

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...](#)



▶ US DOL Announces Changes to OSHA's Severe Violator Enforcement Program

Program focuses on employers who repeatedly disregard workers' safety, health [read more...](#)

▶ Analyzing Transportation Injuries in Construction

Transportation incidents are a leading cause of injuries in construction. [read more...](#)

▶ 2022 Survey: Struck-by Hazards, Barriers, and Opportunities

Struck-by incidents continue to be a leading cause of death and injury in construction [read more...](#)

▶ Will We Ever Eradicate Falls?

Industry experts comment on whether the powered access industry will ever completely eliminate falls from mobile elevating work platforms. [read more...](#)

▶ The Sound of Safety:

PROTECTING YOUR TEAM FROM HEARING LOSS [read more...](#)

▶ Use of Hearing Protection Iffy Among Noise-Exposed Workers: **NIOSH STUDY SHOWS**

More than half of workers exposed to hazardous noise on the job don't consistently use hearing protection. [read more...](#)

▶ 5 Ways to Motivate Employees to Follow Your Safety Program

You know the importance of safety, but how can you motivate your employees to get on board? [read more...](#)

▶ Occupational MSDs

Preventing repetitive movement injuries and other workplace strains [read more...](#)

▶ Protect workers from dangerous dusts

Dust is so common, it's easy to forget that it can be quite dangerous to the health of employees. [read more...](#)

▶ New Set of Best Practices for Protecting Temporary Workers

Estimates suggest there may be as many as 16 million temporary workers in the U.S. during any given year. [read more...](#)

▶ Top 4 Tips for Winterizing Your Equipment

With colder and wetter weather expected ... , now's the time to prepare your equipment... [read more...](#)

▶ Six Ways to Prevent Falls at Construction Sites

Companies' goals should be to attain zero casualties on injuries and deaths in construction sites [read more...](#)

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

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

▶ **Y I Buckle Up: CMV Seat Belt Usage Awareness**

Fatal crashes on America's roadways are rising, and a major contributing factor is not wearing a seat belt. [read more...](#)



▶ **Senate Bill Looks to End ELDT Requirements for Smallest Fleets**

New Restricted CDL Proposed by Legislators to Get Around Training Regs [read more...](#)

▶ **'Leave us alone': ELD-EXEMPT OWNER-OPS SAY NO TO ANY PRE-2000 EXEMPTION CHANGE**

As the FMCSA explores possible changes to its electronic logging device regulations, truck owners with older engines who have so far avoided the mandate are speaking out... [read more...](#)

▶ **Safe Driver Apprenticeship Pilot Program**

...would allow drivers between the ages of 18-20 with an intrastate commercial driver's license to operate interstate commerce under very specific conditions. [read more...](#)

▶ **Canada Ends Border Vaccine Mandate, OIDA Calls on Biden to Follow Suit** [read more...](#)

▶ **Impaired Driving - ALCOHOL, CANNIBAS, and ANY OTHER DRUG**

Many people spend an enormous amount of energy trying to convince themselves they are okay to drive after drinking. [read more...](#)

▶ **FMCSA Considering Changing ELD Regs Around Glider Kits, Pre-2000 Engines, More**

...agency appeared to throw something of a bone to owner-operators and others opposed to the mandate by clarifying that its pre-2000 exemption applied to the engine model year rather than the model year of the truck's chassis. [read more...](#)

▶ **Top 8 Tips for Wheel Loader Operators**

LOADING, STOCKPILING, AGGREGATE HANDLING: YOU COUNT ON YOUR WHEEL LOADERS TO TAKE ON ALL KINDS OF TASKS ON THE JOB SITE. WHAT'S THE BEST WAY TO MAXIMIZE THEIR PERFORMANCE AND PRODUCTIVITY? [read more...](#)



MSHA NEWS SUMMARY

MONTHLY SAFETY & HEALTH TIP NEWS SUMMARY

▶ **Fall Safety Tips That Will Keep Your Family Safe This Season**

The fall brings some hazards we need to be cautious about. [read more...](#)



“Training Spotlight”

(a different course will be featured monthly)

> PEC CORE COMPLIANCE COURSE (3 Day) & PEC CORE REFRESHER COURSE (1 Day)

This course is an expanded course that goes more in-depth on many different topics that the Safeland Basic Orientation does not cover in depth. This course is required by some operators in the Oil & Gas industry, and is ideal for supervisors, foremen, safety personnel, and others who need an expanded knowledge of the basic requirements as well as compliance and mitigation strategies. The annual refresher is a 1 day course.

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

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

- *PEC Safeland Basic Orientation: **NEW 2021 SAFELAND**: Oct 3, 14, 24; 8 – 4:30;
This class available through video conference instructor led distance learning thru 6/30/22 - only upon request
- *First Aid/CPR/AED/BLOODBORNE PATHOGENS (We offer MEDIC FIRST AID): Oct 12; 8 – noon;
In Person Classes
This class is also available for blended learning (online) with remote or in-person skills assessment
- *Hydrogen Sulfide Awareness [ANSI Z390 -2017 Course]: Oct 12; 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

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

CALL US!!!

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
- NIOSH
- For Construction
- Pros
- CDOT
- Overdrive
- Camfil air pollution control
- Safety&Health
- CPWR
- EHS Daily
- NSC
- CDC
- SafeKids.org
- BTMed
- Staff Mgmt.com
- US BLS
- CAT Heavy Equip.



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!**



US DOL Announces Changes to OSHA's Severe Violator Enforcement Program to Strengthen Enforcement, Improve Compliance

Program focuses on employers who repeatedly disregard workers' safety, health

To strengthen enforcement and improve compliance with workplace safety standards and reduce worker injuries and illnesses, the U.S. Department of Labor is expanding the criteria for placement in the **Occupational Safety and Health Administration's Severe Violator Enforcement Program**.



The **new criteria** include violations of all hazards and OSHA standards and will continue to focus on repeat offenders in all industries. Previously, an employer could be in the program for failing to meet a limited number of standards. The changes will broaden the program's scope with the possibility that additional industries will fall within its parameters.

Since 2010, the **Severe Violator Enforcement Program** has focused on enforcement and inspection resources on employers who either willfully or repeatedly violate federal health and safety laws or demonstrate a refusal to correct previous violations. In addition to being included on a public list of the nation's severe violators, employers are subject to follow-up inspections.

The updated program instruction replaces the 2010 instruction, and remains in effect until canceled or superseded.

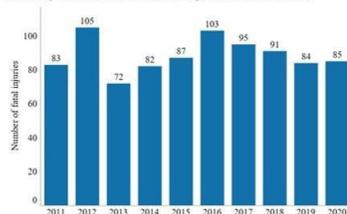
"The **Severe Violator Enforcement Program** empowers OSHA to sharpen its focus on employers who – even after receiving citations for exposing workers to hazardous conditions and serious dangers – fail to mitigate these hazards," said Assistant Secretary for **Occupational Safety and Health** Doug Parker. "Today's expanded criteria reflect the current administration's commitment to ensuring OSHA has the tools it needs to ensure employers protect their workers or hold them accountable when they fail to provide safe and healthy workplaces."

Specifically, the updated criteria include the following:

- Program placement for employers with citations for at least two willful or repeated violations or who receive failure-to-abate notices based on the presence of high-gravity serious violations.
- Follow-up or referral inspections made one year – but not longer than two years – after the final order.
- Potential removal from the Severe Violator Enforcement Program three years after the date of receiving verification that the employer has abated all program-related hazards. In the past, removal could occur three years after the final order date.
- Employers' ability to reduce time spent in the program to two years, if they consent to an enhanced settlement agreement that includes use of a safety and health management system with seven basic elements in OSHA's [Recommended Practices for Safety and Health Programs](#).

Analyzing Transportation Injuries in Construction

9. Fatal injuries with road construction as reported location, 2011-2020*



Source: U.S. Bureau of Labor Statistics, 2011-2020 Census of Fatal Occupational Injuries.
* This chart is for all injuries in construction, it is not specific to transportation incidents.

Transportation incidents — many of which are considered a type of **struck-by injury**, one of the **Construction Focus Four** — are a leading cause of injuries in construction: in 2020 they accounted for **25% of fatalities** among all workers and **4% of nonfatal injuries** among private wage-and-salary workers. **Pedestrian vehicular**

incidents account for almost half of all fatal struck-by injuries in construction. This **story-dashboard** summarizes transportation injuries in construction by looking at trends for **1) Nonfatal Injuries** and **2) Fatal Injuries and Crashes**.

The **CPWR Data Center** examines transportation injuries in two new resources, the **September Data Bulletin** and the **Transportation Injuries in the Construction Industry** data dashboard. They show that more than **2,600 workers** died from transportation incidents over the past 10 years, that collisions with other vehicles were the most common event for nonfatal injuries, and that pedestrian vehicular incidents were the most common type of fatal event.

The dashboard provides data by year, subsector, and detailed events, as well as the ability to examine rates and median days away from work for nonfatal injuries.

2022 Survey: Struck-by Hazards, Barriers, and Opportunities

Struck-by incidents continue to be a leading cause of death and injury in construction and are a serious hazard facing construction workers as they rebuild the nation's roads and bridges through projects supported by the Infrastructure Investment and Jobs Act.

A new survey from CPWR:

- 1) explores struck-by injuries, barriers to their prevention, and ways to raise awareness and ensure use of safe practices;
- 2) describes measures being taken to protect workers and the barriers to implementing controls; and
- 3) offers insights into industry knowledge of struck-by hazards, the role of planning in prevention, and the motivators, resources, and support needed to prevent incidents.

Will We Ever Eradicate Falls?

Industry experts comment on whether the powered access industry will ever completely eliminate falls from mobile elevating work platforms.



From 2012 to 2022, there were **130 fatalities**, 42 major injuries and **11 minor injuries** due to **accidents** when using **mobile elevating work platforms (MEWPs)**, according to the **International Powered Access Federation (IPAF)**. The **236 reports** came from **20 countries**.

Since the **International Powered Access Federation (IPAF)** began **analyzing accident data** in **2012**, falls from **platforms** have been the **most common cause** of injury and **death** when using **mobile elevating work platforms**.

Involved in **falls from the platform** include **static boom (1b) type machines (30.8 percent of incidents)**, **mobile vertical (3a) types (28.8 percent)** and **mobile booms (3b) (22.8 percent)**.

Because **any accident relating to MEWPs is one too many**, this information **calls to question** whether the **industry will ever eradicate** falls from **MEWPs**. Can the **industry focus** on this **single issue**, place the **necessary resources** and **erase this potential hazard** to result in **zero fatal accidents**?

Scott Owyen, director of training at Genie; **Tony Groat**, regional manager at IPAF; **Paul Baillargeon**, owner of Aerial Lift Safety Solutions; **Mark Hinkle**, president of Hinkle Equipment Rental; and **Ebbe Christensen**, IPAF NA council chair and president and CEO at Ruthmann Reachmaster North America, **LP dig into this question** and **more**.

The Problem

There are essentially three ways in which an individual can fall from a MEWP, according to Owyen:

1. **Exiting the platform at height without following the proper guidance from the manufacturer or failing to wear the proper personal fall protection equipment.**

To prevent this, manufacturers will provide guidance on how to safely exit a MEWP at height, and that guidance must be followed to the letter. Note that guidance for exiting a scissor lift will be different than that for a boom, and it is critical to follow the correct guidance for the MEWP being used.

2. **Standing on the guardrails.**

This is typically the result of using the wrong machine for the application and should never be done under any circumstance. Similarly, placing planks on the mid or top rails or homemade steps or ladders in the platform creates the same hazardous conditions.

3. **Being ejected or catapulted from the platform.**

This can be caused by driving the machine too quickly and running over an obstacle, driving the machine over a void in the ground or on a surface that cannot sustain the weight of the MEWP, the platform becoming entangled with a structure or the operator trying to release it by driving away from the obstacle or by being struck by an object or vehicle.

Other root causes of accidents involving MEWPs can include:

- Lack of an effective MEWP safe-use plan by users and employers
- Inadequate operator training
- Inadequate supervision
- Improper MEWP selection
- Lack of concern over the risk
- Inconsistent requirement for personal fall protection equipment (PFPE)
- Lack of an engineered solution to have the operator connected to a MEWP operator anchorage prior to MEWP movement

“Much **like with car accidents**, the **challenge** is that **multiple factors** are at play at the **same time: location, ground conditions, weather work type, equipment type, equipment condition, operator skills and competence, training and site management**,” Christensen says. “A **more detailed review** of the **falls (through a risk assessment)** is **needed to reveal more details** about the **core reason for the fall**.”

PFPE

Many falls involve the operator not wearing the PFPE — or even knowing whether or not it's required. "The issue of whether personal fall protection equipment should be required on scissor lifts has been, and still is, a constant source of confusion," Owyen says. "There still seems to be no standard approach to making that determination, and the thought processes, standards and manufacturer recommendations are all over the board. Over the years, there have been very few, if any, changes in the standards regarding the use of fall protection equipment on MEWPs."

Per ANSI A92.22-2021 and CSA B354.7-17 standards, the guardrail system of the MEWP is the primary fall protection for occupants. When required to use personal fall protection, either fall restraint or fall arrest, operators and occupants shall comply with the instructions provided by the manufacturer regarding anchorage(s).

Standards for Type 1, Group A (1a) manually propelled elevating work platforms and Type 3, Group A (3a) self-propelled elevating work platforms, such as scissor lifts and single personnel lifts, do not require the use of PFPE in addition to guardrails. "If PFPE was universally required, it would eliminate any user or operator confusion on when it is required," Groat says. "It would add another layer of protection. It is a requirement in Canada, and falls from MEWPs are not widely seen."

Hinkle notes that the standards in place seem to be intended for users of MEWPs who are either decently informed or under the supervision of managers that have some respect for the risks and thus provide PPE and instruction in its use. "I do not see that there is confusion on standards when it is my belief that the people that are not wearing PPE are not aware that they should be, no matter what type of MEWP they operate," Hinkle says.

For those MEWPs that currently require PFPE, Baillargeon says it's not enough to only be "wearing" a safety harness. "The MEWP operator must have the safety lanyard connected each and every time prior to utilizing the MEWP lift control function switches," Baillargeon says.

Training

While the operator should be responsible to comply with requirements defined by the employer, the employer needs to ensure the operator is qualified for the task, is properly supervised to ensure compliance with requirements of the safe-use plan and is provided with the equipment and tools necessary to safely perform the task and with a work environment safe from harm, according to Groat. Groat adds that MEWP training incorporates aspects for fall hazards, but it alone is not a fall protection training course. "MEWP operator training is general in nature and specific site conditions require more detailed training based on selected fall protection equipment, site conditions, etc.," Groat says.

Owyen agrees that more training should be required. "Unfortunately, there are a lot of 20- to 30-minute online and in-person courses that market themselves as complete operator training, but they don't even come close to covering the necessary information," Owyen says. "I've seen too many operators with cards that state they are qualified on all classifications of MEWPs, and they tell me that it took 20 minutes to get the card and they never touched a machine. Operator training should take between three to six hours or more if done properly."

Owyen adds that other elements of training should include:

- How to properly inspect personal fall protection equipment before each use and how to correctly don the harness so that it is properly fitted.
- Anyone that directly supervises a MEWP operator should be trained on specific content that will increase the supervisor's awareness when it comes to observing their operator's performance and identifying and stopping unsafe behavior.

Industry standards

Several industry standards have already helped in limiting falls:

- The new design standard has increased the GR height from 1 meter to 1.1 meters.
- The safe-use standard has required the user to develop a MEWP specific safe-use plan that must address potential risk from known hazards.
- The training standard establishes uniform training requirements for MEWP operator and MEWP supervisors and provides occupant knowledge.

“Compliance with these standards should be sufficient to eliminate all MEWP related accidents,” Groat says. **“We know that accidents continue and that the standards are not strictly being followed. While MEWPs are very safe, the mindset that ‘it won’t happen to me’ allows shortcuts to be made. More standards won’t help if they are not followed.”**

Hinkle notes that the **standards have been designed** for those **who are already responsible** and **possibly nervous** about liability and **preventing damage or injuries**. **“There are a lot of folks out there who only see a job to be done, so it gets done any way possible,”** Hinkle says.

Some **industry experts** say **creating a standard** such as a **ban on driving at lift height** would **further prevent falls**.

“Driving a lift at height remains one of the most dangerous functions of modern MEWP, and I have no doubt that either a complete ban (requiring all lifts to be lowered to folded position before driving) or at least stricter restrictions would have a tremendous positive impact on falls and accidents. However, it would meet strong resistance from both construction companies, operators and owners,” Christensen says.

MEWP design

Some **experts argue** that **changing MEWP design** could **further assist** in **limiting falls**.

For example, Baillargeon says a **lanyard attachment warning reminder alarm** on every **MEWP would remind** users to **attach their lanyards**. **“Since surviving my 20-foot fall in 2001, I have been actively advocating for the creation of an ANSI Standard that would include a lanyard attachment warning reminder alarm on EVERY MEWP,”** Baillargeon says. **“Today, lift operators are still forgetting to attach, still falling to the ground and there’s still no ANSI Standard for a simple warning reminder alarm.”**

Groat notes that **self-retractable lifelines (SRLs)** can **also be useful tools** to help **prevent falls**. **“An engineered solution that makes the MEWP operator connect to an anchorage point before the MEWP controls are activated is the best starting point,”** Groat says. **“MEWP anchorages must allow occupant movement within the work platform with the use of a max 6-foot lanyard. SRLs are a more effective way to ensure that the lanyard is adjusted as it does it automatically versus an adjustable lanyard dependent on the occupant to adjust as needed.”**

Owyen adds that **SRLs minimize the risk of getting caught on the joystick and minimize potential tripping hazards**. **“It allows the operator to have full mobility in the platform, which will increase productivity,”** Owyen says. **“It will not, however, eliminate the ability of the operator to climb on the platform guardrails. That is why having trained, qualified and engaged supervision is critical to safety on the jobsite.”**

Other **suggested changes on MEWP design include** load sensing, **increased height of GR**, onboard diagnostics, **an access desk** and traveling **fall arrest systems**.

Moving Forward

To **fully eradicate falls**, some say **safety trainings and education must reach** more people.

“There is a rather small group of individuals in the industry who preach the gospel on a regular basis, but most often, it seems that we are preaching to the choir,” Owyen says. **“We need to develop ways to reach the owners, users and operators in the real world, make them aware of the need, and provide them with assistance in accessing high-quality training and support.”**

Others say that **completing eradicating falls is not possible**.

“The only way to completely eradicate falls from MEWPS would be to stop using MEWPS,” Hinkle says. **“That sounds harsh, but it is impossible to eliminate users from deciding to perform their work in an unsafe manner.”**

Christensen agrees.

“To eradicate falls completely, we would have to change the world in a manner where we cannot survive. We would make simple tasks so complicated and economically prohibitive to reach a zero risk factor that we would essentially eradicate human existence as we know it,” Christensen says. **“Risk is a factor humans have lived with and negated for as long as mankind has existed. Falling from height is one of them, and it will remain something that happens from time to time. The road forward is to never kill innovations with restrictions but to advocate the use of innovation to make known processes better, learn from our mistakes and encourage a working environment where proper education exists on all levels.”**

listen up.....



The Sound of Safety: PROTECTING YOUR TEAM FROM HEARING LOSS

Contractors are taking all kinds of steps to improve workers' physical safety on the job site: *Investing in operator training — Adding cameras and personnel detection systems — Even adopting remote-control equipment that lets operators control machines from a safe distance in dangerous applications.* But there's another hazard you might not have given as much thought to addressing — **noise**.

Since hearing impairment tends to occur gradually, many workers don't notice until it's beyond correction. The result can be irreversible noise-induced hearing loss. A [recent study](#) of older and retired construction trade workers shows that more than half experience hearing impairment – and the risk increases with age.

Prolonged exposure to loud noises is also linked to high blood pressure, heart disease, sleep disruption and increased stress and anxiety.

You can't eliminate noise on a construction site, but there are some simple strategies you can employ to help protect your team from hearing loss.

Require workers to wear hearing protection

Industrial-grade hearing protection equipment like earmuffs and earplugs is a proven way to block out construction noise. It's a good rule of thumb to require your workers to wear these devices at all times on-site, even if they aren't operating machinery. Be sure to avoid hearing protection that lodges too far in the ear canal. It may minimize noise, but it can also puncture eardrums and cause debris buildup.

Keep an eye on noise levels on your site

OSHA recommends keeping workplace noise levels below an average of 85 decibels over eight working hours to protect the eardrums from damage. This [free app](#) from NIOSH makes it easy to measure the levels on your site. Consider labeling extra-loud equipment with a hazardous noise sticker to warn workers about the risk.

Take proactive steps to reduce noise exposure

As you're planning for your next project, think about implementing some of these strategies to reduce workers' exposure to noise on-site:

- Add noise barriers to equipment like saws and jackhammers. They don't eliminate noise but block the direct path of sound waves to reduce noise levels.
- Structure your work schedule so fewer people are on-site when noisy tasks — like jackhammering or breaking up concrete — are underway.
- Alternate workers' tasks between louder and quieter jobs, so they're not spending all day, every day in a noisy environment. Provide a quiet area on-site where they can take a break from noise.

Invest in (and maintain) quieter machinery

As you're upgrading or replacing equipment, be sure to add "quiet operation" to your list of priorities. And keep your existing machines in good working order with regular planned maintenance and daily walkarounds. You can avoid a lot of screeching, squealing, clanging and banging when bolts are tight, joints are lubricated and components are well-maintained.

The prevalence of hearing impairment and tinnitus has proven greater than previous research, largely because BTMed follows participants in their study after retirement.

"To draw conclusions about the risk for work-related chronic diseases and disorders, it is important to monitor workers through their lifetimes," the researchers write. "Also, tinnitus by itself should be given greater significance. These findings reinforce the need to promote noise reduction and hearing conservation in construction."

CAUTION Use Of Hearing Protection Iffy Among Noise-Exposed Workers: **NIOSH STUDY SHOWS**

HIGH INTENSITY NOISE
HEARING
PROTECTION
REQUIRED

More than half of workers who are exposed to hazardous noise on the job don't consistently use hearing protection. Researchers reviewed nearly 40,000 worker responses to the 2007 and 2014 [National Health Interview Survey](#). They found that of the more than 5,400 workers who experience hazardous noise exposure at work, 53% didn't "always" or "usually" wear hearing protection.

Industries with the highest prevalence of hearing protection device nonuse were accommodation and food services (90%), health care and social assistance (83%), and education services (82%). Prevalence also was notably high in multiple industries in which occupational noise is a longstanding hazard, including agriculture, forestry, fishing and hunting (74%) and construction (52%).

"The prevalence of HPD nonuse remains high," Elizabeth Masterson, study co-author and NIOSH epidemiologist, said in a press release. "Increasing worker awareness and providing training about the importance of proper and consistent use of HPDs can protect workers from the effects of hazardous noise. In addition, we need to overcome barriers to HPD use by ensuring that workers have HPDs that are comfortable and **do not** overprotect from noise so they can hear speech and other important workplace signals."

5 Ways to Motivate Employees to Follow Your Safety Program

You know the importance of safety, but how can you motivate your employees to get on board?



You've dedicated numerous resources towards building comprehensive safety programs, used best practices to train supervisors and recruited candidates you felt would make safety a priority.

After all of this preparation, are you still seeing a disconnect between the goals of your safety program and the attitudes and behaviors of your employees? If so, you may need to reevaluate how you're motivating employees to be committed to safety in the workplace. Take a look at the five best practices to learn more.

1. Make safety an important part of your organization's culture

From the minute candidates walk through your doors for their interview they should know that safety is one of your organization's central values. This can be done by including safety reminders and training in all steps of the hiring and onboarding processes as well as following through with them during every workday.

Try demonstrating a commitment to safety by presenting your employees with a daily safety topic.

2. Leadership teams should be champions of safety

Successful employee engagement in safety programs (and all programs, really) depends largely on the motivation and support of leadership teams. All members of the leadership team should strive to set positive examples and abide by the same safety policies expected of their employees.

Along with this, leadership should provide consistent feedback in what is commonly referred to as behavior-based safety. Behavior-based safety can include leadership taking the time to observe employees and provide feedback, encouraging employees to stay safe and ensuring they are informed about all required safety procedures.

3. Use positive reinforcement

Positive reinforcement is largely defined by behavioral scientists as "any consequence that causes a behavior to repeat or increase in frequency." Positive reinforcement and safety programs should go hand in hand. Employee satisfaction research has shown this can be done by reminding your employees that they are truly making a difference and thanking them often.

That being said, leaders should not ignore safety mishaps, no matter how minor they may be. A study on safety science showed that when safety monitoring is combined with a learning-supportive environment, employee participation in safety procedures will increase. In other words, leaders should be diligent when addressing safety concerns, but to do that effectively, they should approach initial concerns as learning lessons and not be overly accusatory.

4. Your employees should feel ownership in the safety process

Employees will be more committed and motivated if they play an active role in safety programs. As mentioned earlier, this can be done by reminding employees that their diligence towards safety has a direct impact on their workplace, their safety and the safety of their co-workers. Additionally, employees should have multiple outlets available to provide feedback on their organization's safety program.

5. Utilize employee feedback to reassess your safety program

Any time your organization encourages employee feedback, you should be committed to using that feedback to make reasonable and necessary changes. When a good idea or observation is submitted, take action in a timely fashion and make it known that you appreciate the participation with positive reinforcement.

Additionally, if the majority of your employees are upset with a specific aspect of your safety program, leadership teams should discuss how it can be altered and improved. When your employees believe that your organization genuinely listens to their concerns, they will be more motivated and less resistant to complying with your safety program.

The bottom line

In order for your safety program to work, your employees need to be motivated and committed. By making safety a priority from the beginning of the hiring process, using positive reinforcement to thank and educate, and by listening to and taking action with employee feedback, you will be on track towards a safer and more compliant workforce.

**LET MJS Legacy Safety BE YOUR
ONE STOP SHOP FOR TRAINING.**

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

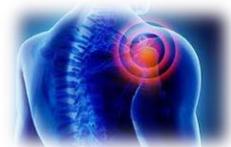
Questions?

CALL US!!

WE'RE HERE TO HELP!

Occupational MSDs

Preventing repetitive movement injuries and other workplace strains



Repetitive motion injuries (RMIs) can sneak up on workers who are using small movements on a regular basis to do their jobs. Warehouses and plants can offer their employees ergonomic solutions as well as tool safety education to prevent musculoskeletal injuries and save the company from costly outcomes and workers comp filings.

Preventing MSDs in the workplace

Musculoskeletal disorders (MSDs) affect the **muscles**, nerves, blood vessels, **ligaments** and tendons. Workers in many **different industries** and occupations can be **exposed to risk factors** at work, such as **lifting heavy items**, bending, reaching overhead, **pushing and pulling heavy loads**, working in awkward **body postures** and performing the same or **similar tasks repetitively**. Exposure to these **known risk factors** for **MSDs increases** a worker's **risk of injury**.

Work-related **MSDs can be prevented**. **Ergonomics** --- fitting a **job to a person** --- helps **lessen muscle fatigue**, increases productivity and **reduces the number** and severity of **work-related MSDs**.

Examples of Musculoskeletal Disorders (MSDs)

- *Carpal tunnel syndrome*
- *Epicondylitis (affects the elbow)*
- *Tendinitis*
- *Rotator cuff injuries (affects the shoulder)*
- *Muscle strains and low back injuries*
- *Trigger finger*

Impact of MSDs in the Workplace

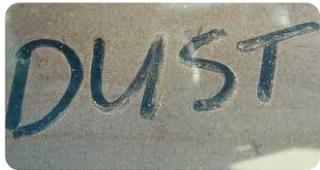
- *Work related MSDs are among the most frequently reported causes of lost or restricted work time.*
- *According to the Bureau of Labor Statistics (BLS) in 2013, MSD¹ cases accounted for 33% of all worker injury and illness cases.*

A Process for Protecting Workers

Employers are responsible for **providing a safe and healthful workplace** for their **workers**. In the workplace, the **number and severity** of **MSDs resulting** from physical **overexertion**, and their **associated costs**, can be substantially **reduced by applying** ergonomic principles. **Implementing** an ergonomic **process is effective** in reducing the **risk of developing MSDs** in high-risk **industries** as diverse as **construction**, food processing, **firefighting**, office jobs, healthcare, **transportation** and warehousing.

The following are important elements of an ergonomic process:

- ▶ **Provide Management Support** - A strong commitment by management is critical to the overall success of an ergonomic process. Management should define clear goals and objectives for the ergonomic process, discuss them with their workers, assign responsibilities to designated staff members, and communicate clearly with the workforce.
- ▶ **Involve Workers** - A participatory ergonomic approach, where workers are directly involved in worksite assessments, solution development and implementation is the essence of a successful ergonomic process. Workers can:
 - *Identify and provide important information about hazards in their workplaces.*
 - *Assist in the ergonomic process by voicing their concerns and suggestions for reducing exposure to risk factors and by evaluating the changes made as a result of an ergonomic assessment.*
- ▶ **Provide Training** - Training is an important element in the ergonomic process. It ensures that workers are aware of ergonomics and its benefits, become informed about ergonomics related concerns in the workplace, and understand the importance of reporting early symptoms of MSDs.
- ▶ **Identify Problems** - An important step in the ergonomic process is to identify and assess ergonomic problems in the workplace before they result in MSDs.
- ▶ **Encourage Early Reporting of MSD Symptoms** - Early reporting can accelerate the job assessment and improvement process, helping to prevent or reduce the progression of symptoms, the development of serious injuries, and subsequent lost-time claims.
- ▶ **Implement Solutions to Control Hazards** - There are many possible solutions that can be implemented to reduce, control or eliminate workplace MSDs.
- ▶ **Evaluate Progress** - Established evaluation and corrective action procedures are required to periodically assess the effectiveness of the ergonomic process and to ensure its continuous improvement and long-term success. As an ergonomic process is first developing, assessments should include determining whether goals set for the ergonomic process have been met and determining the success of the implemented ergonomic solutions.



SOURCE:  camfil
AIR POLLUTION CONTROL

Protect workers from dangerous dusts

Dust is so common, it's easy to forget that it can be quite dangerous to the health of employees. Airborne dusts often contain toxic particles, and many are explosive.

Watch this [short animated video](#) to learn:

- How dust reduces indoor air quality
- Common sources of dangerous dusts
- Health risks of toxic dusts
- How dust explodes
- Compliance standards regarding dust control

New Set of Best Practices for Protecting Temporary Workers

Estimates suggest there may be as many as 16 million temporary workers in the U.S. during any given year.

NIOSH and the NORA Services Sector Council -- in partnership with the American Society of Safety Professionals, the American Staffing Association, and the Safety and Health Assessment and Research for Prevention Program within Washington State's Department of Labor and Industries -- have released a new set of best practices, [Protecting Temporary Workers: Best Practices for Host Employers](#), to help host employers better protect the safety and health of temporary workers.



Top 4 Tips for Winterizing Your Equipment

With colder and wetter weather expected in this La Niña winter, now's the time to prepare your equipment and your inspection program to keep machines working when temperature dip into the stubborn zone

Meteorologists are predicting **La Niña weather** for the winter of **2021-2022**, which could mean **colder temperatures** and wetter, **snowier conditions** for certain parts of the country. If you **haven't already taken** steps to **get your fleet ready**, now's the time. Here are **four areas to focus** on as you **winterize your equipment**:

1. Tires

Air pressure inside equipment tires can start to fall along with the mercury in the thermometer, so check to make sure they're filled to the proper pounds per square inch (psi) at the start of each shift. If they need airing up, move the machine into a heated area to avoid underinflation issues. Doing the work in an insulated garage or service shop helps the tire bead sit firmly within each wheel's groove.

Also, use dry nitrogen gas instead of compressed air or a similar mixture when re-inflating equipment tires. It helps fight against ice crystals building up inside the tire during especially cold periods, which can push the valve stem open and increase the chances of deflation.

2. Batteries

Cold weather requires equipment batteries to generate nearly twice as many cranking amps to turn over, so keep yours charged and warm for easy starting. If you're working in sub-zero temperatures, storing a battery indoors at room temperature when it's not in use can also help.

If you store batteries, you can help maintain their useful life by recharging them when they drop below 75% capacity and cleaning them to remove any rust, moisture and dirt. Keeping batteries out of use for an extended time? Unplug them from their ground wires and check their voltage levels and charge as needed once a month.

3. Fuel

Most construction equipment runs on No. 2 diesel fuel during the warmer months. Because this type of fuel can solidify, it's not recommended for use in colder weather. A simple switch to No. 1 diesel fuel helps hold off the ice that can form when No. 2 fuel remains in the tank and lines.

To avoid a frozen fuel tank at the start of your shift, fill up at the end of each day. And always keep the fuel storage tank clean of water, debris and sediment by draining the water from the water separator on a daily basis before refilling the tank.

4. Inspections

Equipment inspections are critical year-round, but you'll want to watch out for certain things as temperatures begin to drop and the days get shorter. Don't get caught out on the job with burnt-out lights, old windshield wipers or a heater that's not functioning properly. Pay special attention to brakes and fluid levels, too. Before it gets too cold outside, install the correct engine, hydraulic, transmission and final drive lubricants for your machine and the temperature range it will be working in.

These **winterizing tips** will help **ensure your machines** are **ready to go** when you need them. Planning to take **certain equipment out of service** entirely during the **colder months**? Follow this [winter storage checklist](#) so it's **prepped for next spring** — and you won't have to **worry about damaged** components and **unexpected repair bills** to start the **busy season**.

6 Ways to Prevent Falls at Construction Sites

Companies' goals should be to attain zero casualties on injuries and deaths in construction sites—a goal that can only be possible if the proper measures to prevent falls are always in place.



High-rise developments have become major projects of interest for the real estate and construction industries. However, this trend leaves construction workers constantly exposed to high-risk conditions. As such, work-related injuries are common, especially when workers need to engage in highly elevated areas such as scaffoldings and rooftops.

While many types of accidents can occur on construction sites, falls are the leading cause of death, according to the **Occupational Safety and Health Administration (OSHA)**. Further, the **United States Bureau of Labor Statistics (BLS)** indicated that in 2020, the construction industry recorded 1,008 deaths, with falls accounting for 34% of the total deaths. For non-fatal injuries in 2019, 25,460 cases were due to falls, trips and slips – comprising 32% of 79,660 cases.

While these statistics are alarming, the brighter side is that you can prevent falls on construction sites as long as you proactively strengthen fall prevention programs and strategies. That is for the obvious and most important reason of saving lives.

Consider the economic costs of construction injuries in terms of production losses, healthcare costs, loss of income opportunities for families due to disabilities or deaths, compensation claims and lawsuits and penalties imposed on companies for violating safety codes.

Having fall prevention programs in place and adequately implementing them can benefit all stakeholders, considering the abovementioned costs. **OSHA** estimates that companies can save anywhere from \$4-6 for every \$1 invested in safety programs.

Fall Prevention and Fall Protection

Fall prevention describes the systems put in place by the construction industry to avert incidents of workers falling while on the job. These usually include equipment such as guard rails and scaffoldings, as well as process controls such as the training of workers.

Fall protection, on the other hand, is the control implemented to cushion the impact of falls if they happen. Construction companies must equip workers with **Personal Protective Equipment (PPE)** or personal fall arrest systems such as hard hats and harnesses. **OSHA** requires fall protection equipment for workers doing their job from 6 feet above the ground and on excavation sites with a depth of 6 feet.

Why Falls Happen on Jobsites

To come up with a good fall prevention plan, it is best to be aware first of these common causes of falls on construction sites:

▪ **Faulty or deficient fall protection**

Includes substandard or worn-out harnesses or malfunctioning parts such as hooks or buckles, improperly constructed guardrails or scaffoldings and poorly-rigged safety nets. The absence of a personal fall alert system also falls under this category.

▪ **Roofs undergoing construction**

Falls usually occur from the roof's unguarded edges and unfinished parts. Another common cause is miscalculations on the part of workers or the person directing the work.

▪ **Accidents due to aerial lifts**

Most accidents involving aerial lifts are due to the unstable position of the lift, causing it to tilt or sway and accidentally throwing off the worker.

▪ **Use of unsafe ladders**

Ladders that do not meet safety standards or those that do not undergo regular inspections can cause falls, resulting in injuries.

▪ **Slips and trips due to hazards**

Clutter and debris in high work areas pose risks of falls when workers step on objects that can cause them to lose their footing or balance.

How to Prevent Falls

By identifying the common causes of falls on construction sites, preventing accidents can be easier. After all, these are not inevitable accidents. Here are ways to prevent falls from happening on the jobsite.

1. Conduct regular risk assessments

Daily walk-throughs are part of construction best practices. Safety officers or other employees can assess potential workplace hazards and address them.

A checklist for inspection should be available, describing the conditions of guardrails, scaffoldings and ladders, and personal fall arrest systems, among others. It should also be the responsibility of employees to inspect their fall protection equipment every time they use it. These routine assessments can help in identifying and mitigating these risks before they lead to accidents.

2. Provide the right equipment that meets safety standards

The responsibility of providing fall protection for your employees, specifically those who work in what are classified as high-risk areas, falls on your shoulders. At the same time, you must not burden workers with paying for their **PPE**. Roof workers need personal fall arrest systems, such as good-quality harnesses with properly installed anchorage. Harnesses should also properly fit the weight and build of workers using them. All other equipment should comply with safety requirements—ladders, scaffolds, safety gears, and the like. Ladders and scaffolds should properly stand on flat grounds for stability. Installing barriers in hazardous areas is also vital in preventing accidents. Floor holes where workers might fall should have proper markings, covers or other protective devices.

3. Choose qualified employees for the job

Construction workers have specific skill sets. While construction managers have timetables for project completion, it is not wise to assign someone to do another one's job because of absences or lack of workers. Those assigned to work at heights should be competent to handle the job.

If workers perform tasks for which they do not have the expertise or which they have little experience, accidents may happen.

4. Conduct regular training for workers

Workers need to be constantly aware of safety measures on the construction site. These are some of the important areas you could include in your training programs:

- *The importance of fall prevention.*
- *How to use or operate fall protection and other equipment like ladders and scaffolds.*
- *How to identify defective fall protection equipment.*
- *Fixed ladder safety precautions for personnel using this kind of ladder.*
- *Techniques like the three-point contact, which is the use of three limbs to mount or dismount from ladders or platforms.*
- *The use of a buddy system, especially for roof workers.*
- *First-aid training of selected personnel.*
- *Implementing an emergency response system.*

Follow-through training programs should then assess workers' needs, as well as job performance. Workers should also suggest further training programs to correct deficiencies that may expose them or their co-workers to danger.

5. Maintain a clean and orderly jobsite

Cleaning the jobsites should be part of the daily routine, including removing debris or hazards that cause falls, slips, and trips. Remove piles of dirt and materials that obstruct passageways. Instead, store these materials in areas where there is no busy workflow like an open yard. Floor areas must stay dry and not slippery. Machinery should undergo regular maintenance to ensure its proper functioning and efficiency.

6. Add motivational programs to encourage safety compliance

Identify simple ways to motivate employees to comply with safety standards. For instance, recognition and incentives can be given for a no-injury month. This way, workers are aware that the company values their safety.

OSHA has put the steps to prevent falls in three simple words—plan, provide, train. Plan how to perform the job. Provide proper equipment. Train workers on the use of the equipment and safety measures.

Keeping Employees Safe at Work

The safety of employees in the construction industry should be the top-most priority, as the productivity of these employees can positively affect the completion of projects. Companies' goals should be to attain zero casualties on injuries and deaths in construction sites—a goal that can only be possible if the proper measures to prevent falls are always in place.

MJS Legacy Safety can help with your **Workplace Safety Solutions**

We are your One Stop Safety Shop

Give us a call!

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.](#)

Y I Buckle Up: CMV Seat Belt Usage Awareness

Fatal crashes on **America's roadways** are rising, and a **major contributing factor** is **not wearing** a seat belt. **FMCSA** is committed to **supporting** and protecting **commercial motor vehicle (CMV)** drivers, which **includes encouraging seat belt** use among drivers and **CMV occupants**.

FMCSA's campaign, *Y I Buckle Up*, reminds drivers that **wearing a seat belt** helps protect them in a **crash**, complies with the **law**, and **allows them** to make **it home safely**.

In **2020 alone**, nearly half of **all large truck occupants** not wearing a **seat belt in fatal crashes** died.

The **call to action** is simple: ***Always Wear Your Seat Belt Because They Help Save Lives.***

While an **estimated 14% of CMV drivers** do not **wear their seat belts**, we must **recognize the many drivers** who **prioritize safety** by always **buckling up**.

So why should you buckle up? Here are some of the many reasons:

- **It keeps you safe.** *As a CMV driver, staying safe on the roads is a priority. It's essential to maintain safety as your focus, which includes wearing a seat belt.*
- **It helps you make it home safely.** *Whether it's family, friends, or even pets, making it home to those who depend on you matters most.*
- **It's required by law.** *We know CMV drivers take pride in driving safely and their critical role in keeping America moving. Complying with company safety policies and respecting the law are marks of professionalism.*

Please **help keep our roads** and the **CMV community safe** by **wearing your seat belt**. Sharing this **critical safety message** is also **important**—view and download [educational materials](#) and other [safety tips](#).

[Watch a 30 second PSA](#)

Senate bill looks to end ELDT requirements for smallest fleets

Senate Bill Looks to End ELDT Requirements for Smallest Fleets

New Restricted CDL Proposed by Legislators to Get Around Training Regs

Senate Republicans recently introduced a bill that would allow small fleets with nine CDL holders or fewer to skip the Entry-Level Driver Training requirement by allowing states to issue a new "Small Business Restricted CDL."

Senator Kevin Cramer (R-ND), Ranking Member of the Transportation and Infrastructure Subcommittee, introduced the bill with Senator Mike Rounds (R-SD) hoping to "remove burdensome government regulations, which are impacting the agricultural industry, school districts, and trucking companies."

The ELDT regs, introduced in 2012 by the administration of then-President Barack Obama, added course work and use of a trainer on a Training Provider Registry, maintained by the FMCSA, to the steps needed for a driver to get a Commercial Learner's Permit. The regulation finally took full effect on February 7 of this year, meaning that all drivers still seeking a CLP at that point would need to complete the additional course work and find a registered trainer in something of a shake up to the industry that had already established training protocols.

Though some small fleets certified to conduct pre-CDL training continue protocols to pay operators undergoing that on-the-job work, Cramer contended training classes can cost anywhere from \$450 to \$8,500, and that they can take anywhere from 3 to 20 days to complete. The Senator took aim at the "burdensome requirement" in light of the American Trucking Associations' often-repeated estimates of a nationwide trucker shortage of 80,000 drivers.

Cramer's bill, backed by Rounds and Senators John Hoeven (R-ND) and Roger Marshall (R-KS), is called the Trucking Regulations Unduly Constricting Known Service-providers (TRUCKS) Act, which they say would "make certain any driver obtaining a CDL without completing the ELDT process could not switch to a larger company and bring a 'Small Business Restricted CDL' with them."



"Further, it would protect small businesses from these constricting regulations so they can fill their positions in a timely manner and remain competitive in the industry," according to a release from Cramer's website. "Additionally, the TRUCKS Act would allow states to exempt employees of agriculture-related industries, school districts, and local units of governments (including county, municipal and tribal), from ELDT requirements to obtain their CDL."

Cramer went on to point to supply-chain issues "at a time of tremendous demand," saying "the last thing the transportation industry needs is more overbearing, bureaucratic red tape placed on them by the current Administration. The TRUCKS Act allows states to exempt certain drivers from new ELDT requirements and provide regulatory relief to small trucking businesses ensuring we have drivers on the road to keep interstate commerce moving."

The other co-sponsoring Senators took aim at the ELDT regulations' impact on farmers and small businesses, with Marshall saying the "custom harvesters across Kansas are overregulated by federal rulemakers who have never worked on a harvest crew," and that the TRUCKS Act represented a "common sense reform to eliminate barriers for small businesses, farmers, and custom harvesters' crews who are already hard pressed to find an adequate amount of drivers."

'Leave us alone': ELD-EXEMPT OWNER-OPS SAY NO TO ANY PRE-2000 EXEMPTION CHANGE

As the Federal Motor Carrier Safety Administration explores possible changes to its electronic logging device regulations, truck owners with older engines who have so far avoided the mandate are speaking out against a potential change to the pre-2000 engine exemption.

In a notice published Sept. 16, the agency said it is considering changes to the ELD mandate regarding pre-2000 engines, how ELD malfunctions are addressed, and more.

Particularly notable for owner-operators in trucking are potential changes to the pre-2000 engine exemption. In its notice, FMCSA said "many vehicles with pre-2000 and most vehicles with rebuilt pre-2000 engines have engine control modules (ECMs) installed that could accommodate an ELD." The agency then poses the question: Should FMCSA re-evaluate or modify the applicability of the current ELD regulation for rebuilt or remanufactured CMV engines or glider kits?

After just a little more than a week of comments, FMCSA has received nearly 700 on the notice, many of which pertain to glider kits and pre-2000 engines. [The comment period remains open through Nov. 15.](#)

[Read](#) what some 'Commenters' are saying...

Safe Driver Apprenticeship Pilot Program

Overview - The **Infrastructure Investment and Jobs Act (IIJA)**, also known as the **Bipartisan Infrastructure Law (BIL)**, Section 23022, requires the **FMCSA** to establish an **apprenticeship pilot program** that would **allow drivers between the ages of 18-20** with an **intrastate commercial driver's license** to operate **interstate commerce** under very **specific conditions**.

To meet this requirement, **FMCSA** established the **Safe Driver Apprenticeship Pilot Program (SDAP)**. This **three-year program** will help individuals ages **18, 19, and 20** explore **interstate trucking careers** and help **trucking companies** hire and train new drivers through an **apprenticeship pilot program**.

Background - On **January 14, 2022**, **FMCSA** announced in a **Federal Register Notice (FRN)** the establishment of the **SDAP Program**. The **Program** allows certain **18-, 19-, and 20-year-old drivers** to operate **commercial motor vehicles** in **interstate commerce**. The **FRN** provides details about the **pilot program**.

FMCSA will post an **announcement** when companies can **apply for participation** in the **SDAP Program**. The agency will also include details about the **application process**.

How to Prepare - We are accepting applications for the **SDAP Program**, we encourage companies to:

- *Become familiar with the pilot program requirements by reviewing the [Safe Driver Apprenticeship Pilot Program Federal Register Notice](#);*
- *If you are not registered with the U.S. Department of Labor [Registered Apprenticeship Program](#), learn how to join.*
- *Review your safety performance data to determine if your company meets the standards.*

Motor Carriers – Click Here to Apply

Canada Ends Border Vaccine Mandate, OOIDA Calls on Biden to Follow Suit

The Canadian government **announced** on Monday, 9/26 "*the removal of all COVID-19 entry restrictions, as well as testing, quarantine, and isolation requirements for anyone entering Canada,*" including both **Canadian and U.S. truckers**. The move, which **will be effective as of October 1, 2022**, thereby **ended a regulation** that had caused **heated, weeks-long protests** to cripple the **country's capital city of Ottawa**.

Immediately following that move, the **Owner-Operator Independent Drivers Association** called on the **U.S. to follow suit**. **OOIDA** cited the Canadian **relaxation as due cause** for President Joe Biden to "*end the vaccination requirement for non-U.S. individuals seeking to enter the United States via land ports of entry at the U.S.-Mexico and U.S.-Canada borders.*"

The **association** used Biden's own words, **noting the president's recent statement** on CBS' 60 Minutes that "*the pandemic is over.*"

"*With this recognition that our country has moved passed the pandemic phase of the public health crisis caused by COVID19, we think this is a perfect time to move past these mandates,*" **OOIDA** concluded.

The **U.S. imposed its vaccine mandate** on **foreign drivers** in **January of this year**, which met with **resistance from drivers** and politicians alike. A **separate vaccine mandate** for workers at companies with **more than 100 employees**, before the **Supreme Court struck it down**, also impacted **many company drivers** over the same period.

By **February 2022**, with the **mandates in full effect**, intense protests had **shut down much of Ottawa**, where Canadian **professional truckers** are generally **more reliant on cross-border travel** to make a living. (*The Canadian government had also applied a vaccine requirement on re-entering Canadian citizens in addition to foreign travelers, unlike the U.S. mandate's application to foreign citizens entering the country.*)

OOIDA, in its **statement on 9/26**, said it represents more than **150,000 drivers**, including **more than 1,000 from Canada**. "*Throughout the COVID-19 emergency, our members and thousands of other professional truckers have been risking their lives to deliver critical goods to communities throughout North America,*" the **organization wrote**. "*Prior to January 2022, truckers were safely operating across the U.S.-Canadian border to ensure North Americans had the food and supplies they needed without having to show proof of vaccination or disclosing any other aspects of their personal medical history.*"

OOIDA reiterated its stance that "*commercial drivers spend the majority of their time alone in their vehicle and outside*" and that "*there is no evidence that truckers present a higher risk of spreading the virus,*" and **have not been tied** to any **outbreaks or meaningful containment strategies** for the **virus**.

"**OOIDA** has always maintained that vaccination is a personal choice just like any health decision," the **association went on**, "*and we have provided our members with the most up-to-date information about how they can receive COVID-19 vaccines. But for drivers who have made a decision that doesn't comply with the mandate, it has forced them out of business or to change their operations.*"

OOIDA **dubbed the mandate** an "*enormous regulatory burden*" that "*adds another unnecessary obstacle*" for **cross-border operators**.

Impaired Driving - ALCOHOL, CANNIBAS, and ANY OTHER DRUG



It's Not Complicated

Many people spend an enormous amount of energy trying to convince themselves they are okay to drive after drinking. Unfortunately, magic solutions like the "chug-two-glasses-of-water" don't exist. **The truth is, if you've been drinking, you're not okay to drive.**

CDOT's **It's Not Complicated** campaign aims to inform Coloradans that no matter how many alcoholic beverages they've had, it's never okay to drive. **It's that simple.** The campaign features radio ads, social media, billboards, video ads and messaging in liquor stores, all showcasing flow charts and graphs to illustrate that no matter the circumstance, it's never okay to drive after drinking. CDOT wants those who are to keep themselves and others safe by not drinking.

A study conducted by CDOT among people given a smartphone breathalyzer to see their blood alcohol levels while drinking, often underestimated their level of impairment. They were also unaware that they could be arrested for a DUI with a BAC below 08. You can find CDOT's [Breathalyzer Research report here](#).

Since many people aren't aware of the dangers (*and legal consequences*) of driving after consuming even small amounts of alcohol, the message is simple – **if you have been drinking, don't drive.**

Choose to never drive high

Would you want a paramedic who's high on the job helping you? How about your child's babysitter? CDOT's **Uncomfortable High** campaign is meant to shift Coloradans' perspectives on cannabis-impaired driving. If the thought of your surgeon being high in the operating room makes you uncomfortable, you shouldn't ever consider driving impaired on cannabis or any other drug – the consequences are just as serious.

Cannabis impairs the critical abilities needed to drive safely. Help us establish a stigma around driving high. You wouldn't let your friends drive drunk. They shouldn't drive high either. Let's work together to reduce the number of cannabis-impaired crashes and fatalities on Colorado roads.

Safety Tips - Remember these safety tips to keep yourself and others safe:

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.

The Heat Is On

The CDOT Highway Safety Office provides funding to Colorado law enforcement for impaired driving enforcement, education and awareness campaigns. The **Heat Is On** campaign runs throughout the year, with 16 specific high-visibility impaired driving enforcement periods centered on national holidays and large public events. Enforcement periods can include sobriety checkpoints, saturation patrols and additional law enforcement on duty dedicated to impaired driving enforcement.



FMCSA Considering Changing ELD Regs Around Glider Kits, Pre-2000 Engines, More

Ahead of the implementation deadline for the **Federal Motor Carrier Safety Administration's** electronic logging device mandate in late 2017, the agency appeared to throw something of a bone to owner-operators and others opposed to the mandate by clarifying that its **pre-2000 exemption** applied to the **engine model year** rather than the **model year of the truck's chassis**. The reasoning behind that had to do in part with the reality of the **glider-kit market**, then going **gangbusters**, in which **newer chassis** were often **outfitted with remanufactured pre-2000 engines**, in some cases **without electronic control modules (ECMs)** an **ELD could effectively connect** to.

Thursday, Sept. 15, **FMCSA** signaled that it's **considering potential changes** to that **exemption**, among other aspects of the **ELD rule** (including **malfunction-related procedures, ELD tech specs and more**), with an **Advance Notice of Proposed Rulemaking**, scheduled to be **published** in the **Federal Register** Friday, Sept. 16.

On the issue of **pre-2000 engines** being **exempt from ELD regs**, the **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 asks.

As part of the **same question**, the **regulator requested** "data regarding the size of the glider kit population utilizing pre-2000 engines," a figure likely to be **large among many owner-operators** given the **popularity of pre-emissions engines** in years leading up to **EPA limitations on glider builds**.

Other questions the **agency is asking** in its **Federal Register** notice include generally those **aimed at identifying** "ways to improve the clarity of current regulations on the use" of **ELDs**, and how to **address** "certain concerns about the technical specifications" raised by the **trucking industry**.



Specifically, in addition to the questions about the **pre-2000 engine exemption**, **FMCSA** also asks for **comment on addressing**

ELD malfunctions; on the process for **removing ELD products** from **FMCSA's** list of **certified devices**; on **technical specifications**; and on **ELD certification** by providers.

The question covering **ELD malfunctions** also **takes a look at paper logs** as a **backup**. Citing **49 CFR 395.34(a)** as **requiring drivers to switch to paper logs** when an **ELD malfunctions**, but not to switch to **paper logs** if the **ELD malfunctions** but still **accurately records hours**, the **FMCSA** asks: "Should **FMCSA** amend carrier and driver responsibilities in 395.34 to clarify when a driver must switch to paper logs?"

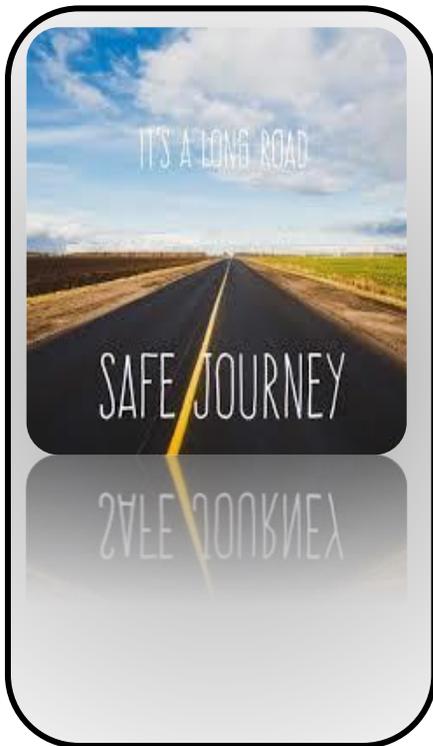
This question comes just days after the **FMCSA** removed the **ELDorado ELD** from its **registry due to issues** with the **device's display**.

The remaining questions focus on **removing ELDs** from the **FMCSA's** registry of **approved devices** when the **ELD provider goes out of business** and fails to **self-revoke**, what **technical specifications the ELD devices need**, and whether or not the **FMCSA** should come up with a **certification process for ELDs beyond the current provider self-certification process**.

Among the questions, the **FMCSA** also asks if the **temporary exception** "that allowed all motor carriers to configure an ELD with a yard-move mode that does not require a driver to re-input yard-move status every time the tractor is powered off" should be **amended or made permanent**, and generally how it's **worked out so far**.

Download a pdf at this [link](#).

The **ANPRM** posted to the **federal Regulations.gov** site September 16. Read the notice and **make a comment officially** via this [link](#).





Top 8 Tips for Wheel Loader Operators

LOADING, STOCKPILING, AGGREGATE HANDLING: YOU COUNT ON YOUR WHEEL LOADERS TO TAKE ON ALL KINDS OF TASKS ON THE JOB SITE. WHAT'S THE BEST WAY TO MAXIMIZE THEIR PERFORMANCE AND PRODUCTIVITY?



First, match the bucket to the material you're moving. Then, get your operators on board with these eight tips. They won't just help you boost production — they can also minimize fuel consumption and component wear.

1. Position the truck at a 45-degree angle to the face.

That's the best possible position of material, truck and loader to ensure minimum loader movement. The result? Faster cycle times and lower fuel consumption.

2. Take a straight-on (square) approach to the material.

This tactic allows both sides of the bucket to hit the face at the same time for a full bucketload. It also minimizes side forces on the loader, reducing wear and tear over the long term.

3. Approach the face in first gear at a steady speed.

This low-gear, high-torque method provides optimized machine power for the best material penetration.

4. Minimize bucket contact with the ground.

Don't let the cutting edge touch the ground more than 6-16 inches (15-40 centimeters) before the face of the material. That helps reduce bucket wear and material contamination. It can also lower fuel consumption by eliminating unnecessary friction between the bucket and the ground.

5. Keep the cutting edge parallel to the ground.

Then raise it just a little before curling the bucket. That's the best way to get a full bucketload. This technique also prevents unwanted bucket-material contact, which prolongs bucket life and saves fuel due to less friction.

6. Don't spin the tires.

Wheel-spinning wears out one of your loader's most expensive components — tires. It also burns fuel for no reason. Approach the face in first gear to help prevent spinning.

7. Avoid chasing the load.

Rather than chasing the load up the face, use this technique instead: 1) Penetrate. 2) Lift. 3) Curl. It's the most fuel-efficient maneuver.

8. Keep the floor clean.

A clean floor improves speed and momentum when approaching the pile. It also reduces material spillage when reversing with a full bucket. To keep the floor clean, avoid tire spinning and losing material with brutal maneuvers.



9 Fall Safety Tips That Will Keep Your Family Safe This Season

It's that time of year again- pumpkin spice everything, Halloween decorations lining store shelves, leaves changing colors, and crisp morning air.

The fall also brings some hazards we need to be cautious about. But with the right fall safety tips, you can still enjoy everything you love about this time of year.

Most of us live in areas where we get to enjoy four beautiful seasons, each with their own amazing features. But it's important to understand how to stay safe in specific weather conditions.

These essential fall safety tips will help make sure you enjoy the season to the fullest and avoid unnecessary injuries or accidents.

1. Be Cautious of Back to School Traffic

School is back in full swing, which means that there's more traffic on the roads in the morning and late afternoon. You might have noticed it takes a little longer to get to work now.

Be alert when you're crossing the street or driving in a school zone. People can be absent minded in the morning as they rush around trying to get their kids to school and make it to work on time.



2. Don't be Fooled by Falling Leaves



The fall is a gorgeous time of year- those green leaves turn to wonderful shades of brown, yellow, red, and orange and fall to the ground in those piles we love to jump in.

But falling leaves can pose a hazard, no matter if you're driving or walking. Leaves can be very slippery, which is a big trigger for autumn slip and falls.

Jumping in piles of leaves can also be dangerous and lead to injury if you're not cautious. You never know what kind of garbage or debris ended up in that pile you just raked. This is especially important if you live on a busy street.

3. Get Your Fire Safety up to Speed

This time of year, when the temperature starts dropping, means we're putting away our bathing suits and getting our boots out. It also means we're starting to get back to our heating equipment.

Your furnace and heaters have been sitting untouched all summer long. Turning them on at the first sign of chilly air without properly inspecting and servicing them can be a big fire hazard. Be sure to get an inspection of your heating systems and anything else that hasn't been used in a while.



If you have a wood burning fireplace, make sure you follow the proper safety procedures when using it. Keep the screen shut and make sure that the flue is clean, open, and free from debris.

Fall is also a time when a lot of people like to break out their candle collection and get cozy on a chilly evening. However, misuse of candles is one of the biggest causes of house fires. Always make sure you blow out your candles before you leave a room and never leave open flame unattended.

4. Avoid Slip and Falls From The Rain



In the fall, we get a fair amount of rain. And rain can often cause surfaces to be slippery, especially when it's cold and takes the water longer to evaporate.

This is a recipe for harmful slip and falls that can leave you with serious injuries.

When you're outside, double check everything before you use it or walk on it. For example, if you need to clean out your gutters, examine the ladder before you climb it. The rungs could be wet and slippery, causing a potential slip and fall.

Sidewalk grates are often slippery when wet, so take caution walking down the street. Walk with your hands free just in case you fall.

5. Be Prepared For Unexpected Cold Weather

As we've recently been experiencing, fall means that the temperature could be hot one day and cold the next. In fact, it could drop at any minute.

Always be prepared if you're going out for the night, especially if you're going to be outdoors for any period of time. Make sure you have an extra jacket, scarf, or hat in case the temperature drops unexpectedly.

If you don't have an emergency car kit in your vehicle, now is a good time to make sure you have one in there before winter starts.



6. Wash Your Hands Constantly



While the fall brings back some of our favorite things, like pumpkin spice everything and NHL hockey, it also brings something we all hate cold and flu season.

If you've recently recovered from a major injury, like a traumatic brain injury, one cold or flu could set your recovery process back.

Wash your hands frequently, and use hand sanitizer if you can't wash them. Any time you touch a publicly used item, like a railing or a public door handle, make sure you lather up and avoid touching your face.

7. Make Sure Your Batteries Are in Order

Test your batteries and replace them if necessary. Make sure you have backups on hand in case of power outages or other emergencies.

As we mentioned earlier, house fires are common in the fall because of the change in temperature and the fact that people are turning on their heaters after months of inactivity.

Make sure your smoke detectors, carbon monoxide detectors, and other important emergency devices are in working order and have fresh batteries.



8. Practice Caution When Taking Your Kids Trick or Treating



The fall season also brings Halloween! Kids and adults alike always look forward to this time of year, when we can dress up and pretend to be whatever we want for the day.

However, there are some major risks on Halloween that could put your kids' lives at stake. No one wants to risk that.

Read up on these [essential trick or treating safety tips](#) to keep the kiddos safe as they head door to door in their favorite costumes.

9. Wear Something Reflective When Walking at Night

It's starting to get darker earlier, but that doesn't mean that the dog still doesn't need to be walked. Or this may be the only time you have to enjoy your favorite outdoor activity. At this time of year, it's starting to get dark before we even get home from work, which doesn't leave much time outside in the daylight.

Make sure you wear reflective clothing if you're out at night. You should also put reflective materials on your dog's collar or leash to make sure they're visible to people driving by.



From all of us at
MJS Legacy
Safety...
Be safe out
there!!