



Wishing Everyone a Safe & Successful New Year!!



MJS Legacy Safety Consulting Services LLC

continues to focus our attention on
'Providing Great Service and Building Lasting Relationships'

It has been our distinct pleasure to serve the needs of businesses both big and small since 1995. MJS Safety transitioned to **MJS Legacy Safety Consulting Services** in 2021 with the passing of our founder, Mike Stookey. But our goal has not changed. We continue to grow the legacy of customized service and individual attention that we have provided to so many companies in Colorado, Wyoming, Montana, and surrounding states. Meeting your unique safety and regulatory needs is our mission.

We look forward to continuing a productive and successful business relationship with you through **MJS Legacy Safety Consulting Services** for many years to come.

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DOL Adjustments to OSHA Civil Penalties for 2024

The U.S. Department of Labor will announce any changes to **Occupational Safety and Health Administration** civil penalty amounts based on cost-of-living adjustments for 2024 on January 16.

In 2015, Congress passed the **Federal Civil Penalties Inflation Adjustment Act Improvements Act** to advance the effectiveness of civil monetary penalties and to maintain their deterrent effect. Under the Act, agencies are required to publish "catch-up" rules that adjust the level of civil monetary penalties and make subsequent annual adjustments for inflation no later than January 15 of each year. In 2024, January 15 is a federal holiday. Therefore, new **OSHA** penalty amounts become effective Jan. 16, 2024.

OSHA's current maximum penalties for serious and other-than-serious violations are \$15,625 per violation. The maximum penalty for willful or repeated violations is \$156,259 per violation.

- Visit the [OSHA Penalties page](#) for more information.
- Inspections, Citations, and Proposed Penalties Standard Number: [1903.15](#)



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Improper confined space ventilation is a top cause of workplace injury and death. [read more...](#)

▶ **Cannibals in the Workplace**

The following information applies to retail marijuana, not medical use. [read more...](#)

▶ **OSHA SWITCHES FROM TRADITIONAL HARD HATS TO SAFETY HELMETS**

Agency says they offer better protection from head injuries [read more...](#)

▶ **Requiring Employers to Keep Employees Informed**

A new topic every month..... “Know Your Rights: Workplace Discrimination is Illegal” [read more...](#)

Your Right to Know

TRANSPORTATION NEWS SUMMARY

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

▶ **DOT Imposes 2024 Regs Violation Penalty Increases to Keep Up with Inflation** [read more...](#)

▶ **Inspection Bulletin**

2024-01 – Unified Carrier Registration Enforcement Bulletin for 2024 Registration Year [read more...](#)

▶ **UCR fees for 2024 registration year** are approximately 9% less than fees for 2023 [read more...](#)

▶ **Are You Using the FMCSA’s Personal Conveyance Rule Correctly?**

Many truckers have questions about when and how the FMCSA’s Personal Conveyance rule may be used. [read more...](#)



TRANSPORTATION NEWS SUMMARY cont'd

▶ **ATA, OOIDA Split on Bills that Would Guarantee Overtime for Employee Truck Drivers**

Each house of Congress introduced a bill recently that would guarantee overtime pay for employee truck drivers [read more...](#)

▶ **CDOT Reports Dozens of Express Lane Violations in a Matter of Weeks**

CDOT started issuing fines for drivers who cross the double solid lines of the express lanes [read more...](#)

▶ **Action Required: UPDATES TO FMCSA ACCOUNT LOGINS COMING**

To ensure access to the **FMCSA Portal**, users were instructed to set up a MFA Login.gov account by Dec.1. [read more...](#)

▶ **Colo. Law: Move Over for Me** *"Slow Down, Move Over" protections to ALL disabled vehicles.* [read more...](#)

▶ **Cannibas: DRIVING and TRAVELING**

Driving while impaired is illegal and unsafe [read more...](#)

MSHA NEWS SUMMARY

▶ **The Mine Safety and Health Administration is now on **FACEBOOK!**** [read more...](#)

▶ **US DOL Announces Final Rule to Protect Miners from Surface Mobile Equipment-Related Accidents, Injuries, Fatalities**

MSHA has worked hard to issue this final rule to enhance safety protections [read more...](#)



▶ **DOL Announces Findings of October 2023 Impact Inspections at 13 Mines, Many with Histories of Repeated Safety, Health Issues** — *Inspections resulted in 50 significant, substantial violations.* [read more...](#)

MONTHLY SAFETY & HEALTH TIP NEWS SUMMARY

▶ **No Excuses For Ignoring Opioid Crisis**

Help for employers includes education against stereotyping, increase in training [read more...](#)



COVID INFORMATION/RESOURCES SUMMARY

For your convenience, we have moved all COVID information and resource [links](#) to the last page of the newsletter.



“Training Spotlight”

(a different course will be featured monthly)

> LOCKOUT/TAG OUT TRAINING - AWARENESS AND AUTHORIZED/AFFECTED EMPLOYEES

Employees engaged in activities that involve the control of hazardous energy must be trained to ensure that they understand the proper procedures to utilize during Lockout / Tag Out operations. This course covers the requirements of the 29 CFR 1910.147.

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

Schedule of classes January 2024: • TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543

- *PEC Safeland Basic Orientation: **NEW 2021 SAFELAND**: Jan 12, 26; 8 – 4:30;
- *First Aid/CPR/AED/BLOODBORNE PATHOGENS (We offer MEDIC FIRST AID): Jan 15, 31; 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]: Jan 15, 31; 12:30 – 4:30;
This class available via Instructor Led video conference

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

Need any classes in Spanish? Contact Carrie to schedule.

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

▶ MJS Legacy Safety also offers custom classes to fit the needs of your company ◀

— FEATURED TRAINING PROGRAMS —

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

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

Want to schedule a class
On-Site at your Facility...
~ or ~
Attend a class at our Training Center?
Just give us a call !!

Need Help With

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

CALL US!!!

➔ **Distance Learning & Video Conference classes:** Through the Pandemic we have been able to offer Safeland and the PEC H2S Clear courses via video conferencing, and Veriforce has extended the authorization to continue this until at least June 2023. 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.

SOURCES FOR THIS ISSUE INCLUDE:
OSHA
FMCSA
ISHN
US DOL
EEOC
Alyssa Fillmore-
American Red
Cross
unwomen.org
Women’s Bureau
Cannibas.colorado.
gov
MSHA
Overdrive
CDOT
9 news Denver
cdllife

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

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!**

Report a Fatality or Severe Injury

- All employers are required to notify **OSHA** when an employee is killed on the job or suffers a work-related hospitalization, amputation, or loss of an eye.
- A fatality must be reported within 8 hours.
- An in-patient hospitalization, amputation, or eye loss must be reported within 24 hours.

To Make a Report

- Call the nearest [OSHA office](#).
- Call the OSHA 24-hour hotline at [1-800-321-6742](tel:1-800-321-6742) (OSHA).
- [Report online](#)

Be prepared to supply: Business name; names of employees affected; location and time of the incident, brief description of the incident; contact person and phone number. [FAQ's](#)



Injury Tracking Application



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

Establishments in [certain industries](#) **Must Submit Required Injury And Illness Data** for each calendar year by **March 2** of the following year using Form 300A. **Employers must post their most recent Summary of Work-Related Injuries and Illnesses (Form 300A) from February 1 through April 30 in a visible location for their employees' awareness.**

OSHA's Form 300A (Rev. 04/2004)
Summary of Work-Related Injuries and Illnesses

| Number of Cases | | | |
|------------------------|--|---|--|
| Total number of deaths | Total number of cases with days away from work | Total number of cases with job transfer or restrictions | Total number of other recordable cases |
| 0 | 0 | 0 | 0 |

| Number of Days | |
|-------------------------------------|---|
| Total number of days away from work | Total number of days of job transfer or restriction |
| 0 | 0 |

| Injury and Illness Types | |
|--------------------------|--|
| | |

OSHA provides a [secure website](#) that offers three options for injury and illness data submissions. If your establishment is required to submit this data, you must use OSHA's [Injury Tracking Application](#), or ITA. At this link you'll find detailed information on the following:

- Launch the Application
- Who is covered by this reporting requirement?
- What must covered establishments submit?
- FAQs
- Job Aids (How-To)
- When must covered establishments submit their completed Form 300A?
- How do I submit my establishment data?

All current and new account holders must connect your ITA account to a [Login.gov account](#) with the same email address in order to submit your data.

Need more assistance? Use the [help request form](#).

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

DOL Rule Expanding Submission Requirements for Injury, Illness Data Provided by Employers in High-Hazard Industries

Final rule takes effect Jan. 1, 2024, for certain employers



The U.S. Department of Labor's final rule requires certain employers in designated high-hazard industries to electronically submit injury and illness information – that they are already required to keep – to the department's **Occupational Safety and Health Administration**.

The [final rule takes effect on Jan. 1, 2024](#), and now includes the following submission requirements:

- Establishments with 100 or more employees in certain high-hazard industries must electronically submit information from their Form 300-Log of Work-Related Injuries and Illnesses, and Form 301-Injury and Illness Incident Report to OSHA once a year. These submissions are in addition to submission of Form 300A-Summary of Work-Related Injuries and Illnesses.
- To improve data quality, establishments are required to include their legal company name when making electronic submissions to OSHA from their injury and illness records.

OSHA will publish some of the data collected on its website to allow employers, employees, potential employees, employee representatives, current and potential customers, researchers and the general public to use information about a company's workplace safety and health record to make informed decisions. OSHA believes that providing public access to the data will ultimately reduce occupational injuries and illnesses.

"Congress intended for the Occupational Safety and Health Act to include reporting procedures that would provide the agency and the public with an understanding of the safety and health problems workers face, and this rule is a big step in finally realizing that objective," explained Assistant Secretary for Occupational Safety and Health Doug Parker. "OSHA will use these data to intervene through strategic outreach and enforcement to reduce worker injuries and illnesses in high-hazard industries. The safety and health community will benefit from the insights this information will provide at the industry level, while workers and employers will be able to make more informed decisions about their workplace's safety and health."

The final rule retains the current requirements for electronic submission of information from Form 300A from establishments with 20-249 employees in certain high-hazard industries and from establishments with 250 or more employees in industries that must routinely keep OSHA injury and illness records.

Learn more about OSHA's [injury and illness recordkeeping and reporting requirements](#).

Fee Changes for Student Course Completion Cards for Outreach Training Program

Effective Oct. 1, 2023, OSHA increased the fee for new course completion cards from \$8 to \$10 per card to address significant cost changes associated with producing and distributing the cards. The new fee reflects the first cost increase since 2017.



OSHA will adjust the fee every two years if needed based on the Consumer Price Index.

Fees for **replacement cards**, established by the **Authorizing Training Organizations**, may also be **affected by this cost** increase. Workers who **already have outreach cards do not need to request replacements.**

OSHA has created 10- and 30-hour basic safety courses tailored to construction, maritime and general industry, as well as 7.5- and 15-hour classes for disaster site workers. These courses **cover the basics of worker rights and OSHA protections.** They **also describe how to identify, avoid and prevent workplace hazards.** **OSHA does not require these courses but some municipalities, unions, employers and other organizations do.** In fiscal year **2022**, the program **trained more than one million students.**

To obtain **copies of course completion** documents, such as **student course completion** cards, students **must contact the original training provider.** Please note, **replacement student course completion** cards for **OSHA Outreach Training Program** classes **cannot be issued for training completed more than five years ago.** Only **one replacement card** may be issued **per student per class.**

[Authorized outreach trainers and online providers](#)

[More about OSHA's voluntary Outreach Training Programs](#)

MJS Legacy Safety

is an [Authorized Outreach Trainer](#).

We offer the OSHA 10 & 30 hour courses for students.

WE CAN HELP WITH REPLACEMENT STUDENT COURSE COMPLETION CARDS IF THE COURSE WAS TAKEN WITH CARRIE AND IS LESS THAN 5 YEARS OLD.

Give us a call!

Statement by Assistant Secretary for Occupational Safety, Health on 2022 Census of Fatal Occupational Injuries



The U.S. Department of Labor's Assistant Secretary for **Occupational Safety and Health** Doug Parker issued a **statement (Dec 19th) regarding** the recent release by the **Bureau of Labor Statistics** of its [2022 Census of Fatal Occupational Injuries](#):

*"Today's announcement by the **Bureau of Labor Statistics** of a 5.7 percent increase in fatal occupational injuries is a sobering reminder of the important work we must do, especially for Black and Hispanic workers who saw the largest increase in workplace fatalities."*

"In 2022, 5,486 workers in the U.S. lost their lives. This equates to one worker death every 96 minutes, with deaths the highest among transportation and construction workers. We also saw growth in disparities for workers of color, including Black workers, whose fatality rate increased 12.4 percent, and Hispanic workers, whose rate grew by 10.4 percent."

*"No worker should ever be disadvantaged because of their skin color or ethnicity; and that is never truer than when it comes to their lives and health. This is why the **Department of Labor** has expanded its efforts to protect those disproportionately at risk of injuries and illnesses on the job."*

*"The **BLS census** also finds work-related overdoses and suicides continue to be causes of great concern, and they are another call to action for the **Occupational Safety and Health Administration**, employers and other stakeholders to address these very serious issues. Mental health must be part of overall worker safety and health. We are committed to supporting the mental health of all workers, just as we are committed to protecting them from physical hazards on the job."*

"Every worker death has profound impacts on family, friends, co-workers and communities. That is why investing in worker safety and health must be a core value in every workplace across the country. All workers have a right to do their job without fear of being injured or sickened."

[Supporting Mental Health in the Workplace — Getting Started Guide for Senior Managers \(pdf\)](#)

FILING A WORKPLACE COMPLAINT CHOOSING THE RIGHT ONE



Workers have the right to report injuries, safety issues, and actions taken against them for speaking up including being fired, demoted, or disciplined. Workers have the right to file a [whistleblower](#) or [safety and health complaint](#), and in some instances both.

This [chart](#) outlines the differences.

Remember, employers are required to follow safety laws and keep you safe. Employers must also maintain a workplace free from retaliation for voicing concerns about hazards or violations of federal law.

Keep Workers Safe from Gender-Based Violence and Harassment

Gender-based violence and harassment is a workplace safety issue. It affects the mental and physical health of workers, disproportionately impacting women, people of color and LGBTQI+ people. When it comes to safety, prevention is key. That's why during 2023's global [16 Days of Activism Against Gender-Based Violence](#), the Department of Labor elevated some of the ways employers can prevent gender-based violence and harassment and support safe and healthy workplaces:

Assess your workplace for risks

Employers can support worker safety by assessing the risk of gender-based violence and harassment, both in their industry and in their specific workplace. As the first [U.S. National Plan to End Gender-Based Violence](#) notes, some indicators considered high-risk for gender-based violence and harassment include:

- male-dominated fields (e.g., trucking, construction, scientific field research)
- low-wage and tipped employment (e.g., restaurant, janitorial, agricultural, and migrant workers)
- conditions of isolation (e.g., domestic workers).

In recognition of this, the Department of Labor's new [sample employment agreements for domestic workers](#), for example, recommends employers assess whether there is a potential risk of violence for the worker from someone in the home or neighborhood and develop a plan to mitigate this risk.

Reduce risks

Assessing your workplace for risks can help reduce the incidence of gender-based violence and harassment. For instance, when treating patients with known histories of violence or aggression you should assess the worksite to determine what safeguards are needed. Protections may include working in teams, panic buttons, and appropriate training. The [Occupational Safety and Health Administration](#) (OSHA) has developed [guidance to help employers identify how to protect workers from violence](#). In addition, the EEOC's [Chart of Risk Factors for Harassment and Responsive Strategies](#) can help identify ways employers can mitigate risks.

Implement a workplace policy

In consultation with workers and experts, employers can draft policies to prevent and respond to gender-based violence and harassment tailored to their specific workplaces. The [Women's Bureau](#) recently [highlighted some of the components of successful policies](#) in construction, manufacturing, and clean energy jobs that can translate to other jobs. This includes ensuring that a zero-tolerance policy prohibiting gender-based violence and harassment that is widely communicated and accessible to all. It also includes establishing a process for reporting concerns that includes support for those impacted, protection from retaliation for reporting, active review of potential root causes, and clear consequences for gender-based violence, harassment and retaliation.

Provide regular training

Employers can also help prevent gender-based violence and harassment in their workplaces by providing training that helps workers of all levels understand what it is and how it impacts the world of work. Training is most effective when it is provided regularly, required for all workers and supervisors and co-created by workers to ensure all aspects of their experiences are centered.

Change the culture

Fostering a safe, respectful, and equitable workplace culture is paramount to preventing gender-based violence and harassment. Employers can help change workplace culture by increasing diversity and advancing policies that foster a more inclusive workplace (such as [paid leave](#)). Additionally, employers can proactively create a culture of respect. For example, [Women's Bureau](#) grantee [ANew](#) is implementing an innovative [campaign designed to shift the culture of construction](#) which can help prevent gender-based violence and harassment. And OSHA encourages employers through its [Safe+Sound](#) program to embrace safety and health as a core value, including the incorporation of less traditional health and safety concerns like gender-based violence and harassment, anti-retaliation programs and mental health into their health and safety management systems.

Additional resources

While there is no one-size-fits-all approach for preventing gender-based violence and harassment in the world of work, these are a few of [the many steps employers can take](#) to create safer and healthier workplaces for all workers. Additionally, [OSHA](#) has published resources, such as [Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers](#). For more information, visit the [Women's Bureau](#) and [OSHA's](#) websites.

5 Ideas to Instill a Safety Culture on Your Construction Team



Being safe is vital on a construction site. The equipment and nature of the work make it one of the most dangerous careers in the world, and instilling a safety culture is critical to preventing disasters.

Here are five ideas to help everyone on your team make safety their highest priority.

1. Create engaging training

At some point, you may have been brought into a room with other team members and sat through a lecture that you retained very little of afterward. Workers are likelier to forget what they learned when training is not engaging.

It's not their fault. Attention fatigue is a problem in all industries, but with the high importance of safety on a work site, you must keep everyone involved in the training process.

Consider breaking up a long training session into multiple short ones where your team members are more likely to focus the entire time they are there. You can also provide food and beverages.

It would help if you made the training enjoyable to engage your workers. Go over real-life examples of where safety protocols went wrong and compare them to hypothetical situations your team could face. Divide workers into groups, let them find creative ways to get out of sticky situations and have them discuss their findings. That ingenuity may come in handy later.

Work through potential scenarios and emphasize how a workplace safety culture can prevent many accidents.

2. Encourage honesty

Most of your workers want to stay employed. If they do not feel comfortable raising safety concerns, they may not mention them for fear of retaliation for going against a superior's plan.

One of the best ways to keep your team safe is to encourage them to be honest about their physical and mental condition. No one on a construction site should perform potentially unsafe tasks if they are not in the shape to do so. Being kind, empathetic and honest about your bad days can encourage them to speak up.

Consider light-duty assignments you can give team members who occasionally need a break but don't want to go home. Make incident reports easily available to fill out so workers can report injuries.

Deadlines are important, but so is your team's health. Being a supportive leader who checks in with your workers and is invested in their well-being ensures they don't place themselves at risk.

3. Hire a safety manager

A construction site safety manager is a worthy investment for any company striving to protect its employees.

This manager's role is to ensure your workers comply with best practices around the work site. They regularly review your health and safety guidelines and keep up with the latest research and regulations to ensure they are updated.

Before each project begins, your safety manager should complete a site inspection to identify potential risks and determine a plan of action. They should conduct training that educates and engages fellow team members.

Your safety manager should practice what they preach and have proper qualifications. They should have safety, health or engineering education and hold current **CPR**, **first aid** and **OSHA** training.

Experience working on construction sites in other roles can help them better understand your team members' challenges. Keep in touch with your safety manager through each project so you're aware of any potential problems or liabilities.

4. Take advantage of technology

Construction technology advancements are making work sites safer each day. Taking full advantage of them can keep your employees healthy and safe and improve your work site efficiency.

Team members can use virtual and augmented reality to explore the site and identify potential hazards before they face them. The tech uses imagery and three-dimensional modeling to let team members work through possible scenarios so they know which precautions to take.

Wearable sensors built into Personal Protective Equipment (*PPE*) can monitor your employees' heart rates, heat exposure, breathing rate and carbon monoxide exposure. Some can track workers' locations on the site so you'll know where they are if you can't contact them.

Various on-site construction environmental monitoring (*OCEM*) technologies can check the site's temperature, humidity and air quality. These sensors inform you about potential weather-related illnesses and hazards.

You can also install sensors to detect mold levels and other hazards that can impact the PPE you provide for your employees.

Communication is vital for any industry, but modern devices cover a more extended range of potentially life-threatening situations. You can use mobile phones and tablets to send alerts, make calls and use GPS to follow your workers around the property.

5. Assign PPE

Personal protective equipment is vital to worksite safety. Gear should fit well to ensure it works properly, so provide each employee with their own set of PPE.

Preadjusting equipment to fit each worker ensures it protects your team members. You can also tell who is wearing it and who is not. Assigning PPE helps your safety manager know everyone is compliant with best practices.

Some of the equipment you should provide for your employees include the following:

- **Ear protection:** *Construction sites get loud and can damage your team members' hearing over time. Protective headphones can reduce the likelihood of hearing damage — particularly those designed to handle high decibel levels.*
- **Eye protection:** *Safety goggles can protect workers' eyes from dirt, dust and other debris that could harm them.*
- **Hand protection:** *Gloves protect workers' hands from heat, impacts, scratches and electrical shock. The size and materials should depend on their work.*
- **Breathing protection:** *Respirators can protect employees from breathing in particles that could aggravate or damage their lungs.*
- **Fall protection:** *Warning lines, guardrails, safety nets and fall arrest systems protect employees from potentially deadly impacts.*
- **High-visibility gear:** *Reflective vests, headlamps and other items can help team members see each other after dark or on a crowded site.*

You can ensure each worker is as protected as possible by providing the proper PPE.

What Risks Does Poor Ventilation in Confined Spaces Pose?

Improper confined space ventilation is a top cause of workplace injury and death. Safety managers and personnel must provide properly ventilated spaces to safeguard their workers' well-being.



What is a confined space?

In industrial and construction sectors, a confined space is a relatively small, enclosed area. It typically restricts movement and limits visibility, posing a risk to workers.

According to OSHA, a [confined space](#):

Must be large enough for a worker. They need enough room to enter and do their job.

Is only designed for temporary occupancy. The spaces are not technically designed for humans to enter. Also, remaining inside them for extended periods is usually unsafe.

Has limited entry and exit points. Interiors with large openings or many entrances do not count as confined.

Under OSHA's definition, the interior of grain silos, septic tanks, dumpsters, tunnels and petroleum tanks are examples of confined spaces. Other common kinds are manure pits, crawl spaces, wells, trenches and ductwork.

Safety personnel responsibilities for confined spaces

Above all else, safety personnel must educate workers to ensure their well-being. They need to enforce specialized OSHA training before allowing entry into potentially dangerous confined spaces. Whether they know of a preexisting hazard or become aware of one, they have to inform everyone of the risks. The same process applies if employees display a lack of understanding of protocol.

During workers' occupancy in the confined space, safety personnel must ensure they are not at risk of injury, illness or death. For instance, they must enforce OSHA's exposure limits to minimize airborne hazards. Confirming confined space ventilation is adequate — meaning it doesn't put people's health at risk while they work — is critical at this stage.

Monitoring everyone's physical health is just as essential as hazard identification because it can expose earlier oversights or unexpected changes. Even if safety personnel don't initially detect confined space ventilation threats, they can appear suddenly. For example, hydrogen sulfide — also known as sewer or swamp gas — naturally occurs in spaces like cisterns, oil wells, sewers and manure pits.

If workers complain about hazards or refuse to enter the confined space, safety managers must immediately take action. They can only allow people to enter once they have identified, assessed and eliminated the present risks. Afterward, monitoring and routine maintenance are crucial.

Why are properly ventilated spaces vital?

Poor ventilation is one of the leading causes of workplace accidents and fatalities. According to one study, it accounts for 27% of on-site injuries in confined spaces. Naturally, it should be among safety managers' top priorities.

Properly ventilated spaces are of the utmost importance. For workers to remain safe, safety personnel must perform hazard identification and thorough risk assessments. Additionally, they must adequately train people according to OSHA's guidelines.

The risks of improper confined space ventilation

Poor ventilation in tight spaces can increase temperatures, impact oxygen levels and cause harmful airborne substance buildup. As a result, workers can suffer severe injuries, illnesses and even death. If safety personnel don't take proper precautions, a single incident could take multiple lives. Explore the outcomes of these common risks.

Heat and humidity buildup

Although heat- and humidity-related illnesses may not seem as severe as harmful substance inhalation or oxygen deficiencies, they can be just as deadly. Improper confined space ventilation quickly leads to temperature spikes, resulting in discomfort, heat exhaustion and heat stroke.

In some cases, heat and high humidity can increase airborne pollutant levels, which poses a further risk to workers. Crucially, the effects — respiratory diseases and cancer — may not show up until years of repeated exposure and can prove fatal.

Heat- and humidity-related issues are more common in above-ground interiors. Notably, metal structures like grain silos and oil tanks are better at conducting heat. Safety personnel should ensure workers have properly ventilated spaces to cool off while performing their duties.

Oxygen enrichment

Oxygen only makes up 21% of the atmosphere, while nitrogen, argon and other trace gases account for the rest. Although enrichment — where the oxygen level exceeds 21% — is safe in controlled environments, it is a hazard in confined spaces. Left unchecked, it can cause fires and explosions that burn much faster and hotter than usual.

Common causes of enrichment include faulty pipe connections, oxygen leaks and specific chemical reactions. Safety personnel must properly inspect the site and gas levels to eliminate these sources.

Oxygen deficiency

If the amount of oxygen in a space drops significantly below 21%, workers can experience dizziness, shortness of breath, unconsciousness, cardiac arrest and suffocation. A lack of breathable air quickly leads to death.

Oxygen deficiencies come from improper airflow. If confined space ventilation is poor, workers use more breathable air than what naturally filters in. Safety professionals can prevent this situation by monitoring gas levels or providing personal protection equipment.

Airborne chemicals

Fumes, airborne particles and an accumulation of gases present serious hazards to worker health. According to the Bureau of Labor Statistics, confined spaces brought about 1,030 fatalities between 2011 and 2018, with harmful substance inhalation being the leading cause of death. When not fatal, it can cause respiratory issues and severe illness.

Many airborne substances are life-threatening in high concentrations. While they can rapidly build up naturally, artificial sources like pipe faults, cleaning solvents and certain chemical reactions can also produce them.

Safety personnel must ensure workers have properly ventilated spaces to prevent harmful substance inhalation. They can take proactive measures like gas-level monitoring to prevent hazardous buildup.

Airborne pollutants

Hazardous airborne pollutants include fibers, dust, fumes and debris. Even though concrete dust and welding fumes are not typically dangerous, they become so in confined spaces.

Hazardous pollutants build up much slower in properly ventilated spaces. Since safety personnel can't guarantee adequate ventilation, they must do their best to provide workers with proper PPE and monitor air pollution levels.

The importance of properly ventilated spaces

Management must ensure workers enter properly ventilated spaces before continuing work. Considering the risks include chronic illness and fatality, conducting hazard identification and eliminating safety threats is of the utmost importance.

Need help with Confined Space training?

Give Carrie or Jeremy a call – MJS Legacy Safety!

Cannibas in the Workplace

The following information applies to retail marijuana, not medical use.

- Employers don't have to allow employees to use marijuana products. When Coloradans passed Amendment 64, they voted to give employers choices about marijuana use. Employers can:
 - *Test employees for marijuana and other drugs.*
 - *Make employment decisions based on drug test results.*
- Consult your legal counsel to determine how your hiring and employment policies align with Amendment 64.
- Any use of marijuana on your business' property may be considered public use, which is illegal.
- Amendment 64 made it legal for adults 21 and older to possess up to 1 ounce of marijuana at any time. However, businesses can choose to ban the possession of retail marijuana on their property.



Business owners may implement marijuana possession and use policies that are more strict, not less, than Colorado state law.

OSHA SWITCHES FROM TRADITIONAL HARD HATS TO SAFETY HELMETS

Agency says they offer better protection from head injuries

OSHA announced that the agency is replacing traditional hard hats used by its employees with more modern safety helmets to protect them better when they are on inspection sites.

In 2020, the Bureau of Labor Statistics reports head injuries accounted for nearly 6 percent of non-fatal occupational injuries involving days away from work. Almost half of those injuries occurred when workers came in contact with an object or equipment while about 20 percent were caused by slips, trips and falls.



Requiring Employers to Keep Employees Informed

Labor Law Posters

Some of the **statutes and regulations** enforced by the **U.S. Department of Labor (DOL)** require that **notices be provided** to employees and/or **posted** in the **workplace**. DOL provides **free electronic copies** of the **required posters** and some of the **posters** are available in **languages** other than **English**.

Posting requirements vary by **statute**; that is, **not all employers** are **covered** by each of the **Department's statutes** and thus **may not be required** to post a **specific notice**. For example, **some small businesses** may **not be covered** by the **Family and Medical Leave Act** and thus **would not** be subject to the **Act's posting requirements**.

The [elaws Poster Advisor](#) can be **used to determine** which **poster(s)** employers are **required to display** at their **place(s) of business**. Posters, **available in English and other languages**, may be downloaded **free of charge** and printed **directly** from the **Advisor**. If you **already know** which **poster(s)** you are **required to display**, the **site** makes it easy to **download and print** the appropriate poster(s) **free of charge**.

Please note that the **elaws Poster Advisor** provides **information on Federal DOL poster requirements**. For **information on state poster requirements**, please visit [state Departments of Labor](#). For **Colorado posters**, use this [link](#).

Each month we'll highlight a different topic and do our best to keep you up to date on any new or changing statutes and regulations.

“Know Your Rights: Workplace Discrimination is Illegal”

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from [discrimination in employment](#). If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

The law requires an employer to post a notice describing the Federal laws prohibiting job discrimination based on race, color, sex (including pregnancy and related conditions, sexual orientation, or gender identity), national origin, religion, age (40 and older), equal pay, disability or genetic information (including family medical history or genetic tests or services), and retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding. Title VII of the Civil Rights Act of 1964 imposes a monetary penalty for covered employers who fail to post these notices. The penalty, currently \$659, is adjusted annually for inflation as required by law.

The “*Know Your Rights: Workplace Discrimination is Illegal*” poster, prepared by the U.S. Equal Employment Opportunity Commission (EEOC), summarizes these laws and explains how employees or applicants can file a complaint if they believe that they have experienced discrimination.

[“Know Your Rights: Workplace Discrimination is Illegal” poster](#) (pdf)

Reminder - Federal Drug Testing Custody and Control Form Mandatory



▶ 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.



COLORADO
Department of Revenue

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

DOT Imposes 2024 Regs Violation Penalty Increases to Keep Up with Inflation

The Department of Transportation published a [final rule](#) in the *Federal Register*, Thursday, Dec 28, 2023, 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.

This is an annual move required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act.

The new fines were calculated, as required by the White House’s Office of Management and Budget, by multiplying the penalty amount by the percent change between the October 2023 Consumer Price Index for All Urban Consumers (CPI-U) and the October 2022 CPI-U. This year, that percentage change is 1.03241.

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

Inspection Bulletin

2024-01 – Unified Carrier Registration Enforcement Bulletin for 2024 Registration Year

Created: Jan. 1, 2024

Summary

- This [bulletin \(pdf\)](#) provides guidance for verifying compliance with Unified Carrier Registration (UCR) during a roadside inspection and encourages roadside enforcement for the 2024 registration year, effective Jan. 1, 2024.

Want to learn more about the UCR Plan?

- To learn more about the UCR Plan, go to <https://plan.ucr.gov/>.

Enforcement Guidance

- The 2024 UCR enforcement begins Jan. 1, 2024. The UCR Board recommends that states begin enforcement for the 2024 registration year on Jan. 1, 2024.
- The **Federal Motor Carrier Safety Administration (FMCSA)** has a Title 49 Code of Federal Regulations (CFR) violation code in the inspection software to indicate that a carrier is not in compliance with UCR, which is 392.2 UCR - Failure to pay UCR fees.
- Any non-compliance of the UCR registration should be documented on the Driver/Vehicle Examination Report as a “392.2 UCR - Failure to pay UCR fees” violation.



UCR fees for 2024 registration year are approximately 9% less than fees for 2023, depending on the applicable fee bracket.

The new fees for the 2024 registration year:

The changes reduce the fees paid by motor carriers, brokers, freight forwarders, and leasing companies to the UCR Plan and the participating states.

The official website of the UCR plan is Plan.UCR.gov.

| 2023 vs. 2024 Unified Carrier Registration Plan fees | | | | | | |
|--|------|-------|-------|--------|-----------|-----------------|
| No. of power units | 0-2 | 3-5 | 6-20 | 21-100 | 101-1,000 | 1,001 and above |
| 2023 fee (previous) | \$41 | \$121 | \$242 | \$844 | \$4,024 | \$39,289 |
| 2024 fee (new) | \$37 | \$111 | \$221 | \$769 | \$3,670 | \$35,836 |
| Difference | -\$4 | -\$10 | -\$21 | -\$75 | -\$354 | -\$3,453 |

Are You Using the FMCSA's Personal Conveyance Rule Correctly?



Many truckers have questions about when and how the FMCSA's Personal Conveyance rule may be used — Here are some answers that could help.

What Is Personal Conveyance?

The **Federal Motor Carrier Safety Administration** (FMCSA) defines **Personal Conveyance** as “the movement of a commercial motor vehicle (CMV) for personal use while off-duty. A driver may record time operating a CMV for personal conveyance as off-duty only when the driver is relieved from work and all responsibility for performing work by the motor carrier.”

Can I Use Personal Conveyance If I Have A Load?

Yes, the **FMCSA** says that **Personal Conveyance** is still allowable for truckers with a load. “The CMV may be used for personal conveyance even if it is laden, since the load is not being transported for the commercial benefit of the motor carrier at that time,” the agency says.

What Are Examples Of Proper Use Of Personal Conveyance?

The **FMCSA** lists several examples of approved use for **Personal Conveyance**:

1. Time spent traveling from a driver's en route lodging (such as a motel or truck stop) to restaurants and entertainment facilities.
2. Commuting between the driver's terminal and his or her residence, between trailer-drop lots and the driver's residence, and between work sites and his or her residence. In these scenarios, the commuting distance combined with the release from work and start to work times must allow the driver enough time to obtain the required restorative rest as to ensure the driver is not fatigued.
3. Time spent traveling to a nearby, reasonable, safe location to obtain required rest after loading or unloading. The time driving under personal conveyance must allow the driver adequate time to obtain the required rest in accordance with minimum off-duty periods under 49 CFR 395.3(a)(1) (property-carrying vehicles) or 395.5(a) (passenger-carrying vehicles) before returning to on-duty driving, and the resting location must be the first such location reasonably available.
4. Moving a CMV at the request of a safety official during the driver's off-duty time
5. Time spent traveling in a motorcoach without passengers to en route lodging (such as motel or truck stop), or to restaurants and entertainment facilities and back to the lodging. In this scenario, the driver of the motorcoach can claim personal conveyance provided the driver is off-duty. Other off-duty drivers may be on board the vehicle, and are not considered passengers.
6. Time spent transporting personal property while off-duty.
7. Authorized use of a CMV to travel home after working at an offsite location.

What Are Examples Of Improper Use Of Personal Conveyance?

1. The movement of a CMV in order to enhance the operational readiness of a motor carrier. For example, bypassing available resting locations in order to get closer to the next loading or unloading point or other scheduled motor carrier destination.
2. After delivering a towed unit, and the towing unit no longer meets the definition of a CMV, the driver returns to the point of origin under the direction of the motor carrier to pick up another towed unit.
3. Continuation of a CMV trip in interstate commerce in order to fulfill a business purpose, including bobtailing or operating with an empty trailer in order to retrieve another load or repositioning a CMV (tractor or trailer) at the direction of the motor carrier.
4. Time spent driving a passenger-carrying CMV while passenger(s) are on board. Off-duty drivers are not considered passengers when traveling to a common destination of their own choice within the scope of this guidance.
5. Time spent transporting a CMV to a facility to have vehicle maintenance performed.

6. *After being placed out of service for exceeding the maximum periods permitted under part 395, time spent driving to a location to obtain required rest, unless so directed by an enforcement officer at the scene.*
7. *Time spent traveling to a motor carrier's terminal after loading or unloading from a shipper or a receiver.*
8. *Time spent operating a motorcoach when luggage is stowed, the passengers have disembarked and the driver has been directed to deliver the luggage.*

Personal Conveyance FAQs

1. **May a driver, who drops his or her last load at a receiver's facility use personal conveyance to return to their normal work location (i.e. home or terminal?)** No. Returning home or to the terminal from a dispatched trip is a continuation of the trip, and therefore cannot be considered personal conveyance.
2. **The guidance allows for "authorized use of a CMV to travel home after working at an offsite location." What is meant by the term "offsite" when used in this context?** The term refers to a location, other than a carrier's terminal or a shipper's or receiver's facility, where a driver works for a temporary period for a particular job. Specifically, this term is intended for construction and utility companies that set up base camps near a major job and operate from there for days or weeks at a time. These remote locations are considered "offsite" locations. Therefore, travel between home and that offsite location is considered commuting time, and qualifies as personal conveyance.
3. **Is personal conveyance treated any differently when the driver is hauling hazardous materials?** No. There is no restriction on personal conveyance regarding hazardous materials transportation, provided that the driver complies with provisions of 49 CFR parts 177 and 397.
4. **Can a driver who claims the short haul exception use personal conveyance?** Yes, there is no connection between personal conveyance and the short-haul exception. As always, off-duty time does not extend the 12-hour duty time limitation.
5. **How is personal conveyance time calculated in the hours-of-service rules?** Time spent under personal conveyance is off-duty time.
6. **May a driver use personal conveyance when they run out of available (driving/on-duty) hours?** No, except for the one exception described in the guidance where a driver who runs out of hours while at a shipper's or receiver's facility may drive from that facility to a nearby, safe location to park, provided that the driver allows adequate time to obtain rest in accordance with daily minimum off-duty periods under the Hours of Service rules before beginning to drive. Personal conveyance is those times where a driver is operating solely for a non-business purpose and cannot be used to extend the duty day.
7. **Are there maximum distance time or distance limits for the use of personal conveyance?** No. However, it is important to note that the provision in §392.3 of the FMCSRs, prohibiting the operation of a commercial motor vehicle while fatigued, continues to apply. Therefore, a driver must get adequate rest before returning to driving.
8. **If a driver picks up the commercial motor vehicle from a repair facility once repairs are complete, would the driver be allowed to use personal conveyance to their residence from the repair shop?** No, travel for repair and maintenance work is being done in the furtherance of the business and is considered on-duty time.
9. **Can personal conveyance time be combined with other off-duty time to complete a 10 or 34-hour break?** Yes, since PC is off-duty time. However, it is important to note that the provision in §392.3 of the FMCSRs, prohibiting the operation of a commercial motor vehicle while ill or fatigued continues to apply.
10. **Can a driver be inspected during personal conveyance? If so, what is the driver's duty status during the inspection?** Yes. Since the driver is still subject to the FMCSRs, the driver or vehicle can be inspected. The driver's duty status would be "on-duty, not driving." during the inspection.

The **FMCSA** also points out that *"personal conveyance does not reduce a driver's or motor carrier's responsibility to operate a CMV safely, and motor carriers can establish personal conveyance limitations either within the scope of, or more restrictive than, the FMCSA guidance."*

ATA, OOIDA Split on Bills that Would Guarantee Overtime for Employee Truck Drivers



Each house of Congress introduced a bill recently that would guarantee overtime pay for employee truck drivers by amending the 1938 Fair Labor Standards Act, which exempted employee truck drivers from the overtime-pay requirements otherwise placed on employers.

Previous versions of the bill, introduced in both the House and Senate, stalled out last Congress, but the bill introduced in November represented the most bipartisan support yet, with a single Republican rep joining several Democrats among sponsors and cosponsors.

Groups representing owner-operators and truck safety advocates quickly applauded the bill, but the American Trucking Associations denounced it as "a vote for chaos."

Senator Alex Padilla (D-CA) and Representative Jeff Van Drew (R-NJ) introduced the bill in their separate houses.

ATA President Chris Spear called it a "thinly-veiled attempt to boost trial attorneys' fees" that "would reduce drivers' paychecks and decimate trucking jobs by upending the pay models that for 85 years have provided family-sustaining wages while growing the U.S. supply chain."

OTR drivers in truckload today "are earning nearly \$70,000 on average plus benefits," Spear continued, "and wages across the board continue to rise at historic rates year-over-year." He went on to single out a trucking company that went bankrupt earlier this year amid a labor dispute.

Spear called for money to fix the truck parking shortage, and asserted that the bill "would not affect owner-operators, who, as independent contractors, are not covered by the Fair Labor Standards Act."

The Owner-Operator Independent Drivers Association disagreed on that point, and all the other ones too. "Higher wages for company drivers would have the downstream effect of raising compensation of all drivers," an OOIDA spokesperson said.

"Unbelievably, trucking is one of the only professions in America that is denied guaranteed overtime pay," said OOIDA President Todd Spencer. "We are way past due as a nation in valuing the sacrifices that truckers make every single day. This starts with simply paying truckers for all of the time they work. With this discount on a trucker's time, 'big trucking' has led a race to the bottom for wages that treats truckers as expendable components rather than the professionals they are."

The newly formed National Owner Operators Association said they had met with Representative Van Drew, the sole Republican backer, in September to express their support as well.

The legislation is cosponsored by Senator and Chairman of the Health, Education, Labor, and Pensions Committee Bernie Sanders (I-VT.), as well as Senators Ed Markey (D-MA), Richard Blumenthal (D-CT.), Elizabeth Warren (D-MA.), and Ron Wyden (D-OR.). The House version of the legislation is cosponsored by Representative Mark Takano (D-CA).

The proposed legislation falls in line with the Department of Transportation's February 2022 Freight and Logistics Supply Chain Assessment, which called for the removal of the 1938 FLSA motor carrier exemption, among other things.

Trucking researchers at the University of Arkansas have suggested overtime pay for drivers could reduce detention time and improve safety, something that Padilla echoed in his statement supporting the bill.

"America's truck drivers are on the frontlines of our economy, enduring long hours away from home, and all too often, unpaid wait time at congested ports and warehouses," Padilla said. "That's because for decades, truck drivers have been excluded from overtime pay protections. If truckers are forced to wait while on the job, they should be paid. This is not just a matter of fairness; it's a matter of public safety. Experienced truckers are safer truckers, and better compensation will help more of them stay in the profession. It's time we guarantee overtime for truckers."

Truck safety organizations backed the bill as well.

"Repealing the overtime exemption for truck drivers is not just an economic issue, but also a safety issue," said Harry Adler, principal at the Institute for Safer Trucking. "Experienced drivers are essential to keeping our roads safe, but too many are leaving the industry because they are overworked and underpaid. The GOT Truckers Act would help to retain experienced truck drivers by providing them with the overtime pay they deserve. This would not only improve their quality of life, but also make our roads safer for everyone."

That trucking has gone 85 years exempt from overtime pay was not lost on any of the bill's backers.

"The FLSA Motor Carrier Exemption needlessly puts the lives of truck drivers and all roadway users at grave risk," said Tami Friedrich, president of Truck Safety Coalition advocacy group. "The notion that it is acceptable for innocent people to die to avoid paying truck drivers for all their time is un-American. I am grateful to my home state Senator, Senator Padilla for taking action to eliminate this lethal loophole. The GOT Truckers Act will undoubtedly save lives and improve roadway safety for all."

CDOT Reports Dozens of Express Lane Violations in a Matter of Weeks



On Oct. 1, the **Colorado Department of Transportation (CDOT)** started **issuing fines for drivers** who cross the **double solid lines** of the **express lanes** along **C-470 and Interstate 25**.

For the **first week of October**, more than **20,000 fines** were mailed to drivers for the **lane change violation**, according to **CDOT**. During the **30-day grace period**, **CDOT** reported **issuing 80,000 warnings** to drivers for the **same violation**.

From **Oct. 1 to Dec. 10**, **CDOT** issued **58,676 violations** on C-470 and **60,575 violations** on I-25. The total number of violations goes up to **136,315** when including the **I-70 mountain express lanes**.

Since the **enforcement rolled out**, one driver has **collected 53 violations** along **C-470**. According to **CDOT**, **17 of those violations** were recorded **during the grace period**.

"These are all weaving violations. This would be jumping into the express lanes over the solid line or jumping out of the express lanes. This person has racked up close to \$5,200 in fines and has not paid the fines on time," said Tim Hoover, **CDOT** spokesperson.

The **enforcement program** uses sensors, **cameras**, and a **special software to catch** drivers who **weave in and out** of the express lanes. The **penalty for crossing the double solid lines** of the express lane is **\$75**. If that fine is **unpaid in 20 days** the fine will **double to \$150**.

"There's no criminal charges, but ultimately, you're looking at a hold on your registration. It can go into collections. If collections are unsuccessful a hold can be placed on your registration," Hoover said. *"It's probably going to happen at some point. We have not yet had a single case of that yet, but it surely is going to happen."*

CDOT reminds drivers to only enter or exit the express lanes when the lines are dashed.

According to **data from CDOT**, about **90% of the warnings** and citations have **been sent to cars with Colorado license plates** and most were **Ford F-150s**, **Subaru Outbacks**, and **Toyota 4Runners**.

CDOT encourages drivers to **sign up** for a **switchable transponder**, which allows drivers to **switch to HOV**, and **ride for free** with **three or more people** in the car, as well as **save money on tolls**. Transponders **can't be used** on C-470 or the **I-70 mountain corridor**.

CDOT warns — "Don't cross the line, or you'll pay the fine"

Action Required: UPDATES TO FMCSA ACCOUNT LOGIN



To ensure continued access to the **FMCSA Portal**, users were instructed to **set up a Multifactor Authentication (MFA) Login.gov account** by Dec. 1. (*MFA is a multi-step account login process that requires users to enter more information than just a password.*)

FMCSA has [provided directions to create a Login.gov account here](#).

The **change is the result** of a directive from the **Federal Cybersecurity plan** under **White House Executive Order 14028** and **Office of Budget Memorandum M-22-09**, both part of what's **overall dubbed a "Federal Zero Trust Strategy."**

It has **required all federal agencies** to adopt secure **MFA** to enhance **information security** by Dec. 31. **MFA will verify your identity** requiring **two or more pieces** of evidence. These **factors can be**

something you know (*like a password*), **something you have** (*like an access card*) or **something you are** (*like facial recognition or fingerprint*).

Carrier and company users with questions or **who need help** setting up their **Login.gov account** should contact **FMCSA** by dialing **1-800-832-5660** or [submitting a question and chatting with an agent here](#).



LET MJS Legacy Safety BE YOUR
OSHA-AUTHORIZED
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!

Cannibas: DRIVING and TRAVELING

Driving while impaired is illegal and unsafe

Getting high before you drive can get you arrested for a driving under the influence (DUI) charge. This is true even though marijuana use is legal for adults in Colorado.



- *Similar to alcohol, there's an established impairment level for marijuana in Colorado.*
 - *By law, drivers with 5 nanograms of delta-9 tetrahydrocannabinol (THC) per milliliter of whole blood can be prosecuted for DUI.*
- *Even if marijuana is used medically, officers can arrest you for impaired driving.*
- *No open containers:*
 - *Neither drivers nor passengers are allowed to open any marijuana packaging and use the product while in a vehicle, even if you are not moving.*
 - *You can be charged with a traffic offense if the marijuana product seal has been broken, some of the product has been consumed, and there's evidence that it was used in the car.*
- *Check out the Colorado Department of Transportation's "[Uncomfortable High](#)" campaign and read the [frequently asked questions](#) for more information on marijuana and driving in Colorado.*

Be careful where you travel

Keep it in Colorado.

- *Leaving the state with any marijuana product is against the law.*
- *You can't bring marijuana to Denver International Airport or any other airport.*
- *Not in federal parks or on federal land:*
 - *Since marijuana is still illegal under federal law, you can't use it on federal land, including national parks and national forests. This includes ski slopes.*

Impairment

For occasional consumers, using 10 mg or more of THC is likely to cause impairment. This impacts your ability to drive, bike or perform other safety-sensitive activities.

People may think that they're "safer" drivers while stoned. However, research shows that driving while high may increase your risk of a crash since your reaction time is slower and your understanding of distance and speed is different. If you're high, you shouldn't drive, bike or operate machinery.

- *Smoking:*
 - *Wait at least six hours after smoking up to 35 mg of THC before driving or biking. If you've smoked more than 35 mg, wait longer.*
- *Eating or drinking:*
 - *Wait at least eight hours after eating or drinking up to 18 mg of THC before driving or biking. If you've consumed more than 18 mg, wait longer.*
- *Marijuana affects individuals differently.*
 - *These times are estimates based on research findings. If you're unsure how marijuana will affect you, make other plans for transportation or don't drive.*
- *Multiple substances:*
 - *Using alcohol and marijuana at the same time is likely to result in greater impairment than either one alone.*

Colo. Law: Move Over for Me

THESE PROTECTIONS TOOK EFFECT IN AUGUST 2023.

*Colorado joined the ranks of just nine other states in offering robust "[Slow Down, Move Over](#)" protections to **ALL disabled vehicles.***

[HB23-1123](#) requires that drivers move over a lane whenever they encounter **ANY** stationary vehicle with its hazards flashing – and if they can't move over, they **must slow down.**

Connect with MSHA

The Mine Safety and Health Administration is now on [FACEBOOK!](#)

FOLLOW NOW FOR MINING NEWS, REGULATIONS, AND SAFETY & HEALTH BEST PRACTICES.



US DOL Announces Final Rule to Protect Miners from Surface Mobile Equipment-Related Accidents, Injuries, Fatalities

The U.S. Department of Labor recently announced a final rule from its **Mine Safety and Health Administration** to help protect miners from accidents, injuries and fatalities related to surface mobile equipment.

The [rule](#) (published in the [Federal Register](#) on Dec. 20 — effective Jan 19th 2024) requires mine operators to have written safety programs for surface mobile equipment — excluding belt conveyors — at surface mines and underground mines' surface areas. The programs must include input from miners and their representatives and identify hazards and risks.

In recent years, powered haulage equipment and machinery have been the leading causes of serious and fatal mine accidents. The final rule aligns with MSHA's overall effort to improve safety in equipment use. So far in 2023, 40 mining industry workers have suffered fatal injuries, including 16 classified as machinery and 10 classified as powered haulage fatalities.

"Given the number of serious and fatal machinery and powered haulage accidents that have occurred in recent years, the **Mine Safety and Health Administration** has worked hard to issue this final rule to enhance safety protections for miners working with and around surface mobile equipment," said Assistant Secretary for Mine Safety and Health Chris Williamson. "As MSHA works with the entire mining community to implement the new rule, we strongly encourage everyone to prioritize training and to identify and eliminate machinery and powered haulage hazards that can put miners' lives and livelihoods at risk."

Earlier this year, Assistant Secretary Williamson sent an [open letter](#) to the mining community, noting MSHA will continue to use all its tools to combat the unacceptable upward trend in fatalities. The letter also announced an inaugural "[Stand Down to Save Lives](#)" event to encourage the nation's mining community to take steps to prevent injuries and illnesses.

Other MSHA initiatives to combat the number of mining accidents, injuries, and fatalities in machinery, powered haulage equipment and other areas include [safety and health alerts](#), the "[Take Time, Save Lives](#)" campaign, [Powered Haulage Equipment Guidance](#), and an [Enhanced Enforcement Program](#).

District managers will discuss compliance assistance for the mining industry at stakeholder meetings beginning in January 2024

DOL Announces Findings of October 2023 Impact Inspections at 13 Mines, Many with Histories of Repeated Safety, Health Issues

Inspections resulted in 50 significant, substantial violations.

The U.S. Department of Labor announced recently that its **Mine Safety and Health Administration** completed [impact inspections](#) at 13 mines in 10 states in October 2023, issuing 215 violations. MSHA began impact inspections after an April 2010 explosion in West Virginia at the Upper Big Branch Mine killed 29 miners.

As of October, impact inspections in 2023 have identified 2,307 violations, including 654 significant and substantial or S&S and 46 unwarrantable failure findings. (An S&S violation is one reasonably likely to cause a reasonably serious injury or illness.) Violations designated as unwarrantable failures occur when an inspector finds aggravated conduct that constitutes more than ordinary negligence.

The agency conducts impact inspections at mines that merit increased agency attention and enforcement due to poor compliance history; previous accidents, injuries, and illnesses; and other compliance concerns. Of the 215 violations MSHA identified in October, 50 were evaluated as S&S and six had unwarrantable failure findings. The agency completed October's inspections at mines in *Alabama, Colorado, Illinois, Kentucky, Michigan, Missouri, Pennsylvania, Utah, Virginia* and *West Virginia*.

"The October 2023 impact inspections show miners' safety and health continues to be put at risk and in ways that are completely preventable," said Assistant Secretary for Mine Safety and Health Chris Williamson. "Violations are not just numbers. Each one represents a hazard to miners whose safety, health and lives are being put at risk needlessly."

Mine operators are required by law to report all mining accidents immediately – within 15 minutes of when the operator knew or should have known about the accident. [Report Accidents - Hazardous Conditions](#) or call 1-800-746-1553

No Excuses For Ignoring Opioid Crisis

Help for employers includes education against stereotyping, increase in training



SOURCE: Alyssa Fillmore — Director, Workplace Product Management for the American Red Cross

Dr. Nathan Charlton is a professor of emergency medicine at the University of Virginia and a specialist in addiction medicine. Every Wednesday afternoon, he works in a clinic counseling patients with substance abuse disorders, including opioid use disorders. *“We have a naïve approach to who we think is using opioids,”* he says.

It’s not that society — and businesses — are no longer unaware of the opioid crisis that started in 2011, when opioid prescriptions peaked. In 2022, 108,500 people died of a drug overdose, and over 82,136 of those deaths involved opioids, according to the Centers for Disease Control and Prevention (CDC). Those statistics are attention-grabbers and cited in any number of newspaper and magazine articles, mainstream media TV news shows, books, documentaries, YouTube videos and other media outlets.

Awareness certainly comes from first-hand experience with the epidemic. A friend, family member, coworker, neighbor suffers and struggles — and sometimes overdoses. This makes the opioid use disorder very real and personal. *“I had a family member who died of an opioid overdose 15 years ago. This is a very important topic for me, so any chance I get to teach a class (using American Red Cross training such as “Opioid Overdose and Naloxone Administration”) I jump and do it,”* says Mathew O’Neil, one of the founders of Purple Heart and Safety, a training school in Elkridge, Maryland.

All walks of life

Educating the public and the business community about opioid use disorder is challenged by a stereotype many people carry with them — the street junkie living in a tent. This image misleads the public and many employers. *“I have patients in my clinic who come from healthcare, come from the streets, come from blue-collar jobs, white-collar jobs,”* says Dr. Charlton, who is the chair of the Red Cross Scientific Advisory Council’s First Aid Sub-council. *“Opioid abuse really affects all walks of life.”*

In the business world, helping employees with opioid use disorder is often set aside not only because of stereotypes but also because employees can function well on the drug. It is similar to alcoholism. There are very functional alcoholics, and very functional employees with opioid use disorder, says Dr. Charlton.

That might help explain why so many businesses are unprepared to deal with opioids at work. Fewer than 20 percent of companies felt extremely well prepared to combat the opioid crisis, according to 2017 survey by the National Safety Council. Just 13 percent were very confident they could identify risky use. This despite 70 percent of employers reported in the survey that their businesses had been affected by prescription drug abuse, including absenteeism, presenteeism (*on the job but impaired*), positive drug tests, injuries, incidents and overdoses.

A massive increase in training

In 2023, six years after the National Safety Council survey, the number of employers prepared to confront the opioids scourge and capable of identifying risky use has likely increased. A massive education effort is the reason why. The Red Cross launched [“First Aid for Opioid Overdoses”](#) in 2018. *“Awareness through education is the key because people don’t know what they don’t know,”* says Tony Rootes, vice president of training, consulting, licensing and compliance for American Security and Investigations, LLC.

Training courses to recognize the signs and symptoms of an opioid overdose, how to give appropriate care, and how to give naloxone are offered by government agencies such as the Centers for Disease Control and nonprofits including the Red Cross.

“Education can help build resiliency in the workplace among workers,” says Dr. Charlton. *“I’m a firm believer that first aid education prepares people to recognize crises, whether they are an opioid overdose or a bleeding emergency or a cardiac arrest.”*

Rootes offers the [online](#) Red Cross [“Until Help Arrives”](#) course to his customers, especially those who have tenants in the building. *“These clients want to know ‘Hey, what can I do if my coworker collapses in front of me?’ ‘Until Help Arrives’ is a phenomenal course for them because it gets right to the point.”*

O’Neil of Purple Health offers the 45-minute Red Cross [“Skill Boost: Opioid Overdose and Naloxone Administration.”](#) He continues to add locations as he expands across of the country. The more of these types of courses that we can teach, then the greater impact that we can have,” he said. *“If we can do our part and awareness increases, then maybe we can start to put a dent in this horrible crisis.”*

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A disease, not a character flaw

Treating opioid use disorders and other substance abuse cases as a disease, not a moral issue, is part of many training courses today. “It’s not anyone’s fault that they have this substance use disorder,” says Dr. Charlton. “Nobody grows up thinking that this is what they’re going to do with their life. We all want good jobs. We all want to be healthy and happy. It is a disease; it is not a moral issue.”

Beyond reacting to overdoses

“We can all do a great job of scrambling to react,” says O’Neil. “But if we didn’t have to do as much scrambling and reacting that would be even better.”

Some employers are proactive. “We like to look down the road a little bit,” says Rootes. “Not that we can read the tea leaves all the time, 100 percent accurately. But we like to look down the road and see what’s coming so we can provide better training. And we have some clients who are really concerned about the opioid overdoses.”

Training (online, video or in the classroom) goes beyond the reactive “how to handle opioid emergencies.” “There is a very different vibe in the room,” says O’Neil. “There is a level of commitment or of concern that doesn’t exist to the same level when I’m teaching a basic First Aid and CPR class. When it comes to the opioid course, you can hear a pin drop. At any time, at any part of that course, people are tuned in, they’re hearing every word, and they feel they want and need to know the material.”

Life-and death-stakes

This intense commitment to understand and help comes from the life-or-death stakes of opioid use disorders and overdoses. “People want to know, ‘Hey, what can I do if my coworker falls down in front of me’,” says Rootes.

Education can boost looking out for each other, says O’Neil. “If we all look out for each other, if you see something that instinctively tells you maybe someone is experiencing a health problem, observe more closely and maybe say something like, ‘Do you mind if I just ask you a couple of questions about what you’re experiencing?’ Maybe it turns out to be a big nothing. Or maybe upon further questioning it turns out the person needs to get checked out.”

Looking out for each other is safety 101. It’s what behavior-based safety is all about. It’s embedded in the mantra, “If you see something, say something.” And many employers have come to see that such safety practices pay dividends. The payoff that comes with being proactive about opioid use disorder includes fewer injuries, reduced absenteeism, increased productivity, lower healthcare and workers’ comp costs (large employers spent \$2.6 billion on treating opioid abuse and overdoses in 2016, according to the Peterson-Kaiser Health System tracker), increased job loyalty and increased health and wellbeing.

In 2024 there is no excuse for being ignorant about opioid use disorder and unprepared to deal with a crisis.

There is too much education and training on the market. Too much media saturation on the issue.

Just as many companies put dollars into safety programs, time and dollars must go to being proactive about the opioid scourge.

It is a matter of life and death.

MJS Legacy Safety

offers training regarding opioids in the workplace.

This component can be added to the First Aid/CPR class upon request.

Give us a call!

Navigating the landscape of COVID-19 has seemingly become less confusing. 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 re: [COVID-19 vaccine & boosters](#), [RSV & flu](#)
- [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.

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

OSHA's Recordkeeping Requirements for Exposure to COVID-19

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](#).

SUPPORTING WORKERS WITH LONG COVID

According to the [Centers for Disease Control and Prevention](#), some people who had COVID-19 experience a range of new or ongoing symptoms, known as post-COVID conditions or Long COVID.

These symptoms can last weeks, months, or years, and can worsen with physical or mental activity.

[Read more including examples of accommodations for common symptoms of Long COVID and its related conditions.](#)



From all of us at
MJS Legacy Safety...

Be safe out there!!