

carrie jordan @mjssafety.com-jeremyjordan @mjssafety.net

Training facility and offices: <u>1760 BROAD ST, UNIT H, MILLIKEN, CO 80543</u> Mailing address: <u>P.O. Box 10, Johnstown CO 80534</u>

DOL Adjustments to OSHA Civil Penalties for 2023

The U.S. Department of Labor changes to Occupational Safety and Health Administration civil penalty amounts based on cost-of-living adjustments for 2023.

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 "catchup" 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 2023, January 15 fell on a Sunday and January 16 was a federal holiday. Therefore, new OSHA penalty amounts became effective Jan. 17, 2023.

OSHA's maximum penalties for serious and other-than-serious violations increased from \$14,502 per violation to \$15,625 per violation. The maximum penalty for willful or repeated violations increased from \$145,027 per violation to \$156,259 per violation.

- Visit the <u>OSHA Penalties page</u> and read the <u>final rule</u> for more information.
- Inspections, Citations, and Proposed Penalties Standard Number: <u>1903.15</u>
- Enforcement Memo

OSHA/CONSTRUCTION NEWS SUMMARY

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- NHTSA: Estimated highway fatalities falling so far in 2023.

Traffic fatalities are estimated to have fallen in all 10 regions across the U.S. in the first quarter. read more...

► FMCSA finalizes lower UCR fees for 2024

The fees for the 2024 registration year are approximately 9% less than fees for 2023 read more...



TRANSPORTATION NEWS SUMMARY cont'd

Operation Safe Driver Week July 9-15, 2023

Law enforcement personnel will be on the lookout for commercial motor vehicle drivers and passenger vehicle drivers engaging in risky driving. <u>read more...</u>

Driving After Drinking ALWAYS A BAD IDEA !

Driving after drinking is deadly. Yet it still continues to happen across the United States. read more...

MSHA NEWS SUMMARY

The Mine Safety and Health Administration is now on <u>FACEBOOK</u>! read more...

Electrical Safety Precautions Save Miners' Lives

Electricity is a serious hazard that exposes miners to dangers such as electric shock, electrocution, fires and explosions. <u>read more...</u>



MONTHLY SAFETY & HEALTH TIP NEWS SUMMARY

Ending Gender-Based Violence at Work and Beyond

Recently, the **White House released** the first-ever <u>U.S. National Plan to End Gender-Based Violence</u>. The **plan lays out** a roadmap for a **whole-of-government effort** to prevent and **address gender-based violence** in the United States. <u>read more...</u>



COVID INFORMATION/RESOURCES SUMMARY

For your convenience, we have moved all COVID information and resource <u>links</u> to the last page of the newsletter.



MJS Legacy Safety TRAINING SUMMARY "SAFETY STARTS WITH YOU"

SOURCES FOR

"Training Spotlight"

(a different course will be featured monthly)

> OSHA 30 OUTREACH HOUR FOR GENERAL INDUSTRY OR CONSTRUCTION

The OSHA 30 Hour course is designed to cover hazard recognition and mitigation for employees in General Industry and Construction. The courses cover the INTRODUCTION TO OSHA and other specified required course content of the current OSHA OUTREACH GUIDELINES. Upon completion students receive a Department of Labor OSHA Outreach card. Class is for 30 contact hours, not including lunches and breaks. Per OSHA guidelines this class must be no more than 7.5 hours in each day, and requires a minimum of 4 days to complete. This course requires a minimum of 3 people to conduct.

For all of our Course Offerings visit the MJS Legacy Safety website

THIS ISSUE INCLUDE: OSHA FMCSA ISHN US DOL Schedule of classes July 2023: • TRAINING CENTER - 1760 BROAD ST. UNIT H. MILLIKEN, CO 80543 *PEC Safeland Basic Orientation: NEW 2021 SAFELAND: July 7, 17; 8 – 4:30; CDC EEOC This class available through video conference instructor led distance learning thru 6/30/22 - only upon request *First Aid/CPR/AED/BLOODBORNE PATHOGENS (We offer MEDIC FIRST AID): July 14, 24; 8 — noon; DOT Overdrive NHTSA CVSA DOT 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]: July 14, 24; 12:30 - 4:30; This class available via Instructor Led video conference *OSHA 10 HOUR - GENERAL INDUSTRY OR CONSTRUCTION: July 26 & 27; 6 am — noon; This course is available upon request in English or Spanish, and is conducted in accordance with the latest OSHA Outreach Guidelines -3 student minimum- spread over 2 days -10 total contact hours Scheduled Upon Request - contact us today to schedule a class 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 carriejordan@mjssafety.com 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 Unable to attend a class? Order First Aid Need Help With MJS Legacy Safety offers multiple & other ISNetworld "ONLINE TRAINING COURSES" **Safety Supplies** PEC/Veriforce www.mjssafety.com NCMS includina Jeremy Avetta/BROWZ **OSHA** Construction, General Industry, Environmental, 720-203-6325 TPS ALERT Hazardous Waste Public Safety, DOT, Carrie CALL US!!! 720-203-4948 Human Resource, and Storm Water & ISO or you can Schedule training at our Training Center or On-Site at your Facility → 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.

JULY2023NEWSLETTER CARRIE: 720-203-4948 JEREMY: 720-203-6325 Page 4 MJS Legacy Safety Consulting Services LLC FAX: 855-966-8106 www.mjslegacysafety.com







OSHA/CONSTRUCTION

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.

Drug Test Report 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 (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

Read This Before Submitting 2022 Injury and Illness Data

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

Establishments in certain industries 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 2022 Summary of Work-Related Injuries and Illnesses (*Form 300A*) from February 1 through April 30 in a visible location for their employees' awareness.



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

The DOL recently updated the ITA as part of the Department of Labor's information technology modernization and security enhancement efforts. What's different? All current and new account holders must connect your ITA account to a Login.gov account with the same email address in order to submit your 2022 data by March 2, 2023.

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

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

This video explains how to create an account or log in to an existing account using Login.gov.

You can find answers to other <u>FAQs</u> as well as detailed instructions for entering injury and illness information in the ITA. *Need more assistance?* Use the <u>help request form</u> at the end of the FAQs.

To report safety and health violations, file a complaint, or ask safety and health questions, call 800-321-6742 or visit <u>osha.gov/ContactUs</u>.

OSHA Announces Upcoming Fee Changes for Student Course Completion Cards for Outreach Training Program

Effective Oct. 1, 2023, OSHA will increase 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 also **announced the agency** 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** <u>*do not*</u> **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!

CARRIE: 720-203-4948 JEREMY: 720-203-6325 FAX: 855-966-8106

US DOL FINDS COLORADO CONTRACTOR EXPOSING WORKERS TO TRENCH CAVE-INS, INCLUDING ONE THAT CAUSED TEENAGER'S FATAL INJURIES



Despite fatality, the contractor repeatedly endangered workers in trenches

When federal workplace safety inspectors opened an investigation in March 2023 of an excavation worksite, they determined the Contractor was still ignoring the same federal safety standards that could have prevented a trench collapse in the summer of 2022 that led to the death of a teenaged company employee.

In that incident, a 17-year-old worker suffered fatal injuries after being struck in the head by a large chunk of asphalt and a company foreman was injured on Aug. 13 when an unprotected section of the excavation wall caved-in on them. The employees were working on a residential sewer connection.

After an investigation, OSHA issued a serious citation to the Denver area Contractor for its violation of federal law, and proposed \$15,625 in penalties, an amount set by law.

On March 8, 2023, OSHA opened another inspection of that same Contractor after learning that employees were again exposed to trenching hazards on a project in Northern Colorado. Among them was the foreman injured in August. The agency then cited the company with willful violations for exposing workers to cave-ins and failing to train workers to recognize trenching hazards.

Following the most recent inspection, the Contractor faces \$206,698 in proposed penalties and has been included in OSHA's <u>Severe Violator</u> <u>Enforcement Program</u>.

"This Contractor's indifference toward the safety and well-being of its employees cost a young man his life," said OSHA Area Director Amanda Kupper in Denver. "With a teenager's family and friends still grieving, the company again allowed its workers to enter an unprotected trench. The Contractor must comply with required federal safety standards designed to prevent another tragedy."

Established in 2014, the family owned and operated business provides water line repair, replacements and installations, as well as sewer pipe lining services.

The company had **15 business days from receipt of citation** 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**.

OSHA has a <u>National Emphasis Program on trenching and excavations</u>. Trenching standards require protective systems on trenches deeper than 5 feet, and soil and other materials kept at least 2 feet from the edge of a trench. (<u>Working Safely in Trenches Quick Card pdf</u>) Additionally, trenches must be inspected by a knowledgeable person, be free of standing water and atmospheric hazards and have a safe means of entering and exiting prior to allowing a worker to enter.



OSHA's trenching and excavation webpage provides additional information on trenching hazards and solutions, including a safety video.

Let MJS Legacy Safety be "In The Trenches" with you!

We can provide valuable assistance regarding the safety of your trenches!

~ Give us a call ~

A Guide to ANSI/ISEA Z358.1 and Emergency Shower/Eyewash Compliance

While most business owners believe that their emergency equipment is fully functional, the reality is that there is a one in five chance they will work properly in an actual emergency.

The OSHA requirements for emergency eyewashes and showers, found at <u>29 CFR 1910.151(c)</u>, specify that "where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use".

<u>ANSI Z358.1</u> provides detailed information regarding the installation and operation of emergency eyewash and shower equipment, including the requirements for flow rate.

The standard for ANSI/ISEA Shower Eye Wash Testing has three minimum requirements for weekly inspections:

- 1. Emergency equipment shall be activated weekly. (Each piece of equipment is required to be activated.)
- 2. Activation shall ensure flow of water to the head(s) of the device. (This would be both the eyewash or eye/face wash head as well as the showerhead.)
- **3.** Duration of the activation shall be sufficient to ensure all stagnant water is flushed from the unit itself and all sections of piping that do not form part of a constant circulation system, also known as "dead leg" portions. (The duration is determined by the length of piping where stagnant water could be sitting before it reaches the head(s) of the unit.)

In addition to the above weekly minimum performance checklist required by ANSI/ISEA, it is recommended as a <u>best</u> <u>practice</u> to conduct additional weekly ANSI/ISEA Shower Eye Wash Testing functional checks. The purpose of these additional checks is to fully ensure the equipment is operating correctly and is capable of providing proper first aid in the event of an emergency.



4 Things That Affect Worker Safety That You Might Not Have Considered

While some industries are inherently more dangerous than others, it's never a bad idea to make sure all of your bases are covered.

Sometimes, having a basic safety plan in place isn't enough. No matter how much you plan, accidents still happen, and employees want you to minimize the risk of those "wacky" accidents as much as possible. An employee that gets injured on the job or has to take time off for mental health reasons can run into even bigger troubles. They might experience permanent health issues, or they might struggle financially.

Today's workforce has prioritized health and wellness more than ever, largely due to what happened during the COVID-19 pandemic. They want to know they're safe when they come to work each day.

So, what can you do to ensure your workers are as safe as possible, no matter what they do? Let's look at a few things that affect worker safety that you might not have considered, so you can plan accordingly and make necessary changes to improve the safety and well-being of your team.

1. Too much computer time



It might be hard to imagine someone getting injured who sits at a computer all day. But, there are some serious risks that come with

"desk jobs", and computer-related injuries impact millions of workers across the globe, requiring many to take time away from their jobs. Some of the most common computer-related issues include:

- Posterior Cervical Dorsal Syndrome ("Computer Back")
- Eyestrain
- Compression issues
- Tendon injuries
- Disc injuries
- Bursitis

You can help your tech team or anyone using computers at work combat these injuries by encouraging frequent breaks, investing in ergonomic furniture, or even bringing in standing/walking desks to encourage people to stay on their feet throughout the day.

2. Lack of signage

It's important to have proper safety signs posted throughout the workplace, even if they seem repetitive. Images can improve



warehouse safety and efficiency more than you might realize. Even if it seems like your employees are "ignoring" the signs

you post, those images are likely getting into the subconscious of your team more than you realize.



Don't be afraid to place more signage and images. They can help to prevent accidents, make life easier for employees with disabilities, and make it easy for people to know they're following the proper rules and protocols. Safety signs should be easy

to understand, durable, and updated regularly to keep everyone on the same page.

3. Violence in the workplace

No one wants to think about a workplace so toxic that



violence becomes an issue. Unfortunately, you can't always control everyone, no matter how positive your environment tries to be. In 2020, there were over <u>37,000 nonfatal injuries</u> in U.S. workplaces due to violence caused by another person.

You might not be able to completely prevent violence in the workplace. No matter how much employees are vetted, people choose to be violent for a variety of reasons, and it could even be a one-time offense — but that's enough.

You can, however, discourage violence and foster a safe workplace environment by:

- Creating a support system within the workplace
- Training employees to recognize warning signs of violence
- Encourage open communication
- Establish a non-violence policy and stick to it

No employee deserves to feel threatened or unsafe because of another person at work. Pay attention to what's going on within your team, and take action immediately if you notice that someone poses a threat.

4. Workflow management

There's no denying we're in an era of workplace burnout. According to the <u>American Institute of Stress</u>,



83% of American workers deal with workrelated stress, with 25% of them saying their job is the number one stressor in their lives.

There are plenty of factors that play into workrelated stress. Things like long hours, employee shortages, and extreme expectations can all contribute to burnout.



Similarly, an unhealthy, unstable workflow can also be a problem.

Efficient and effective workflows play a huge role in the mental health of employees, but they're often overlooked as potential causes of mental health issues. If your team feels overworked and underappreciated, productivity will start to fall, more mistakes could be made (which could result in more injuries), and the mental well-being of your employees could take a nosedive.

You can improve workflow management and reduce the stress on your team by:

- Automating menial tasks
- Reducing repetition
- Discouraging multitasking
- Incorporating recovery time

This could truly be a list that never ends. There are so many wild, wacky, and weird things that can affect worker safety on a daily basis. You'll never be able to think of every little thing, but hopefully, this inspires you to think outside the box when it comes to worker safety. Try to stay one step ahead when it comes to preventative measures, and you'll be able to reassure your team that they're in good hands while they're doing their jobs.



Safety and health training is built from the information that is contained in the written programs, and having written safety and health programs helps to build a company's safety culture by prioritizing safety.

US Department of Labor Invites Small Business Owners, Local Governments to Share Input on Potential Heat Standard to Protect Indoor, Outdoor Workers

Panels will assess impacts of possible regulatory changes on small businesses

The U.S. Department of Labor urges small business owners and representatives from local government entities to join the department's Occupational Safety and Health Administration and other government agencies for a series of upcoming discussions on the potential impacts of a workplace heat standard on small businesses.

With the **U.S. commonly experiencing** rising temperatures, **hazards associated** with exposure to **high temperatures** in the workplace are **also increasing**. While **largely preventable** and often **underreported**, workplace **heat illness sickens** thousands of people and, in **some cases**, is **fatal for others**.

Currently, **OSHA** is **developing a potential standard** for workplaces — in which the **agency has jurisdiction** — to prevent **heat illness and injury** in outdoor and **indoor environments** in general industry and in the **construction**, maritime and **agriculture industries**. As part of its process, **OSHA** is holding **Small Business Advocacy Review Panel** meetings in **summer 2023** to gather **views on the potential effects** of a **heat standard** on small businesses.

The panel will be comprised of representatives from OSHA, the U.S. Small Business Administration's Office of Advocacy, and the Office of Management and Budget's Office of Information and Regulatory Affairs.

While the **panel welcomes representatives** from any industry, the **group is interested particularly** in collecting **input from industries** the agency **expects would be most affected** by a **heat standard.** These industries **include agriculture**, construction, landscaping, **manufacturing**, **oil and gas**, warehousing, **waste management**, utilities, and food service, **specifically in restaurant kitchens**.

The meetings will be held in teleconferences where small businesses can share concerns and discuss current practices for protecting their employees from heat-related illnesses and injuries. The panel is also seeking input on how new heat regulations might impact their workplace operations or local business communities. The discussions will be open to the public.

Learn more about the panels and how small businesses can participate.

In October 2021, **OSHA** published an **Advance Notice of Proposed Rulemaking for Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings** in the *Federal Register*. Its **publication initiated** the rulemaking for **OSHA** to consider a **heat-specific workplace** standard. **OSHA** has **also taken several actions** apart from the **rulemaking to protect** workers from the **dangers of excess heat** in the workplace. **These include the following:**

- Development of an <u>enforcement initiative</u> on heat-related hazards.
- Launch of a National Emphasis Program on heat inspections.
- Creation of the <u>National Advisory Committee on Occupational Safety and Health's Heat</u> <u>Injury and Illness Prevention Work Group</u> to better understand challenges, and identify and share best practices to protect workers.
- Launch of a <u>Heat Illness Prevention campaign</u> to educate employers and workers on the dangers of working in the heat.

The Risk of Worker Exposure to Disease-Carrying Ticks

The United States is home to many species of tick that can transmit diseases to humans. Disease-carrying ticks have spread to new regions over recent years. On average, more than 50,000 cases of tick-borne diseases in humans are reported to the Centers for Disease Control and Prevention (CDC) each year. The true disease burden is estimated to be much higher because many cases go unreported.

Outdoor workers are at increased risk of exposure to infected ticks. Some examples of occupations that involve outdoor work include: construction, landscaping, forestry, land surveying, utilities, service and recreation, and park/wildlife management.

Properly identifying ticks, preventing tick bites, and recognizing <u>signs and symptoms</u> of common tick-borne diseases can reduce the risk of acquiring a tick-borne disease.

Many tickborne diseases can have similar signs and symptoms. If you get a tick bite and develop symptoms within a few weeks, see your healthcare provider.



Learn to properly identify ticks you may find on yourself, your coworkers, or any pets/animals. Different ticks can carry different diseases with unspecific symptoms. Adult female ticks can transmit diseases and are pictured below.



American dog tick ("Wood tick") Transmits: Tularemia, Spotted Fever Rickettsiosis

Blacklegged tick ("Deer tick") Transmits: Lyme disease, Human Anaplasmosis, Human Ehrlichiosis, Babesiosis, Powassan Virus



Lone Star tick ("Turkey tick") Transmits: Human Ehrlichiosis, Heartland Virus, Tularemia, Southern Tick-Associated Rash Illness (STARI)



Brown Dog Tick ("Kennel tick") Transmits: Spotted Fever Rickettsiosis

Various fully engorged ticks

Ticks feed on blood at multiple stages in their lives, and it can be difficult to identify the species of tick once engorged. These engorged ticks have been feeding for several hours.

For more information about these ticks and where to find them, visit https://www.cdc.gov/ticks/geographic_distribution.html

TRANSPORTATION

Reminder - Revised Federal Drug Testing Custody and Control Form Mandatory

► As of <u>August 30, 2021</u>, 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 - <u>link</u>

DOT Implements Annual Regs Violation Penalty Increases

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

The updated fines for FMCSA regulations violations can be seen here.

Brake Safety Week: BRAKE LININGS AND PADS UNDER SCRUTINY

Brake linings and pads will be the focus of Brake Safety Week, Aug. 20-26, according to the Commercial Vehicle Safety Alliance.

Throughout the <u>weeklong blitz</u>, law enforcement officers will inspect brake systems and remove commercial motor vehicles found to have brake-related out-of-service violations from roadways until those violations are corrected. Throughout the week, CVSA-certified inspectors will conduct their usual inspections. However, they will be reporting brake-related inspection and violation data to the alliance.

"The focus of this year's Brake Safety Week is on the condition of the brake lining and pad," said CVSA President Maj. Chris Nordloh with the Texas Department of Public Safety. "Brake lining and pad issues may result in vehicle violations and could affect a motor carrier's safety rating."

When inspectors conduct the brake portion of a Level I or Level V Inspection, they will:

- Check for missing, non-functioning, loose or cracked parts
- Check for contaminated, worn, cracked and missing linings or pads
- Check for S-cam flipover
- Listen for audible air leaks around brake components and lines
- Check that slack adjusters are the same length (from center of S-cam to center of clevis pin) and the air chambers on each axle are the same size
- Ensure the brake system maintains air pressure between 90-100 psi (620-690 kPa) and measure pushrod travel
- Inspect for non-manufactured holes (e.g., rust holes, holes created by rubbing or friction, etc.) and broken springs in the spring brake housing section of the parking brake
- Inspect required brake system warning devices, such as anti-lock braking system (ABS) malfunction lamp(s) and low air-pressure warning devices
- Inspect the tractor protection system, including the bleedback system on the trailer
- Ensure the breakaway system is operable on the trailer

During a recent unannounced brake inspection day, inspectors placed 679 commercial vehicles out of service in the U.S. A total of 5,901 vehicles were inspected in the U.S.

In last year's Brake Safety Week, 38,117 inspections were conducted and 5,070 -- or 13.3% of inspected vehicles -- had brake-related violations.

More than 3.4 million brakes have been inspected since the program's inception in 1998.



When you lie on the application but still get the job



NHTSA Proposes Automatic Emergency Braking Requirements for New Vehicles

Technology would significantly reduce fatalities and injuries

The U.S. Department of Transportation's National Highway Traffic Safety Administration recently announced a <u>Notice of</u> <u>Proposed Rulemaking</u> that would require automatic emergency braking and pedestrian AEB systems on passenger cars and light trucks. The proposed rule is expected to dramatically reduce crashes associated with pedestrians and rear-end crashes.

NHTSA projects that this proposed rule, if finalized, would save at least 360 lives a year and reduce injuries by at least 24,000 annually. In addition, these AEB systems would result in significant reductions in property damage caused by rearend crashes. Many crashes would be avoided altogether, while others would be less destructive.

"Today, we take an important step forward to save lives and make our roadways safer for all Americans," U.S. Transportation Secretary Pete Buttigieg said. "Just as lifesaving innovations from previous generations like seat belts and air bags have helped improve safety, requiring automatic emergency braking on cars and trucks would keep all of us safer on our roads."

The proposed rule is a key component of the Department's National Roadway Safety Strategy, which was launched in January 2022 to address the national crisis in traffic fatalities and serious injuries. The NRSS adopts the safe system approach and builds multiple layers of protection with safer roads, safer people, safer vehicles, safer speeds and better post-crash care.

As part of the **safe system approach**, this rule **highlights safer vehicles** and **USDOT's** effort to **expand vehicle systems** and features that **help to prevent crashes**.

An **AEB system** uses various sensor technologies and sub-systems that work together to detect when the



vehicle is close to crashing, and then automatically applies the vehicle brakes if the driver has not done so, or applies more braking force to supplement the driver's braking as necessary to avoid or mitigate the severity of the crash.

"We've seen the benefits of the AEB system in some passenger vehicles already even at lower speeds, and we want to expand the use of the technology to save even more lives. That's why our proposed rule would require all cars to be able to stop and avoid contact with a vehicle in front of them up to 62 miles per hour. And the proposal would require pedestrian AEB, including requiring that AEB recognize and avoid pedestrians at night," NHTSA Chief Counsel Ann Carlson said. "This proposed rule is a major safety advancement."

If adopted as proposed, nearly all U.S. light vehicles (gross vehicle weight rating of 10,000 pounds or less) will be required to have AEB technology three years after the publication of a final rule.

This notice is a direct response to a provision in the <u>Bipartisan</u> <u>Infrastructure Law</u> to create a rule to establish minimum performance standards requiring that all passenger vehicles manufactured for sale in the United States be equipped with an AEB system. A Preliminary Regulatory Impact Analysis that presents the benefits and costs associated with the proposed rule also accompanies the NPRM.

<u>Click here</u> to learn more about the rulemaking process.

NHTSA: Estimated highway fatalities falling so far in 2023

Traffic fatalities are estimated to have fallen in all 10 regions across the U.S. in the first quarter. With its most-recent update, the National



Highway Traffic Safety Administration projects traffic fatalities for the first quarter of 2023 were down about 3.3% compared to the same quarter in 2022. NHTSA is estimating 9,330 people died on U.S. roadways in the first quarter. It's the fourth straight quarterly decline in fatalities after seven consecutive quarters of year-over-year increases in fatalities, beginning with the third quarter of 2020, NHTSA said.

Preliminary data reported by the Federal Highway Administration show that vehicle miles traveled (*VMT*) in the first three months of 2023 increased by about 19.3 billion miles, or about a 2.6% increase. The fatality rate for the first quarter of 2023 decreased to 1.24 fatalities per 100 million VMT, down from the projected rate of 1.32 fatalities per 100 million VMT in the first quarter of 2022.

For the NHTSA regional differences in the map graphic, as shown all 10 regions are showing declines in both fatalities and the fatality rate per 100 million miles, compared to a year ago. Additionally, 32 states are projected to have had decreases in fatalities, the agency said.

The actual counts for 2022 and 2023 and the ensuing percentage changes from 2022 to 2023 will be further revised as 2022 numbers are finalized this year and 2023 numbers are finalized next year. The estimates will be further refined, NHTSA said, when the projections for the first half of 2023 are released in late September.

NHTSA's quarterly fatality estimate reports do not take into account the vehicle types involved in fatal crashes.

Operation Safe Driver Week

July 9-15, 2023

Operation Safe Driver Week is a safe-driving awareness and outreach initiative aimed at improving the driving behaviors of passenger vehicle drivers and commercial motor vehicle drivers through educational and traffic enforcement strategies and interactions with law enforcement.

Throughout Operation Safe Driver Week, law enforcement personnel will be on the lookout for commercial motor vehicle drivers and passenger vehicle drivers engaging in risky driving. Identified unsafe drivers will be pulled over and issued a citation or warning.

Data shows that traffic stops and interactions with law enforcement help reduce problematic driving behaviors. By making contact with drivers during Operation Safe Driver Week, law enforcement personnel aim to make our roadways safer by targeting high-risk driving behaviors.

- Speeding has been a factor in more than a guarter of crash deaths since 2008.
- Speeding of any kind was the most frequent driver-related crash factor for drivers of commercial motor vehicles and passenger vehicles.
- Speeding was a factor in 26% of all traffic fatalities in 2018, killing 9,378 people or an average of more than 25 people per day.
- Distracted driving claimed 3,142 lives in 2019.
- Of the 22,215 passenger vehicle occupants killed in 2019, 47% were not wearing seat belts. Seat belts saved an estimated 14,955 lives and could have saved an additional 2,549 people if they had been wearing seat belts, in 2017 alone.
- Every day, about 28 people in the United States die in drunk-driving crashes that's one person every 52 minutes. In 2019, 10,142 people lost their lives due to drunk driving.

2022 Operation Safe Driver Week Results

Officers in Canada and the U.S. pulled over more than 35,000 commercial motor vehicles and passenger vehicles and issued 26.164 warnings and citations to CMV drivers and passenger vehicle drivers engaging in unsafe driving behaviors, ranging from speeding to distracted driving. View the 2022 news release.

FMCSA finalizes lower UCR fees for 2024

UCR fees for 2024 registration year about 9% reduced

FMCSA announced in a *Federal Register* notice that **published Thursday**, June 22nd, that it is reducing the fees for registration in the Unified Carrier Registration (UCR) Plan and Agreement for the 2024 registration year.

The fees for the 2024 registration year are approximately 9% less than fees for 2023. with varying reductions between \$4 (for the smallest carriers) and \$3,453, depending on the applicable fee bracket. The changes reduce the fees paid by motor carriers, brokers, freight forwarders, and leasing companies to the UCR Plan and the participating states.

The UCR Plan Board provides fee adjustment recommendations to the Secretary when revenue collections result in a **shortfall or surplus** from the **amount authorized** by **statute**. If there are **excess funds** after payments to the States and for administrative costs, they are retained in the UCR Plan's depository, and fees in subsequent fee years must be reduced.

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

The new fees for the 2024 registration year: 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



CARRIE: 720-203-4948

Driving After Drinking ALWAYS A BAD IDEA!

Driving after drinking is deadly. Yet it still continues to happen across the United States. If you drive while impaired, you could get arrested, or worse — be involved in a traffic crash that causes serious injury or death.



In every state, it's illegal to drive drunk, yet one person was killed in a drunk-driving crash every 39 minutes in the United States in 2021.

About 31% of all traffic crash fatalities in the United States involve drunk drivers (*with BACs of .08 g/dL or higher*). In 2021, there were 13,384 people killed in alcohol-impaired driving traffic deaths — a 14% increase from 2020. In fact, on average over the 10-year period from 2012-2021, about 10,850 people died every year in drunk-driving crashes. These deaths were all preventable.

How alcohol affects driving ability

Alcohol is a substance that reduces the function of the brain, impairing thinking, reasoning and muscle coordination. All these abilities are essential to operating a vehicle safely.

As alcohol levels rise in a person's system, the negative effects on the central nervous system increase. Alcohol is absorbed directly through the walls of the stomach and small intestine. Then it passes into the bloodstream where it accumulates until it is metabolized by the liver. A person's alcohol level is measured by the weight of the alcohol in a certain volume of blood. This is called Blood Alcohol Concentration, or BAC. At a BAC of .08 grams of alcohol per deciliter (g/dL) of blood, crash risk increases exponentially. Because of this risk, it's illegal in all 50 states, the District of Columbia and Puerto Rico to drive with a BAC of .08 or higher, except in Utah where the BAC limit is .05.

However, even a small amount of alcohol can affect driving ability. In 2021, there were 2,266 people killed in alcohol-related crashes where a driver had a BAC of .01 to .07 g/dL.

BAC is measured with a breathalyzer, a device that measures the amount of alcohol in a driver's breath, or by a blood test.

Consequences

Driving a vehicle while impaired is a dangerous crime. Tough enforcement of drunk-driving laws has been a major factor in reducing drunk-driving deaths since the 1980s. Charges range from misdemeanors to felony offenses, and penalties for impaired driving can include driver's license revocation, fines, and jail time. It's also extremely expensive. A first-time offense can cost the driver upwards of \$10,000 in fines and legal fees.

Many states require offenders to install ignition interlock devices at the driver's own expense. An ignition interlock device is a breath test device connected to a vehicle's ignition. The vehicle cannot be operated unless the driver blows into the interlock and has a BAC below a pre-set low limit, usually .02 g/dL. NHTSA strongly supports the expansion of ignition interlocks as a proven technology that keeps drunk drivers from getting behind the wheel.

Responsible behavior

BEING A RESPONSIBLE DRIVER IS SIMPLE: IF YOU ARE DRINKING, DO NOT DRIVE.

- 1. Plan your safe ride home before you start the party, choose a non-drinking friend as a designated driver.
- 2. If someone you know has been drinking, do not let that person get behind the wheel. Take their keys and help them arrange a sober ride home.
- 3. If you drink, do not drive for any reason. Call a taxi, a ride-hailing service, or a sober friend.
- 4. If you're hosting a party where alcohol will be served, make sure all guests leave with a sober driver.
- 5. Always wear your seat belt it's your best defense against impaired drivers.

If you see an impaired driver on the road, contact local law enforcement.

YOUR ACTIONS COULD HELP SAVE SOMEONE'S LIFE.

JULY2023NEWSLETTER MJS Legacy Safety Consulting Services LLC

Connect with MSHA

The Mine Safety and Health Administration is now on FACEBOOK!

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

Electrical Safety Precautions Save Miners' Lives

Electricity is a serious hazard that exposes miners to dangers such as electric shock, electrocution, fires and explosions. In 2023 alone, <u>three miners have already lost their lives</u> in electrical accidents, many of which could have been prevented with safety precautions. Implementing lockout-tagout measures is essential to prevent further accidents and ensure miner safety.

Lockout-tagout procedures are intended to isolate all energy sources before performing any electrical or mechanical work. This protects miners against uncontrolled energy release. Following lockout-tagout guidelines will help you save lives and avoid accidents. These procedures include:

- 1. Stop the equipment, disconnect power and lock the switch.
- 2. Attach your identifying tag.
- 3. With miners safely away, attempt to start the equipment or test for power. Remember, it's not locked out until you've tried it out.

The Mine Safety and Health Administration's lockout-tagout standards specifically address electrical and mechanical hazards in mining environments. These standards include regulations for distribution boxes, work on electrically powered equipment, work on power circuits and procedures during repairs or maintenance.

To establish an effective lock-tag-try program, consider these best practices:

- 1. If the equipment is in operation, shut it down by normal stopping procedure.
- 2. Use lock-tag-try when:
 - Removing or bypassing safety devices for maintenance, repair or cleaning.
 - Working near moving machinery parts or release of stored energy.
 - Entering electrical energy or hazardous substances danger zones.
- 3. Identify and control stored energy, such as mechanical, electrical, hydraulic, pneumatic, gravity, chemical or thermal energy.
- **4.** Identify the appropriate lockout locations, disconnecting main or circuit power sources instead of relying on on/off switches, interlocks, emergency stops, or selector switches.
- 5. Develop machine-specific lockout procedures tailored to each piece of equipment.
- 6. Each person should use their personal, unique lock and tag.
- 7. For complex jobs involving multiple miners, equipment or energy sources, establish clearly- defined group lockout procedures.
- 8. Each individual must affix and remove their own lock and tag. Electricians should test and verify de-energized electrical circuits, while others should ensure mechanical equipment is isolated by attempting to start or operate it.
- 9. Reserve locks solely for lockout purposes and avoid using them for securing toolboxes or lockers.
- **10.** After service and or repair is finished check to make sure all miners are clear and all tools have been removed from the equipment before removing locks.
- 11. Employers should provide comprehensive training to all miners on proper lockout procedures and electrical safety.
- 12. Address contractor responsibilities and establish procedures for their compliance.
- **13.** Regularly review and update your lockout-tagout program, especially when new equipment or procedures are introduced. Retrain miners as necessary.

MSHA REPORT EMERGENCY

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. <u>Report Accidents - Hazardous Conditions</u> or call **1-800-746-1553**

CARRIE: 720-203-4948



MSHA

Ending Gender-Based Violence at Work and Beyond

Recently, the White House released the first-ever <u>U.S. National Plan to End Gender-Based Violence</u>. The plan lays out a roadmap for a whole-of-government effort to prevent and address genderbased violence in the United States. One of the groundbreaking aspects of this plan is that it reflects principles from the International Labor Organization's Convention on Violence and



Harassment in the World of Work, recognizing gender-based violence and harassment in the "world of work," which includes not only traditional workplaces but anywhere workers are paid, in places workers take rest breaks, in work-related training, and through work-related communications.

For decades, workers have been sounding the alarm about unchecked and widespread harassment, sexual assault, rape and other forms of violence rooted in gender inequality. According to the EEOC, anywhere from 25% to 85% of women have experienced sexual harassment in the workplace, yet most cases are never reported formally. As the National Plan highlights, workers in certain sectors such as trucking, construction, agriculture and healthcare, as well as restaurant, janitorial and domestic workers, face greater risks of experiencing gender-based violence and harassment because of occupational segregation, isolation, and precarity of employment, among other things, making swift action all the more urgent. Additionally, domestic violence and other forms of gender-based violence that take place outside of the workplace can impact the world of work, affecting workplace safety and a survivor's work performance, attendance, or ability to find or maintain employment.

To address these issues and more, here are five of the key ways that the Department of Labor and other federal agencies will work together to prevent and address gender-based violence, including sexual harassment, in the world of work:

- **1.** Shift workplace norms and practices to prevent gender-based violence and support employees impacted by it.
- **2.** Establish the federal government as a model employer for preventing and responding to gender-based violence in the workplace.
- **3.** Build the capacity of employers, workplaces, unions and worker organizations to prevent and respond to gender-based violence, particularly in industries, occupations, and work arrangements in which workers are more likely to experience it.
- **4.** Improve gender-based violence survivors' economic security through access to good jobs with familysustaining wages, benefits and workplace protections, as well as support for business entrepreneurship.
- **5.** Increase access to and awareness of worker protections and policies to help survivors or those at risk of gender-based violence keep their job and maintain their economic security.

The Women's Bureau is proud to support the implementation of this plan. We will convene industry stakeholders, unions, survivors and experts to compile sector-specific good practices and guidance for employers to prevent and respond to genderbased violence. Some of this work has already begun through our partnership with the <u>ILO Office for the United States and Canada</u>, in conjunction with the Department of Labor's Bureau of International Labor Affairs. Additionally, the Women's Bureau recently announced the availability of funding under its <u>Fostering Access</u>, <u>Rights</u>, and <u>Equity (FARE) Grant Program</u> to support non-profit organizations' efforts to address gender-based violence and harassment in the world of work. Grant recipients will build awareness; connect women to federal and state workplace rights and benefits as needed, reasonable, and/or available; and implement worker and survivor-driven strategies to shift workplace norms.

To make the vision of the National Plan a reality — for the United States to be a place where all people live free from gender-based violence in all aspects of their lives — it will take more than the government to act. A whole-of-society approach centering survivor voices is necessary. Learn more about the plan.

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? CALLUS!!

WE'RE HERE TO HELP!

CARRIE: 720-203-4948 JEREMY: 720-203-6325 FAX: 855-966-8106

COVID INFORMATION/RESOURCES

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.

- <u>CDC Centers for Disease Control</u> Important infore: <u>COVID-19 vaccine</u> & <u>boosters</u>
- <u>CDPHE Colorado Department of Public Health and Environment</u>
- WHO World Health Organization
- OSHA Guidance
- DOL Resources
- <u>Covid19.colorado.gov</u>

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

OSHA's <u>new fact sheet</u> 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 <u>Recording and Reporting Occupational Injuries and Illnesses</u> required under 29 CFR Part 1904. For more information see the <u>Enforcement Memoranda</u> section of OSHA's <u>COVID-19 Safety and Health Topics page</u>.

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.

