MONTHLY NEWSLETTER AUGUST 2021 VOLUME 13 ISSUE 8

New Logo & New Name …

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

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

MJS Legacy Safety Consulting Services LLC

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

The contact information for both Carrie Jordan and Jeremy Jordan will remain the same.
Please note a new shipping address as: 1026 N. 1st Street, Johnstown CO 80534.
There is no change to the mailing address as: P.O. Box 10, Johnstown CO 80534.
Our training facility and offices will not change: 1760 Broad St, Unit H, Milliken, CO 80543.

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

carriejordan@mjssafety.com — jeremyjordan@mjssafety.net

You've likely become 'COVID weary'. It's a topic we've had to think and hear about virtually every day for the past 18 months. It would be great if we could just move on from information about COVID-19 and never revisit it again. But that's not realistic……yet!

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

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

COLORADO Department of Revenue

Home page for State of Colorado/ Colorado Department of Revenue –
Division of Motor Vehicles - link

➔ **Distance Learning & Video Conference classes**: ***We are excited to announce that PEC will be allowing us to temporarily offer Safeland and the PEC H2S Clear courses via video conferencing until December 2021. We are also able to offer the 1st aid/ CPR classes with an online blended learning option, and remote skills verification – as well as our In-House H2S Awareness Course. Ask about other distance learning opportunities for more information.***

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

OSHA/CONSTRUCTION NEWS SUMMARY

► Visit OSHA's COVID-19 Frequently Asked Questions page… read more…

► OSHA's Recordkeeping Requirements During the COVID-19 Pandemic

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

► RECORDABLE vs. REPORTABLE:

Understanding These Important Compliance Terms

As with most government-related topics, OSHA recording requirements can seem complicated and overwhelming. read more…

► OSHA revises its National Emphasis Program, updates Interim Enforcement Response Plan for COVID-19

The agency **launched** the **NEP** on **March 12, 2021,** to focus on companies that put the **largest number** of workers at **serious risk** of contracting the **coronavirus**… read more…

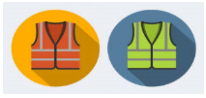
► Whistleblower Laws Enforced by OSHA

OSHA's Whistleblower Protection Program enforces the **whistleblower provisions** of more than 20 whistleblower statutes (pdf) **protecting employees** from **retaliation** for **reporting violations**... read more…

► How to Weather Any Storm: *tips for disaster planning*

Pandemic wasn't the only calamity of 2020 – $22 billion weather and climate events also set a US record for natural disasters... read more…

► HI-Vis 101: Everything You Need to Know



Highly reflective apparel could save lives in work zones. read more…

► Temporary Power Safety

Contact with electricity is one of the leading causes of fatalities in construction, according to OSHA. read more…

AGRICULTURAL SAFETY

► US Department of Labor Cites Grain Facility for Workplace Safety Failures Following Dust Explosion that Severely Injured Worker

A Missouri grain-handling facility faces $215K in OSHA fines for safety violations… read more…

TRANSPORTATION NEWS SUMMARY

► 3 Potential Risks When Transporting Hazardous Materials by Rail

Citing a forecast from the **Federal Highway Administration,** the **Association of American Railroads** (*AAR*) reported in July 2019 that total **railroad freight shipments** in the United States will **rise** from **17.8 billion** in 2017 to an **estimated 24.1 billion** in 2040, an increase of **35%.** read more…

► FMCSA Opens Registration for Long-Awaited Training Provider Registry

After more than **four years** since the **Federal Motor Carrier Safety Administration's** Entry-Level Driver Training rule was published, the **agency** has **finally launched** the long-awaited **Training Provider Registry** (*TPR*). read more…

► *Another topic we hear about, see happening, or experience way too often …..*

Distracted Driving

Distracted driving is the act of driving while engaged in anything that takes your focus away from the road, including texting, looking after children or pets, talking on the phone or to a passenger, watching videos… read more…

► Keep That Logbook Current:

The hours of service enforcement 'black hole' out West, where violations are most prioritized

Considering **hours of service enforcement** since **late-2017,** when the **Federal Motor Carrier Safety Administration** mandated **electronic logging** devices, **hours of service** violations in the **aggregate** have clearly **trended downward.** read more…

► Miners Continue to Die in Rollover Accidents.

Fatalities occurred when vehicles flipped over backwards, rolled over, and tipped over on their sides. read more…

► Stop Powered Haulage Accidents: Stay Alert! Stay Alive!

Fatalities and accidents involving mobile equipment: shuttle cars, scoops, locomotives, front end loaders, haulage equipment, service and pickup trucks continue to occur at a disproportionate high rate. read more…

► RECOGNIZING COMMON CAUSES OF INDUSTRIAL HEAT STRESS

Whether you manage workers in an outdoor environment, a hot forge, or a busy manufacturing facility, chances are your employees encounter hot and humid environments at some point during their shift. read more…

"Training Spotlight"

(there will be a different course featured monthly)

FALL PROTECTION TRAINING COURSES

This class is designed to address the recognition of fall hazards in the workplace, protective measures available, and proper selection, use & care of Fall Protection Equipment in accordance with OSHA's Fall Protection standard as well as the ANSI Z359.1 requirements. Hands on practice with fall protection equipment use, selection and inspection and evaluation, and rescue planning is also covered in this course. The course can be conducted in a 4 hour Awareness of an 8 hour Competent Person session.

For all of our Course Offerings visit the MJS Safety website

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

SOURCES FOR THIS ISSUE INCLUDE:
OSHA
FMCSA
USDOL
ISHN
CDC
Overdrive
CCJ
MSHA
DOT
OH&S online
Safety&Health
Safety Skills
Magid
For Construction Pros.com
NHSTA
CDOT

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

- ***PEC Safeland Basic Orientation: NEW 2021 SAFELAND: Aug 6, 19; 8 – 4:30;**
  This class available through video conference instructor led distance learning through 2021 - only upon request
- ***First Aid/CPR/AED/BLOODBORNE PATHOGENS (We offer MEDIC FIRST AID): *In Person Classes*: Aug 12, 25; 8 — noon;**
  This class is also available for blended learning (online) with remote or in-person skills assessment
- ***Hydrogen Sulfide Awareness [*ANSI Z390 -2017 Course*]: Aug 12, 25; 12:30 – 4:30;**
  This class available via Instructor Led video conference
- ***PEC H2S CLEAR 4 hour: Aug 4; 8 — noon;** *This class will be virtual*
  This PEC course meets the ANSI Z390.1 -2017 standard and may be required by some Oil & Gas operators
- ***Confined Space Entry Training: Aug 13;**
  Attendant, Supervisor, Competent Person & Entrant [NUCA Course]

[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

— FEATURED TRAINING PROGRAMS —

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

Order
First Aid
& other
Safety Supplies
www.mjssafety.com
Jeremy
720-203-6325
Carrie
720-203-4948

Unable to attend a class?

MJS Legacy Safety offers multiple
"ONLINE TRAINING COURSES"

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

or you can

Need Help With
- ISNetworld
- PEC/Veriforce
- NCMS
- Avetta/BROWZ
- TPS ALERT

CALL US!!!

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

► MJS 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.

RECORDABLE vs. REPORTABLE:

Understanding These Important Compliance Terms

As with most government-related topics, OSHA recording requirements can seem complicated and overwhelming. However, it is often these types of topics where it is even more important to get things right. Understanding when to track incident records can help your company meet OSHA compliance and, ideally, avoid costly fines. Learn more about maintaining OSHA records and when you might need to report an incident to OSHA.

TERMS TO KNOW

With **OSHA** records, there are **three main terms** you will see **commonly used.** Here are the **basics.**

Recording *is simply the act of tracking an on-the-job injury or illness. There are multiple forms and logs that need to be filled out and maintained by each company, with different details required of each one.*

Reporting *means notifying OSHA of certain outcomes from occupational incidents, such as a death. These types of incidents must be reported within a certain timeframe, depending on the occurrence.*

Submitting *is similar to recording, in that this does not apply to all employers. However, for those that fall within the restrictions, there is a specific injury and illness form that needs to be electronically submitted to OSHA each year.*

WHO NEEDS TO RECORD INJURIES?

Under **29 CFR 1904,** any employer covered by the **Occupational Safety and Health Act** with 11 or more **employees** must maintain **OSHA** injury and **illness records.** Employers with 10 or **fewer employees** and organizations in certain **low-hazard industries** are partially **exempt** from keeping such **records.**

Within many **smaller organizations,** employee numbers may **fluctuate** throughout the year. In these instances, **employers** should review their maximum **employment numbers.** If at any time during the year, you have more than **10 employees,** you are required to **record safety incidents,** unless you are in an **exempt industry.**

Additionally, not **all employers** are covered by federal **OSHA regulations.** There are **currently 26** states and **2 U.S. territories** operating under an **OSHA-approved State Plan.**

While these **plans may differ** from federal **regulations** in some aspects, **OSHA** has been **very clear** in noting that **"State plans must have occupational injury and illness recording and reporting requirements that are substantially identical to the requirements in this part."**

WHAT MAKES SOMETHING RECORDABLE?

Simply put, a **recordable incident** is a work-related **injury** or **illness** that results in **any** of the **following:**

- *Fatality*
- *Day(s) away from work*
- *Punctured eardrum*
- *Fractured or cracked bones*
- *Loss of consciousness*
- *Restricted work activity or job transfer*
- *Diagnosis of cancer or chronic irreversible diseases*
- *Medical treatment beyond first aid*

With **regards** to "*Medical treatment beyond first aid*", **OSHA** provides a **detailed list** of treatments they consider to be **basic first aid.** Because this **list covers** such a wide variety of **treatments,** such as **nonprescription medications,** simple wound coverings, and **even hot** or cold **therapy,** this will likely be **enough to treat** many less **severe incidents.**

If basic **first aid** is all that is **needed** to treat an **injury,** that incident **does not need** to be noted in your **recordkeeping logs.** On the **other hand,** if anyone – **no matter** if that person is a **medical professional** or not – has to **administer** a "*Medical treatment*" for an **injury** or illness, the **incident** is **required** to be **recorded.**

The **list** of things **OSHA considers** to be "*Medical treatment*" in these **instances includes:**

- *Nonprescription medication used at prescription strength*
- *Stitches and staples to close wounds*
- *Physical therapy or chiropractic treatment*
- *Rigid devices for support*
- *Certain vaccines, such as rabies or Hepatitis B*

Additionally, if a **healthcare professional** recommends one of these **treatments** and the **affected employee** does not **follow-up** on that **recommendation,** the incident still **must be recorded.**

There are also **specific cases** that must be **recorded,** regardless of the **type of treatment** applied and no matter what the **physical result,** such as **death** or days **away from work,** may be.

These **four cases** are:

- *Hearing loss*
- *Needlestick injuries*
- *Medical removal*
- *Tuberculosis*

One **final thing** to keep in **mind** is that each **recorded incident** must be a **new case.** According to **OSHA,** an **injury or illness** can be considered a **new case** if the **employee:**

- *Has not previously experienced a recorded injury or illness of the same type that affects the same part of the body, or*
- *Previously experienced a recorded injury or illness of the same type that affected the same part of the body but had recovered completely from the previous injury or illness.*

WHAT MAKES SOMETHING REPORTABLE?

Most **work-related injuries** and illnesses that **occur** may need to be **recorded** on the proper **OSHA logs,** but the **majority** will not be **reported directly** to **OSHA,** other than during an **annual submission.** However, there are **certain situations** that call for **immediate action** from the **employer.**

Any **occupational incident** that results in a **fatality** or a **severe injury** — in-patient **hospitalization,** amputations or the **loss of an eye** — must be **directly reported,** either to the nearest **OSHA Area Office,** to the **24- hour OSHA hotline** or via the **online reporting** form.

Work-related **fatalities** must be reported within **8 hours** of learning about the **death.** All other **severe injuries** listed above must be reported within **24 hours.** Unlike any of the **recordkeeping restrictions,** all employers under **OSHA jurisdiction** must report **these types** of **incidents.**

However, it is **important** to remember that **employers** do not have to **report** an incident to **OSHA** if the injury or **illness:**

- *Resulted from a motor vehicle accident on a public street or highway (except in a construction work zone)*
- *Occurred on a commercial or public transportation system*
- *Involved hospitalization for diagnostic testing or observation only*

In **such instances,** the **injury or illness** should still be **documented** on the appropriate **OSHA logs;** they simply **do not need** to be reported **directly** to **OSHA.**

WHAT GETS SUBMITTED TO OSHA?

While the various **OSHA forms** — outlined in **more detail** below — include **specific information** about injuries and **illnesses,** and these **forms** must be **maintained onsite** and may be requested for an **inspection,** the **good news** is that the **majority** of organizations **will not need** to **submit data** to **OSHA.**

As of 2017, the **only establishments** that must **electronically submit data** from their **300A** are those with **250 or more** employees and those with **20 or more employees** in certain **high-risk industries.** In these cases, **employers must** use **OSHA's Injury Tracking Application** portal to submit **OSHA 300A data** by **March 2** for the **previous calendar year.**

One thing to note is that, for **organizations** that fall under the **requirements** for **submitting data** to **OSHA,** an **Injury Tracking Application** must be **completed** even if there were **no injuries** or **illnesses.** In that case, **zeroes** would be reported, but this **information** must still be **officially documented.**

HOW TO DOCUMENT OCCUPATIONAL INCIDENTS

There are **three different OSHA** recordkeeping **logs** that need to be **completed** and maintained by **all applicable organizations.** The names of the **logs** are similar, so they can be **easily confused,** but here is a **simple breakdown** of the **function** of each.

OSHA Form 301

Also known as an Injury and Illness Incident Report form, this contains any injury deemed to be OSHA recordable. This form will list the extent and severity of an injury or illness and medical information.
Incidents must be documented within seven calendar days of learning about the injury or illness. This form does not get submitted to OSHA but it must be maintained at your worksite for 5 years.

OSHA 300 Log

The next form is the OSHA 300 Log, which must include incident information such as employee details and if the incident resulted in death, days away from work, a job transfer, or other outcomes.
Similar to Form 301, the 300 Log does not get submitted to OSHA but must also be maintained on the jobsite for 5 years.
Employers may need to produce a copy of the 300 Log upon request during an OSHA inspection.

OSHA 300A

In 2019, OSHA updated the recordkeeping regulation to where applicable organizations now need only submit the OSHA 300A, which serves as an annual summary of all work-related incidents.
Much like the other OSHA forms, this must be kept at the worksite for 5 years. Additionally, the OSHA 300A also needs to be signed by a company executive and displayed in the office from February 1 to April 30 each year.

TRAINING TO AVOID RECORDABLE INCIDENTS

While it may go without saying, training your entire workforce not only helps to minimize safety risks, it also means you may be less likely to have an on-the-job incident that needs to be recorded.

July 8, 2021

OSHA revises its National Emphasis Program, updates Interim Enforcement Response Plan for COVID-19

The U.S. Department of Labor's **Occupational Safety and Health Administration** has revised its National Emphasis Program (*NEP*)(pdf) for **COVID-19.** The agency **launched** the **NEP** on **March 12, 2021,** to focus on companies that put the **largest number** of workers at **serious risk** of contracting the **coronavirus,** and on **employers** that engage in **retaliation** against **employees** who complain about **unsafe** or **unhealthful conditions** or exercise other **rights** under the **Occupational Safety and Health Act.**

Based on an **evaluation** of inspection and **illness data,** the revised NEP (*DIR 2021-03* (*CPL 03*), adjusts the **targeted industries** to those most at **risk** for **COVID-19 exposure,** but still **includes** healthcare and **non-healthcare,** such as meat and **poultry processing.** The revised **NEP** also removes an **appendix** that provided a list of **Secondary Target Industries** for the former **COVID-19 NEP.** For inspections in **healthcare,** the revised **NEP refers** compliance **safety** and **health officers** (*CSHOs*) to the new directive, **DIR 2021-02** (*CPL 02*), Inspection Procedures for the COVID-19 Emergency Temporary Standard, (*ETS*) issued on **June 28, 2021.**

Inspections in **non-healthcare establishments** will follow **procedures** outlined in the Updated Interim Enforcement Response Plan published **July 7, 2021.** The updated **interim enforcement** response plan (*IERP*) replaces the **memorandum** dated **March 12, 2021.** Updates in the **July 2021 IERP** include:

- *Enforcing protections for workers in non-healthcare industries who are **unvaccinated** or **not fully vaccinated**;*
- *Where respirator supplies and services are readily available, OSHA will stop exercising enforcement discretion for temporary noncompliance with the Respiratory Protection standard based on employers' claims of supply shortages due to the COVID-19 pandemic;*
- *OSHA will no longer exercise enforcement discretion for the same requirements in other health standards, where full compliance may have been difficult for some non-healthcare employers due to the COVID-19 pandemic;*
- *Updated instructions and guidance for OSHA area offices and CSHOs for handling COVID-19-related complaints, referrals and severe illness reports;*
- *Ensuring workers are protected from retaliation; and*
- *References to the revised NEP for COVID-19.*

The **goals** of the **IERP** are to **identify exposures** to **COVID-19 hazards,** ensure **appropriate** control measures are **implemented,** and address **violations** of **OSHA standards** (*other than the ETS*) and the **General Duty Clause.** The updated **IERP** will **remain** in effect until **further notice** and is intended to be **time-limited** to the current **COVID-19 public** health crisis.

The **ETS** became effective **June 21, 2021.** Healthcare **employers** must comply with **most provisions** by **July 6, 2021,** and with **training,** ventilation, and **barrier provisions** by **July 21, 2021.**

Whistleblower Laws Enforced by OSHA

OSHA's Whistleblower Protection Program enforces the **whistleblower provisions** of more than 20 whistleblower statutes (pdf) **protecting employees** from **retaliation** for **reporting violations** of various workplace **safety** and health, airline, **commercial motor carrier,** consumer product, environmental, financial reform, food safety, health insurance reform, **motor vehicle safety,** nuclear, pipeline, **public transportation agency,** railroad, maritime, securities, tax, antitrust, and anti-money laundering laws and for **engaging** in other **related protected activities.**

Protection from Workplace Retaliation

An **employer** cannot take an **adverse action** against employees, such as: **firing** or laying off, **demoting,** denying overtime or **promotion,** or **reducing pay** or hours, for **engaging** in activities **protected** by **OSHA's** whistleblower **laws.**

What Is Retaliation?

Retaliation occurs when an **employer** (*through a manager, supervisor, or administrator*) fires an **employee** or takes any **other type** of adverse **action** against an **employee** for engaging in **protected activity.**

An **adverse action** is an **action** which would **dissuade** a reasonable **employee** from **raising a concern** about a **possible violation** or engaging in other **related protected** activity. **Retaliation** can have a **negative impact** on overall **employee** morale.

Because an **adverse action** can be **subtle,** it may **not always** be easy to spot. **Examples** of **adverse actions** include, but **are not limited** to:

- *Firing or laying off*
- *Demoting*
- *Denying overtime or promotion*
- *Disciplining*
- *Denying benefits*
- *Failing to hire or rehire*
- *Intimidation or harassment*
- *Making threats*
- *Reassignment to a less desirable position or actions affecting prospects for promotion (such as excluding an employee from training meetings)*
- *Reducing pay or hours*
- *More subtle actions, such as isolating, ostracizing, mocking, or falsely accusing the employee of poor performance*
- *Blacklisting (intentionally interfering with an employee's ability to obtain future employment)*
- *Constructive discharge (quitting when an employer makes working conditions intolerable due to the employee's protected activity)*

How to File a Whistleblower Complaint

You **have the right** to file a whistleblower complaint with **OSHA** if you **believe** your **employer retaliated** against you for **exercising** your rights as an **employee** under the **whistleblower protection laws** enforced by **OSHA.** In States with **OSHA-approved State Plans,** employees may file complaints under **section 11(c)** of the **Occupational Safety and Health Act** with Federal OSHA and with the State Plan under its **equivalent statutory provision.**

Click on this link for more **information** re:

- Time Limits for Filing a Complaint
- Ways to File a Complaint
- Helpful Information to Have When You File a Complaint
- Procedures

Retaliation Protection by Subject

Click on this link for more **information** re:

- Employee Safety
- Transportation Services
- Environmental Protection
- Fraud and Financial Issues
- Consumer Product, Motor Vehicle, and Food Safety
- Health Insurance

How to Create an Anti-Retaliation Program

Employers can **create workplaces** in which **workers feel comfortable** voicing their **concerns** without **fear** of **retaliation.** There are **five key elements** to creating an effective **anti-retaliation program** or enhancing an **existing** one. **Click** on this link (pdf) for **more information.**

What to Expect During a Whistleblower Investigation

Filing a Complaint

- *An employee, or his or her representative, can file a whistleblower complaint with OSHA via mail, fax, telephone, in person, or online, against an employer for unlawful retaliation. During the investigation, the employee who files the complaint is referred to as "the Complainant," and the employer, against whom the complaint is filed, is referred to as "the Respondent." Neither side is required to retain an attorney, but if a party designates a representative, the designee will serve as the point of contact with OSHA.*
- *It is imperative for the Complainant or his or her representative to provide OSHA with current contact information. Failure to do so may cause OSHA to conclude the investigation.*
- *OSHA will interview the Complainant to obtain information about the alleged retaliation, and will determine whether the allegation is sufficient to initiate an investigation under one or more of the whistleblower protection statutes administered by OSHA. Regardless of the statute under which the complaint is filed, the conduct of the investigation is generally the same.*

Investigative Process

- *If the allegation is sufficient to proceed with an investigation, the complaint will be assigned to an OSHA whistleblower Investigator who is a neutral fact-finder who does not represent either party. The investigator will notify the Complainant, Respondent, and appropriate federal partner agency that OSHA has opened an investigation.*
- *The Complainant and the Respondent should keep any potential evidence regarding the circumstances of the allegations, including all pertinent emails, letters, notes, text messages, voicemails, phone logs, personnel files, contracts, work products, and meeting minutes.*

- *OSHA will request that both parties provide each other with a copy of all submissions they have made to OSHA related to the complaint. Both the Complainant and the Respondent should provide contact information for witnesses who could support or refute the alleged retaliation.*
- *OSHA will ask the Respondent to provide a written defense to the allegations, also known as a position statement. Both parties are expected to actively participate in the investigation and to respond to OSHA's requests. Both parties are also given an opportunity to rebut the opposing party's position.*
- *Whistleblower investigations vary in length of time. The parties may settle the retaliation complaint at any point in the investigation either through OSHA's Alternative Dispute Resolution (ADR) program, with the assistance of the assigned investigator, or through their own negotiated settlement that OSHA approves.*
- *Under certain statutes, the Complainant may "kick out" and file the retaliation complaint in federal district court if there is no final order and a specified time from the filing of the complaint with OSHA has passed (180 or 210 days depending on the statute).*

Conclusion of the Investigation

At the **conclusion** of the **investigation,** the **investigator** will make a **recommendation** to his/her **supervisor** regarding whether the evidence **provides reasonable** cause to **believe** that the **Respondent violated** the **specific statute** in question.

If the **supervisor** and **management concur** with the merit or **dismissal** recommendation, **OSHA** will issue a **findings letter** to both parties, which will **include information** about remedies[1] (*if appropriate*) and the **right to object** and have the case heard by an **administrative law judge,** except in cases under **section 11(c), AHERA,** or **ISCA.** In those cases, **Complainants** may **request review** by **OSHA's National Office** of **dismissal decisions.** In merit **section 11(c), AHERA,** or **ISCA** cases, unless a **settlement** is reached, the **Department of Labor** would have to **file a complaint** in district court to **remedy** the **retaliation.**

For a **complete explanation** of the **investigation process,** please **refer** to the Whistleblower Investigations Manual.

Also available - **OSHA's Whistleblower Protection Program** - OSHA Fact Sheet (pdf)

[1](As appropriate OSHA's remedies will include applicable interest rates, which are set by the Internal Revenue Service - see this link)

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees.

OSHA's role is to help ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance.

How to Weather Any Storm: *tips for disaster planning*

Pandemic wasn't the only calamity of 2020 – $22 billion weather and climate events also set a US record for natural disasters

According to the National Oceanic and Atmospheric Administration (*NOAA*), the year was also a record-breaking one for natural disasters. The U.S. experienced 22 separate billion-dollar weather and climate events — the most ever. The combination of severe storms, tropical cyclones, wildfires and drought cost the nation $95 billion in damages in 2020.

Here's hoping 2021 is a much calmer year. But hope will only get you so far. With most construction work taking place outdoors, natural disasters can wreak havoc on a business. Projects may be delayed; employees may be unable to work; equipment and structures may be destroyed. Preparation is key to ensuring your operation weathers the storm. Here are some steps to take when disaster strikes:

BEFORE: make plans for protection

- Develop a response plan for natural disasters common in your area. Be sure to include a site-specific evacuation strategy, so if your employees need to leave quickly, they can do so safely. Ready.gov is a great resource for emergency response, crisis communication, disaster recovery and other plans.
- Check your insurance. Are you protected against the type of disasters (fires, floods, etc.) that may occur in your location? Is the amount of coverage enough to protect your business and bottom line if damage is severe? It's smart to review your insurance annually and make updates as needed.
- Establish a safe location where you can store equipment and supplies in an emergency. Don't forget about protecting company assets, including important paperwork and electronic data.
- Implement an emergency communications strategy for employees and clients. Discuss emergency preparedness plans with your clients as part of the project planning process and identify steps to keep their work safe.
- Have supplies handy. There's no need to stockpile, but don't wait until there's a mad rush, either. If you work in a hurricane-prone area, for example, gather items like ground anchors, duct tape, rope, sandbags, plywood, plastic sheeting and wire. Portable generators and fuel are always a good idea.
- Be ready to act. Take advanced warnings seriously and don't wait until the last minute to start preparing or take action.

AFTER: assess, evaluate and ask for help

- Wait until after danger has passed and authorities have given the all-clear before you begin to assess damage. Share what you learn with employees and clients, who will be anxious for updates.
- Conduct a comprehensive assessment. Take photos, document what's been damaged or destroyed and get in touch with your insurer as soon as possible to get the claims process rolling.
- Know your options for financial assistance. The U.S. Small Business Administration is a good place to start. Cat Financial also offers natural disaster assistance.

You've heard the old saying, "Failing to plan is planning to fail." Don't let a natural disaster catch you by surprise and destroy the business you've built. Taking a few simple steps to prepare now will put you one big step ahead when it comes to recovery and rebuilding.

HI-Vis 101: Everything You Need to Know

Highly reflective apparel could save lives in work zones.

Whether you are operating heavy equipment on a construction site or repairing a pothole on the highway, you are bound to be exposed to potentially harmful working conditions. Wearing **high-visibility** (*hi-vis*) apparel on the job is essential to remain visible to those around you.

What hi-vis is? Why it is necessary? Who should wear it? This article will touch on different types of **hi-vis apparel**—helping you decide what is best for you.

Hi-Vis Breakdown

Hi-vis is a type of **PPE** that has highly reflective properties which help reduce the risk of worker injury or fatality by allowing motorists and equipment operators to see workers in low-light or dark environments. Our eyes respond best to large, contrasting or bright objects. Therefore, the high color contrast between **hi-vis clothing** and the background it is against enhances worker visibility.

Working on roadways or around heavy machinery can be especially dangerous. According to the **CDC,** fatal work-related injuries at roadway construction sites average 123 worker deaths per year. In 2019 alone, there were 762 fatal crashes with 842 fatalities. These figures only speak to deaths; they do not even begin to incapsulate workers and citizens who were simply injured in work zone or machinery-related accidents.

Those who work in an industry where they are in close contact with moving vehicles or machinery should be equipped with **hi-vis apparel**. Some inclusions are first responders, road construction workers, surveyors and utility workers. However, workers are not the only ones who benefit from **higher visibility.** This clothing can go from workplace to weekend as non-workers, such as runners, bikers and dog walkers could also benefit depending on their lighting conditions.

Common Hi-Vis Apparel

One of the most traditional forms of **hi-vis clothing** is fluorescent orange or lime vests with reflective stripes in an 'H' pattern on both the front and back. The fluorescent color makes the wearer **visible** during the day, while the reflective stripes make it more likely that they will be seen at night, increasing their safety. There are many options for this type of apparel, including t-shirts, vests, jackets and pants.

Hi-Vis Color Options

Both fluorescent lime and orange are known to affect conspicuity in daylight conditions positively and using both colors together is an option when surrounded by a complex background. When it comes to choosing **hi-vis workwear**, orange and lime are top choices. While both offer enhanced **visibility,** they have different purposes. Lime is considered brighter which makes it ideal for urban environments where it stands out against neutral-colored buildings. Orange is commonly used for roadwork as it mimics traffic cones and shows contrast in areas with heavily foliage.

Reflective Striping

Hi-vis workwear is more than just the color of the garment. It must include reflective striping. Reflective striping or tape is applied to **hi-vis** to increase its **visibility** by reflecting light. The more tape there is, the more the clothing will stand out. It is what makes the H and X patterns on upper body workwear. Tape can be continuous or broken; the latter offers improved comfort.

Reflective tape can also be contrasting. Reflective tape is silver, but contrasting tape includes **hi-vis striping** below the reflective layer. Often, contrasting tape on lime garments is orange and tape on orange garments is lime. Clothing with contrasting tape meets the highest safety standards as reflective tape.

How Hi-Vis is Measured

Every orange or lime piece of clothing cannot be considered **hi-vis.** To be classified as **quality hi-vis,** clothing must meet specific standards set by organizations that are influenced by industry experts, consumer groups and government bodies. In the U.S., we use ANSI and in Canada, they use CSA.

ANSI-rated **hi-vis** meets either a Roadway (R), Off-Road (O) or Public Safety (P) performance class. Type R **hi-vis** provides daytime and nighttime **visual** enhancements. It is ideal for workers working near roadways. Type O provides moderate **visibility** and is ideal for off-road workers. Type P is often worn by public safety workers like police and EMS.

ANSI also distinguishes **hi-vis apparel** by class. Each class indicates workwear that is ideal for specific situations.

* **Class 1:** *Good visibility for low-risk workers, traffic is under 25 mph or the jobsite is a safe distance from the roadway.*
* **Class 2:** *Additional high visibility materials, provides detection and identification of workers from longer distances.*
* **Class 3:** *Greater visibility of workers through a full range of body movements in complex and non-complex backgrounds.*
* **Class E:** *Garments do not meet ANSI safety requirements when worn alone but when worn with a class 2 or 3 garment, the overall ensemble meets a class 3 standards.*

Like ANSI, CSA has different categories of **hi-vis.** Retro-reflectivity is noted by level. Level FR denotes special low reflective performance appropriate only for apparel designed to protect against brief exposure to flames and electrical flash. Level 1 offers a higher level of retro-reflective performance and must be **visible** in the dark from a moderate distance. Level 2 is the highest retro-reflective performance level material/tape that is **visible** under dark conditions from a great distance. The tape also reflects light making workers **visible** in the headlights of oncoming traffic.

CSA also has three performance classes that come before the level denotation. All require X back striping. The classes are:

* **Class 1:** *Offers good visibility with lowest recognition coverage, ideal for workers in parking lots, warehouses, sidewalks, etc.*
* **Class 2:** *Provides moderate body coverage and superior visibility. The upper torso must be fully covered with reflective striping.*
* **Class 3:** *Meets class 2 standards but has the addition of reflective bands encircling worker arms and legs.*

Specialty Hi-Vis Apparel

Overtime, there has been an increase in **hi-vis clothing** options as different industries and applications have different needs for **visibility.** Designs also change and adapt standards to update in order to better protect workers.

Black Series. *If you are looking for workwear with a bit more style, or something that hides grease and dirt better, try black enhanced **visibility workwear.***

One of the significant benefits of black workwear is its clean appearance. Depending on your work environment and profession, you might be in regular contact with dirt, grease, or other things that could quickly soil your clothes. With lighter colors, dirt is easily noticeable. Black, on the other hand, does an excellent job of hiding unwanted marks. This provides a cleaner, fresher look throughout the workday.

Appearance is not everything though. There are other benefits of black enhanced visibility workwear that the usual fluorescent lime and orange colors cannot compete with. If you work in an environment with an abundance of bright colors, you will be more visible with darker colors such as black.

X Back Pattern. *'X' back apparel is commonly used in places such as Europe and Canada, as it is a mandatory part of the EU and CSA standards. Although not a requirement, in ANSI 107–2020, it is still an excellent way to ensure optimal safety in worksites where the direction the worker is facing is important due to moving vehicles. Choosing apparel with a reflective 'X' marking on the back and the standard 'H' on the front, warns oncoming vehicles which direction the worker is facing and if they need to alert the worker. This type of apparel is mostly popular among railroad and highway workers.*

Parkas and Jackets. *Reflective jackets and parkas provide the ultimate winter warmth without sacrificing your safety. Winter workwear options–several of which are waterproof–include fleece lined, quilted lined and windbreakers.*

ANSI 201-2019 American National Standard for Insulation and Wash Durability Classification of Apparel used in cold work environments now provides a means for a garment to be classified, based on the material's ability to keep workers warm in low temperatures and to retain such protection throughout its expected life.

Although ANSI 201 provides a way to measure the warmth of a garment, this standard is exclusively for thermally insulated apparel as opposed to standard safety parkas and jackets. Therefore, it is suggested first to determine the type of activities you will be undertaking and then make an informed decision on which clothing is right for your work environment. Desired warmth could subsequently be achieved through singular items or layering.

Hi-Vis Lifecycle

Hi-vis workwear is made up of versatile options to fit all seasons and weather. Like all personal protective equipment, **hi-vis** has a life expectancy. There is no specific time when workwear should be replaced, but the industry standard says it is after 25 washes. Being washed and dried can fade the brightness as it does for all clothing.

Other signs that **hi-vis** should be replaced are rips/tears, cracks, permanent stains or damaged reflective striping. Another sign that you should replace your **hi-vis** is if it is no longer comfortable for extended wear.

High visibility clothing is essential in many industries and for good reason. Choosing the right **PPE** for your work environment can not only reduce injuries but also save lives. Accidents happen on work sites every day and being correctly protected is a step in the right direction. Nowadays, **hi-vis garments** come in a variety of designs, catering for several job environments and conditions ensuring all workers are safe in their surroundings. **PPE** manufacturers and their sales teams or your company's own Safety Coordinator can help you choose the right **hi-vis** for your specific needs and environment.

Temporary Power Safety

Contact with electricity is one of the leading causes of fatalities in construction, according to OSHA.

Temporary power is allowed only for construction; remodeling; maintenance; repair; demolition of buildings, structures or equipment; or similar activities.

To ensure proper safety procedures are met when working with or around temporary power, temporary wiring should be designed and installed by a qualified electrician according to National Fire Protection Association 70E requirements. The qualified electrician can ensure the temporary power has the capacity to supply all connected loads.

Other temporary power safety tips from the Electrical Safety Foundation International (*ESFI*):

- Temporary power equipment on a worksite should be protected from vehicle traffic, accessible only to authorized persons and suitable for the environmental conditions that may be present.
- Establish a time frame of when temporary power will be removed or switched over to permanent power.
- Inspect cords and wiring for damage or alterations, and remove any that aren't in good working condition.
- Make sure equipment, receptacles, and flexible cords and cables are properly grounded.
- Ground fault circuit interrupter protection is required for all 125-volt, 15-, 20- and 30-ampere receptacle outlets. Listed cord sets or devices incorporating listed GFCI protection for portable use are permitted. Other receptacle outlets should be GFCI protected.
- Test GFCIs monthly.

Once a project is complete, ESFI says that temporary power must be removed.

US Department of Labor Cites Grain Facility for Workplace Safety Failures Following Dust Explosion that Severely Injured Worker

A Missouri grain-handling facility faces $215K in OSHA fines for safety violations

Had this **Missouri based** grain loading facility **addressed potential** dust **ignition sources,** an explosion that **seriously injured** an employee and **caused** the **destruction** of the **main elevator** might not have **happened. OSHA** cited the **grain-handling facility** for one **willful** and six **serious safety violations,** and proposed **penalties** of **$215,525.**

A U.S. Department of Labor **Occupational Safety and Health Administration** investigation of the **Dec. 31, 2020,** explosion **determined** that the **company failed** to equip **bucket elevators** with monitoring **devices** that notify **workers** when a **belt is slipping** and **potentially** causing friction that **could ignite** grain dust. **OSHA** standards **require** these devices at **grain handling facilities** that have a **storage capacity** of over **one million** bushels. **OSHA** also found the **company** had not **updated** its **dust collection system** since its **installation** in 1974.

Additionally, **OSHA** found that the company **exposed workers** to falls by **willfully allowing** them to **walk** atop railcars to **open** and **close hatches** without **fall protection.** The company **also failed** to repair an overhead **trolley system** used for **connecting** fall protection **devices.** The agency determined the **system** was out of service **at the time** of its **investigation,** and noted violations involving lack of **preventive maintenance** and a **failure** to designate **hazardous areas.**

"This facility **failed** to follow **industry standards** and create **company policies** for safe **grain handling,** and **needlessly** put their **own workers** in **serious danger,"**

said **OSHA** Regional Administrator Kimberly Stille in Kansas City, Missouri. **"Grain handling** hazards can be **avoided** by using well-known safety **measures** that are proven to **help prevent** workers from being **injured** or **killed."**

The **parent company** of this **facility** is one of the region's **oldest agricultural cooperatives** and brings together **45,000 farmers** in Missouri and **adjacent states.** The company **supplies** animal feeds, **seed,** fertilizer and **crop protection** products. The **co-op** also provides its members with **agronomy services,** animal-health products and **farm supplies,** and publishes an industry **trade magazine.**

OSHA's Grain-Handling Safety Standard focuses on the **grain** and feed **industry's six** major hazards: **engulfment,** falls, **auger entanglement,** "struck by," **combustible dust** explosions and **electrocution hazard.** Learn more about agriculture industry safety resources.

Collaboration between **OSHA,** the Grain-Handling Safety Coalition, the Grain Elevator and Processing Society and the National Grain and Feed Association **continues** to grow as the **organizations** combine their resources and knowledge to develop more training and **educational offerings,** expand **partnerships** with other **industry organizations,** and reach across the **entire grain** industry **spectrum.**

The **company** had **15 business days** from **receipt** of its **citations** and penalties to comply, **request** an informal conference with **OSHA's** area director, or **contest** the **findings** before the independent **Occupational Safety and Health Review Commission.**

3 Potential Risks When Transporting Hazardous Materials by Rail

Citing a forecast from the **Federal Highway Administration,** the **Association of American Railroads** (*AAR*) reported in July 2019 that total **railroad freight shipments** in the United States will **rise** from **17.8 billion** in 2017 to an **estimated 24.1 billion** in 2040, an increase of **35%.** A **good portion** of this growth is being **driven** by the historically **high levels** of oil and **natural gas** that is being **produced** and transported in the U.S, **creating** a need for more so-called **"crude-by-rail"** shipping.

Since **crude oil** and natural gas are considered **hazardous materials,** there are now approximately **3.1 billion tons** of **hazardous materials** – which also **commonly** include chlorine, **anhydrous ammonia,** ethylene oxide and **sulfur dioxide** (SO_2) – transported via **long-haul rail** in the U.S. each year. **Despite** this growth in long-haul **rail transport,** railroads **remain** one of the **safest ways** to transport both **hazardous** and **non-hazardous materials.**

According to **Federal Railway Administration's** (*FRA*) 2018 rail-safety data, the overall rates for **train accidents,** equipment-caused accidents, **track-caused accidents,** derailments and **employee injuries,** per million train miles traveled, have **declined** as much as **26%** since 2009, depending on the **category.** More specifically, between **2008** and 2018, the **hazardous material** (*hazmat*) accident rate **fell by 48%.** In fact, in 2018 more than **99.999%** of rail **hazmat shipments** reached their destination without a **release** caused by an **incident.**

These **heartening statistics** are much more than a **happy coincidence.** They are the **manifestation** of the **railroad industry** making a strong **commitment** to ensuring that its **infrastructure** and rolling stock are **up-to-date** and in **top working** order, that all **regulations** regarding **hazmat hauling** are steadfastly observed and that its **employees** are properly **trained.**

Accidents can still happen

The **railroad industry** has a goal of one day becoming **accident-free.** If this level of **operational nirvana** is ever to be **achieved,** railroad operators must be **familiar** with the risks that are **inherent** in the handling of **hazardous materials** – and the ways that they can **lessen** the chances that an **incident involving** the release of **hazardous materials** will occur.

There are **three primary** potential **risks** every time a **train laden** with hazardous materials **pulls away** from the **depot:**

Accident: *Accidents are the hardest thing for railway operators to protect against since their rate of occurrence can be capricious and they are often caused by external factors that are entirely out of the operator's control. These can range from an automobile or truck that has stopped illegally on the tracks to a tree that may have fallen across the tracks during a passing storm.*

The **Remaining Two Risks:** *fall into the category of "non-accidental releases," or NARs. An NAR is the unintentional release of hazardous materials during transportation, which includes material loading and unloading, that is not caused by an accident.*

There are two basic types of NARs:

1. **Mechanical Failure:** This category encompasses all leaks and other releases from malfunctioning or improperly secured pressurized railcar pressure-relief devices, valves, couplings, hoses, fittings and tank shells.
2. **Operator Error:** Human beings are fallible creatures that are susceptible – no matter their level of conscientiousness or training – to making mistakes. So, all railroad technicians must take every precaution necessary to ensure that every coupling is attached properly and every valve is closed properly before, during and after every railcar loading or unloading.

A friend for first responders

Despite the **next-generation** design and **operation** of railcars and their **ancillary components,** the high-level **training** that **rail personnel** receive, the attention paid to **guaranteeing** that the **railway infrastructure** is in good **working order** and stricter **regulations governing** the transport of **hazardous** materials, the next **hazmat release** incident is **always looming.** To ensure that the **sometimes inevitable** doesn't become the **next catastrophic,** headline-generating **hazmat-release** incident, the manufacturers of **railcar equipment** have developed **Emergency Response Kits** (*ERKs*) that are **marketed** to **fire departments,** emergency-response **contractors** and railway **dangerous goods** officers, or any other **organizations** that employ **first responders** who are tasked with **responding** to railroad accidents or **NARs.**

One of the **companies** that has taken the lead in the **development** of **ERKs** is **Midland Manufacturing,** Skokie, IL. Its B-240/B-243 Emergency Response Kit has been **developed** to give **emergency responders** three easy-to-use **cover assemblies** and a carrying case that **contains** all of the tools and **parts needed** to quickly and safely **cap hazmat leaks** emanating from the top of **pressurized railcars** in the event of an **accidental** or NAR **release incident.**

A **typical ERK** consists of a **toolbox** containing a **broad range** of tools and **replacement parts;** cover cans of **five different** sizes that are used to cap a **leaking valve** or fitting, along with **corresponding gaskets;** and a **bridge** that is used to secure a cover can to the **railcar's manway** cover plate. Knowing the **importance** of the **ERK's components** being able to **perform** reliably in **high-leverage** situations, all of the tools are **highly engineered** and designed to be **durable** no matter the pressures, **product flows** and general abuse they are **subject** to during a **hazmat-release** incident.

Like any **product,** the user of an **ERK** is only as **proficient** in its use as the **level of training** he or she **receives.** With that in mind, the **providers** of ERKs offer **training classes** and videos that are **formatted** to make the user capable of **performing** confidently during the **most dangerous** release incidents. In fact, it is **recommended** that all first **responders practice** using the **components** in the **ERK** at least **twice a year** and, if possible, **train** with an actual **hazmat railcar** as a way to better **familiarize** themselves with the **railcar's components** and where things can **go wrong.** The ultimate goal is for **first responders** to feel as **comfortable** as possible with the **ERK** and its **components** and capabilities **long before** they ever have to use it.

Conclusion

Despite the **significant growth** in volume over the **past decade,** the safety record of **hazardous-material transport** via railroad is great – and **getting better** every year. Still, **accidents** (*or "non-accidents"*) can and **do occur.** When these **unfortunate** incidents **do happen,** it is imperative that **first responders** possess the **training** and equipment required to **prevent** a catastrophe.

Manufacturers of **railcar equipment** have responded with the creation of **ERKs** that possess the **tools needed** to halt a **hazardous-material** release as **quickly as possible,** knowing that the **safety** of the environment, **surrounding communities** and, of course, the **first responders** themselves hangs in the **balance.**

FMCSA Opens Registration for Long-Awaited Training Provider Registry

Registration for Training Provider Registry opens ahead of ELDT implementation

After more than **four years** since the **Federal Motor Carrier Safety Administration's** Entry-Level Driver Training rule was published, the **agency** has **finally launched** the long-awaited **Training Provider Registry** (*TPR*)**.**

Under the **ELDT rule,** which takes effect **Feb. 7, 2022,** only **training providers** listed on the TPR will be **eligible** to train **pre-CDL truck** drivers. **CDL trainers** can now register to be **listed** on the **TPR.**

For a **CDL trainer** to be listed on the **TPR,** they must **meet** the **requirements** of the **rule,** which includes **following** the training **curriculum** listed in the rule; using **facilities,** vehicles and **instructors** that meet the **criteria outlined** in the **rule;** meeting **recordkeeping** requirements; and be licensed, **certified,** registered, or **authorized** to provide training in **accordance** with the **applicable laws** and regulations of any **state** where **in-person training** is **conducted.**

The **ELDT regulations** establish **minimum training** requirements for **entry-level commercial** motor vehicle **operators** in **interstate** and intrastate **commerce** who are **applying for:**

A Class A or Class B commercial driver's license (CDL) for the first time

An upgrade of their CDL (such as a Class B CDL holder seeking a Class A CDL)

A hazardous materials, passenger, or school bus endorsement for the first time

The **requirements** do **not apply** to individuals holding a **valid CDL** or an **H, P,** or **S endorsement** issued prior to **Feb. 7, 2022.** Individuals who **obtain** a commercial **learner's permit** before the **compliance date** of Feb. 7, 2022, are **not subject** to **ELDT requirements** as long as they obtain a **CDL** before the **expiration date** of the CLP or **renewed CLP.**

Another topic we hear about, see happening, or experience way too often …..

Distracted Driving

What is Distracted Driving?

Distracted driving is the act of driving while engaged in anything that takes your focus away from the road, including texting, looking after children or pets, talking on the phone or to a passenger, watching videos, eating or reading.

Multitasking is a myth. A person's attention can switch back and forth between tasks quickly, but your optimal focus cannot be on two tasks at once. When you're driving distracted, your attention is diverted from the road ahead, slowing reaction time and, with it, the ability to avoid hazards that can result in a crash.

Distracted Driving in Colorado

An average of 42 crashes happen each day in Colorado due to distracted driving — that's 42 times where lives are put at risk due to a preventable and careless decision. In 2019, 15,143 crashes involved a Colorado distracted driver, resulting in 4,361 injuries and 39 deaths. Even with these life-threatening consequences, more than 90% of Colorado drivers self-report driving distracted.

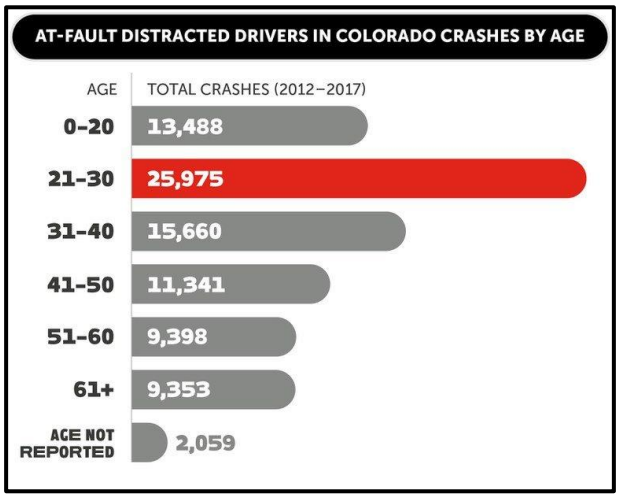
What is CDOT doing about Distracted Driving? Our latest campaign is Distraction Reactions, an effort designed to start shifting social norms by encouraging drivers to think twice about driving distracted when they see the reactions of those around them.

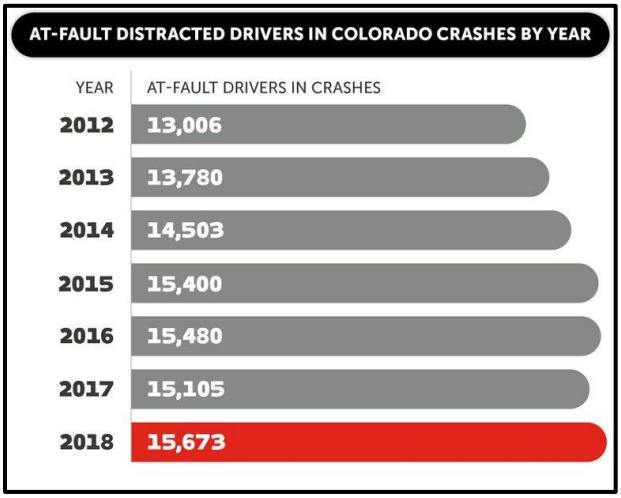
Distracted Driving Nationwide

Distracted driving claims hundreds of lives each year across the United States. In 2018 alone, 2,841 lives were lost and roughly 400,000 people were injured due to the preventable decision to drive distracted. Visit NHSTA's Distracted Driving page for information on the national effort to save lives by ending distracted driving.

Know the Facts

- **Distracted drivers are involved in an average of 42 crashes a day in Colorado.**
- **In 2019, 15,143 crashes involved a Colorado distracted driver, resulting in 4,361 injuries and 39 deaths.**
  - **In CDOT's 2020 annual mail survey of Colorado drivers, in the week prior to the survey**
    - *92% of participants reported driving distracted in the past seven days.*
    - *67% of drivers talked on a hands-free phone.*
    - *54% admitted to reading a message on their phones.*
    - *47% talked on a handheld phone.*
    - *41% sent a message while driving.*





Let's all pledge to NOT be part of the problem!!

Keep That Logbook Current:

The hours of service enforcement 'black hole' out West, where violations are most prioritized

Toughest 20 states for hours of service enforcement

1. Colorado – 29.1%
2. Wyoming – 24.7%
3. Kansas – 20.9%
4. Oregon – 20.4%
5. Arizona – 19.4%
6. Indiana – 19.3%
7. Georgia – 14.9%
8. Iowa – 14.1%
9. Arkansas – 13.9%
10. Vermont – 13.2%
11. Missouri – 12.6%
12. South Dakota – 12.6%
13. Idaho – 12.5%
14. Maine – 12.4%
15. Nevada – 12.2%
16. Illinois – 11.9%
17. Washington – 11.7%
18. Montana – 11.4%
19. Ohio – 11.4%
20. Utah – 10.6%

Considering **hours of service enforcement** since **late-2017,** when the **Federal Motor Carrier Safety Administration** mandated **electronic logging** devices, **hours of service** violations in the **aggregate** have clearly **trended downward.**

Looked at **another way,** though, the **intensity** of focus on **hours** has increased in **many jurisdictions,** perhaps as **inspectors** get used to using **available tools** for **e-log analysis** to ferret out **errors** and **omissions** and find those **violations** within **ELD output** data.

Several **states** at the top of ***Overdrive*'s rankings** this year **actually posted** an **increase** in the percentage of **hours of service** violations issued over the **course** of the **2020 calendar-year.** That trend held **nationally,** too, even as **COVID-19** put a damper on **inspection totals** in all but **two states** around the **nation.**

The **phenomenon** is particularly **concentrated** across the **Western half** of the country, where **top-20 states** in enforcement prioritization **rankings** are **over-represented,** covering a **wide area.** Among the **11 states** highlighted **red** in the **infographic**, 8 posted **increased** shares of **hours violations** in calendar **year 2020.** Counting **down** from the top of the list, those **states include** hours leader **Colorado** as well as **Wyoming**, **Kansas**, **Oregon**, **Idaho**, **Nevada**, **Washington** and **Montana**. What's more, **all posted hours** violation rates **well above** the **8.3% national average** for 2020.

If you're **not running COVID-exempt** (*an exemption for certain commodities currently extended through August 31*) or hauling **relief related** to the wildfires or **spot fuel shortages** in some states, be **especially vigilant** there about **keeping** those **logbooks current** and/or that **ELD fully functional,** as the **case may** be. It could **save** you a fine or **worse,** a likely **more costly** out of **service order** and **delay.**

Hours of service violations as a % of all violations

After falling for several years with the steady profusion of ELD use, enforcement prioritization of hours of service ticked upward by a full percentage point during the COVID-19 pandemic year of 2020.

2017	9.0%
2018	8.0%
2019	7.3%
2020	8.3%

Hours of service violations, 2017-2020

Since implementation of the electronic logging device mandate in 2017, hours of service violations have certainly been on a downward trend. This graph shows raw aggregate numbers from federal data mined by RigDig and Overdrive.

Hours of service violations' raw numbers nationally between 2017 and 2020 clearly show a downward trend since late-2017's introduction of the ELD mandate.

2017	489K
2018	432K
2019	384K
2020	313K

Miners Continue to Die in Rollover Accidents.

Fatalities occurred when vehicles flipped over backwards, rolled over, and tipped over on their sides.

- *Deceased miners were operating haul trucks, excavators, bulldozers, front end loaders, and service trucks while working or traveling near the edge of dump sites, elevated roadways, embankments, ponds, and excavations.*

Numerous other serious injury and close call accidents occurred involving haul trucks, water trucks, excavators, motor graders and pickup trucks. Contributing factors included the non-use or unbuckling of seat belts; jumping from vehicles; brake failure; distracted driving; loss of vehicle control; traveling or working too close to unconsolidated roadways; inadequate berms; pushing through berms; and failure to perform workplace examinations.

Best Practices:

- **Examine and maintain the workplace:** *dump sites, roadways, ramps and berms. Unload on level, stable ground behind the dump berm or block, well back from the edge or with spotter assistance.*
- **Maintain control of the vehicle:** *operate at safe speeds, especially on curves, and when turning or cornering; center the vehicle in the travel lane; avoid distractions.*
- **Establish traffic rules:** *post signage where necessary and ensure these rules are followed.*
- **Maintain vehicles in good condition:** *brakes; wheels and tires; steering/operating controls; lights; windows; and wipers.*
- **Ensure that seat belts are maintained in good condition and worn at all times:** *remain inside the cab; never attempt to jump clear; consider the use of four-point seat belt systems and new technology that provides early warning of tipping.*

Stop Powered Haulage Accidents: Stay Alert! Stay Alive!

Fatalities and accidents involving mobile equipment: shuttle cars, scoops, locomotives, front end loaders, haulage equipment, service and pickup trucks continue to occur at a disproportionate high rate.

Best Practices:

- **Know where in the workplace others are and communicate with them:** *use radios, mirrors, cameras, headlights, strobe warning lights, horns, and buggy-whip flags. Stay clear of mobile equipment blind spots.*
- **Set mobile equipment parking brakes and chock the wheels when vehicles are unattended:** *Don't stand, walk or work directly downhill of parked vehicles. Stay clear of moving vehicles.*
- **Establish safe traffic patterns and rules:** *post signage, ensure rules are followed, adhere to speed limits and approach intersections with caution.*
- **Use proximity detection/collision avoidance systems.**
- **Ensure that seat belts are maintained in good condition and worn at all times.**
- **Ensure that conveyors are deenergized, locked, tagged and blocked against motion before removing guards or beginning work.**

Make Sure Miners and Mine Operators are Trained in Best Practices

RECOGNIZING COMMON CAUSES OF INDUSTRIAL HEAT STRESS

Whether you manage workers in an outdoor environment, a hot forge, or a busy manufacturing facility, chances are your employees encounter hot and humid environments at some point during their shift. It's easy to focus on air temperature alone when considering heat risks, but in fact, heat stress can be intensified by things you might not always think about.

Here Are 4 Common Causes of Industrial Heat Stress That Are Easy to Miss

1. Working in Direct Sunlight

Even on a relatively mild day, working in the open with no shaded areas means your workers are at serious risk for continual heat stress build-up. So, in addition to thinking about the temperature, be sure to increase shaded rest breaks on sunny days and provide shade wherever possible throughout the workday.

2. Heavy Machinery

Heavy machinery can make your worker's jobs easier, but it can also quickly heat up the surrounding area! This is due to both environmental elements like trees and vegetation and manufactured elements like walls and ceilings that can reflect and trap heat. These hot spots, or "microclimates," can make a seemingly mild day more dangerous than you think. Read on for advice on finding and measuring these areas to keep your workers safer.

3. Bulky Clothing and PPE

Although proper safety gear is necessary to perform many tasks, heavy work shirts, jackets, sleeves, gloves, etc. tend to trap heat close to a worker's body and add heat stress to their system. They also don't dispel heat as well as lighter, loose-fitting, vented clothing. Be sure you're selecting the lightest options that provide proper protection.

4. Confined Spaces

According to the US Department of Labor, approximately 92 workers die in confined space-related incidents every year. Workers in enclosed work areas can spend long periods of time in extreme temperatures with poor air quality, putting them at heightened risk for increasing their internal body temperature and developing heat illnesses. Utilize body cooling gear and be sure to train workers in confined space safety.

Preparing for the Heat You Can't Avoid

Even when you account for all the factors above, sometimes the job site is just hot.
Be sure to prepare your workers to be safe in hot conditions!

Acclimatize Workers for the Heat

Prepare your workers over the course of one-to-two weeks. Start by exposing new workers to less than 20% of a usual workload in the heat and exposing experienced workers to less than 50%.

Provide Access to Cold Drinks

Easy and constant access to cold drinks and electrolyte-replacing beverages can keep workers hydrated and cool throughout their shift. Warm, unpalatable fluids that are far away from work areas won't cut it!

Track Your Microclimate

Use a wet bulb globe temperature monitor (WBGT) to measure the reading of your specific microclimate.

[*Microclimates are a unique set of weather conditions specific to a small area that are different from the larger, surrounding area. So even if the weather report says it's 80 degrees Fahrenheit, there are many factors that reflect and trap heat and can make your site feel a lot hotter than what the heat index lists. Microclimates can be influenced by both natural (Soil, Trees, Bodies of Water) and manufactured (Cement, Asphalt, Metal, Machinery) elements to the area.*]

A WBGT monitor gives a more accurate reading than a normal thermometer by considering multiple environmental factors such as: Air Temperature — Humidity — Heat from the Sun — Wind Speed

Provide PPE for Hot Conditions

Proper PPE that can keep workers cool and comfortable for hours is essential.

Promote Around-the-Clock Hydration

Remind your workers to replenish any lost fluids, salts, or electrolytes before ***and*** after work. Tell them that hydration is a constant process, ***not*** just when they're thirsty.