



Fall into Winter....enjoy!



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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► **WISHING YOU A HAPPY & SAFE HOLIDAY SEASON** ◀
From all of us at **MJS Legacy Safety Consulting Services**

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 "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 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 [OSHA Penalties page](#) and read the [final rule](#) for more information.
- Inspections, Citations, and Proposed Penalties Standard Number: [1903.15](#)
- [Enforcement Memo](#)

▶ **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. [read more...](#)

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Lone worker practices have increasingly become more common in modern workplaces... [read more...](#)

▶ **Ladder Safety Tips in Cold Weather** — Cold weather introduces unique challenges [read more...](#)

▶ **Noise and Occupational Hearing Loss**

Hearing loss is one of the most common work-related illnesses, and is permanent. [read more...](#)

▶ **Requiring Employers to Keep Employees Informed**

A new topic every month..... Anti-Discrimination Notices [read more...](#)

Your Right to Know

TRANSPORTATION NEWS SUMMARY

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

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

▶ **CDOT: WINTER TRAVEL TIPS** [read more...](#)

▶ **'Emissions Delete' Scheme Leads to Max Penalty for Fleet, Repair Shop**

Two trucking companies and four individuals have been sentenced for violating the Clean Air Act [read more...](#)



TRANSPORTATION NEWS SUMMARY cont'd

- ▶ **FMCSA Gives More Time to Comment on Potential Carrier Safety Rating Revamp** [read more...](#)
- ▶ **Action Required: UPDATES TO FMCSA ACCOUNT LOGINS COMING**
FMCSA Portal account login system changing – users must take action [read more...](#)
- ▶ **Colo. Law: Move Over for Me** "*Slow Down, Move Over*" protections to **ALL disabled vehicles.** [read more...](#)
- ▶ **FMCSA finalizes lower UCR fees for 2024**
UCR fees for 2024 registration year about 9% reduced [read more...](#)
- ▶ **Your Roads. Their Freedom. — campaign seeks to raise awareness of human trafficking** [read more...](#)
- ▶ **The Holidays Are Upon Us!** Tips that will make things safer, more fun and memorable, in all the best ways!! [read more...](#)
- ▶ **Holiday Party Safety**
If you're hosting a party, be sure you don't overlook these important tips to prevent drinking and driving: [read more...](#)

MSHA NEWS SUMMARY

- ▶ The Mine Safety and Health Administration is now on **FACEBOOK!** [read more...](#)
- ▶ **Federal Judge Orders Colorado Mining Company to Ban Owner from Worksite Until He Completes Required Safety Training** — *Owner posed safety hazards, injured employee* [read more...](#)
- ▶ **MSHA At A Glance** — FATALITIES THIS YEAR: 35 [read more...](#)



MONTHLY SAFETY & HEALTH TIP NEWS SUMMARY

- ▶ **With Cold and Flu Season Approaching, it Probably Wouldn't Hurt to do a Little More of This.....**
HANDWASHING! [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)

> HAZWOPER TRAINING

These HAZWOPER courses are conducted in accordance with the requirements of 29 CFR 1910.120. Courses cover the requirements of the OSHA HAZWOPER standard.

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

Schedule of classes November 2023: • TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543

- *PEC Safeland Basic Orientation: **NEW 2021 SAFELAND:** Nov 6, 17, 27; 8 – 4:30;
This class available through video conference instructor led distance learning thru 6/30/22 - only upon request
- *First Aid/CPR/AED/BLOODBORNE PATHOGENS (We offer MEDIC FIRST AID): Nov 13, 28; 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]: Nov 13, 28; 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
 - EMC Insurance
 - CDC
 - NIOSH
 - Hearing Health Foundation
 - MSHA
 - HazSim
 - WebMD
 - Hazmat Nation
 - ATA
 - AAA
 - Overdrive
 - Health Check 360
 - CDOT

► 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](#)





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
(01) 0	(02) 0	(03) 0	(04) 0

Number of Days	
Total number of days away from work	Total number of days of job transfer or restriction
(05) 0	(06) 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 announced a final rule that will require 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.

The announcement follows proposed amendments announced in March 2022 to regulations for requiring specific establishments in certain high-hazard industries to electronically submit information from their Log of Work-Related Injuries and Illnesses, and Injury and Illness Incident Report.

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.**

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!

[Authorized outreach trainers and online providers](#)

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

Inspection Representatives

SUMMARY:

OSHA is proposing to amend its **Representatives of Employers and Employees** regulation to **clarify that the representative(s)** authorized by **employees** may be an employee of the **employer or a third party**; such third-party **employee representative(s)** may accompany the **OSHA Compliance Safety and Health Officer (CSHO)** when they are **reasonably necessary to aid** in the inspection.



OSHA is also **proposing clarifications** of the relevant **knowledge, skills, or experience** with hazards or conditions in the workplace or **similar workplaces**, or language skills of **third-party representative(s)** authorized by **employees** who may be **reasonably necessary** to the conduct of a **CSHO's physical inspection** of the workplace.

OSHA has **preliminarily determined** that the **proposed changes** will aid **OSHA's workplace inspections** by **better enabling** employees to **select a representative** of their choice to accompany the **CSHO** during a **physical workplace inspection.** Employee **representation** during the inspection is **critically important** to ensuring **OSHA** obtains the **necessary information** about worksite **conditions and hazards.**

The **agency requests comments** regarding the proposed revisions. The **comment period** has been **extended** for the [proposed rule](#) on **worker walkaround representation** during **workplace inspections.** The [new deadline for submitting comments is November 13.](#)

Why Firefighters Must Understand Multi-Gas Monitor Readings



The National Institute for Occupational Safety and Health (NIOSH) issued the following [safety advisory](#) (pdf) in August. The [NIOSH Fire Fighter Fatality Investigation and Prevention Program](#) recommends fire departments ensure all firefighters responding to natural gas and propane incidents are trained to:

- Interpret data from their specific multi-gas monitors to determine if a hazardous atmosphere is present. This can include low oxygen levels or dangerous concentrations of carbon monoxide, hydrogen sulfide or other toxic gasses.
- Calibrate and maintain gas detection equipment properly by performing bump testing at the beginning of each shift following manufacturer's guidance.
- Use of gas detection equipment under a wide variety of conditions including when at the lower explosive limit (LEL) and upper explosive limit (UEL) of a gas or vapor.
- Use multi-gas monitor readings to establish isolation zones and ensure a continuous risk assessment is conducted throughout the incident.

What gasses do multi-gas monitors detect?

Firefighters and hazmat teams use multi-gas monitors to measure a variety of different gasses in the environment. These gasses usually include oxygen, carbon monoxide, hydrogen sulfide, as well as a range of flammable gasses and vapors (to determine the LEL). Users must understand that the LEL may not be completely accurate as the calibration gas and the gas or vapor encountered at the incident scene will respond differently to the monitor (methane calibration gas vs propane gas being measured as the incident scene).

What do LEL and UEL mean?

The LEL is the minimum concentration of a gas or vapor in air below which propagation of a flame does not occur in the presence of an ignition source. The UEL is the maximum concentration of flammable gas or vapor in air above which propagation of flame does not occur on contact with a source of ignition. The range between LEL and UEL is the flammable range. Learn more about how to use simulation in [your hazmat training here](#).

The UEL is extremely hazardous as it may displace oxygen creating an IDLH atmosphere and in the event fresh air is added the atmosphere could move into the flammable range.

Why is bump testing, routine calibration, and maintenance needed?

Sensors become less accurate over time due to a wide variety of factors including mechanical impacts (like drops), dirt and dust that can block the sensor inlets and extreme environmental conditions such as heat. Users can mitigate this with bump testing, routine calibration and sensor replacement in accordance with the manufacturer's recommendations.

Firefighters should follow the manufacturer's use and maintenance recommendations to ensure monitors will operate as intended. Calibrate monitors at least monthly to ensure accuracy.

What can emergency responders do to ensure personnel understand proper use of multi-gas monitors and how to interact with public utilities or specific propane retailers?

Fire departments and emergency responders should conduct regular hands-on training so firefighters can become proficient with their department's unique multi-gas monitors and the manufacturer's recommendations. NIOSH recommends departments partner with utility companies when conducting training to better understand each responder's role when arriving on scene of a natural gas or propane emergency. This training should be part of a department's standard operating procedures/guidelines for responding to hazardous materials calls.

Where can I find more information about responder competencies needed to respond to a hazardous materials event?

National Fire Protection Association consensus standard [NFPA 470](#), Hazardous Materials/Weapons of Mass Destruction Standard for Responders, provides the minimum requirements for personnel responding to hazardous materials incidents.

Why is Respiratory Protection One of OSHA's Most Cited Standards?



Every year at the **National Safety Council (NSC) Safety Congress and Exposition**, **OSHA** releases its **top ten most cited standards violations** of the **previous fiscal year**. As we near this **next release** (covering *October 1, 2022– September 30, 2023*), it's a **great time** to

dive into one of the **most common violations**, **respiratory protection** ([1910.134](#)). This standard was **third on the list** in 2022 with **2,527 citations** and **second in 2021** with **2,185 citations**, representing an **increase of just over 300 violations** year to year **despite it placing** lower on the list. It is likely that **respiratory protection** standard citations **will be among the most cited again this year**.

One of the best **ways to break down** what is **being cited** is to look at what is **required**. The use of **respiratory protection** in the **workplace** is not as easy as **buying respirators** and handing them out. It **requires** the development of a **documented program** that must include, **according to OSHA**:

1. *Procedures for selecting respirators for use in the workplace;*
2. *Medical evaluations of employees required to use respirators;*
3. *Fit testing procedures for tight-fitting respirators;*
4. *Procedures for proper use of respirators in routine and reasonably foreseeable emergency situations;*
5. *Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respirators;*
6. *Procedures to ensure adequate air quality, quantity, and flow of breathing air for atmosphere-supplying respirators;*
7. *Training of employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations;*
8. *Training of employees in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance; and*
9. *Procedures for regularly evaluating the effectiveness of the program.*

It's easy to see how **daunting a process** this can be, and **every one of these items** can be much **more complicated** than it may seem. For instance, **within respirator selection**, an employer **must determine** the **inhalation hazard(s) and amount** of exposure likely **through an assessment**. Once the hazard is **quantified**, the type of respirator **can be identified** (*air purifying, air supplying, etc.*).

Employers **will need to ensure** the respirator (*and filtration media*) they select is **appropriate for the hazard(s)** and has the **correct assigned** protection factor for the **concentration faced**. **OSHA** offers **guidance** on the selection of the **correct respiratory protection** on their **website** **once** you have **quantified the exposure**. The employer must **provide** a sufficient **selection of models** and sizes to **accommodate** the **range of wearers**. They must **also consider** any worker or worksite **characteristics** that may impact **respirator selection** and use. This is only **one single requirement** in the **development** of a **respiratory protection program** as outlined by **OSHA**.

The **second and third items** were the **two most frequently cited violations** within **respiratory protection** during the height of the [COVID-19 pandemic](#). A medical **evaluation ensures** a wearer is **healthy enough** and capable of using a respirator **during their job duties**. There is a **mandatory medical questionnaire** available from **OSHA**, and it must be reviewed by an **appropriate healthcare professional**. The most **cited issue** here was **simply employers** not providing the **evaluation** before **implementing** the use of **respirators**. This aspect of the **required program** is **straightforward** but clearly may **require outside resources** (*e.g., a healthcare professional to review*) and **have an associated cost**.

Within the **fit testing requirement**, the most **cited issue** was, yet again, it **simply not being** provided. Fit testing can be **quite an undertaking**. The employer can **choose to do this in-house** or hire an **outside contractor**, but in either case they will need to **have some familiarity** with the **approved methods** of fit testing and what is **required by the standard**.

Two Types of Testing

There are **two types of fit testing**, **qualitative** and **quantitative**, and they both **have benefits** and limitations.

Qualitative testing relies on a wearer sensing a **test agent**. There are **four OSHA approved methods** of qualitative testing, *taste-based saccharin* and *Bitrex*, *smell-based banana oil*, and *reaction based irritant smoke*. Qualitative is **relatively inexpensive**, but the **approved protocol** is longer, the **test is subjective**, and there is **no automatic documentation**.

Quantitative testing uses a **machine to measure** leakage into the **respirator**. There are **three OSHA approved methods**, **generated aerosol**, **ambient aerosol**, and **controlled negative pressure (CNP)**, however, **ambient aerosol** and **CNP** are the only ones **readily available commercially**.



Ambient aerosol counts particles in the air and particles in the respirator while it is worn. CNP uses negative pressure and measures the air that leaks in. Quantitative testing requires a machine with annual maintenance costs, but is very fast, automatically documents each test and allows for quick testing on new employees or current employees requiring testing in a time-sensitive manner.

Both quantitative methods calculate a number, called a fit factor, to quantify the fit. This calculation is different for the two methods, but they both have the same reference passing fit factor according to OSHA. The reference passing fit factor is typically based on whether the respirator is a half mask (100) or a full face (500).

There are some nuances here, but this is a good guideline for OSHA compliance. A passed qualitative test is assigned a 100 fit factor, so a further limitation here is that it can only be used when 100 is the appropriate reference passing fit factor.

Items 4-9 above are about procedures for the development, implementation, and continuation of the respiratory protection program as well as the training required. These are all involved processes that often connect to other aspects of safety and health management. Even without diving more deeply into those items, it's clear that the Respiratory Protection standard requires a fair amount of time and attention and should not be taken lightly.

MJS Legacy Safety offers RESPIRATORY PROTECTION TRAINING & FIT TESTING

Employees utilizing respiratory protection in the workplace must be trained in proper use, care and selection of respiratory protection. Employees must also be medically evaluated and fit tested to ensure that tight-fitting face pieces create a good seal. We offer general respiratory protection training as well as medical evaluation and fit test services at our facility or yours. We can also assist in training your Program Administrator in their responsibilities.

Fire Safety Issues Often Overlooked in Safety Auditing & Inspections



As a safety auditor or inspector, it is our responsibility to find hazards, potential hazards, or dangerous situations to prevent injury, loss of work, and most severely the death of an employee or patron. The primary functions of a safety professional include risk management, accident prevention, and ensuring compliance with workplace safety rules and regulations. Safety auditors are proficient in finding OSHA violations or deficiencies; however, fire protection issues are often overlooked because the safety auditor is unaware or not familiar with their nuances.

More thorough inspections

Consider automatic fire sprinkler systems, they are the single most effective means of fighting the spread of fires in their first stages. Fuel, oxygen, and heat are needed for a fire to start; all three elements are present in every building that we work or live in. Fuels such as wood, couches, Curtains, paper, and plastics are combustible and or flammable. These materials are present in our places of business and where we live. Heat is generated by electrical appliances and fixtures. And the fact that we humans are walking around and alive shows that oxygen is present.

A safety inspector notes that a flammable liquid storage cabinet is needed to safely store flammable and or combustible liquids. But the safety inspector does not note that there are corroded, painted, or rusted sprinkler heads in the facility. The 2023 Edition of NFPA 25: Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems states in Section 5.2.1.1.1 that any sprinkler that shows signs of any of the following shall be replaced:

- (1) Leakage
- (2) Corrosion detrimental to sprinkler performance
- (3) Physical damage
- (4) Loss of fluid in the glass bulb heat-responsive element
- (5) Loading detrimental to sprinkler performance
- (6) Paint, other than that applied by the sprinkler manufacturer, detrimental to sprinkler performance.

The reason corroded, painted, or rusted sprinkler heads are safety issues or deficiencies is because these situations can block, impair, or cause fire sprinkler heads to malfunction or not function properly in a fire emergency. A non-manufacturer painted sprinkler head may not activate in a fire. Contrary to what is shown in movies fire sprinkler heads do not activate all at once when a fire alarm pull station is tripped. Sprinkler heads activate directly over the fire area, other fire sprinkler heads do not activate in areas where there is no fire present.

A **corroded or rusted fire sprinkler head** may activate but the **flow of water from the piping** could be compromised because of **blockages in the piping** caused by **accumulation of corrosion or rust** inside the piping. Sprinkler heads are **designed to produce predetermined** flow rates when activated. **Flow rate is a function of pipe** and orifice diameter. For example, a one-inch **pipe that is 50% blocked by rust** or corrosion generates **55% to 60% less water flow** over a fire. Let's say that the **designed water flow for the sprinkler head** is 100 gpm (*gallons per minute*) with a **50% blockage the water flow** is reduced to **40-gpm**. To give a little perspective, a **flow of water that is 100-gpm** can put out a car fire; **40-gpm is a garden hose**.

Fire extinguishers violations

Another **group of fire protection deficiencies** that are commonly missed is **portable fire extinguishers**. Portable fire extinguishers that are **not mounted or are overdue for annual** inspection and service are **among the most common fire code violations cited by fire inspectors**. Fire extinguishers are **needed in every type of building** per the [National Fire Code](#). Portable fire **extinguishers are to be used** to prevent a small fire from becoming a big fire. **NFPA 10 Section 5.1.2** states "*the selection of extinguishers shall be independent of whether the building is equipped with automatic sprinklers, standpipe and hose, or other fixed protection equipment.*"

In other words, **even if the building has a fire sprinkler system, a fire extinguisher is still needed**. The **USFA** ([United States Fire Administration](#)), and your **local fire department subscribe** to the philosophy that if the **fire sprinkler system** activates, they are at a **disadvantage, behind the eight ball, so to speak**. Proper use of a **portable fire extinguisher** can stabilize a **fire incident**, in that it puts out **small fires before the sprinkler system** can activate.

The **vast majority of safety professionals** know what the acronym **P.A.S.S. stands for**, on portable fire extinguishers, **Pull Aim Squeeze Sweep**. **NFPA 10: Standard for Portable Fire Extinguishers**, requires that **portable fire extinguishers** be serviced and **inspected on an annual basis**. **NFPA 10 Section 7.2.2 outlines** some of the things that **must be done** to manually **inspect fire extinguishers**, (1) *Location in designated place* (2) *Visibility of the extinguisher or means of indicating the extinguisher location* (3) *Access to the extinguisher* (4) *Pressure gauge reading or indicator in the operable range or position* (5) *Fullness determined by weighing or hefting*.

The **last item mentioned shows** that a fire extinguisher **must be picked up as part** of the annual inspection. **Situations have been noted** by a fire and building inspector where the **fire extinguisher contractor just looked at the gauge** and changed the tag. The **contractor did not do the things** needed to adequately **conduct an annual inspection** of portable fire **extinguishers**.

Section 7.3.2.1.1 of NFPA 10 States: *At the time of the annual external visual examination, a check of at least the inspection items of 7.2.2 and the external examination items of 7.3.2.1 shall be conducted.* **7.3.2.2 Seals or Tamper Indicators:** *At the time of the maintenance, the tamper seal of a rechargeable fire extinguisher shall be removed by operating the pull pin or locking device.* **7.3.2.2.1** *After the applicable maintenance procedures are completed, a new listed tamper seal shall be installed.* So just changing the **fire extinguisher inspection tag** is not enough to **constitute a compliant annual inspection**.

Increase awareness

There are **other fire protection issues** that are **overlooked** or are not **considered** during a **safety audit or inspection** that have **not been mentioned**. However, **safety professionals are encouraged** to learn more about **fire safety and fire protection systems**. It is essential that safety professionals **increase their knowledge** and understanding of fire protection. Sources for **information include** [NFPA Codes](#), [ICC](#) (*International Code Council*), **Local, Fire, and Building Officials**.

Hopefully this article **will increase awareness** of fire **protection deficiencies** that can **negatively affect the overall safety of a building and facility**. If a fire **emergency occurs and someone** is hurt or **killed**, among the first things **investigating officials will look for** are fire inspection reports. **Uncorrected fire protection issues** expose business/building **owners to litigation**. Functioning **fire protection systems** and equipment **help ensure the overall safety of building occupants** and patrons. It is **essential that safety professionals** be aware of **fire protection systems and equipment**.

Understanding and Managing Freefall Distances

Insufficient **training** or **lack of expert advice** can lead to **disastrous consequences** when it comes to **fall arrest systems**. One of the **biggest examples** of this is **calculating fall distance**, where a **misjudgment** isn't a **simple error** but a **potentially life-threatening** mistake.

A **solid understanding** of these **systems** and the **ability to adapt** them to **various work conditions** is crucial for **safety**. In this article, **we'll guide you** through the **importance of accurately calculating fall distance** and **maintaining necessary clearance** to **avoid injuries**.

OSHA's stance on free fall distance

According to **OSHA**, "*Freefall distance means the vertical displacement of the fall arrest attachment point on the employee's body belt or body harness between onset of the fall and just before the system begins to apply force to arrest the fall. This distance excludes deceleration distance, lifeline, and lanyard elongation but includes any deceleration device slide distance or self-retracting lifeline/lanyard extension before the devices operate and fall arrest forces occur.*"

Limiting freefall distance is absolutely **crucial** for the safety of employees **working at heights**. By **minimizing the free fall distance**, the right system can **slow the user's descent** and bring the **individual to a stop** without contacting the **ground below**. But it's not **just about preventing** a collision with the **ground**; it's also about managing the **forces experienced during** the fall arrest to **safeguard against** the harmful **impact during a jarring stop** mid-air.

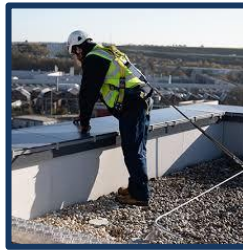
The **less distance** a worker falls before **their fall arrest system** engages, the **less force** they'll **experience upon arrest**, reducing the **potential** for a **serious injury** like **broken bones** or **internal damage**. The **proper execution** of this critical **component of fall arrest** can make the **difference between** a minor incident and a **life-threatening event**.

But **limiting freefall distance** isn't just a **best practice**, it's also an **OSHA regulation**:

"Personal fall arrest systems are rigged in such a manner that the employee cannot free fall more than 6 feet (1.8 m) or contact a lower level. A free fall may be more than 6 feet (1.8 m) provided the employer can demonstrate the manufacturer designed the system to allow a free fall of more than 6 feet and tested the system to ensure a maximum arresting force of 1,800 pounds (8 kN) is not exceeded." [1910.140\(d\)\(2\)\(ii\)](#)

Best practices to limit fall distance

At its **most basic**, a **fall arrest system** includes **three main parts**: a **body harness**, a **fall-arrest device** (*this could be a lifeline, shock absorber, carabiner, connector, cable, etc.*), and a **system for anchorage**. The **free fall distance** is how **far you fall** before the **fall arrest system starts** working, and the goal **should be** to make this **distance as short as possible**.



To do this, **whenever possible**, the worker should **connect** their lanyard to an **anchorage point** above their **shoulders**. This lowers the **impact force**, lessens the **chance of hitting something**, and decreases the severity of **injuries while making emergency rescue** easier. **Anchorage points** should also ideally be **directly behind** the worker because the risk

of **swinging** during a **fall increases** with the **horizontal distance** between the **worker's harness** and their **anchorage point**.

Important factors in fall arrest distance

Understanding and effectively **managing freefall distances** is critical in **ensuring the safety** of workers who **operate at heights**. Here are **some key things to consider**:

Length of the lanyard, harness, and anchorage connector: A worker who hasn't been trained might think a six-foot lanyard is enough when working at 10 or 12 feet. But, the lengths of the harness and anchorage connectors also need to be considered. For example, with a fixed anchor, you just add the distance to the ring. But when the anchor is part of a horizontal lifeline, the calculation gets more complicated. Horizontal lifelines are not pulled tight on purpose and can stretch during a fall. This stretching must be added to the calculation.

Deceleration distance: The deceleration device is often forgotten. When it's used, it adds another 3.5 feet to the lanyard length. The harness can also stretch, moving the anchorage point above the head during a fall. In this case, the distance isn't 6 feet, it's 10.5 feet.

Worker's height: Although it seems simple, this part is often left out when figuring out the fall arrest distance. It's really important to consider the worker's height below the anchorage point. A fall arrest system that stops a worker at 12 feet doesn't work if the ground is at 14 feet, unless the worker is less than 2 feet tall, which is very unlikely! On average, at least an extra 5 feet should be added into the calculation to account for the person's height.

By **understanding the importance** of limiting **freefall distances**, we can **drastically reduce** the **likelihood** of severe injuries or **fatalities** in the **workplace**. But it's **not just about** adhering to **regulations** set by **OSHA**, it's **also about creating** a safer **working environment** that **prioritizes** the well-being of **employees**.

Therefore, **investing in proper training** and **expert advice** is a **non-negotiable aspect** when **dealing with fall arrest** systems. Remember, a **well-designed** and **properly utilized** fall arrest **system** could mean the **difference between life and death**.

Given the **increasing number of fatalities** related to falls, it's **crucial to prioritize** fall safety to **ensure everyone** returns home **safely** each day. However, **choosing the right** protection for your company's **specific fall risks** can be **challenging**, especially when the **consequences of a mistake** are so high.

MJS Legacy Safety can provide necessary training to ensure the safe use of fall arrest systems. Give us a call!

National Safety Council “WORK TO ZERO” Initiative Releases New Research to Help Prevent Lone Worker Incidents

Lone worker practices have increasingly become more common in modern workplaces, with an estimated 15% of today’s employees reportedly working by themselves. However, working in isolated environments may also increase individuals’ risk for serious injuries and death on the job. Recognizing the emergence and severity of this issue, the National Safety Council released a new white paper through its [Work to Zero initiative](#), [Using Lone Worker Monitoring Technology to Protect Workers](#), to help employers identify and implement new solutions to keep their workers safe.



“Lone work can be beneficial for both organizations and employees, allowing for more flexibility and a greater utilization of resources, but this practice also comes with heightened risk for workers. According to a 2021 survey, nearly 70% of organizations reported a safety incident involving someone working by themselves in the past three years, and 1 in 5 of these incidents were described as ‘quite or very severe,’” said Katherine Mendoza, senior director, workplace programs, NSC. “Every employee deserves to work in an environment where safety risks are minimized, and this white paper helps business leaders do just that by providing a playbook for understanding the unique hazards isolated workers face and how industry-specific technology can be used to save lives and prevent injuries.”

The report evaluated findings from several academic databases, as well as two case studies, to specifically assess the use of worker monitoring technologies, ranging from fall detection devices and proximity sensors to mobile apps and panic alarms, in remote settings. In addition to concluding these types of technologies can be ideal for lone workers in high-risk industries, such as construction, mining or agriculture, NSC identified three key benefits for any isolated work environment, including:

- **Enabling two-way communication.** *The majority of lone workers report frequently working outside of cell phone coverage areas. Monitoring devices, many of which are equipped with GPS capabilities, address this gap enabling employers to stay connected to their workers to take immediate action in the event of an emergency.*
- **Enhancing safety capabilities.** *Many monitoring devices available to employers are packaged with additional EHS functionalities that can detect and alert the wearer to hazardous situations, such as gas emissions, thermal exposure and proximity to dangerous machinery.*
- **Increasing cost-savings.** *Monitoring devices may help streamline the otherwise cumbersome task of checking in with lone workers through email, phone calls or calendars, and ultimately increase overall efficiency.*

The Council also found the marketplace for monitoring technology is rapidly expanding, providing employers with unprecedented access to new safety solutions, and outlined the following guidance to help safety managers select the best solution for their organizations’ unique lone work needs:

- **Identify the type of industry and associated risk of the workflow.** *For example, healthcare employees, who may be susceptible to workplace violence incidents while working alone, may benefit from discreet duress alarms to avoid escalating a hazardous situation, while audible alarms may be more suitable for those working outdoors.*
- **Consider the ease of scalability.** *In addition to assessing the number of potential users, organizations should consider how new devices will integrate with pre-existing technology. While mobile applications are a turnkey, cost-effective way for larger organizations to incorporate lone worker monitoring, smaller companies should assess the benefits and cost effectiveness of adopting additional capabilities.*
- **Use technology holistically.** *Off-the-shelf technologies can help employers quickly implement new safety solutions into their workplaces but may not offer the customization leaders need to successfully integrate the new technology into other parts of the organization or address a range of hazards.*

Despite its many benefits, limitations with current lone worker monitoring technology still exist. Namely, NSC found these monitoring capabilities do not eliminate workers’ exposure to hazards and called on employers to conduct a thorough audit of their operations to mitigate the root causes of employee risk. Organizations are also encouraged to participate in regular drills to ensure lone workers and leaders are adequately trained and informed on emergency responses.

Another challenge affecting widespread adoption of monitoring technology is an enduring concern over worker and data privacy. While monitoring devices can equip employers with potentially lifesaving data related to worker activity levels and location, some employees may feel they are being surveilled while on the worksite. To mitigate these concerns, experts recommend involving workers in the adoption process and educating employees on the benefits and limitations of the new safety technology, while maintaining transparency on how their data will be used, stored and encrypted.

Ladder Safety Tips in Cold Weather



Ladder safety tips are essential year round, but they become particularly crucial during the winter months. Cold weather introduces unique challenges, including slippery surfaces and bulky clothing. According to a report from the Consumer Public Safety Commission, more than 90,000 people receive emergency room treatment for ladder-related injuries every year—and a majority of those injuries are caused by failure to take precautions when using a ladder during the winter months.

To prevent ladder-related injuries and accidents as temperatures drop, consider the following ladder safety tips:

Clear the Path: Ensure Stable Ground

Before placing a ladder on the ground, clear away snow and ice to provide a stable foundation. A ladder on an unstable surface can lead to dangerous slips and falls.

Dress for Success: Wear Appropriate Attire

Bulky winter clothing can hinder balance and stability while climbing ladders. Workers may need to remove layers temporarily to maintain their footing. Check between the threads of boots for snow or debris that could cause accidents.

Frost Awareness: Inspect Permanently Installed Ladders

Ladders permanently installed for outdoor use can develop barely visible frost layers, posing a risk to workers. Encourage thorough inspections before ascending outdoor ladders in cold and wet weather.

Explore Alternatives: Consider Safer Equipment

Explore alternatives like cherry pickers, scissor lifts or forklifts with work platforms for winter tasks whenever possible. These may offer safer and more efficient alternatives to ladders. If ladder use is unavoidable, provide fall protection, such as slip-resistant boots, guard rails or safety harnesses (with proper training).

Ladder Safety Tips for All Seasons

Maintain year-round worker safety with these universal ladder safety tips for a secure work environment.

- **Electrical Awareness:** Be cautious around overhead power lines to prevent electrical hazards
- **Pre-Use Inspection:** Always inspect the ladder before using it to ensure it's in good condition
- **Avoid the Top Rung:** Never stand on the top rung (or step) of the ladder, or the rung right below it
- **Maintain Three Points of Contact:** Always have three points of contact with the ladder while climbing or descending
- **Face the Ladder:** Keep your face toward the ladder while ascending and descending
- **Proper Use:** Use ladders and their accessories only for their intended purposes
- **Slippery Surface Check:** Ensure ladder steps or rungs are free of slippery materials
- **Stable Placement:** Position the ladder on a stable and level surface to prevent tipping
- **Avoid Height Enhancers:** Don't place ladders on boxes or barrels to increase height
- **Correct Angle Ratio:** The ladder base needs to be one foot away from the building for every four feet of height to where the ladder rests against the building; so, a ladder that's touching the building at 16 feet high needs to be four feet away from the building at its base
- **Prevent Tipping:** Place ladders in areas where they won't get knocked over
- **Weight Limits:** Do not exceed the maximum load rating of the ladder
- **Ladder Extension Height:** Extend extension ladders at least three feet above the point of support (say, the roof of the building)

By following these ladder safety tips, you can minimize the risks associated with ladder use in all seasons, including the unique challenges that winter brings. Remember that proper ladder safety training and awareness are key to preventing accidents and ensuring a safer work environment year round.

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!

Noise and Occupational Hearing Loss



Hearing loss is one of the most common work-related illnesses, and is permanent. All industries have hearing risks. About 22 million U.S. workers are exposed to hazardous noise each year. A-weighted (dBA), averaged over an

eight-hour period is the NIOSH Recommended Exposure Limit (REL).

Roughly 10 million workers are exposed to solvents and an unknown number are exposed to other chemicals that are known to contribute to hearing loss.

Hearing loss is associated with:

- Communication difficulties, making it challenging to maintain relationships with others.
- Other health problems, including tinnitus (ringing in the ears), heart problems, cognitive decline, and poor mental health.
- Concerns for personal safety and the safety of others.

Fortunately, occupational hearing loss can nearly always be prevented. Health and safety professionals, employers, and workers can all help prevent occupational hearing loss.

Disclosing Your Hearing Loss

While it is difficult to live with hearing loss, it is recommended that you inform others of your disability. Researchers at Massachusetts Eye and Ear surveyed 337 patients with hearing loss to better understand the language they use with communication partners to disclose their disability. They found people with hearing loss respond in three specific ways when discussing about their disability:

- 1. Disclosing the disability.** These are people who are open about their hearing loss and are willing to discuss and describe their condition in detail.
Example: I was involved in a car accident 10 years ago and now I'm deaf in my right ear.
- 2. Not mentioning the disability.** These are people with hearing loss who do not disclose their disability and who would likely ask people to either repeat what they said or speak up.
Example: I can't hear you. Please speak up.
- 3. Being honest about the disability.** These are people with hearing loss who are willing to disclose their disability and would also consider proposing a communication strategy before engaging in a conversation.
Example: I can barely hear you with all this noise. Please come closer and speak a bit louder.

Even though there are different ways for individuals to cope with their hearing loss, the suggested method is to tell others how best to talk to you, otherwise known as the multi-disclosure approach. By letting others know you have hearing loss, they will be willing to speak clearly and slowly. Not only is this method empowering, it also shows that your disability doesn't define who you are.

Workplace Accommodations

Each person's needs and workplace experiences are different and unique—there is no one-size-fits-all approach to accommodations. However, in each scenario and in any conversation with human resources and/or your supervisor, it's important to demonstrate why a specific accommodation or change increases your productivity.

Managing Hearing Loss in the Workplace

People with hearing loss often struggle to understand speech at a distance and speech in background noise, as their hearing aids don't discriminate what is being amplified. In noisy workplaces, especially those with open floor plans, this can be challenging. Here are some ways to optimize your hearing ability in the workplace:

▪ **ACKNOWLEDGE** your hearing loss so you are better prepared for whatever communication challenges you face at the workplace.

▪ **REMEMBER** you bring experience, skills, and strengths to the workplace every day. Your hearing loss does not define you and will not prevent you from performing well.

▪ **EDUCATE** yourself about accommodations such as CART (Computer Assisted Realtime Translation) and assisted listening devices that include FM systems, streamers, amplified/captioned/flashing light phones, and PSAPs (personal sound amplification products).

▪ **KEEP** backup batteries on hand. When traveling for work or leisure, keep a supply of hearing aid batteries you can easily access throughout the day in case your battery dies.

▪ **ADVOCATE** for yourself by asking the appropriate person in your workplace for reasonable accommodations. Emphasize the benefits to your employer.

▪ **TELL** your coworkers about your hearing loss and the best way to communicate with you. Ask them to face you when speaking and to rephrase rather than repeat misheard words. Be prepared to remind them again and again.

▪ **PREPARE** for meetings by requesting the agenda and a list of attendees beforehand, as well as CART and other assistive listening devices, if needed. Arrive early to select a centrally located seat with your back to the window. Written communication is also very helpful for people with hearing loss. Whenever possible, request that important messages be sent in a visual format, such as written directions or emails, as opposed to over the telephone.

▪ **ANTICIPATE** your needs for conference calls. Ask for remote CART, followed by the CART transcript. If CART is unavailable, ask colleagues to take notes. During conference calls, ask people to identify themselves each time they speak.

▪ **MAKE ARRANGEMENTS** with colleagues if you can't hear the fire alarm, pages over the PA system, or other auditory alerts.

For more than 50 years NIOSH has been involved in a range of occupational hearing loss prevention activities including research, surveillance, and research to practice.

Research also shows that stronger occupational regulation of noise leads to safer sound levels.

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.

Anti-Discrimination Notices

Colorado Civil Rights Commission Rules (3 CCR 708-1) require that every employer, employment agency, labor organization; every real estate broker or agent, home builder, home mortgage lender, and all other persons who transfer, rent, or finance real estate; and every place of public accommodation, post notice that summarizes the discriminatory or unfair practices prohibited by the Law.

The notice must be displayed in a conspicuous, easily accessible, and well-lit place. Housing notices must be posted and maintained in all places where real estate transfers, rentals, and loans are executed. Please see the [Colorado Civil Rights Commission Rules \(20.1 and 20.2\)](#) for more information.

[Anti-Discrimination Notice Poster](#) (pdf)

Reminder - Revised 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 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.](#)

CDOT: WINTER TRAVEL TIPS

1. Log on to CDOT's Winter Driving web page at: <http://www.coloradodot.info/travel/winter-driving> for tips, road conditions, information on CDOT's 14-hour snow plow coverage and more; or call 511 for statewide road conditions.
2. Always keep the top half of your gas tank full. It can give you better traction and gives you a bigger margin of error if you get stuck and have to keep the engine running periodically to keep warm.
3. If you are stuck in a serious storm do not leave your car. Run the engine *periodically* and wait for help.
4. Carry blankets, water, a flashlight, a shovel, some nutrition bars or other food for sustenance. Winterize your vehicle's safety kit by including extra blankets, sand to help gain traction in the event you become stuck on ice or snow, jumper cables, an ice scraper and lock de-icer.
5. Remember that 4-wheel drive does not mean 4-wheel stop. A 4-wheel drive vehicle will not stop any better in icy conditions, especially if you have inadequate snow tires.
6. Be sure of your route. Don't go exploring in the back-country without some local knowledge, especially during a storm or when one is bearing down anywhere near your location.
7. Be sure you have good tires. The Colorado State Patrol recommends at least 1/8 of an inch tread depth. All season radials on a front-wheel-drive passenger vehicle are adequate for most situations; install them on all four tires. Four snow tires on most rear-wheel drive vehicles are usually adequate. Chain restrictions in Colorado are most often put into effect for commercial vehicles (*semi-trailer trucks*) and do not usually affect passenger vehicles.
8. In poor visibility or even whiteout conditions, don't drive faster than you can see ahead. High speeds in poor or no visibility can lead to large chain reaction accidents. Remember you can't see around mountain curves and corners either.
9. In addition to these winter driving tips, CDOT reminds all motorists to respect winter weather, conduct a pre-trip inspection of your vehicle, leave extra space between your automobile and others on the road, and never drink and drive. Of course, **ALWAYS buckle up!**



'Emissions Delete' Scheme Leads to Max Penalty for Fleet, Repair Shop

Two trucking companies and four individuals have been sentenced for violating the Clean Air Act by "deleting" emissions controls on trucks after [initially being charged](#) in April.

Two Grand Rapids, Michigan companies were ordered to pay a combined maximum fine of \$1 million, or \$500,000 each, and to serve a year of probation. An Otsego County trucking company and its owner, as well as one of its' employees -- also charged in April -- are scheduled for sentencing on Dec. 11.

Two of the owners were each fined \$6,000 and sentenced to a four-month term of home detention as a portion of their one-year probation sentence. A third owner was also fined \$7,500 and given a one-year probation sentence with two months of house arrest. Another individual who owned a separate company involved in the scheme, was fined \$10,000 and given one year of probation.

The felony convictions for the corporate entities came after the defendants pleaded guilty.

"This case is one of the largest of its kind ever charged in the United States, and today's sentences send a loud and clear message that polluters who break environmental laws will be held accountable," said U.S. Attorney Mark A. Totten, likely referring to the maximum fine imposed on the two companies.

"Environmental rules safeguard the water we drink, the lakes we fish, and the air we breathe. It's critical that we protect our people and our planet from harmful pollutants."



According to a press release from Totten's Western District of Michigan office, one of the companies "removed or altered the hardware components of trucks with heavy-duty diesel engines," while another "reprogrammed the engine computers of the trucks so that they would continue to function even after the hardware was removed or altered."

The process, known as an "emissions delete," can "improve performance and fuel economy and save maintenance costs, but also causes significant detrimental environmental impacts," the press release added. "The Otsego County trucking company was involved in at least 362 deletions; company number two, in at least 83 deletions; company number three, in at least 12 deletions; and the owner of a separate company in at least four deletions."

Acting Special Agent in Charge Lisa Matovic, with U.S. EPA's Criminal Investigation Division, emphasized diesel exhaust's role in respiratory illnesses and generally poor air quality, which she said "the defendants in this case ignored in favor of financial profit. The sentences in this case show that EPA and our law enforcement partners will hold accountable individuals who disregard health and environmental laws designed to protect our communities from dangerous air pollution."

FMCSA Gives More Time to Comment on Potential Carrier Safety Rating Revamp



Carrier safety ratings revamp

Owner-operators and others in trucking are getting more time to comment on the Federal Motor Carrier Safety Administration's information-seeking advance notice of proposed rulemaking related to a potential revamp of its carrier rating system.

FMCSA is [seeking public comments on how it can develop a new methodology](#) to determine when a motor carrier is not fit to operate in interstate commerce.

The agency opened the comment period on Aug. 29 for 60 days, through Oct. 30. With a notice publishing in the *Federal Register* on Oct. 23, FMCSA is extending the comment period another 30 days through Nov. 29.

FMCSA said that as of Oct. 10, three commenters -- the American Trucking Associations, the Commercial Vehicle Safety Alliance and the American Bus Association -- had requested a deadline extension. ATA and CVSA requested 30-day extensions, and ABA requested a 60-day extension.

The associations, FMCSA said, cited the "complexity and breadth" of questions, and the timing of the request. ATA specifically cited its annual Management Conference and Exhibition in Austin, Texas, which was held Oct. 14-17, at which it planned to solicit feedback from members.

FMCSA said it "believes it is in the public interest to allow for public comment for an extended period."

As of Friday, Oct. 20, only 13 comments had been filed to the docket. [Comments can be filed here.](#)

Specifically, FMCSA is asking for public feedback on:

- The need for a rulemaking to revise the regulations prescribing the safety rating process
- The available science or technical information to analyze regulatory alternatives for determining motor carrier safety fitness
- Feedback on the agency's current safety rating regulations, including the process and impacts
- The available data and costs for regulatory alternatives reasonably likely to be considered
- [Responses to specific questions in the ANPRM](#)

Action Required: UPDATES TO FMCSA ACCOUNT LOGINS COMING

FMCSA Portal account login system changing – users must take action

In order to improve security and comply with a federal mandate for Multifactor Authentication (MFA), anyone with an FMCSA Portal account needs to take action by Dec. 1 to keep access to their account. (MFA is a multi-step account login process that requires users to enter more information than just a password.)

Users will now access the FMCSA Portal through a Login.gov account instead of using an FMCSA Portal username and password.

To ensure continued access to the FMCSA Portal, users must set up a Login.gov account by Dec. 1. 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 is requiring 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](#).

Colo. Law: Move Over for Me

THE NEW 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.

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.

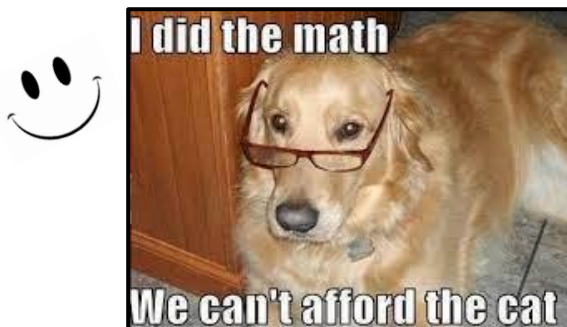
The UCR Plan Board provides fee adjustment recommendations to the Secretary when revenue collections result in a shortfall or surplus from the amount authorized by statute. If there are excess funds after payments to the States and for administrative costs, they are retained in the UCR Plan's depository,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



Your Roads. Their Freedom.



Every year, millions of men, women, and children are held against their will and trafficked into forced labor and commercial sex. While on your roads, you could be the key to their freedom.

The **Federal Motor Carrier Safety Administration's (FMCSA)** "Your Roads. Their Freedom." campaign seeks to raise awareness of human trafficking in the commercial motor vehicle (CMV) industry. This effort aims to educate and empower CMV drivers and other transportation-industry employees to recognize the signs of human trafficking and report the crime to authorities.

Since human trafficking poses a threat to transportation safety, FMCSA seeks to educate CMV drivers and other travel-related employees in protecting the nation's roadways and transportation networks against criminals perpetrating this heinous crime.

What is Human Trafficking?

Human trafficking is a crime that involves the use of **force, fraud, or coercion** to obtain labor or a commercial sex act. All commercial sex involving a minor is legally considered human trafficking, regardless of force, fraud, or coercion.

Victims can be anyone – regardless of race, color, national origin, disability, religion, age, gender, sexual orientation, gender identity, socioeconomic status, education level, or citizenship status. Similarly, perpetrators of this crime also vary. Traffickers can be family members, partners, acquaintances, and strangers. They can act alone or as part of an organized criminal enterprise.

Language barriers and/or fear of their traffickers often keep victims from seeking help, making human trafficking a **crime hidden in plain sight**.

Signs of Human Trafficking

Human trafficking victims are often overlooked because people do not recognize the signs of human trafficking.

Recognizing the indicators of human trafficking is the first step in identifying potential victims. Human traffickers often use transportation systems to recruit and move victims. Bus stations, truck stops, rest areas, and transit centers are all places where human trafficking can occur.

When Drivers Know What to Look For, They Can Serve as a Community's Eyes, Ears, and Voice.

When you see indicators of human trafficking, especially more than one, report your suspicion — you could help someone find their road to freedom. When at transit stations, on the move, stopping for gas, at rest stops, and at your final destination, ask yourself the questions below when presented with a potential trafficking situation. (click on each question for explanations) Note that all indicators listed below are not present in every human trafficking situation, and the presence or absence of any of the indicators is not necessarily proof of human trafficking.

If you notice something, don't dismiss the feeling. Trust your instincts.

- [Is the person in possession of their own identification, cash/payment cards, and/or travel documents?](#)
- [Is the person being told not to speak or appearing coached on what to say?](#)
- [Does the person lack knowledge or logical means of reaching their final destination?](#)
- [Do you hear citizens band \(CB\) radio chatter about a "commercial company," "sale," or flashing lights in response?](#)
- [Is there a suspicious vehicle parked in an unusual location or often dropping off/picking up individual\(s\) at other vehicles/trucks?](#)
- [Is the person showing any indication that they have a manager or pimp?](#)
- [Is the person exhibiting physical signs of distress, abuse, or branding tattoos?](#)
- [Is the person being threatened with harm, deportation, or law enforcement action/criminal charges?](#)
- [Does the person have restricted movement?](#)
- [Have you seen the same person at multiple locations?](#)

If you see (or suspect) any indicators of human trafficking, assess the situation. **Do not attempt to confront a suspected trafficker or engage with a victim.** Instead, please contact local law enforcement directly.

Report to: ▪ 9-1-1, if someone is in immediate danger.

- **The National Human Trafficking Hotline.** (*Línea Directa Nacional de Trata de Personas*)
 - Call 888-373-7888 or text HELP or INFO to BeFree (233733). (*Texto 233733 o BEFREE*)
 - This hotline is a national, toll-free hotline available to answer calls from anywhere in the country, 24 hours a day, 7 days a week, 365 days a year. The hotline is operated by a nongovernmental organization funded by the federal government; it is not a law enforcement or immigration authority.
- **Your company/organization.**
 - Follow your company's reporting policy if they have one in place.



Download these handy [indicator cards](#) that list common signs to help commercial vehicle drivers and others recognize human trafficking.

Regulations and Laws - Learn about [laws and FMCSA rules](#) developed to raise awareness and prevent human trafficking crimes.

The Holidays Are Upon Us !



As you make plans this season, whether traveling or enjoying festivities close to home with family and friends, here are some tips that will make things safer, more fun and memorable, in all the best ways!!

There are many factors that contribute to travel safety hazards, including road conditions, weather conditions, and distracted car and truck drivers. It is important to have a plan for how you will get where you need to go safely so that you don't become part of the statistics.

7 Simple Holiday Safety Driving Tips To Stay Safe On The Road

1. Inspect Your Vehicle Before You Hit The Open Road



If you know your vehicle well, you can quickly spot anything that may compromise your safe driving during the holiday season. Make sure that all of your lights are working and all fluid levels are normal.

You should also do some other simple things like checking your tires and tire pressure. You want to also check your headlights, taillights, brake lights, and tag lights.

A certified mechanic can also be a great option for an inspection before heading out on any road trips this holiday season.

2. Get Proper Rest



It is so easy to get carried away with holiday shopping, parties, holiday travel, and holiday cheer. What often gets lost in the shuffle is the importance of getting the proper amount of rest.

Even driving for just a few hours can be exhausting if you're tired. Don't create danger for yourself, or for all of the other holiday drivers on the road around you. Make sure that you are properly rested before driving long distances or if you are driving at night.

3. Don't Drive While Distracted



The season often brings added distractions to holiday driving with heavy traffic, car accidents because of slippery roads, winter weather conditions like rain, snow, or icy roads making roadways more dangerous than normal, and holiday travelers that may not know the area well causing an increased number of holiday accidents.

It's easy to get distracted and forget about the task at hand – driving safely on the road. Now, everyone knows you shouldn't text and drive. It's illegal in most states. But, holiday distractions also include things like eating while driving or even looking at a GPS.

Make sure that you are driving safely and responsibly by not driving while distracted this holiday season to keep yourself, your passengers, other drivers on the road around you, and even pedestrians safe.

4. Drive The Speed Limit



This may seem like common sense, but driving over the speed limit causes many accidents. You may think that driving a few miles per hour over will make no difference, but driving 10 mph above the speed limit doubles your risk for a crash as compared to driving the speed limit.

Even if you are driving on a major interstate or highway, driving the speed limit can help you avoid many dangerous situations that may arise this holiday season.

Law enforcement will be on high alert throughout the holiday season. So, drive at a safe speed limit.

5. Practice Defensive Driving This Holiday Season



Defensive driving is not just for new drivers or those that need more experience driving on the road. It's necessary for everyone who drives - especially during the holiday season when other drivers, and pedestrians may not be driving or walking safely.

Try to avoid driving on slippery roads, driving during snowfall or heavy rain, and driving near other drivers who may not be driving safely, etc. You don't want to risk it by driving erratically or irresponsibly.

Take your time driving, especially during peak holiday driving times when there are likely to be more accidents on the road.

Check your blind spots before changing lanes, look for other drivers driving erratically or driving irresponsibly on the road, avoid driving near pedestrians and others that may dart out in front of traffic without warning, etc. Stay alert and always check your surroundings. These are all good defensive driving techniques to implement this holiday season.

6. Travel Early In The Day Or During Daylight Hours



If you must travel, then do so early in the morning or during daylight hours. Why? The more you can see, the more you can prepare yourself to be safe.

Again, law enforcement will be aware and on the lookout for those who violate the "DUI" laws this holiday season.

As mentioned above, if you have to drive during winter weather conditions, be even more aware of winter driving hazards. If you can, consider travel plans to avoid winter weather conditions or bad weather altogether.

Don't travel during peak holiday times if you can avoid it.

7. Fuel Up During The Day



A driver recently died in a car accident when they ran out of fuel and left their pickup truck to get gas.

Keep yourself and others safe by making sure that you have enough fuel in your vehicle. If you know that you will be traveling long distances, make sure to fuel up during the day so that you don't find yourself running low on gas late at night.

Too many people get into accidents or get into bad situations when their vehicle runs out of fuel. It is not only dangerous for you, but it is also dangerous for others on the road.

Whether you are traveling for the holidays or just running errands, it is important to think about driver safety. Hopefully these tips will help keep you safe while also reducing your risk of being involved in a car or truck accident.

Our hope is that everyone will get to their destination safe and sound !

Holiday Party Safety

The holiday season is a great time to get together with family and friends. Sometimes a party at home, or perhaps at an establishment for a fun and festive happy hour! For most, this usually involves good food, and some alcohol consumption. While you want your guests to have a good time, it's also important to make sure they are being safe and responsible.



The Centers for Disease Control and Prevention (CDC) reports that 728 people will be injured or killed each day in drunk driving accidents between Thanksgiving and New Year's—two to three times higher than the rest of the year.

If you're hosting a party, be sure you don't overlook these important tips to prevent drinking and driving:

- **Have a designated driver.** *It's one of the simplest rules to follow, but also one of the most effective in keeping people safe on the roads.*
- **Keep cab numbers on hand.** *If someone should not be driving and they insist on going home, call a cab for them instead of allowing them to take the risk of driving home.*
- **Offer a variety of non-alcoholic drinks.** *Provide fun "mocktails" and other non-alcoholic drinks for designated drivers or those who don't wish to consume alcohol.*
- **Provide plenty of food.** *Drinking on an empty stomach can cause a person to become intoxicated faster. Offering food may help guests drink in moderation and slow down the effects of alcohol.*
- **Plan fun activities!** *Keep your guests busy with games that focus on fun conversation.*
- **Stop serving alcohol altogether about 90 minutes before the party ends.** *Only time sobers an individual who has been drinking. Offer coffee, tea, and a snack to let guests wind down before heading home.*

Connect with MSHA

The Mine Safety and Health Administration is now on [FACEBOOK!](#)
FOLLOW NOW FOR MINING NEWS, REGULATIONS, AND SAFETY & HEALTH BEST PRACTICES.



Federal Judge Orders Colorado Mining Company to Ban Owner from Worksite Until He Completes Required Safety Training

Construction company owner posed safety hazards, injured employee

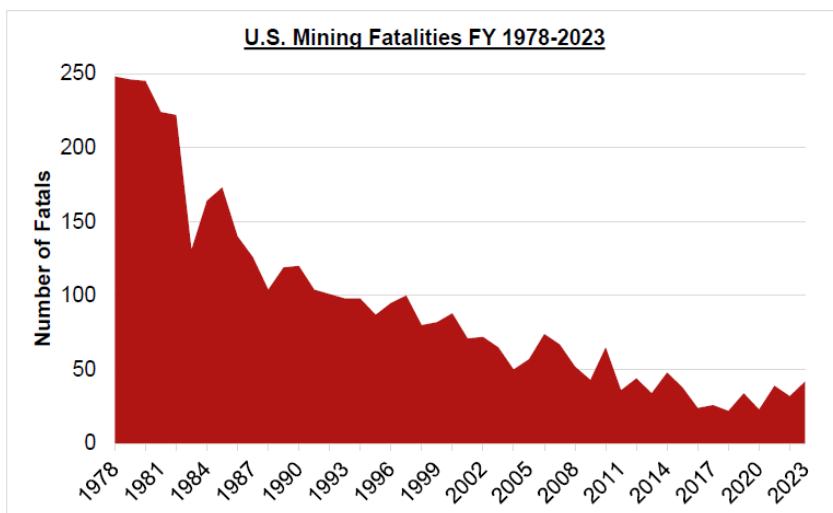
Investigation findings: In Oct. 2023, a U.S. District Court of Colorado judge entered an agreed consent order and judgment requiring a Steamboat Springs construction company to prevent its owner from entering the mining site permanently until he completes and provides proof of mandatory safety training. After an investigation by the Department of Labor's Mine Safety and Health Administration, the mine owner was ordered to stay away from the mining site after MSHA learned he had failed to comply with mandatory safety training. Despite the order, the owner continued to work at the mine and was involved in several near misses and reportedly injured a worker with an excavator.

Quote from DOL Regional Solicitor John Rainwater in Denver: "Miners already face many life-threatening hazards in addition to operators refusing to comply with federal requirements. The U.S. Department of Labor will continue to hold operators accountable and ensure that all federal safety requirements — including completing required training — are met."

MSHA At A Glance

FATALITIES THIS YEAR: 35

[A look back at fatalities and injuries at U.S. mine sites recorded so far in 2023.](#)



MSHA's Mine Safety and Health at a Glance page is updated biannually.
Last updated: October 18, 2023.

[Download PDF Version](#)

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. [Report Accidents - Hazardous Conditions](#) or call **1-800-746-1553**

With Cold and Flu Season Approaching, it Probably Wouldn't Hurt to do a Little More of This.....



A recent survey suggests that less than a fifth of people worldwide currently wash their hands at critical times. Even in places where handwashing is an established and required practice – and soap and water are accessible – people still fail to wash their hands often enough.

Do you have school-aged children? They carry home more than their fair share of germs to share.

The 2023 survey revealed that 93% of adults believe handwashing is essential to maintaining their overall health and 75% wash their hands more diligently during flu and virus outbreaks. However, Americans' handwashing activity has dropped 30% over the past three years returning to pre-Covid levels. There has also been an increase in people taking handwashing shortcuts. 45% admit to just rinsing with water and skipping soap.

The best prevention of cold and flu germs and the spread of other contagious illnesses **HANDWASHING!**

Workplaces can be some of the “Germiest” places you encounter

Offices can be hotbeds for the germs that can affect workers' productivity. While there are germs pretty much everywhere, there are some places that are particularly pathogen prone.

- 1. Keyboards.** A 2018 study published in the *International Journal of Environmental Research and Public Health* found that 96 percent of the 25 keyboards sampled were contaminated with microorganisms like *E. coli*, which can cause food poisoning. The situation can be even worse if more than one person uses a keyboard. Clean keyboards with something simple like a disinfecting wipe every day is recommended.
- 2. Doorknobs.** Doorknobs are touched all day by everyone in an office. Frequent disinfection is a good idea.
- 3. Faucet handles.** Anyone who washes their hands is likely going to need to touch a faucet in some way to do it. Plus, the bathroom faucets are near toilets.
- 4. The refrigerator handle.** The germiest office spots are usually touched by many and disinfected by few. The office kitchen's refrigerator handle falls into this category. Again, frequent disinfection is a good idea - for all handles.
- 5. Kitchen sponges.** The Environmental Protection Agency (EPA) says it doesn't recommend using sponges to clean things. You can try microwaving or boiling office kitchen sponges to clean them, but the results are mixed when it comes to the efficacy of either option. It might be easier to replace the kitchen sponge with some kind of dishwashing brush.
- 6. Anything else people are touching all the time.** Every office lends itself to a different kind of “germiness” depending on its occupants and workflow.
- 7. The air.** Many infectious diseases spread through the air as sick people talk, cough, and sneeze. Good ventilation and a plentiful supply of hand sanitizer can help with this one.

Some other germy spots lurking around the workplace.....

- Handrails
- Copier Machine Buttons
- Door handles
- Breakroom Tables
- Computer Mouse
- Soap Dispensers
- Bathroom stalls
- Towel Dispensers
- Chair Arms
- Tables in common spaces
- Water fountains
- Phones **AND MANY MORE**
- Remotes
- Light switches
- Countertops



It's impossible to avoid or eliminate germs entirely, however, there are ways to reduce the risk in these areas.

Sooooo, back to HANDWASHING! What could it really hurt????

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](#)
- [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!!