



## Important Message to our fellow Business Owners, Clients and Communities

We are closely following the latest guidance from the Centers for Disease Control (CDC), the World Health Organization (WHO), local governments, and public health agencies and are prepared to navigate these challenging circumstances with everyone's safety in mind.

Like all of you, we are closely following the latest guidance from the Centers for Disease Control (CDC), the World Health Organization (WHO), local governments, and public health agencies and are prepared to navigate these challenging circumstances with everyone's safety in mind.

Our physical office remains open to continue to serve our clients during this evolving situation. Social distancing protocols, class size limitations, and pre-entry screening have become a part of our daily lives.

Due to heightened health and safety measures recommended by the CDC and implemented by state and local health departments, we have enacted the following:

- Capacity is limited to not more than 10 people at a time in one area.
- Our staff disinfects all common surfaces after each class
- Masks may be required when social distancing cannot be maintained
- 1st Aid/CPR courses will require each student utilize their own mannequin. There will be no sharing of supplies of mannequins during class.
- Respiratory fit tests, drug test collections, and alcohol breath collections will be conducted according to the current best practices.

Our sincerest gratitude for your business and the opportunity to serve you. Considering the current global situation surrounding the Coronavirus (COVID-19) pandemic, we wanted to reach out and share the actions [MJS Safety LLC](#) is taking to keep your operations up and running.

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*Because information regarding COVID-19 and its widespread effects is ever-changing, articles in this month's newsletter referring to COVID-19 will show the release date of the information. We will do our best to pass along the most current information. However, if an article relates to you or your industry directly, you may want to check for any updates that might affect you.*

Here are some of the many helpful Resource links:

- [CDC – Centers for Disease Control](#)
- [CDPHE – Colorado Department of Public Health and Environment](#)
- [WHO - World Health Organization](#)
- [Water and COVID-19 Frequently Asked Questions](#)
- [OSHA Guidance on Preparing Workplaces for COVID-19](#)
- [OSHA Alert — Prevent Worker Exposure to Coronavirus \(COVID-19\)](#)
- [DOL Resources to help Workers and Employers Prepare for the COVID-19 virus](#)
- [Colorado Works — Temporary Assistance for Needy Families \(TANF\) program](#)
- [Colorado PEAK - Medical, Food, Cash, and Early Childhood Assistance programs](#)
- [Covid19.colorado.gov](http://Covid19.colorado.gov)



### Important Updates from the State of Colorado/ Colorado Department of Revenue

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

→ Please see the Home page for detailed information on what will be required prior to visiting one of the locations. Here's the [link](#) for complete details.

Check out ODCinfore Wildfire Smoke precautions & 2020-2021 Flu Shots ..... Please remain Safe & Healthy!

# Thank You

to all who are working day and night to protect people & property in the wildfire zones!  
Our thoughts are with all of you as well as those who have been directly affected by the fires!

## In this issue – NOV 2020

### ► MJS SAFETY TRAINING ANNOUNCEMENT

**MJS SAFETY LLC** is proud to continue offering Operator Qualifications through a variety of programs such as NCCER and O.Q.S.G. to our OQ Services.

**MJS SAFETY LLC** is an "Authorized Assessment Center" for Proctoring Final Assessments and completing Performance Evaluations for O.Q.S.G. and NCCER – as well as other OQ disciplines such as MEA-EnergyU, Veriforce & EnergyWorldNet. [call to schedule](#) [read more...](#)

► [Training Summary/Class Schedule](#) • *TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543* • [read more...](#)

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

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

## OSHA / CONSTRUCTION NEWS SUMMARY

► **COVID-19 Q&A** [read more...](#)

► Visit OSHA's [COVID-19 Frequently Asked Questions](#) page [read more...](#)

► **IMPORTANT REMINDER...STOP USE & 3M™ PRODUCT RECALL...IMMEDIATE ACTION REQUIRED** [read more...](#)

► **Do Gases Expire?**  
Learn how to properly store and use calibration gas mixtures [read more...](#)

► **Frequently-Asked Questions About Controlling Dangerous Dusts**  
Dust particles become airborne during indoor metalworking processes like welding and plasma cutting. [read more...](#)



## TRANSPORTATION NEWS SUMMARY

► **Reminder: Chain Law Carry Requirements are in Effect**

The requirement to carry adequate chains on I-70 between Morrison and Dotsero took effect on Tues, Sept 1<sup>st</sup>. [read more...](#)

► Here's a [link](#) for the FMCSA New Hours of Service Fact Sheet (pdf) [read more...](#)

► **Winter Driving**

The [Colorado Department of Transportation - CDOT](#) is a great resource for all things related to winter driving. Here are links to just some of the covered topics. [read more...](#)

► **Slow Down, Move Over Awareness Day**

A [proclamation](#) signed by Governor Polis, officially declared October 19, 2020, as "Slow Down, Move Over Awareness Day". [read more...](#)



### ▶ Nuclear Verdicts Force Carriers to Re-Evaluate Training Records

“Nuclear” has become a familiar term in the transportation industry to explain rising insurance costs from runaway jury verdicts. [read more...](#)

### ▶ Trucking Law: Busting Myths About Inspection Regulations

While most truck drivers know the importance of daily vehicle inspections, many might be surprised about what the [Federal Motor Carrier Safety Regulations](#) actually require. [read more...](#)

### ▶ Automatic Slack Adjusters Called ‘Automatic’ for a Reason

The National Transportation Safety Board recommendations to brake equipment suppliers have long emphasized caution about manual adjustments for pushrod stroke when automatic slack adjusters (ASAs) are installed. [read more...](#)



## MSHA NEWS SUMMARY

### ▶ Confined Space - Safety Alert

[Confined Space Safety Alert.pdf](#)

Between 2017 and 2020, three miners were fatally injured after entering confined spaces to clear material and obstructions. [read more...](#)



### ▶ Fatality Alerts [read more...](#)



[October 9, 2020 Fatality - Fatality Alert.pdf](#)

**MINE FATALITY** – On October 9, 2020, a contractor was changing the nozzle on a hydroseeder and accidentally engaged the hydroseeder’s clutch while the nozzle was pointing towards him. The material sprayed from the nozzle struck him, causing him to fall backward and strike his neck on the hydroseeder handrail.

[October 13, 2020 Fatality - Fatality Alert.pdf](#)

**MINE FATALITY** – On October 13, 2020, a miner died after being struck by a battery-powered scoop. He had parked his shuttle car in an intersection and was exiting when a scoop went through a ventilation curtain in an adjacent crosscut and struck him.



[October 14, 2020 Fatality Alert.pdf](#)

**MINE FATALITY** – On October 14, 2020, a lead person was killed when his pickup truck was struck by a haul truck.

## MONTHLY SAFETY & HEALTH TIP NEWS SUMMARY

- ▶ Wishing you Health and Happiness this Holiday Season!!  
*From all of us at MJS Safety!* [read more...](#)



**MJS SAFETY LLC** is proud to offer NCCER, OQSG, Energy Worldnet, MEA EnergyU, and Veriforce Operator Qualifications.

**MJS SAFETY LLC** is an "Authorized Assessment Center" for Proctoring and Testing for ENERGY worldnet, Inc., as well as OQ Performance Evaluation Services.

**MJS SAFETY LLC** continues to offer Proctor and Testing Services, as well as Operator Qualification [OQ] Performance Evaluations under the "EnergyU" system – a service of Midwest ENERGY Association – as well as Veriforce.

**MJS SAFETY LLC** has "Authorized" Performance Evaluators on staff that can perform this service for specific "Covered Tasks."

**MJS SAFETY LLC** is also available to assist with the Knowledge Based Training for these tasks. Knowledge-based training is designed to help personnel successfully pass the OQ Knowledge Based Testing as well as the Performance Evaluation process.

The Operator Qualification Rule – commonly referred to as the "OQ Rule" addressed in Title 49 of the Code of Federal [US DOT] regulations, mandates that individuals who perform "Covered Tasks" on covered pipeline facilities be qualified through the Operator Qualification Process.

The intent of the OQ rule is to ensure protection of both pipeline personnel and the public at large. Providing individuals with the necessary knowledge and skills is an essential element of any Operator and Contractor OQ plan.

Acceptable requirements for qualification are determined by the operator. The quality and validity of data related to OQ training, testing, and performance is critical to meet these requirements.

If we can be of assistance with these types of services for your company, please [call to schedule](#).

## **MJS Safety OFFERS DRUG & ALCOHOL TESTING** to comply with DOT/FMCSA, PHMSA & Non-DOT requirements.

*We offer an in-house drug testing consortium pool with customer service that cannot be beat.*

We also provide assistance with 3<sup>rd</sup> party Drug Testing Compliance Auditing through NCMS, TPS Alert & Veriforce, as well as DISA account management.

**“Training Spotlight”**

*(there will be a different course featured monthly)*

**MEDIC FIRST AID INSTRUCTOR DEVELOPMENT -**

Looking for a more cost-effective approach to train your employees in 1st aid/CPR? Become a Medic First Aid Instructor! Bring your training in-house and train your own employees on your own schedule, house your own records in your company's training center. Classes are scheduled on an as needed basis. The Instructor Development Course is a blended learning course, with computer-based training and then the hands-on skills assessment and instructor development course completion.

**For all of our Course Offerings visit the [MJS Safety website](#)**

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

**SOURCES FOR THIS ISSUE INCLUDE:**  
 OSHA  
 FMCSA  
 MSHA  
 Overdrive  
 CDC  
 CCJ  
 CDOT  
 3M Fall Protection  
 CVSA  
 ISHN  
 Rick Pedley, PK Safety  
 Air Brake Interactive  
 Bryan Duross, Technical Training Services  
 Tom Quimby  
 Paul O. Taylor, Truckers Justice Center

**Schedule of classes Nov 2020:** • *TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543*

• *SEE [MORE INFORMATION](#) FOR Distance Learning & Video Conference classes*

- **\*PEC Safeland Basic Orientation: November 6** (video conference course), **12, 13** (video conference course), **30; 8 – 4:30;**  
*This class is available through video conference instructor led distance learning through 12/31/2020 - only upon request*
- **\*First Aid/CPR/AED/BLOODBORNE PATHOGENS (We offer MEDIC FIRST AID): November 5, 23; 8 – noon;**  
*This class available for blended learning (online) with remote or in-person skills assessment*
- **\*Hydrogen Sulfide Awareness [ANSI Z390 -2017 Course]: November 5, 23; 12:30 – 4:30;**  
*This class available via Instructor Led video conference*
- **\*OSHA 10 Hour Course – Construction – Spanish Course: November 19, 20;**  
*\* In-person classes are limited to 9 people at this time in accordance with social distancing guidelines.*

**[ For any last minute schedule updates, go to [www.mjssafety.com](http://www.mjssafety.com) ]**

► **NEED ANY OF THESE CLASSES IN SPANISH? CONTACT [carriejordan@mjssafety.com](mailto:carriejordan@mjssafety.com) TO SCHEDULE TODAY** ◀

To sign up for one of these classes, or inquire about scheduling a different class  
 Call Carrie at 720-203-4948 or Jeremy at 720-203-6325 or Mike at 303-881-2409

**— FEATURED TRAINING PROGRAMS —**

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

Order  
**First Aid & other  
 Safety Supplies**  
[www.mjssafety.com](http://www.mjssafety.com)  
 Jeremy 720-203-6325  
 Carrie 720-203-4948  
 or Mike  
 303-881-2409

**Unable to attend a class?**

**MJS Safety offers multiple “ONLINE TRAINING COURSES”**

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

**or you can**

**Need Help With**

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

**CALL US!!!**

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



## OSHA / CONSTRUCTION

### COVID-19 Q&A



Will employers have additional time to complete annual training requirements because of mandated social distancing and other restrictions enacted during the coronavirus pandemic?



OSHA issued [interim guidance](#) on using discretion in enforcement when employers make good faith efforts to comply with OSHA standards during the pandemic.

▶ MJS Safety can help guide you through the requirements. Call us! ◀

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

*(questions are grouped by topic)*

### IMPORTANT REMINDER...

**STOP USE & PRODUCT RECALL  
IMMEDIATE ACTION REQUIRED**



#### 3M™ DBI-SALA® Self-Rescue Descent Systems P/N 3320030, 31 & 37

The **3M™ DBI-SALA® Self-Rescue Descent System** is a self-rescue system that has a harness mounted backpack containing a spooled lifeline feeding through a sealed descent device. In an emergency, the user can release the **Easy-Link™ D-Ring** and initiate a descent or, if the user is incapacitated, a rescuer can initiate the descent using a rescue pole.

**3M Fall Protection** issued a **Product Advisory** on June 10, 2020 to address a potential cracking issue that may occur after repetitive descents of the training model of the **3M™ DBI-SALA® Self-Rescue Descent Systems**, specifically **P/N 3320037**. The notice directed the competent person to complete an inspection for this condition of the inner rope spool as part of the normal routine to reset the training **3M™ DBI-SALA® Self-Rescue Descent Systems** device as required after each descent.

Since issuing the **Product Advisory**, we have completed a review of returned training units from the field and have concluded that this cracking condition is also a result of embrittlement over time of the plastic spool used to hold the lifeline rope. This embrittlement could inhibit the ability of the **Self-Rescue Descent System** to fully descend an end user in the event of a fall. This spool is internal to the **Self-Rescue Descent System** and unlike the training models cannot be inspected. Please note we are not aware of any accidents or injuries related to this condition.

Given this recent information, **3M Fall Protection** is issuing a "**Stop Use and Recall**" of all 3 models of the **3M™ DBI-SALA® Self-Rescue Descent Systems** including **P/N 3320030; 3320031 & 3320037**.

See [detailed recall instructions](#)

# Do Gases Expire?

Source: Rick Pedley, PK Safety, President/CEO  
Contact Rick at 800-829-9580 or [online](#)



## Learn how to properly store and use calibration gas mixtures

When monitoring your work environment for toxic gases, you need to make sure your monitor is properly calibrated for your target gas, such as chlorine, carbon monoxide, or your readings may be inaccurate. To properly calibrate your monitor, you'll need to use a specific concentration of the gas you're trying to detect. This is known as a "calibration gas." Calibration gases come in disposable or non-refillable cylinders that are usually made of steel or aluminum.

However, it's important to note that calibration gases do have a shelf life, just like other perishable products. If the gas is expired, you won't be able to properly calibrate your monitor, which can lead to inaccurate results. It's best to check the expiration date before calibrating your monitor. You should also replace your calibration gases according to the manufacturer's recommendations.

Learn about the shelf life of calibration gases, including both reactive and non-reactive gas mixtures, so you can use your gas detection equipment properly.

## What are calibration gases?

When calibrating a gas detector, it is critical to provide a known reference point for the instrument to base measurements on. The sophisticated electronics on current gas detectors are able to "auto-calibrate" the sensors if presented with the manufacturer specified known starting point. For instance, a cylinder of cal gas may state that it contains 10 PPM (parts per million) of CO (carbon monoxide). For a certain brand of gas detector, this may be the specified starting point. It is important to purchase the correct gas for your detector.

It's always best to calibrate your monitor at the start of every shift. To get started, using a calibration gas regulator, you'll need to flow the calibration gas into the monitor. This exposes the sensors of the monitor to the test gas. You will then compare the readings on the monitor to the contents of the calibration gas to make sure they are accurate.

Following the manufacturer's calibration process, if the detector fails to calibrate or the results do not match what's listed on the calibration gas cylinder, you will need to reset and re-zero the monitor before trying again.

## Reactive vs. non-reactive gas mixtures

It's important to note that there are two different kinds of calibration gases, including reactive and non-reactive gas mixtures, and each comes with their own shelf life.

### Reactive calibration gases

Reactive gases are considered much more volatile than their non-reactive counterparts. These gases tend to be unstable in certain conditions and may react to other materials in the air, such as moisture, oxygen, or other chemicals. Reactive gases include hydrogen sulfide, chlorine, sulfur dioxide, ammonia, hydrogen chloride, and other reactive elements.

Reactive calibration gas mixtures are typically packaged in aluminum cylinders and are treated, or passivated, by a special process that reduces the reactivity of the mixture. This ensures that the gas will remain stable in the field. However, due to the volatile nature of these gases, they usually have a shelf life ranging from 8 to 12 months.

Once the mixture has passed its shelf life, the concentration of the target gas will start to decrease and may eventually disappear entirely.

### Non-reactive gas mixtures

Non-reactive gas mixtures do not contain reactive elements and are considered much more stable in most conditions. They are not affected by the presence of oxygen, moisture, and other chemicals, which means they do not need to be treated or passivated. Non-reactive gas mixtures include alkane or alkene hydrocarbons (methane, ethane, propane, hexane, isobutylene, etc.), nitrogen, hydrogen, carbon monoxide, carbon dioxide, and other non-reactive elements.

Non-reactive gas mixtures typically come in steel cylinders. Since they don't have to be treated or passivated, they tend to have a shelf life of three years.

## Making the most of your calibration gases

It's best to take some precautions when using calibration gases in the field.

For one, it's important to point out that all calibration gases come with warranties from the manufacturer, which includes a "best if used by" date. You should never use gas mixtures once they've passed this date. Get in the habit of checking the expiration date before heading out into the field. You don't want to show up at the job site only to discover that your cylinders have expired.

If you can't find the expiration date or you're not sure if your gases have passed their shelf life, you can always contact the manufacturer for more information.

You should also keep track of and itemize your calibration gases. Take note of the day you ordered the gas online and when it arrived at your facility. Refer to this information when checking the expiration date on your gases to make sure they are still effective.

Also record and label the properties of these gases, including whether they are reactive or non-reactive, flammable, highly pressurized, and other related hazards. Don't forget to include proper usage guidelines and safety information in the event of exposure. This will help your team handle these gases with care on the job.

Avoid letting your test gas fall into the wrong hands. Only trained personnel should use calibration gases in the field. A slight error could put your entire team at risk, so make sure everyone knows how to use this equipment.

Physically inspect your calibration gases before utilizing them in the field. Look out for scratched or worn labels, cracks, leaks, and other signs of damage. You should never try to repair or reuse these cylinders.

## Storing your calibration gases

The shelf life of these gases often depends on a variety of factors, including how and where you store them. It's best to store them away from high-traffic areas to reduce the chances of damage. They should be kept in a temperature-controlled environment, so keep them away from open doors and passageways. Use mounting brackets to keep your test gases in place. You should never slide, toss, or drag your cylinders. The gases shouldn't move around or knock into each other during transit.

Create a first-in-last-out storage system so that your team pulls out the oldest cylinders first. This will help you make the most of your safety equipment, instead of letting perfectly good gases expire. Refer to this information when storing your test gases and calibrating your monitors.

## Frequently-Asked Questions About Controlling Dangerous Dusts

Dust particles become airborne during indoor metalworking processes like welding and plasma cutting. They also become airborne during the manufacturing and processing of food, chemicals, pharmaceuticals and other dry products. Some of these particles are toxic and/or combustible, so it is important to shield workers, products and expensive equipment from them. Here are the most frequently asked questions about controlling dangerous dusts in order to maintain a safe work environment.



### Q. What makes a dust dangerous?

*When products are manufactured indoors, small particles often become airborne and have the potential to do serious harm to people, products, equipment and/or facilities. Dusts that are combustible can cause fires and explosions. Other dusts can contain ingredients that are toxic when swallowed or inhaled. Others can cross-contaminate other products that are manufactured in the same facility. When combustible dusts are collected from the air into a dust collection system, the system itself can be a source of combustible dust explosions if not properly protected. Besides being required to do so by **OSHA**, companies are morally obligated to protect workers from these hazards.*

### Q. Which industries most often deal with dangerous dusts?

*Many industries have combustible dust, but the following are at most risk: metalworking facilities, welding shops, woodworking shops, chemical processors, food manufacturers, and pharmaceutical companies that make solid dose products (tablets).*

### Q. Which agencies regulate dangerous dusts?

***OSHA** is ultimately responsible for protecting employees from dangerous dusts. However, the [National Fire Protection Agency \(NFPA\)](#) plays a major role in recommending standards and guidelines for managing combustible dusts. If manufacturers don't follow these guidelines, they can be fined by **OSHA**, face legal scrutiny and risk a damaged reputation.*

### Q. What are common dust hazards in the food processing industry?

*The biggest threats are occupational exposure and combustible dust explosions. Dust can cause dermatitis and allergic reactions. More seriously, dust particles can become embedded in the lungs and can cause respiratory problems like asthma and lung cancer. In addition, many solid food ingredients are combustible, including sugar, starch, spices, proteins and flour. Lastly, food particles can damage other food products. For example, particles that contain gluten or peanuts could cross-contaminate products that are supposed to be gluten free, causing severe allergic reactions for customers who trust those product labels.*

***OSHA** requires companies to control dust emissions in indoor workplaces and to comply with legal limits set for each ingredient and material. If no legal limits are applicable, the company must define in writing, implement and measure its own environmental safety plan. The **FDA's Food Safety Modernization Act** requires food processing facilities to implement measures to prevent or minimize contamination hazards.*

### Q. What are common dust hazards in the chemical processing industry?

*The biggest threats are occupational exposure to toxic dusts and combustible dust explosions. Processes like blending, coating, conveying, crushing, weighing, milling, mixing and pelletizing all generate dust that will become airborne. If not captured and contained, these dusts expose workers to hazards and can cause combustible dust incidents. **OSHA** requires chemical companies to comply with permissible exposure limits (PEL) for workers. The **PEL** is the maximum air concentration to which a worker can be safely exposed for an eight-hour shift without potentially suffering adverse health affects. For example, the **PEL** of zinc oxide is 15 micrograms per cubic meter of air.*

### Q. What are common dust hazards in the pharmaceutical manufacturing?

*As above, occupational exposure is a common hazard because active pharmaceutical ingredients (APIs) can be toxic and allergenic. It is critical to understand the toxicological properties of this dust to determine the **PEL** of each **API**. In addition, **APIs** can travel through the air and cross-contaminate other pharmaceutical products. Lastly, many pharmaceutical ingredients are combustible and can cause explosions if not handled correctly.*

### Q. What are common dust hazards in metalworking facilities?

*Metalworking facilities use processes like welding, thermal cutting, sanding and polishing are at the most risk because these processes send tiny metal particles into the air that can be toxic. This is especially important if you work with iron oxide, lead oxide, manganese, nickel, and chromium. Metalworking facilities must follow **OSHA** permissible exposure limit (PEL) for these and other metal dusts. In addition, many metal dusts are highly combustible and can increase the chances of an explosion in your dust collector. Dust collection systems must be sized correctly and have the proper filters and protection devices to mitigate the risk of an explosion. Burnable dusts pose a higher risk for a combustible dust explosion in a dust collector. Even a small amount of dust can have severe consequences.*



**Q. What equipment is used to capture hazardous dusts?**

*Industrial dust collectors are used to capture and contain dust and other harmful particles from the air in plants, factories and other processing facilities. Much of this airborne dust is too small to be seen with the naked eye. Collectors capture dust by continually cycling the dust-laden airstream through a series of filter cartridges. The dust remains on the cartridges, and the clean air is returned to the work environment. Dust collectors are generally large pieces of equipment that can be placed inside or outside the manufacturing facility.*

**Q. How does an explosion occur in a dust collector?**

*A dust collector is a closed vessel, and any closed vessel that is full of dry particles is ripe for an explosion. An explosion usually begins when a suspended cloud of combustible dust is present in high concentration inside the collector. As the fan draws in large volumes of air, an outside spark or ember can be sucked into the collector and collide with the dust cloud under pressure, triggering an explosion. The source of the spark may be a production process, a cigarette butt thrown into a dust capture hood or a static electricity discharge from improperly grounded nearby equipment.*

**Q. How do you protect a dust collector from a combustible dust explosion?**

*First of all, it is important to have all collectors sized properly for the facility they will be handling. Second, it is important to understand that combustible dust explosions can't always be prevented from occurring in the dust collector. However, they can put systems in place that ensure that the explosion doesn't cause harm. These systems are called explosion protection systems, and there are a variety of options. The most common is explosion venting because it is the most cost-effective, but some facilities may also be required to have explosion isolation valves or integrated safety monitoring filters. All of these mitigate incidents and prevent the flame front and pressure to travel to process areas. The **NFPA** provides guidelines to design, locate, install and maintain these explosion protection devices to minimize harm to personnel as well as structural and mechanical damage.*

**Q. What does explosion venting do?**

*A well-designed explosion vent functions as a weak element in the dust collector's pressure envelope. It relieves internal combustion pressure (back pressure) to keep the collector from blowing up into pieces.*

*Typically, the collector is located outside so that it vents away from buildings and populated area to a safe location. If it is properly equipped and located indoors, standards mandate that you designate a safe area. While explosion venting will usually save the dust collector from being a total loss, the collector can sustain major internal damage. Nonetheless, if personnel remain safe and facility structural damage is minimized, the explosion venting equipment has done its job.*

**Q. Which facilities are required to have their dust tested?**

***NFPA** standards require a dust hazard analysis (DHA) for any facilities that generate, handle or store potentially explosive dust. The burden of proof is on manufacturers to demonstrate that their dust is not combustible, so it is important for them to have their process dust tested by a valid third-party testing lab and keep records on file proving that it is not combustible.*

*If tests show that the facility has combustible dust, it is required by [NFPA 652](#) to complete a dust hazard analysis (DHA) of their dust collection systems. They also need to keep this report on file to show when requested by the local fire marshal or other authority having jurisdiction. In addition, explosion venting equipment must be inspected at least annually based on the documented operating experience.*

**Q. How are vents and discharge ducts sized to make sure they are right for a dust collector?**

*Chapters 7 through 9 of [NFPA 68](#) provide the calculations to use for properly sizing explosion vents, vent discharge ducts (also called vent ducts) and other components. A reputable dust collector supplier will follow the vent sizing equations in Chapter 8 (Venting of Deflagrations of Dusts and Hybrid Mixtures). They can also supply a calculations sheet that becomes part of the documentation you keep on file to demonstrate your plant's compliance.*

**Q. Should all dust collectors be installed outdoors?**

*Obviously, placing dust collectors outdoors is the safest option if they vent away from buildings and populated areas. However, it isn't always feasible to place them outside. Dust collectors placed indoors must have the appropriate explosion protection system if they will handle any combustible dusts.*

**Q. Is it safe to recirculate the air from your dust collector back into the work environment?**

*Recirculating heated or cooled air back into the workspace can provide significant energy savings and eliminate the cost to replace that conditioned air. Containing the air indoors also avoids the time-consuming permitting involved when contaminated air is exhausted outside. This can be safely done even if the facility handles explosive dust by outfitting the dust collector with a safety monitoring filter. This helps isolate the downstream equipment from the progression of a flame front during an explosion.*

## OSHA Fact Sheet

### Hazard Alert: [Combustible Dust Explosions](#)



## Reminder: Chain Law Carry Requirements are in Effect

As a reminder, the requirement to carry adequate chains on I-70 between Morrison and Dotsero took effect on Tuesday, September 1<sup>st</sup>.

*Please alert your drivers and maintenance folks to put them on your mountain trucks.*

Here's a [link](#) for the FMCSA New Hours of Service Fact Sheet ([pdf](#)) regarding the changes in "REST BREAK — SHORT-HAUL EXCEPTIONS — ADVERSE WEATHER CONDITIONS & THE 7/3 – 8/2 – 7.5/2.5 SLEEPER BERTH EXCEPTIONS"

## Winter Driving

The [Colorado Department of Transportation - CDOT](#) is a great resource for all things related to winter driving. Here are links to just some of the covered topics.



- [❄️ Traction & Chain Laws](#)
- [❄️ Winter Driving Preparedness](#)
- [❄️ Winter Driving Assistance Programs](#)
- [❄️ Fact Sheet —Traction Law and Passenger Vehicle Chain Law \(\[pdf\]\(#\)\)](#)
- [❄️ Winter Operations](#)

## Slow Down, Move Over Awareness Day

**COLORADO - A [proclamation](#)** signed by Governor Polis, **officially declared** October 19, 2020, as "**Slow Down, Move Over Awareness Day**". Together with **AAA Colorado**, the Colorado State Patrol, **Colorado Department of Transportation**, and law enforcement **agencies** across the state teamed **up** that weekend in an **effort** to educate about **new changes** to this **life-saving law** - and some of that **education** will happen through **enforcement**.

"When you see **lights flashing** on the **roadside**, that's your cue to **slow down** or **move over**," said Shoshana Lew, **CDOT** Executive Director. "Not only **is it the law**, it's **respectful** to our first **responders** and maintenance **crews** who risk their **lives on our roadways** to keep us **safe**."

**All 50 states** have some **version** of the "**move over**" law, with **one existing** in Colorado for **over a decade**, yet 30 percent of **American motorists** do not know their **state's law**. For over a decade, **Colorado drivers** have been **required** to move at least **one lane away** from any **tow truck**, emergency vehicle, **road crew**, or public service **utility vehicle** on the shoulder with its **emergency lighting** illuminated. Now, since **September 13, 2020**, that law was **updated** in Colorado to **include specifics** related to the **speeds** and **speed limits** when passing an **emergency, tow, or maintenance vehicle**.

### The Colorado Slow Down, Move Over law now states:

- *Drivers are required to move at least one lane from the emergency/tow/maintenance vehicle. If they are not able to safely move away at least one moving lane, then they must slow to a safe speed.*

#### Safe speed means:

- *Drivers must slow to 25 MPH or less in a 40 MPH (or less) zone*
- *Drivers must slow by at least 20 MPH in a 45 MPH (or higher) zone*

Again, the "**slow down**" portion applies **only if a motorist** cannot safely "**move over**" away from the **vehicle** on the **shoulder**.

"Adjusting **your driving** when someone is **on the side** of the **road** is not only **common courtesy**, it's the **law**," stated Chief Matthew Packard, **Colorado State Patrol**. "Follow the **law** and **save a life**. These **tragedies** do not have to **happen** if drivers **move away** and **slow down** near **roadside workers**."

Agencies and **officers** took to **social media** to put out **reminders** and **education** about the "**slow down, move over**" efforts **taking place**. In addition, **high visibility enforcement** was conducted by **multiple agencies** across the state throughout the **weekend**. All of this lead up to **Monday, October 19<sup>th</sup>**, "**Slow Down, Move Over Awareness Day**". The goal of the **campaign** was widespread **education** so every **Colorado driver** will be aware of the **updates** to the law that **keep emergency personnel, tow operators, road crews, and public service utility personnel safe** while **performing their jobs**.

# Nuclear Verdicts Force Carriers to Re-Evaluate Training Records

“Nuclear” has become a **familiar term** in the **transportation industry** to explain **rising insurance costs** from runaway jury verdicts.

One of the **most famous** nuclear verdicts was handed out in May 2018 by a Texas jury in *Blake v. Ali and Werner Enterprises*.

On a **wintry day** in 2014, a vehicle crossed a **centerline** and crashed into a truck driver who was going the **posted speed limit** and staying in his **lane**. The incident was **recorded** by dashcam footage.

The **plaintiff** was awarded **\$92 million** on two counts of **negligence**. Attorneys have been **successful** to reach higher **jury verdicts** in this and other cases by bringing out the **Reptile Theory approach** (*The Reptile Theory focuses on safety and security issues to subtly encourage jurors to envision themselves in the same situation as a plaintiff*).

“With this **approach**, the counsel tries to **paint defendant** motor carriers, among other things, as **failing** to take **reasonable steps** to train drivers,” said J.W. Taylor, owner of Taylor & Associates, a **transportation-focused** law firm based in Winter Haven, **Florida**.

In *Blake v. Ali and Werner Enterprises*, the plaintiff’s attorneys argued the **truck driver** should have been **driving slower** given the weather, and convinced the **jury** that the carrier failed to **properly train** the driver on procedures for handling **icy conditions**.

A review of **court documents** for this and other cases **shows** how attorneys try to drive a wedge between the **driver and company** by asking the driver whether **he or she** knew about a certain rule or **regulation** — and what the company did to **enforce it**.

“**Properly documenting** training and **continuing education** can be helpful in combating these **tactics**,” Taylor said.

## Closing the gap

As part of the **Reptile Theory** approach, a **plaintiff attorney** will question a **truck driver** in an attempt to get the driver to claim **ignorance** of certain regulations or **training** they have received.

The **purpose** is to raise concerns “about **whether or not** we have in fact trained or **provided guidance** to our employee sufficient to **comply** with the **regulation**,” said Steve Setliff, owner and **managing partner** of Setliff Law, a firm that provides **legal defense** for transportation companies.

Billy Stover, **DOT regulatory** compliance consultant for Fleetworthy Solutions, **encourages** carriers to use **in-house training** coupled with **online training** for safety and **compliance**. Fleetworthy provides audits and recommendations to improve training and **documentation**.

“When we **work** with carriers, we come up with a ‘**plan to protect**,’ ” he said. “We start with a **DOT boot camp**, and it’s a combination of in-house **training** and online training. We work with **CarriersEdge**, which has a great library of online **courses** — many that support our **DOT training**.”

Tim Brewster, director of **loss prevention** and recovery for National Interstate Insurance Company, stresses the **importance** of fleets having **checkpoints** for driver training, **regardless** of job experience. Those checkpoints should **include** orientation and **recurrent** and remedial training.

“Ongoing **training** should take place **multiple times** throughout the year with knowledge **checks** to ensure drivers understand and **can retain** the information,” Brewster said.

Besides **documenting training**, online learning programs can **assist** with retention of **information**. If a driver struggles with **any part** of the test, **retraining** can be done to help the **driver**.

## Retaining information

Online **driver training** platforms, or learning **management** systems (LMS), have **built-in** assessment tools to **document driver** awareness of **rules** and regulations.

Rather than give drivers a **quiz** at the end — and then **give them** the option to continue guessing until they **score 100** — the approach used by **Instructional Technologies Inc.** (ITI) for its Pro-Tread courses **requires** the driver to answer **questions** throughout the course before they can **proceed**.

As an **added layer** of training, Payne Trucking sends periodic “**safety flashes**” to **educate** drivers and document their awareness when management sees **incident** or accident trends **developing**.

The Fredericksburg, Virginia-based company **operates** a fleet of more than **130 tractors** and 800 end **dump trailers**, dry vans and storage containers with a **service network** that covers the **Midwest** and Eastern states from Florida into Canada.

Payne Trucking uses the **Luma eNugget LMS** that comes with a **collection** of more than 500 courses on various orientation, **safety** and compliance **topics** in mixed mediums.

“Not only am I **getting proof** that drivers have **received** the training and completed it, but more importantly from the **liability side**, there is a **realized** level of comprehension, and that is priceless,” said Chris Haney, Payne’s **director** of health, **safety, security**, environment (HSSE) and human resources.

J.J. Keller’s Safe & **Smart Driver Training** program uses **smaller chunks** of online learning with multimedia and **learner** involvement to **drive engagement** and **retention**. A quiz is included after each **module**, said Steve Murray vice president of content and consulting **services**.

The **company** soon will be able to **provide** tracking of how each **learner answered** each question, and **training** coordinators can use this to **focus** on areas of lower **comprehension**, Murray said.

## Training authentication

During **court cases**, plaintiff attorneys **typically** will ask for evidence of any training that a **driver received**, or did not receive, that is **relevant** to the type of **accident** event.

ITI receives and **responds** to one or two **subpoenas** a month from attorneys. The company provides **validation** of the driver **training records**, said Aaron Purvis, chief technology officer. **Fleets** cannot change or adjust driver **training records** in its web-based Sentix LMS unless **drivers** actually took the course.

As an **officer** of ITI, Purvis said he is the **only person** with the authorization to make changes to **training records**, but “that’s not going to **happen**.” ITI keeps an archive to provide the **exact content** that drivers received at the time they took the **course**.

Likewise, Murray said J.J. Keller **archives** all versions of its **training** content with the dates, **drivers’ scores** and their completion status.

“If a **client** company of ours goes to court, we can **easily provide** documentation of the content a **learner experienced**, as well as show that he or she **consumed** the content and passed the **related exams**, demonstrating proficiency,” he said.

**Instructional design** and learning company Luma “Brighter Learning” **recently released** a new **camera-based** authentication process for online training. Its new **LumaLens process** uses an automated method to photo-capture **training events**.

When a driver logs into the **LMS** to complete **orientation** or remedial training assignments, a pop-up screen **notifies** the user that the **device** will take periodic pictures during the **assessment portion** of the training.

Training is a core part of **fleet operations**, and using **technology** to authenticate and **document** these events can be just as important. **Online training** platforms can give **fleets** this added layer of **protection**.

## Trucking Law: Busting Myths About Inspection Regulations

**Source:** Paul O. Taylor - managing partner, Truckers Justice Center  
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**While most truck drivers know the importance of daily vehicle inspections, many might be surprised about what the [Federal Motor Carrier Safety Regulations](#) actually require.**

Here is some clarification:

**MYTH 1: A driver must prepare a pre-trip inspection report before he drives the truck.**

A carrier may require a driver pre-trip inspection report but isn’t required to do so.

For post-trip reports, 49 C.F.R. 396.11 mandates that a motor carrier require its drivers to prepare a written report “at the completion of each day’s work on each vehicle that the driver operates.” This post-trip report must list defects in parts and accessories identified in the regulation, such as tires and windshield wipers, and the report must be submitted to the carrier. However, if there are no defects, no report is required.

The one exception to the post-trip report requirement is intermodal equipment provided by an intermodal equipment provider.

**MYTH 2: A driver must perform a pre-trip inspection.**

Technically, this is not true. 49 C.F.R. Sec. 392.7 simply requires a driver to be “satisfied” that certain parts and accessories identified in the regulation are “in good working order” before driving. Similarly, 49 C.F.R. Sec. 396.13 requires that a driver be satisfied that any commercial vehicle he operates is safe to drive. The **Federal Motor Carrier Safety Administration** guidance says a driver may rely on a co-driver’s inspection or a safety lane inspection for assurance that a commercial vehicle is safe to operate.

**MYTH 3: A driver must record at least 15 minutes on his log for a pre-trip inspection.**

This is a whopper of a tale told by truck stop lawyers. 49 C.F.R. Sec. 395.8 requires all time recorded on a log to be accurate. If you log five minutes for an inspection that actually took 15 minutes to perform, then you are guilty of log falsification, which is a felony. Of course, a thorough pre-trip inspection may take at least 15 minutes, but no particular length of time is required by law. The only requirement is that the driver be satisfied that the truck and trailer are in good working order.

**MYTH 4: A violation-free [Level 1 roadside inspection](#) is a substitute for an annual inspection.**

49 C.F.R. Sec. 396.17 requires a carrier to perform (or have performed by a second party) detailed “periodic inspections” addressing parts and accessories named in the regulation. A Level 1 inspection once satisfied this requirement, but in 2016, **FMCSA** eliminated a roadside inspection as a substitute for the annual periodic inspection. However, the agency allows inspections by state officials – in some states and provinces that have mandatory inspection programs satisfying federal requirements – to substitute for the annual inspection.

**MYTH 5: An “annual” DOT inspection must be performed not less frequently than annually.**

This is not exactly true. 49 C.F.R. Sec. 396.17 uses the heading “Periodic Inspection,” but the regulation also cites “annual inspection.” What’s required is that the “annual inspection” be performed “at least once during the preceding 12 months.” Thus, a periodic inspection performed in accordance with *Appendix G* on Nov. 1, 2019, is good until Nov. 30, 2020, because it was performed within the preceding 12 months. So, at the very longest, the “annual” inspection legally might extend over almost 13 months.

**MYTH 6: A carrier may not limit the amount of time a driver may take to perform a vehicle inspection.**

In the case of a pre-trip inspection, the U.S. Department of Labor has ruled that an employer may impose reasonable inspection methods and reasonable time limitations on the inspection. See *Calhoun v. U. S. Dept. of Labor, United Parcel Service*, 576 F.3d 2001 (4th Cir. 2009).

## Automatic Slack Adjusters Called 'Automatic' for a Reason

The National Transportation Safety Board recommendations to brake equipment suppliers have long emphasized caution about manual adjustments for pushrod stroke when automatic slack adjusters (ASAs) are installed. Given those warnings, "it never ceases to amaze me that folks are still attempting to manually adjust auto-slacks after their initial installation," said Bryan Duross of Technical Training Services, producers of interactive educational modules on air brake systems and more.

Duross was writing in response to Tom Quimby's recent coverage (published in *Trucks, Parts, Service*) of continued issues with brake technicians approaching problems with auto-slacks by manually adjusting for pushrod stroke.

Duross' company's interactive training modules, he noted, were aimed mostly at pro instructors in the programs of community colleges, technical schools, truck and coach service outfits, CDL schools and fleets. Yet he also emphasized a quick course designed specifically for individual owner-operators and/or drivers, as the tendency to manually adjust auto-slacks extends there, too, particularly in brake-related out-of-service situations at the roadside.

As *Overdrive Extra* contributor and longtime former owner-operator Gary Buchs has written, "Making a brake adjustment in an auto-slack may not correct a problem if there is a bigger, underlying problem with the brake system. Here is where a properly trained, advanced technician certified to inspect and diagnose brake issues can be a valuable ally."

"We've addressed the issue of not adjusting auto-slacks countless times in several of our programs," Duross said. "Recognizing the need for vastly improved driver air brake education, particularly in the United States," the company's "[Air Brake Interactive Quick Study](#)" courses function well for individual operators. "The programs are fully voice-narrated and employ comprehensive and detailed visuals and technical/mechanical animations that allow drivers to actually see and hear how air brake systems actually function. They also provide detailed instructions and illustrations on how to visually inspect and dynamically test a typical commercial vehicle air brake system."

Within that is included a detailed animation that illustrates and explains the "design and function of the AA1 automatic brake adjuster," a common one from Haldex, Duross said.



The tendency to manually adjust auto-slacks is longstanding, as Quimby's original report emphasized, and out-of-service brake violations continue to top the annual Commercial Vehicle Safety Alliance (CVSA) Roadcheck inspection blitz. Yet manually adjusting a slack adjuster can not only lead to more brake problems down the road, it can also lead to safety-related issues, including the most serious among them — crashes.

"Despite being standard in the industry for almost two decades, there are still veteran technicians who will regularly put a wrench on an auto-slack to manually adjust it," Accuride stated in an August safety and performance report for Gunitite ASAs. "Overriding the automatic adjustment method can cause premature wear on the internal components and eventually result in an early end-of-life condition. Accident investigations by the National Transportation Safety Board (NTSB) have shown worn and improperly adjusted ASA's to be a contributing causal factor in some accidents."

Auto-slacks were mandated for use on new tractors in 1994 and trailers in 1995. The NTSB issued a scathing report in early 2006 condemning the practice of regularly adjusting ASAs. NTSB found an ASA adjustment had led to a runaway-truck accident in Pennsylvania in 2003 that claimed the life of the driver and an 11-year-old child riding in a car that the dump truck had struck during its descent on a steep downgrade.

There's plenty there to keep in mind, no doubt. Following NTSB's subsequent directive to brake component manufacturers requesting a change in service literature on the topic of auto-slack adjustment, "ASAs should not be manually adjusted to correct excess brake stroke," said Jason Kraus, senior manager of braking components, Meritor. "Doing so is a dangerous practice when a brake is only out of adjustment or over stroke limitations. Excess stroke is an indication of component malfunction that manual adjustment cannot fix. Manual adjustment or de-adjustment shortens ASA life, except Meritor Stroke Sensing ASA due to its unique pull pawl design. A manual adjustment gives drivers a false sense that everything is working correctly."

Keith McComsey, Bendix Spicer Foundation Brake director of marketing and customer solutions, ultimately, noted auto-slacks' name speaks for itself. "Automatic slack adjusters are just that ... they should act automatically," McComsey said. "If a technician feels the need to adjust an automatic slack adjuster, it is because there is some other issue within the drum brake system that should be investigated."

# Confined Space - Safety Alert

[Confined Space Safety Alert.pdf](#)

Between 2017 and 2020, three miners were fatally injured after entering confined spaces to clear material and obstructions. These confined spaces included a sand and gravel bin, a sand-filled hopper, and a cone crusher. All three miners were engulfed by falling material.

## Best Practices:

- Operators should identify and eliminate or control all hazards before miners begin work and when clearing blocked material. Train miners in these practices.
- **Lock-out, tag-out.** Never enter a confined space until the supply and discharge equipment is locked out.
- **Never lock-out using the start and stop controls.** These do not disconnect power conductors.
- **Assign a safety harness and lanyard to each miner** who may work at material supply and discharge areas or any areas where an engulfment hazard exists. Do not use lanyards that depend on free-fall speed to lock.
- **Place warning signs at all hopper, bin and chute access points** reading:
  - "Fall Protection Required Here"
  - "Confined Spaces - Engulfment Hazard"



# Fatality Alerts

[October 9, 2020 Fatality - Fatality Alert.pdf](#)

**MINE FATALITY** – On October 9, 2020, a contractor was changing the nozzle on a hydroseeder and accidentally engaged the hydroseeder's clutch while the nozzle was pointing towards him. The material sprayed from the nozzle struck him, causing him to fall backward and strike his neck on the hydroseeder handrail.



## Best Practices:

- **De-energize equipment while changing accessories** until the equipment is ready to use and the operator is properly positioned.
- **Position yourself to avoid hazards** resulting from a sudden release of energy.
- **Identify and apply methods to protect personnel from hazards** associated with the work being performed. This includes all applicable personal protective equipment for identified hazards.
- **Establish and discuss safe work procedures** before beginning work and ensure those procedures are followed.

[October 13, 2020 Fatality - Fatality Alert.pdf](#)

**MINE FATALITY** – On October 13, 2020, a miner died after being struck by a battery-powered scoop. He had parked his shuttle car in an intersection and was exiting when a scoop went through a ventilation curtain in an adjacent crosscut and struck him.

## Best Practices:

- **Install and maintain proximity detection systems** on mobile section equipment.
- **Use transparent curtains for ventilation controls** on working sections.
- **Communicate** your presence and intended movements. Wait until miners acknowledge your message before moving your equipment.
- **STOP and SOUND** an audible warning device before tramming equipment through ventilation curtains.
- **Avoid areas where equipment operators cannot readily see you.**
- **Wear personal strobe light devices to increase visibility.**



[October 14, 2020 Fatality Alert.pdf](#)

**MINE FATALITY** – On October 14, 2020, a lead person was killed when his pickup truck was struck by a haul truck.



## Best Practices:

- **Install and maintain collision avoidance/warning systems.**
- **Equip smaller vehicles with strobe lights and flags** positioned high enough to be seen from the cabs of haulage trucks in all lighting conditions.
- **Establish and follow communication protocols** that require verbal verification for all mobile equipment operators.
- **Design haul roads to minimize congested areas and maximize visibility.**
- **Do not drive smaller vehicles in a large truck's potential path.**
- **Train miners on mobile traffic patterns and policies.** Do not rely on training or other administrative controls alone to prevent powered haulage or other accidents.



*This holiday season may feel a little like this...*

*But no matter who you choose to spend it with...*



*...keep yourself, and others around you safe!*

*Take time to Relax a bit & Cherish each day!  
We Wish You Health and Happiness!!*



*From all of us at MJS Safety!*