “the nation’s **opioid epidemic** has grown into a much more complicated and **deadly drug overdose** epidemic.” AMA indicates that more than 40 states have reported **increases** in **opioid-related mortality**.

Opioids Hit Close to Home

Not heralded in these **headlines**, however, is the impact the **opioid crisis** is having at aggregate operations across the nation. “**National research** on the occupations of those who have **died of opioid overdoses** showed that extraction workers, which **includes** stone, sand and gravel workers, had the **highest rate of death** by prescription opioids,” explained Cora R. Roelofs, ScD, a research faculty member at the **University of Massachusetts Lowell’s Center for the Promotion of Health in the New England Workplace**. This research is based on analysis of **death certificates** conducted by the **National Institute for Occupational Safety and Health (NIOSH)**. “While **we don’t know** for sure why that is the case, we know that **occupations** with the **highest injury rates** also have the highest rates of **overdose**,” she said.

One reason stone, sand and **gravel workers** may face **higher death rates** is that opioids have been increasingly **prescribed** for workplace **injuries common** to this group of workers. “Painful **workplace injuries** have often been **treated** with long-term, high-dose **opioids**,” said Roelofs, who has studied the **impact of opioids** in the workplace for the **last several years** and has developed an opioid awareness **training program** targeted to the **aggregate industry**. “Doctors have been sympathetic to **workers who want** to get back to **work despite** nagging, painful backs, shoulders, etc. **Unfortunately**, it’s taken a while for providers to **understand** the consequences of treating **workers with opioids.**”

Hanover, Mass.-based PA Landers Inc. was an **early supporter** of opioid hazard **awareness training** for the aggregate industry. “**Nearly 74,000 people** a year die from opioids – enough to fill up our **Patriots stadium**. It’s ridiculous,” said Bob Correia, safety director. “There **isn’t enough awareness** about it to even combat it. People just **shrug their shoulders** and keep moving.”

The company **opted for action** and adopted the **training developed** by Roelofs, describing the training as **highly relevant** to its employees and company. “We have a **very strong commitment** to safety. We provide **new employee** and **on-going comprehensive** safety training for all employees and **conduct random** and **prospective employee drug testing**. Many of our employees are also subject to **DOT regulations**, and we fully comply with all **applicable regulations**,” Correia said. “Since the **opioid epidemic** has hit our area of Massachusetts very hard, we see this as an **opportunity** to assure that our employees **know our policies**, are aware of opioid **hazards generally**, and can learn about access to **prevention and treatment resources.**”

Industry Challenges

While the **Mine Safety and Health Administration (MSHA)** does not have the **same federal drug testing requirements** as the **Department of Transportation (DOT)** does for its regulated employees, **some states do mandate** drug testing for the **mining sector**. In addition, employers have the **option to institute** a drug-free **workplace program**. However, it can be difficult to **detect opioid use** through **drug testing**.

“Unless the person is a **habitual user**, then it’s most likely **not going to show up**,” Correia said. “Another issue is that, if you can **explain why** you have **opioids in your system** to the **MRO (medical resource officer)**, they will call it a **negative test**. If you have a prescription for it, they will **call it negative.**”

While most **company policies** require self-reporting if an employee has a **performance-impacting prescription** – and all **opioid-based painkillers** are narcotics that could **impact safety** – many of these employees are **hourly workers** and may be reluctant to admit to having a **prescription** if it impacts their **paycheck**. Others take time off to **recuperate** from a workplace injury and don’t return.

“There were certainly **more than a few** occasions that someone was out **long term** and would get hooked on **painkillers**,” said Steven Casey, a **retired aggregate industry** safety director who served as a **trainer** for the opioid **hazard awareness** training program in Massachusetts **earlier this year**. “A lot of times, they just **never came back**, and it became a **worker’s comp settlement.**”

Training Builds Awareness

As an occupational health and safety researcher, Roelofs recognized that **opioids represent a hazard** in the aggregates sector. To help prevent **opioid-related safety hazards** and injuries, including those **resulting from addiction**, she developed a free, **45-minute opioid hazard awareness training program** as part of a **research project** sponsored by the **Alpha Foundation for the Improvement of Mine Safety and Health, Inc.** It rolled out across Massachusetts **earlier this year** and is now **available nationwide** for use under the health portion of **MSHA Part 46 annual refresher training requirements**, as well as **new miner training**.

"We trained more than **800 stone, sand, and gravel miners** and contractors in **early 2020** as part of their **annual refresher training**," Roelofs said. "The response to the **training module** was **overwhelmingly positive**. Most trainees felt that the training was **relevant** and that they **could apply** what they learned. We are hoping that operators **across the country** adopt this module as part of their **training plan** for 2021."

In October, the **training was also presented** at **MSHA's Training Resources Applied to Mining (TRAM) Annual Conference** for use by **MSHA trainers** and **safety directors** across the United States.

Casey led **seven opioid hazard awareness training courses** earlier this year as part of the **Massachusetts program launch**. "The **opioid issue** hit home to me because of my son, **who has a long history of addiction**," Casey said. "It's **impacted me significantly**." That experience **drew him to sharing** the hazard awareness **training program** with others where he **describes participant response** to the **training as positive**.

Hazard Training Highlights

The **hazard awareness training program** provides an overview of the **opioid crisis** and its impact within the **aggregate industry**, then delves into **practical approaches** to reduce the risk, including **education** about the risk factors, **addiction** and how opioids **hijack the brain**, and prevention and **harm reduction**.

For example, a focus on **equipment ergonomics** can reduce the **shocks to the body** that lead to back pain, while **site maintenance** prevents the slips, trips, and falls. Either of these **injuries** can be the **trigger for an initial prescription** that would elevate the **miner's risk**, particularly if the **prescription** is used for more than **five days**.

"**Opioids re-wire the brain**. Anybody who takes opioids for a **period of time** can become dependent so that they **feel they can't stop taking them**, even if they wanted to," Roelofs said. "**Fortunately**, there are more effective and **less harmful approaches**, including prevention of **painful injuries** and **non-opioid treatment strategies**."

The training program **encourages participants** to advocate for themselves **during physician visits** and provides tips for these visits, such as **informing their doctor** that they perform **safety-sensitive work** and seeking **alternatives to opioids**. It also focuses on **eliminating the stigma** associated with **opioid addiction**. "We found that stone, sand, and gravel miners in Massachusetts generally don't have **stigmatizing attitudes**, such as that **people with addictions** can never recover," Roelofs said. This is **important** because stigma can **prevent people from seeking help**.

Finally, it **outlines pathways** for treatment and **assistance**, such as **Employee Assistance Programs (EAPs)**, as well as **national and local services**. It **encourages training participants** to leverage the help **offered** through these programs. "**Some employees** are reluctant to **call for help** with a **company-sponsored EAP**," Casey noted, "but it's a **great resource** for you and your family. I think this is an **important point** to stress with **miners**."

Correia said PA Landers **posts information** about its **EAP on information boards** throughout its operations to allow employees to **seek help anonymously**. "I think it's a **big advantage** of having a place where they can **make a call** and get help on their own," he said.

Based on surveys conducted before and after training, Roelofs said that trainees reported an **increase in their knowledge** about opioids and **gained confidence** that they could help someone **find resources** to get help. "Massachusetts has been **hit hard** by the **opioid epidemic**," she said. "I'm proud that this **training has helped** employees in this **sector** feel they can **play a part** in reversing the crisis."

Digital Download

[Access a free](#) 45-minute annual training module, instructor's guide, and participant handout.

Table 1 Opioid Utilization across Industry Groups

Industry/occupation categories	Among Injured Workers Receiving Pain Medications		Among Injured Workers Receiving Opioids		
	% That Received an Opioid Rx	% That Received 2 or More Opioid Rx	% That Received Opioids on a Longer-Term Basis	% That Had at Least 60 Days of Opioids Supply in Any 90-Day Period*	% That Had High-Dose Opioids (MED \geq 50 mg for at least 60 days)*
Mining (including oil and gas)	62%	33%	7%	14%	3%
Construction	55%	29%	7%	12%	3%
Agriculture, forestry, and fishing	52%	25%	4%	9%	1%
Public safety	51%	25%	5%	8%	2%
Wholesale and retail trade	50%	23%	5%	9%	2%
Restaurants and entertainment	50%	23%	5%	9%	2%
Health care and social assistance	49%	22%	5%	8%	2%
Manufacturing	48%	23%	5%	9%	2%
Services (except public safety)	48%	23%	5%	10%	2%
Transportation, warehousing, and utilities	48%	24%	5%	9%	2%
Clerical and professional	47%	21%	4%	8%	2%

*Rx = Prescription

Thumala V, Liu T-C. Correlates of Opioid Dispensing. Workers' Compensation Research Institute; 2018.

Mining workers are the most likely category of workers to both receive an opioid prescription and use it for an extended period of time.

Dec 10, 2020

National Safety Council Report: *Here's How COVID-19 Will Fundamentally Alter the Future World of Work*

A new [National Safety Council](#) report found **continued remote work**, increased focus on **flexible work arrangements** and mental health, and a **renewed commitment** to workplace **safety** to be among the most impactful **workplace changes** stemming from the **COVID-19 pandemic**. Based on **in-depth interviews** with safety, **medical** and health experts **representing 13 industries**, the [State of the Response: The Future World of Work](#) report also **identified** key factors **business leaders** must take into **account** moving **forward**.

The most impactful workplace shifts include:

- **Operations** - moving to remote work arrangements for as many employees as possible
- **Human Resources** – providing flexible work arrangements (e.g., hours, days, scheduling)
- **Stress, Mental Health and Wellbeing** – promoting or increasing employee assistance program (EAP) benefit offerings
- **Communications** – providing regular communication via multiple channels
- **Organizational Culture** – increasing focus on safety and health using COVID-19 as a catalyst
- **Technology** – increasing use of mobile app software to track infections
- **Sustainability** – rethinking the need for physical space and travel

“The **way** in which people, **organizations** and industries **work** has **forever changed**. This **crisis** has uncovered an **innovative new way** of working, while **laying bare** many **challenges** that have **jeopardized** the safety of our **workforce**,” said Lorraine M. Martin, president and CEO of the **National Safety Council**. “We must be **agile** in our response to **adversity**, work together to **break down silos** within our **organizations**, and prioritize **safety** – both **physical** and psychological – **above all else**.”

The **new report** aims to serve as a **foundation** for **organizations** looking to **navigate** the **future world of work post-pandemic**. Based on the findings, **NSC** included in the **report** a **framework** for **addressing three** critical issues **moving forward**: work **modalities**, such as how to **address remote work** and flexible **schedules**; worker **expectations**, such as **investing** in mental **health resources** and employee **support**; and work **enablers**, such as embracing **technology** to help **augment job tasks**.

The **Future World of Work report** is the third in a [series of reports](#) discussed on Dec. 10 at **State of Response & Future World of Work Virtual Summit**, presented by the [SAFER](#) initiative at the **National Safety Council**. Aimed at **helping businesses**, policymakers and **leaders**, some of the **nation's top experts** on **infectious disease** response, **workplace safety** and business **leadership** discussed our **national response** thus far – where it **succeeded** and where it **failed** – and **provided insights** to prepare **employers** for what **comes next**.

One of the **major themes** discussed at the **Summit** was the need for **COVID-19 vaccine guidance** in the **workplace**. Business leaders are **looking** for **direction** around their **role** in **vaccine implementation** – from education to **distribution**. **NSC** will continue to **provide employers guidance** utilizing **expertise** from its **vast network** of **partners**, including the **SAFER** task **force**, to help them **navigate** the **next phase** of the **pandemic**.

Read the [full report](#).