

New Logo & New Name ...

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

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

MJS Legacy Safety Consulting Services LLC

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

The contact information for both Carrie Jordan and Jeremy Jordan will remain the same.

Please note a new shipping address as: 1026 N. 1st Street, Johnstown CO 80534.

There is no change to the mailing address as: P.O. Box 10, Johnstown CO 80534.

Our training facility and offices will not change: 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543.

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

carriejordan@mjsafety.com — jeremyjordan@mjsafety.net

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

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

- [CDC – Centers for Disease Control](#) – Important info: [COVID-19 vaccine](#)
- [CDPHE – Colorado Department of Public Health and Environment](#)
- [WHO - World Health Organization](#)
- [OSHA Guidance](#)
- [DOL Resources](#)
- [Covid19.colorado.gov](https://www.covid19.colorado.gov)



COLORADO
Department of Revenue

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

▶ [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 December 2021. We are also able to offer the 1st aid/ CPR classes with an online blended learning option, and remote skills verification – as well as our In-House H2S Awareness Course. Ask about other distance learning opportunities for more information.*

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

OSHA / CONSTRUCTION NEWS SUMMARY

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

▶ **OSHA's Recordkeeping Requirements During the COVID-19 Pandemic**

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

▶ **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. [read more...](#)



▶ **Be Aware of Both DOT and OSHA Regulations for Forklift Operator Training**

Forklift operators maneuver four-ton (or more) machines through aisles, over dock boards, into trailers, between racks, near pedestrians, on ramps and sometimes in hazardous environments. [read more...](#)



▶ **INCIDENT INVESTIGATIONS: What to investigate and why**

Incident investigations are a critical part of your safety program and safety culture. [read more...](#)

▶ **KNOW YOUR DUST: CRYSTALLINE SILICA**

There is no one-size-fits-all solution for dust safety and compliance. [read more...](#)



▶ **What Will Enforcement of an OSHA Vaccine Mandate Look Like?**

Willful noncompliance could be costly. [read more...](#)

▶ **How to Understand the Complex Intricacies of Hazcom Training**

On OSHA's Top 10 list of the most frequently cited standards in fiscal year 2020, Hazard Communication (HazCom) took the no. 2 spot, as it has for the last eight years. [read more...](#)



▶ **Five Qualities of an Effective Fall Protection Program**

From industries such as construction, oil and gas, manufacturing and petrochemical, working at heights is a common practice at worksites around the world that poses several safety risks. [read more...](#)

▶ **OSHA To Take Steps to Prevent Heat Illness**

OSHA [announced](#) that it will be taking steps to mitigate the risks of heat illness in the workplace. [read more...](#)

▶ **How to Use Drones to Improve Construction Safety**

Drone systems can do more than track projects; they also increase safety. [read more...](#)



TRANSPORTATION NEWS SUMMARY

▶ **Reminder - Revised Federal Drug Testing Custody and Control Form Must be Used Beginning August 30, 2021** [read more...](#)



► **The UCR Board Updates the CMV Definition for 2022**

In advance of the 2022 **Unified Carrier Registration** filing window, the **UCR Board** made an announcement recently: they've updated the definition of what qualifies as a **Commercial Motor Vehicle** – and refined exactly who needs a **UCR** to operate legally in interstate commerce. [read more...](#)

► **Road Usage Charges Strike Controversy**

There is growing concern from officials and state representatives about the national pilot program for a vehicle miles traveled fee, proposed in the **Infrastructure Investment and Jobs Act**. [read more...](#)

► **Parking after dark: Chain truck stops fill up earlier, more often than independents**

Finding truck parking can be hard, especially if you pull up to the truck stop at the worst possible time. But when is the worst possible time, exactly? [read more...](#)



► **Why Qualified Drivers Aren't Replying to Your Ads**

Are you fishing with a net or a spear?

Are you attracting best-fit drivers with your ads or are you wasting time with unqualified leads? [read more...](#)



MSHA NEWS SUMMARY

► Sept 8, 2021

Safety Program for Surface Mobile Equipment

The U.S. Department of Labor's **Mine Safety and Health Administration** announced a proposed rule requiring mine operators that employ six or more miners to develop a written safety program for mobile equipment and powered haulage equipment (*except belt conveyors*) used at surface mines and surface areas of underground mines. [read more...](#)



► **MINE FATALITIES –**

Best Practices: [read more...](#)

MONTHLY SAFETY & HEALTH TIP NEWS SUMMARY

► **Implementing Mental Health into your Workplace**

Occupational health and safety has been at the forefront of employers' minds for decades, with some safety organizations getting their start in the early 1900s and, of course, **OSHA** being formed in 1971. [read more...](#)



MJS Legacy 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 3rd 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)

DOT-PHMSA HAZARDOUS MATERIALS AWARENESS TRAINING -

This course covers the FMCSA/PHMSA REQUIREMENTS -The training is required for all HAZMAT employees in accordance with PARTS 232, 126 & 181. Hazard classification, safe operation of vehicles, specific requirements by hazard class, use of the Emergency Response Guidebook and many other topics are covered. This training shall be completed within 90 days of hire and then refreshed every three years. Training is scheduled upon request.

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

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

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

- *PEC Safeland Basic Orientation: **NEW 2021 SAFELAND:** Oct 8, 22, 29; 8 – 4:30;
This class available through video conference instructor led distance learning through 2021 - only upon request
- *First Aid/CPR/AED/BLOODBORNE PATHOGENS (We offer MEDIC FIRST AID): **In Person Classes:** Oct 18; 8 – noon;
This class is also available for blended learning (online) with remote or in-person skills assessment
- *Hydrogen Sulfide Awareness [**ANSI Z390 -2017 Course**]: Oct 18; 12:30 – 4:30;
This class available via Instructor Led video conference
- *Fall Protection Training (4 hour Awareness and 8 hour Competent Person available): Oct 19;
- *Confined Space Entry Training (Attendant, Supervisor, Competent Person & Entrant [**NUCA Course**]): Oct 20;
- *Confined Space Rescuer (2 day course): Oct 21, 22;
Students must complete the Confined Space course to be eligible for the 2nd day Rescue Course

[For any last minute schedule updates, go to www.mjssafety.com]

► NEED ANY OF THESE CLASSES IN SPANISH? CONTACT carriejordan@mjssafety.com TO SCHEDULE TODAY ◀

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

— FEATURED TRAINING PROGRAMS —

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

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

Unable to attend a class?

MJS Legacy Safety offers multiple
“ONLINE TRAINING COURSES”

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

Need Help With
■ ISNetwork
■ PEC/Veriforce
■ NCMS
■ Avetta/BROWZ
■ TPS ALERT
CALL US!!!

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

SOURCES FOR THIS ISSUE INCLUDE:
OSHA
FMCSA
ISHN
CDC
MSHA
North American Transportation Assoc.
For Construction Pros.com
NIOSH
Overdrive
CCJ
Safety Skills
Camfil AIR
POLLUTION CONTROL
Sherman&Howard
Pat Miller
JP Giometti, HCSS



OSHA / CONSTRUCTION

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

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

OSHA's Recordkeeping Requirements During the COVID-19 Pandemic

OSHA issued enforcement guidance related to the COVID-19 pandemic for [Recording and Reporting Occupational Injuries and Illnesses](#) required under *29 CFR Part 1904*.

For more information see the [Enforcement Memoranda](#) section of OSHA's [COVID-19 Safety and Health Topics](#) page.

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 Service 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!**

Be Aware of Both DOT and OSHA Regulations for Forklift Operator Training



Forklift operators maneuver four-ton (or more) machines through aisles, over dock boards, into trailers, between racks, near pedestrians, on ramps and sometimes in hazardous environments. They cover a lot of territory even if the forklift never leaves the confines of a warehouse.

Not only does OSHA have regulations for the forklifts themselves, they also have specific requirements for forklift operators. The Powered Industrial Truck Standard outlines the topics that must be included during training, as well as requirements for refresher trainings.

One element of this required training that is sometimes overlooked is the requirement to address “other unique or potentially hazardous environmental conditions in the workplace that could affect safe operation” [29 CFR 1910.178(l)(3)(ii)(I)]. Of course, some of these hazards will truly be “unique” to a facility, but several of these more common standards may be applicable to forklift operators.

DOT hazmat employee

Facilities that offer hazardous materials for shipment must comply with Department of Transportation (DOT) regulations as well as OSHA regulations. Forklift operators are considered “hazmat employees” if they are involved with:

- Determining hazard classes, filling out shipping papers or providing placards.
- Selecting hazmat packaging or packing materials into bulk or non-bulk packaging.
- Selecting modes of transportation.
- Loading, blocking or bracing hazmat packaging into a transport vehicle.
- Adding labels or markings to containers to indicate hazardous contents or securing closures on hazardous materials packages or containers.

Hazmat employees must complete a general awareness training to familiarize them with the hazards that are present in the materials being shipped, safety training to minimize risks while handling the hazardous materials, security awareness training and function specific training. Hazmat employees must be tested and certified prior to performing any hazardous material packaging function and must attend refresher trainings at least every three years [49 CFR 172.704]

Walking working surfaces

Condensation, leaks, drips and spills create slip and fall hazards on walking surfaces. But for forklift operators who are accustomed to working in predominately dry environments, these hazards can be compounded by inadequate lighting and because they are easily overlooked; especially when climbing onto or off of forklifts.

Train workers to look for leaks and spills before stepping onto the step of the forklift or onto the floor. Care should also be taken in battery charging areas where electrolyte is topped off, near loading docks and at man doors that allow rain or snow to enter.

Operators who pick orders at elevations need to be taught how to prevent falls from heights. This training may include the use of safety harnesses, lanyards and other protective devices. Workers may also need to be protected from falling objects. [29 CFR 1910.28-.30]

Emergency action plans

Many facilities are required to have Emergency Action Plans. These plans assess hazards in and around the facility, and outline the procedures for all employees to report emergencies and evacuate the building.

In some facilities, a forklift operator may perform an operation or other response duty before evacuating. An example of this would be using a forklift to transport spill response supplies to spill responders before evacuating – if it is safe for them to do so.

Operators who will perform “critical plant operations,” rescue or medical functions must be specifically trained to perform these duties safely [29 CFR 1910.38] They should also be included in response drills so that they have opportunities to practice performing any tasks expected of them during an emergency.

Personal protective equipment

It’s not always possible to eliminate every hazard that a forklift operator could face with engineering or administrative controls. Personal Protective Equipment (PPE) is the last line of defense to decrease risk. When PPE is required, operators must be trained to wear and use it correctly. They must also be taught about limitations: care and disposal of the PPE at the end of its useful life [29 CFR 1910.132(f)].

About 30% of workplace injuries involve cuts; and about 70% of those injuries are to the fingers or hands. Implementing a hand protection program that includes the use of safety knives when cutting boxes, tape or strapping; as well as providing gloves that protect the hands from both cuts and abrasion can help reduce these risks [29 CFR 1910.138]

Foot injuries also continue to be common – and easily avoidable with the correct footwear [29 CFR 1910.136]. Each year, more than 60,000 workers experience crushed toes, broken feet, amputations and other foot injuries. About 80% of these injuries are caused by falling objects that weigh less than 30 pounds. The other 20% include punctures through the sole of the foot and being run over by wheels or pallet jacks, according to the Bureau of Labor Statistics.

Employees who could be struck by falling objects will also need a “protective helmet” that meets ANSI requirements [29 CFR 1910.135]. Hazard assessments may uncover other PPE needs, such as respiratory or electric shock protection.

Control of hazardous energy

Like all machines and equipment, forklifts need to be serviced and maintained from time to time. Establishing and enforcing lockout/tagout procedures will help to protect employees working on the equipment as well as others in the area from being harmed in the event of the equipment starting unexpectedly [29 CFR 1910.147]

Training should include procedures for how and when to lockout a forklift. Instruction should include how to use lockboxes to isolate power connections because removing the key from the ignition does not isolate the energy source.

Ergonomics

Sprains and strains are consistently the top cause of lost worktime injuries in the United States. Although OSHA does not have an ergonomics standard, they do recognize lifting heavy items, reaching overhead, bending, pushing and pulling heavy loads, repetitive motion tasks and working in awkward body postures as “recognized hazards” in the workplace.

Because these are recognized hazards under the general duty clause, employers must assess them and look for ways to reduce the risk they present. When engineering controls are not enough to control the hazards, administrative and work practice controls may help.

Training in administrative and work practice controls can include teaching employees to stretch before their shift, work in pairs when lifting heavy objects, using proper lift techniques, use of carts and hand trucks to move loads instead of physically carrying items, and the proper use of tools and equipment that are available to assist them with lifting and handling tasks.

The training elements in OSHA’s powered industrial truck standard help to ensure that material handling employees operate forklifts in a safe manner. Incorporating other safety standards into their training helps them to be better prepared to recognize other hazards associated with their job tasks, which can help reduce the risk of injuries and deaths among forklift operators.

INCIDENT INVESTIGATIONS: What to investigate and why

Incident investigations are a critical part of your safety program and safety culture. When an incident occurs, when and how you address it is equally as important as what you address and why. If you “tell” employees that safety is important but fail to “show” your commitment through prompt and thorough investigations of incidents, you de-value your word and lose face with your people.

OSHA defines an incident as “an unplanned, undesired event that adversely affects completion of a task.” In the past, the term “accident” was used to refer to an unplanned, unwanted event. To many, “accident” suggests an event was random and could not have been prevented. Since nearly all worksite fatalities, injuries, and illnesses are preventable, OSHA now suggests using the term “incident” to address any event in which an unwanted outcome occurs. This includes injury, illness, property damage, or near-miss (aka “near-hit”), otherwise known as a close-call.

When an incident occurs, it is an indication that something has gone wrong. Incidents do not just happen; they are caused. The basic cause(s) of an incident is from one or a series of unsafe acts and/or conditions that sets up circumstances leading to that undesired event. The primary purpose for conducting an investigation for every incident is to determine the cause and initiate corrective action(s) that prevent similar type incidents from recurring. Certainly, the level or depth of an investigation – the amount of detail and effort needed - will vary, depending on the incident. Bear in mind that what may initially appear to be an insignificant event on the surface may shed light on a serious condition or practice that needs immediate attention. What is important, then, is for each incident to get your attention and prompt evaluation.

So, we investigate all incidents, whether an injury or property damage has occurred or not, because the root cause and contributing factors that led to the incident could result in a similar incident leading to the ultimate undesired event - a fatality.

To be clear: the purpose of an incident investigation is to always identify, address, and correct actions and/or conditions that can lead to a fatal or serious injury. Your employees are most important. The point of the investigation should always be a reinforcement to your employees that it is about improving their safety – both performance and working conditions. The goal of investigating a property damage incident is not to focus on what was damaged or the cost of the damage; the goal is to identify the root cause of the damage to prevent someone from being killed or seriously injured.

In other words, it is about improving your safety culture and safety performance at all levels within the organization.

Investigating a worksite incident provides employers and workers the opportunity to identify hazards in their operations and shortcomings in their safety and health programs. Most importantly, it enables employers and workers to identify and implement the corrective actions necessary to prevent future incidents. The focus is on identifying and correcting root causes, not finding fault or blame. I have never liked the term, “behavior-based safety.” Whether intended or not, the outcome to behavior-based safety investigations often ended in finding a scapegoat rather than the root cause. Throughout my career, I have addressed safety through integrated performance – including processes, procedures, and employee practices. Looking at the whole picture, from how the process(es) work, what procedures are currently in place and the accuracy of those procedures, to how and why employees practice or follow those procedures, will reveal what went wrong, what caused the undesired event, and how to address it, going forward.



To ensure a thorough investigation, you need multiple people involved. A cross-functional team works best by including the involved employees, the supervisor, the safety department, and may include human resources, maintenance, and engineering. Multiple perspectives and input should be sought to drill down to the actual root cause(s) and contributing factors that led to the incident and ensure findings lead to accurate and prompt correction(s). This may involve changing a procedure. The size of your team will depend on the incident.

There are numerous benefits to investigating all of your incidents. Mentioned earlier, it demonstrates to your employees that safety is a value rather than a changing priority of circumstances. It will also improve workplace morale, increase productivity, increase your employee engagement and participation, and the obvious – identify hazards, whether conditions or practice, processes or procedures – and allow you to eliminate or reduce the hazard while safeguarding your employees through process and procedure review and employee practices that may need to be adjusted.

Incident investigations are critical to your safety culture and benefit your employees and your reputation. Understanding that connection will ensure your investigations have value.

KNOW YOUR DUST: CRYSTALLINE SILICA

There is no one-size-fits-all solution for dust safety and compliance. To truly and effectively mitigate process dust, you need to know your dust and understand how its characteristics affect dust collection and safety. Let's explore some of the most commonly produced dusts, discuss how they are generated, the health risks they pose and best practices to mitigate these dusts to protect employees and maintain compliance. This article will cover crystalline silica, a mineral that is both plentiful and dangerous.



WHAT IS CRYSTALLINE SILICA?

Crystalline silica is one of the most abundant minerals on the planet, presumed to make up 59 percent of the earth's crust and found in nearly all rocks. It has three main crystalline forms, of which quartz is by far the most prevalent. So, it isn't surprising that silica dust turns up in a wide range of industrial processes and applications.

HOW IS CRYSTALLINE SILICA GENERATED?

Crystalline silica is most commonly generated in processes like abrasive blasting. Abrasive blasting is used in construction, maritime work and general industry; cement production; pottery; structural clay, stone and concrete products manufacturing; asphalt pavement manufacturing; foundry production; electronics manufacturing; production of abrasives, paint, soaps, and glass; shipbuilding; filtration in food and beverage production (*where silica-containing diatomaceous earth is often used*); and hydraulic fracturing.

However, given silica's abundance in nature, workers can be exposed to it in places that you least expect. Even if your manufacturing operation does not use any of the above processes, there is still a chance your workers are at risk. The dust might be identified as crystalline silica, silicon dioxide, quartz, cristobalite or tridymite. Silicon carbide and fly ash are examples of substances that may contain respirable silica. The percentage of silica in the product will affect the [OSHA exposure limit](#) that you need to maintain.

HEALTH RISKS POSED BY CRYSTALLINE SILICA

The most serious health risk is workers inhaling tiny crystalline silica particles. These particles, called respirable silica, are typically at least 100 times smaller than the typical sand found on beaches or playgrounds. Respirable crystalline silica is generated by high-energy operations like cutting, sawing, grinding, drilling and crushing stone, rock, concrete, brick, block and mortar, or when abrasive blasting with sand.

When workers inhale these particles, they can be embedded deep in the lungs, increasing their risk of developing serious silica-related diseases, including:

- *Silicosis, an incurable lung disease that can lead to disability and death*
- *Lung cancer*
- *Chronic obstructive pulmonary disease (COPD)*
- *Kidney disease*

REGULATIONS

OSHA lays out the compliance requirements for facilities that produce silica dust in the [Occupational Safety and Health Act](#). One standard applies to the construction industry and one applies to general industry and maritime. Key takeaways from both standards include:

- **Reduced exposure limit:** *The OSHA Permissible Exposure Limit (PEL) for respirable crystalline silica is 50 micrograms per cubic meter of air, averaged over an 8-hour time-weighted average (TWA) work shift. This limit was reduced in 2016 and is two to five times stricter than the previous threshold limits originally established in 1971.*
- **Engineering controls:** *OSHA requires employers to use engineering controls such as water to keep the dust down, and/or dust collection (ventilation) to capture airborne particulates and keep worker exposure below the 50 micrograms PEL. While engineering controls are the preferred approach, employers are required to prove personal respiratory protection when engineering controls are not able to limit exposures to the permissible levels.*
- **Exposure control plan:** *Employers are required to develop a written exposure control plan (hazard plan) to show how compliance will be achieved. The plan should also limit access to high-exposure areas and incorporate training of workers on the silica risks and basic safety practices so they can recognize how to limit their own exposure.*
- **Medical surveillance:** *Medical exams, lung health monitoring and recordkeeping are required for employees who have been identified as "highly exposed workers." Exposures over 25 µg per cubic meter in an 8-hour TWA over 30 days per year represent an action level that requires medical surveillance. Effective engineering controls are often capable of maintaining silica dust concentrations below this action level.*

BEST PRACTICES

OSHA has stated in its general provisions that, "The first and best strategy is to control the hazard at its source. Engineering controls do this, unlike other controls that generally focus on the employee exposed to the hazard." **OSHA** goes on to say that when a hazard cannot be removed or enclosed completely to isolate it from the workplace, the

solution is to “establish barriers or local ventilation to reduce exposure to the hazard in normal operations.” These principles apply not only to crystalline silica but to all hazardous dusts.

A well-designed dust collector is an accepted and proven engineering control that will filter hazardous contaminants to make indoor environments safer and healthier. Dry media dust collectors containing high-efficiency cartridge filters along with HEPA secondary filters are the best control for respirable particulate, ensuring that it will not spread and be inhaled by workers in other areas of the plant.

There are many factors that impact the proper design of the dust collection system. Lab testing of dust samples can play an important role in guiding this design process by identifying the properties of the dust. Environmental factors also impact equipment decisions. Consider these points when designing a dust collection system for crystalline silica dust control:

- **Type of capture system:** *Source capture is the most effective control for dust emissions from any manufacturing process, whether the dust is hazardous like silica or just a nuisance.*
- **Particle size:** *The required media for filter cartridges is determined by the dust particle size distribution. For particles greater than 1.0 micron in size, a standard cellulose-polyester blend cartridge filtration media will usually suffice. But if very fine submicron particles are present, a higher efficiency nano fiber media will be required.*
- **Particle shape:** *Silica dust is very abrasive due to the particles' sharp edges and jagged shapes. This is an important consideration as the entire dust collection system must be designed for maximum resistance to abrasion to prevent operational problems and excessive wear and tear to components.*
- **The effect of moisture:** *Silica dust is hygroscopic, meaning it will absorb moisture from the air. It is not a difficult dust to collect if the air remains dry, however, if the air is moist or humid, the dust will take on the characteristics of mud and become packed in the filter pleats, reducing filter life. Plants in humid environments will need to take this into consideration when designing and installing a dust collection system.*
- **Air recirculation:** *Recirculating the air from a dust collector back into the factory has financial advantages, however, recirculation also requires secondary filtration to ensure that dust does not get released back into the facility.*
- **Type of cartridge collector:** *Depending on the collector brand and type, filter cartridges may be installed horizontally or vertically. With horizontally-mounted systems, a heavy dust like silica builds up on the top of filters and is not easily dislodged by pulse cleaning. Vertical mounting allows the high-density silica dust to release uniformly from the filter pleats, reducing the load on the filters and helping to extend filter life.*

Your dust collection system should keep your employees safe and facility in compliance.

What Will Enforcement of an OSHA Vaccine Mandate Look Like?

Willful noncompliance could be costly.

Source: [Pat Miller](#), Sherman and Howard – Sept. 14, 2021

Most employers are aware that the Biden Administration has ordered **OSHA** to issue an **Emergency Temporary Standard (“ETS”)** requiring employers with 100 or more employees to **mandate vaccines** or require **unvaccinated employees** to be subject to **mandatory testing**. While many **details** have yet to be **ironed out**, one thing is **clear**: a vaccine mandate **will be issued** and most likely **will be enforceable**, at least until the **inevitable court** challenges run their course. The **reason** for this is that in **order for a court** challenge to result in an **injunction** against the **enforcement** of the **ETS**, a challenger **must demonstrate** that enforcement of the **standard** is **ultimately likely** to succeed and that the **challenger** will suffer **irreparable harm** if the **injunction** is not issued. This is a **high bar to clear**. Therefore, the **ETS**, whatever its **form**, may take effect in the **near-term**, even if it is **ultimately struck down**.

What should **be of concern** to **employers** is the manner in which **OSHA** will **enforce** the **new standard**. A **“serious” violation** of an **OSHA** standard can **result in penalties** up to slightly above **\$13,000 dollars**. However, if **OSHA** determines that a **violation** is **“willful,”** i.e., if an **employer intentionally** disregards a **standard’s mandates**, or acts with **“plain indifference”** with respect to the same, **OSHA** can **issue fines** of up to **\$136,532**. In the case of **mandatory vaccines**, employers **covered** by the **ETS** will be **well aware** of the **new requirements**. While **good-faith efforts** to implement the required **vaccination program** will likely **not result** in heavy-handed **enforcement**, covered **employers** who choose **not to take** the **required steps**—for **whatever reasons**—run the risk of **incurring significant fines**.

As always, we **recommend** that **employers** who are facing a **new standard** come into **compliance** with the terms thereof. Because **we do not** yet know the **precise requirements** of the **ETS**, it is **difficult** to tell what **steps** we should take now. At the **very least**, employers should **begin considering** the **following**:

- *how to administratively handle a vaccine mandate and testing, e.g., how you will determine and track the vaccination status of employees while maintaining privacy, and how you will undertake testing;*
- *how to prepare your workforce for the fact that a mandate will be implemented, e.g., make sure they are aware that the requirements for employers will not be optional;*
- *how to take the appropriate disciplinary actions for employees who do not comply with your policies; and*
- *whether employees can continue—or go back to—remote work, as OSHA standards typically are not enforced at home worksites.*

Pat will **continue** to monitor **OSHA’s ETS** and provide updates as **appropriate**.

How to Understand the Complex Intricacies of Hazcom Training



On OSHA's Top 10 list of the most frequently cited standards in fiscal year 2020, Hazard Communication (HazCom) took the no. 2 spot, as it has for the last eight years. Although the [HazCom standard](#) has numerous requirements, training violations are among the most common for employers.

These violations occur even though HazCom requirements have been essentially unchanged since 2016 when OSHA's transition timeline to GHS Revision 3 ended. What's more, the Agency's recently proposed alignment with GHS Revision 7 suggests compliance challenges and uncertainty will only increase.

Here are the most common questions asked about training obligations under the Standard, and some best practices for reinforcing them among your workforce.

What to include in my training program?

You'd be surprised how frequently employers put together a HazCom training program without even checking whether they've covered everything the standard requires.

According to the Standard, your HazCom training needs to cover:

1. *"The requirements of this section," as OSHA puts it in 1910.1200 (h)(2)(i). In OSHA guidance documents such as the [Small Entity Compliance Guide for Employers That Use Hazardous Chemicals](#), OSHA elaborates that training must cover "the general requirements of the Hazard Communication Standard."*
2. *Safety data sheets (SDSs) and labels (manufacturer shipped labels and workplace labels), and how to read, use and understand the information, including the order of information on an SDS.*
3. *Ways of detecting the presence or release of chemicals, whether through the use of monitoring equipment or simple observations. If you use digital monitors, talk about where they are, what they measure, and how to interpret the readings. Make sure that the methods discussed here line up with the specific chemicals and hazards at your facility.*
4. *The physical and health hazards of chemicals in your workplace, as well any hazards not otherwise classified. The same principle explained above applies here, too: if the hazard is present in your facility, you need to cover it in training.*
5. *How employees can protect themselves from chemical hazards, including the use of personal protective equipment (PPE), safe work practices, engineering controls, and any other specific procedures or controls you've implemented. It's important for both the safety of your workplace and the compliance of your training program that you have some form of exposure control identified for all of the specific hazards present in your facility. Be clear and detailed enough to eliminate any potential confusion.*
6. *Details of your Hazard Communication Program, including how you manage SDSs and shipped labels, your facility's chemical inventory, methods for accessing SDSs at your facility, the details of your workplace labeling system, how to properly store chemicals, what to do in the event of chemical emergencies, who to seek out for more information, how/where to access the written plan, and any other details you believe are important for effective HazCom management. Keep in mind that it's not enough to simply write down (or type up) these details; your employees need to understand them. And since your training program and written HazCom plan are complementary pieces of your chemical management system, any changes or updates to one will likely necessitate changes to the other.*

Who needs training?

A good rule to follow is asking yourself which employees may be exposed to hazardous chemicals at work. OSHA recognizes that this scope is intentionally broad, and purposely includes any situation where a chemical is present in such a way that employees may be exposed under normal conditions of use or in a foreseeable emergency. For some employers, this may mean needing to train all employees. Being familiar with your operations, the job tasks involved, the associated chemicals, and the possible routes of exposure help determine which members of your workforce require training.

Don't forget contract and temporary workers. OSHA's guidance on protecting temp workers makes it clear that it expects the staffing agency and the host employer to share responsibility for worker safety. If you use contract or temp workers at your facility, you as the host employer are responsible for training them about the hazards and HazCom management practices at your facility. Make sure that, among other things, this training includes how to access SDSs, since that becomes important very quickly in an emergency. Your staffing agency should be training their people on general HazCom requirements, and on the hazards of chemicals they regularly work with from one job site to another. Still, it's important to keep open lines of communication with the agency to make sure that each of you understand their roles and responsibilities, and that no gaps in training or communication occur.

How do I make sure training is effective?

This seems like a no-brainer, right? Training ought to be effective. Unfortunately, we sometimes focus more on conducting the training than whether it actually worked.

When **OSHA** updated its **HazCom Standard** to align it to **GHS**, the Agency made it clear that it was moving from giving workers the right to know to giving them the right to understand. While **OSHA** doesn't expect that workers are able to recall and recite all data provided about each hazardous chemical in the workplace, they want workers to understand that they are exposed to hazardous chemicals, know how to read labels and SDSs, have a general understanding of what information is provided in these documents and how to access them.



Let's talk about what this means in practice, starting with the issue of language. Some employers think they need to train in English, perhaps because they're confusing their training requirements with language requirements for SDSs and container labels. In reality, training must occur in languages that **all** covered employees understand. If most of your employees speak English, but a small number are non-English speaking and those employees work with hazardous chemicals, then you must provide training for those employees in the languages they understand.

Beyond language, you also need to train in a manner your employees understand. This means accounting for any limitations in literacy, vocabulary or communications within your workforce. The more workers you have, the less likely a **"one size fits all"** approach to training will work. For example, training programs that heavily rely on the presentation of written material will not work very well for workers with limited literacy. As a general rule, if you find that you need to provide an employee with job instruction in a certain manner to get the information across, you should provide your **HazCom** training the same way.

Do you need to train on every chemical you have in your chemical inventory? No, the **Standard** gives you some latitude there. You can either train your employees on all the individual chemicals they may be exposed to, or you can group your chemicals by hazard classes and categories and train on those. Do what makes the most sense for your workplace. If you don't have many hazardous chemicals, it might be best to just train your employees on all of them. If you have a huge chemical inventory, grouping your chemicals into hazard categories probably makes the most sense.

Learning management system (**LMS**) software can help you more easily and effectively meet your training needs by giving you the ability to deliver engaging **eLearning courses** covering a wide variety of training topics, and in the languages spoken in your workplace. If you're considering **LMS** options, look for a solution with built-in course development tools that give you the ability to convert existing PowerPoint training materials into fully interactive eLearning courses, and readily import content from third-party eLearning content providers to help quickly build and maintain an eLearning course library that meets your workers' training needs.

Should I document my training?

While there is no requirement to document training anywhere in the **HazCom Standard**, there are still pretty good reasons to do so. One is that **OSHA** recommends it, and is specific about what they think ought to be documented, including:

- *Date of presentation*
- *Learning objectives*
- *Training program outline*
- *Names of participants, identified by employee identification number or social security number*
- *Names of instructors*
- *Any objective data, such as test results, demonstrating that learning objectives were met*

Remember, training must occur whenever you've changed any aspect of **HazCom** management, including the introduction of a new physical or health hazards into the workplace, or after finding evidence that training was not effective. Records containing the information listed above allows you to more easily and accurately identify these training gaps, and schedule required training as quickly as possible.

The Big Picture

HazCom training plays a critical role in ensuring workers have the information they need to protect themselves from the hazardous chemicals they work with. But it's really about changing people's behavior, and replacing unsafe behaviors based on incomplete knowledge of chemical hazards with safe behavior based on accurate hazard information. Building effective and compliant **HazCom** training helps you accomplish just that. And when training is done well, it creates the kind of transparency and two-way communication between employees and management that is necessary to improve your EHS culture.

Five Qualities of an Effective Fall Protection Program

From industries such as **construction**, oil and gas, manufacturing and **petrochemical**, working at heights is a **common practice** at worksites around the world that poses **several safety risks**. When a **fall occurs**, the speed of the **response** is critical, as an **accident** can quickly **turn fatal**.

Today, **many organizations** rely on **spot checks** and radio calls to **manage workers** operating at heights. Others have also **instituted policies** where tradespeople must **always work as teams**. While sometimes **effective**, these **practices leave gaps** in a company's **safety program** and may also **sacrifice business efficiencies**.

To ensure a comprehensive **fall protection program**, organizations have begun to **adopt connected safety** and **lone worker technology** that proactively **detects falls**, enhances communication, **monitors location** and helps enact more **preventative measures**. Detailed below, these **qualities** can be the difference **between a rescue** and a **recovery**.

Fall Detection Technology

The risk of **serious or fatal injuries** increases when **working alone**, as the incident may **go unnoticed** for an extended **period of time**. If a worker is **conscious** after the **fall**, he or she may be **able to contact** emergency **personnel** with a radio or **phone**. However, if the **lone worker** becomes **unconscious**, there is nobody to **call for help**.

Fall **detection technology** that can **immediately detect** the sudden **acceleration** of a fall is **available** with some connected **safety wearables**. When an impact is **detected**, an external **monitoring team** is notified and the **response process** is activated in **real time**. This technology also **allows for** a worker to **confirm** if all is well before **response personnel** are engaged, especially in an **event** where the device was **simply dropped** or another **safe activity** with **sudden acceleration** was performed.

Multiple Layers of Safety

Organizations with **connected technology** also often **leverage** an **SOS trigger**, such as a button or **fool-proof latch**, that provides workers with a **way to call** for help **manually**. Some falls may be **complex**, especially if other **objects** are involved. **SOS buttons** or latch features provide an **extra layer of protection** on top of **automated fall detection** capabilities **integrated** into wearable **safety monitors**. Scheduled, **periodic check-in timers** can also be activated as a **failsafe**, accounting for an **unconscious worker scenario**.

Two-Way Communications via Push-to-Talk and Emergency Voice Calling

A **crucial component** of fall **protection programs** is the ability for **monitoring teams** and workers to **communicate** with each other during an **incident**. Several organizations **leverage technology** that enables **two-way emergency voice** calling, allowing a **response team** to speak directly with a **worker** who has fallen. **Push-to-talk (PTT)** capability **integrated** into connected **safety equipment** is also often **leveraged**, where a device **operates similarly** to a walkie-talkie. **Unlike traditional radios**, PTT does **not require** a radio license and **eliminates** the need to **invest** in a separate, **costly fleet** of radios. This ability to **communicate seamlessly** allows the monitoring agent to **collect critical situational** information to ensure the **right kind** of help is delivered in the **shortest amount of time**.



Location Technology

When a **fall does occur**, knowing the **worker involved** and where he or **she is located** is **instrumental**. This is often where **tools** and practices from the **past fall short**. When leveraging more **advanced safety technology**, the location of any **worker in distress** is easily **accessed**, providing **organizations** with the ability to **immediately dispatch** emergency responders to the **exact area** of the **fall**. Having access to **workers' locations** – especially when they are **working alone** – is a **critical aspect** of fall **protection**. To address some **workers' privacy concerns**, many connected **safety devices** can be configured to **report location data** only when alerting a **live monitoring team** of an incident. Educating the **workforce** about the benefits of this **technology**, especially when they are **experiencing an injury** or health event, **is a must**.

Data Science & Preventative Safety

Responding quickly to a fall and **mitigating harm** is only the **first part** of an effective **fall protection program**. Taking it one **step further**, organizations that **best manage** safety when working from **heights** take preventative **measures to minimize** the threat of **falls** in the future. When using **cloud-connected safety technology**, data from each **device** can be **streamed to the cloud** and provided to the business's **safety and operations** teams. This data **can help identify** problems or trends across a **worksite** that may be leading to **heightened safety risks**. By leveraging this **data**, guess work is **eliminated** and companies have the **facts needed** to make **proactive improvements**. **Fall protection equipment** is an effective tool for **keeping workers safe**. However, **connected safety technology** with integrated **fall detection** capabilities is an **added line** of defense when a **serious fall** does occur. No matter how **significant the fall**, several resources and **capabilities** are available to **minimize injuries** and empower **real-time emergency responses** should the worst occur, keeping **workers safe** and confident while **on the job**.

OSHA To Take Steps to Prevent Heat Illness

Source: [Pat Miller](#), Sherman and Howard

On September 20, 2021, **OSHA announced** that it will be taking steps to mitigate the risks of heat illness in the workplace. This announcement comes as part of President Biden's initiative on multiple fronts to combat the effects of climate change. As part of this initiative, **OSHA** plans on taking the following measures.

- Implementing its [recent enforcement initiative](#) related to heat stress;
- Developing a National Emphasis Program ("NEP") for heat stress inspections;
- Beginning the process of developing a standard to address heat stress.

This last step, the development of a heat stress standard, is of particular importance. Historically, **OSHA** has enforced heat stress-related matters through the use of the "General Duty Clause," its catch-all provision that applies in the absence of a particular standard. A new standard hopefully will provide greater guidance to employers in this area.

In the meantime, **OSHA's** announcement also notes that the Agency will prioritize heat-related inspections and will direct its compliance officers to focus on heat-related issues during their inspections of outdoor worksites.

As always, we recommend that employers take all necessary precautions to protect their employees from heat-related hazards. We will provide further updates as the proposed standard rolls out.

How to Use Drones to Improve Construction Safety

Source: JP Giometti, Executive Director, Global Strategy and Corporate Development at [HCSS](#).



Drone systems can do more than track projects; they also increase safety. Contractors are leveraging drone technologies to minimize risk and keep workers safe, which involves keeping them away from worksites as much as possible.

Advanced concrete contractors utilize drones and drone software as part of their +broader effort to use new robotic technologies to proactively inspect and maintain concrete roads, bridges, and infrastructures. Drones collect data in real-time by flying over the jobsite, allowing managers to see what is happening, track project progress, and help discover early issues. Typically, concrete contractors fly drones around multiple sites multiple times a week, processing thousands of images and finding new use cases and workflows.

Drones capture videos and images, but it is imperative that you use a software solution that can understand the information captured and make it worthwhile for your organization. Surveyors and contractors can quickly collect survey data from drones to create high-quality 3D models. Concrete contractors share the 3D model generated with drone data across multiple team members for enhanced project collaboration. These contractors collaborate with a technology partner to successfully develop and implement their drone programs.

Drone systems, which include the drone itself and software to process data, are becoming increasingly common at jobsites, helping contractors to capture surveying, planning, and worksite data. This information can be used to increase safety, check work progress, monitor materials and equipment, and gain insights through advanced analytics to make more informed decisions.

5 Ways Drones Are Improving Safety on the Construction Site

1. Remote Site Survey & Inspections

To survey a jobsite before construction or to inspect the jobsite during construction, surveyors physically walk around the site. For a large construction site or highway, this is a very time-consuming process. Drone systems enable surveyors to get accurate information on a worksite without having to walk the entire area. Manually surveying a site can be dangerous because of all the heavy equipment that is moving about. Walking a jobsite can be hazardous to humans as some areas are unstable or simply challenging to access.

Instead of manually surveying a jobsite, surveyors can visualize and inspect a jobsite using drones, which means they don't have to be at the worksite physically. For concrete contractors, besides the heavy haulers moving about, there is the danger of a surveyor getting struck by heavy objects and materials. Overhead images from a drone show crane and other heavy equipment locations to pinpoint potential hazards and provide proactive directives to reduce danger for workers.

Drone systems can identify potential hazards at a site, such as a dangerous road grade and other site conditions. Visual inspections and surveys with a drone take hours compared to days for a surveyor to walk around the site. By shortening the survey time, work can progress sooner so that jobs stay on target.

2. Monitor Site Progress

For large construction sites, drone systems come in handy when it comes to monitoring the progress of work. With drone technology, people no longer have to physically monitor a site, which is useful when viewing hazardous areas. Drones send real-time video of site progress to managers. This information can generate a 3D model of the site, which can then be compared to the initial plan to make sure everything is progressing on schedule.

You can also run side-by-side comparisons of the construction site across selected dates to view progress. Stay on schedule by monitoring execution progress and comparing work executed with design plans. You can also determine if the construction work is deviating from the original plan.

Drone systems can also monitor the transport of materials, ensuring materials arrive at the correct place at the right time, helping keep the project on schedule. Workers can be dispersed to a specific location to help unload materials to avoid trucks sitting idle waiting to empty. Traffic can be monitored so that workers are not at risk of being hit by a truck.

3. Concrete Inspections & Repairs



Drone systems can be used to proactively inspect concrete in roads, bridges, and other infrastructures. From digging foundations to pouring concrete to monitoring structures to look for cracks and deterioration, drones provide extra information that inspectors can't see from the ground.

Using drone technology to inspect bridges and other infrastructure can significantly reduce the entire inspection process time and cost. It only takes a few hours to fly the drone around a structure and only a pilot and spotter to do the work, versus an entire crew and several days or weeks for a manual inspection.

4. Deterring Theft

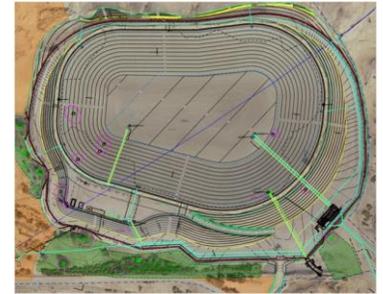
Every year, up to \$1 billion in materials and equipment is stolen from construction sites. Drones can fly over a jobsite at all hours of the day and night, monitoring the use of equipment and storage of materials to make sure nothing has gone missing. While many construction sites deploy cameras around the work area, certain areas of the site aren't in the camera range.

A drone can fly anywhere. Surveillance drones equipped with motion sensors, infrared, or night vision cameras are now being deployed at construction sites to deter theft. These drones fly in a pre-programmed flight pattern, while an operator can monitor the video feed remotely. Alerts are sent to project managers and owners or local authorities if an unauthorized person is detected after hours at the site. The video the drones capture can also be used to prosecute thieves.

5. Measuring Stockpiles

Drone systems can check locations for materials and calculate stockpile volumes and assets. You can draw borders around an area for automatic volume calculations and analyses. Drone software generates 3-D images, which can track volumes and quantities to determine usage and when to re-order materials when combined with calculation functions and analytics.

Using drone systems to measure stockpiles instead of sending someone out to measure in-person, which can be dangerous, is a faster and safer method. Drones first take aerial photos of your site, combined with GPS or ground control data to create coordinates, then this is processed into a 3-D model. By simply drawing a border around an area, you can automatically generate volume calculations and analysis. You can measure the amount of earth removed or the volume of sand and gravel needed as a foundation.



The data collected by the drones is highly accurate, so you will know if your stockpile of materials is dangerously high or the right height. These measurements allow contractors to track their materials inventory and make sure they consume the materials at the right pace.

Drone technology usage is growing in acceptance at construction sites, especially for doing some work that can put workers in danger. By having inspectors, surveyors, and project managers conduct certain operations remotely using drone technology; the jobsite is much safer.

Reminder - Revised Federal Drug Testing Custody and Control Form Must be Used Beginning August 30, 2021

U.S. Department of Transportation sent this bulletin at 08/24/2021 10:10 AM EDT

On August 17, 2020, the Office of Management and Budget (OMB) approved a revised Federal Drug Testing Custody and Control Form (CCF). In addition, OMB authorized the use of the old form through August 29, 2021. You can view the revised CCF [here](#).



- ▶ **As of August 30, 2021, 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.

The UCR Board Updates the CMV Definition for 2022

In advance of the 2022 **Unified Carrier Registration** filing window, the **UCR Board** made an announcement recently: they've updated the **definition** of what qualifies as a **Commercial Motor Vehicle** – and refined exactly who needs a **UCR** to operate **legally** in **interstate commerce**.

What Does the New Definition Say?

All **Commercial Motor Vehicles** that operate in **interstate commerce** are required to have a valid [Unified Carrier Registration](#). But what **qualifies** as a **Commercial Motor Vehicle**? Here is how the **UCR Board** defines it – **as well as** what has **changed**:

- *The vehicle has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds—whichever is greater. **The UCR Board has also added that eligible vehicles include those with connected trailing equipment having a gross combination weight rating or gross combination weight of at least 10,001 pounds, whichever is greater.***
- *The vehicle carries placarded amounts of hazardous materials, regardless of vehicle weight.*
- *The vehicle is designed to carry more than 10 passengers. **The UCR Board has added that the driver is included in this number.***

While these **changes might not** be hugely **significant**, it's important for **carriers and drivers** to know that whether or not they **needed a UCR** in the past, they **should ensure** that the **new definitions** don't now **make them liable**. Otherwise, they could be **found non-compliant** and subject to **finances**, violations, and **vehicle detention**.

What Exactly is the UCR?

The **Unified Carrier Registration (UCR)** is a **state revenue-sharing program** and **interstate compact** established by **federal law** in **2005** that requires **all operators** of **Commercial Motor Vehicles** who are **involved** in **interstate and international travel** to register and **pay annual fees**.

Fees **collected** through the **UCR program** are used to **fund the enforcement** of **safety and compliance programs** throughout the **country**.

Companies who **make arrangements** for the **shipment of goods**, such as **brokers, freight forwarders** and **leasing companies**, are **subject to UCR payments**—as is **any company** with a **federal MC number**.

When is UCR Filing Due?

Carriers **must file** their **UCR** for the **upcoming year** no later than **December 31** of the **preceding year**. **So, for 2022, payments must be made no later than December 31, 2021.**

Filing opens in the **fall**, with **payment amounts** based on the **size of a carrier's fleet**. **It's important to note: Leased vehicles** under a **carrier's DOT number** are **also their responsibility**.

If you **don't file** your **annual UCR**, and your **drivers are caught** moving **freight over state lines**, enforcement **officials** could **detain your vehicles**, and you could be **required to pay** additional **finances** and **penalties**—which, **depending on the state**, can be as high as **\$5,000** for **first-time offenders**.

Is your UCR registration ready to carry you into 2022?

Road Usage Charges Strike Controversy

There is **growing concern** from officials and **state representatives** about the **national pilot program** for a **vehicle miles traveled fee**, proposed in the **Infrastructure Investment and Jobs Act**.

As the **House** was set to vote on the **Infrastructure Investment and Jobs Act (IIJA)** by September 27, some **officials** at the state level were **raising concerns** about the **vehicle miles traveled (VMT)** or **road usage charges (RUC)** pilot program that is **laid out** in the **current text** of the **IIJA bill**. Couple that with the fact the **Highway Trust Fund** is at a **critically low level** of funds and **projected to run out** of money by **early November**, lawmakers are trying to **find effective ways** to replenish the **shortcomings**.

Opponents to the **pilot program** view it as a step towards **instituting a permanent**, more expensive **replacement** for the **gas tax**. In California, the **legislature passed SB-339**, a road usage **charge pilot program**. The bill would **extend** the operation to **study RUC alternative** to the **gas tax** and other provisions until **January 1, 2027**.

Sen. Pat Bates (*R-CA*) **voted against** this extension. "California **has the highest gas tax** and gas prices in the **country**, so the **last thing** the **Legislature** should be doing is **laying the groundwork** for charging drivers with a **new mileage tax**," said Bates. "Such a tax **will hurt Californians** with middle and **lower incomes**, who tend to **drive less efficient cars** and live **farther away** from their jobs."

Cost Criticism

Fuel taxes are relatively **easy to administer**, diesel and **gasoline** is not elastic, **typically costing less** than 1% of **revenue**. On the other hand, **mileage fees** could involve **collecting taxes** from millions of **drivers**, creating a more **complex process**.

RAND, a nonprofit that **improves policy** and decision making through **research and analysis**, conducted a study about **mileage-based user fees** for transportation funding. The study found "**evidence and modeling** suggests that for a **well-run state-level system** under which **most drivers** pay mileage fees, **costs as a share** of revenue **could fall** in the range of **5 or 6 percent**."

In another study from **American Transportation Research Institute**, a national **VMT program** could **cost \$20 billion** annually, **300 times more** than the current **federal fuel tax**.

Cost concerns for **consumers based** on travel isn't the **only challenge** to overcome. **Implementing** a nationwide program, **installing some type** of technology in all **personal and commercial cars** and trucks could **rack up** the price tag.

A **small county straight West** of Greenville, SC, **recently voted** to raise taxes on **some property owners** to replace a **road user fee**.

Originally **covered** by Greenville News, an owner of a **\$200,000 house** who has **three vehicles**, would pay about **\$64 more in mileage** but would save **\$60 from the vehicle fee** so the owner **would pay about \$4 more**, according to county figures read by **council members**. In turn, the **road user fee** in SC "raised around **\$2 million a year** and the **replacement** would raise around **\$6 million dedicated** to road **maintenance and road work**."

Additional Research and Development

Before forming an **opinion** about **VMT or RUC**, officials should **discuss research** and development **surrounding** this issue. In fact, a **specific section** in the **IIJA** creates the framework for **strategic innovation** for **revenue collection**.

The bill calls for **\$15 million each fiscal year**, 2022 through 2026 to be used for **pilot projects** and participation is **voluntary** for any private, **personal vehicle**, commercial vehicle operator or **owner of a fleet**.

Through these **pilot programs**, privacy concerns, **cost challenges** and consumer **acceptance challenges** should be addressed. **Pete Buttigieg**, U.S. Secretary of Transportation and the **Secretary of the Treasury** are **spearheading** this initiative. There will **undoubtedly** be more **information** in the coming weeks and **months**.



Parking after dark: Chain truck stops fill up earlier, more often than independents

Finding truck parking can be hard, especially if you pull up to the truck stop at the worst possible time.

But when is the worst possible time, exactly?

Trucker Path, providers of real-time parking availability, access to information and reviews on truck stops, fuel prices, weigh station status and more, analyzed data captured by its driver-users and compiled by region the least ideal times to be in need of a place to pull the air brake.

In every region, chain truck stops tend to be favored by drivers and fill up earlier and more often than independent truck stops, rest areas and other truck-friendly parking areas across the country.

"Fleet fuel programs tend to be tied to the major chains, thereby leading most of their drivers toward those locations," said Chris Oliver, CMO for Trucker Path. "The major chains tend to be in the 'prime locations' that are closest to the highway and easiest to find/access and major chains tend to offer more ancillary amenities that attract more traffic than those with fewer ancillary amenities."

Truck stops on the East Coast tended to fill up earlier than those located on the West Coast at night.

In the Northeast region, most truck stop parking can be fully filled as early as 7 p.m. Trucker Path data suggests users of independent truck stops have about an extra hour, noting those and rest areas are generally full by 8 p.m.

In the Southeast region, chain truck stops get filled up the earliest by 7 p.m. Rest areas get filled up the second earliest by 8 p.m., and independent truck stops fill by around 9 p.m. In the Southwest region, chain truck stops get filled up the earliest by 8 p.m., independent truck stops by 10 p.m., and rest areas by 11 p.m.

In the Midwest region, most truck stop parking can be fully filled as early as 8 p.m., with truck stop chains filling up earlier than independent truck stops and rest areas.

In the West region, chain truck stops get filled up the earliest by 10 p.m., and independent truck stops and rest areas both tend to get filled up around midnight.



Is this what driving feels like to you?

I know, in my daily travels, it feels just like this at one time or another, virtually Every Day!!

Drivers running red lights, tailgating, weaving in and out of traffic, being distracted..... you know the routine!!

I'm sure your family & friends would prefer that you get home safe and sound!!



Don't be part of the problem Be part of the solution!

Please be patient, choose to "take the high road" and drive safely!

Why Qualified Drivers Aren't Replying to Your Ads

Are you fishing with a net or a spear?

In other words, are you attracting **best-fit drivers** with your ads or are you **wasting time** with **unqualified leads**? You need ads that make it **easy to attract**, recruit and hire the drivers you want while **avoiding the drivers** you don't.

You're **not the only trucking** company **struggling** to hire **qualified drivers**. It's a **national issue**. Consider some of the **following statistics** from The **ATA** regarding the **lack of qualified drivers**:

- *The industry will need nearly 1.1 million new drivers over the coming decade. That's just under 110,000 per year on average.*
- *Retirement accounts for more than 54% of the drivers forecasted to leave the industry by 2028 – about 600,000 between 2019 and 2028. In other words, you're going to be losing more drivers than we have coming in.*
- *In 2019, the trucking industry was short more than 60,000 drivers, which was up nearly 20% from 2017's figure of 50,700. If current trends hold, the shortage could swell to over 160,000 by 2028.*

You're fighting an **uphill battle** that will **only get harder**. So, **what do you do?**

You **take action** to hire as many **qualified drivers** as you can. You need to **leave the driver** shortage for your **competition**.

Two self-imposed challenges

You **can't control** the fact that the **nation is struggling** to find **qualified drivers**. However, the **lack of qualified drivers** in your pipeline **isn't only affected** by outside factors. You're **likely dealing** with two **self-imposed challenges** in your **recruiting process**:

1. *Your ads don't stand out from the competition.*
2. *You lack positive reviews.*

You need to **address** these **two concerns** before you can **fill your fleet** with **all-stars**. You need your **purple cow**.

Get on **Google right now** and search **"trucking jobs near me."** You'll probably see **five or six ads** that say the same thing: **family-owned**, get treated with respect, **great home time**, blah, blah, blah.

Now, **pull up one** of your ads. How **similar does it look?** If it's **identical**, that's your **problem**.

You **need something** that makes **drivers stop scrolling** through their **social media feeds** and say **"Wow, I gotta click this ad."** We call it your purple cow. A **purple cow turns heads** in a field of **black and white spots**.

You need to **write ad copy** that makes you **stand out** as the **purple cow**. There are **dozens of strategies** to do so. Here are a **few** to get you **started**:

- *Say something unique. If the competition can say it, why bother? No one will notice.*
- *Promise something tangible. Be as specific as possible. How much home time? How much guaranteed pay? Specific, tangible claims help you stand out.*
- *Include images and video. Statistics show that people click on ads with images more than just words, and they click on ads with video most of all. Catch qualified driver's attention with visuals.*

The power of reviews

The **second self-imposed challenge** to overcome is your **negative versus positive driver review ratio**. You might **not realize** it, but you have **direct influence** over whether you have **more positive** than **negative reviews**.

The **biggest mistake** you can make is **underestimating** the **power reviews** have over how many **qualified drivers** apply to your company.



Consider these two facts:

- 1) *Indeed and Glassdoor surveys showed that reviews influence 67% of all job seekers on whether or not they apply and*
- 2) *20% of all leads on Indeed stop on TruckerReport to view your reviews before applying.*

Drivers value the opinions of **other drivers** more than **they value** what you say. **Quality drivers** won't apply if your **average rating** is low.

So, **how do you swing** the odds in your **favor?**

There are a **couple of strategies** you should **implement**:

- *Ask drivers for positive reviews. When's the last time you went out of your way to leave a positive review for a restaurant? People take action when they're angry. As a result, you end up with a disproportionate amount of negative reviews. Simply ask your veteran drivers to leave an honest review of your company. They'll be happy to speak their mind.*
- *Respond to negative reviews. When drivers leave a negative review, publicly apologize for their experience and offer to fix it. Don't get into arguments, but genuinely offer a solution. People will take note and you'll look a lot more enticing to new candidates.*
- *Fix your driver culture. Maybe it goes without saying, but in order to capture positive reviews, drivers need to have good things to say about you. You need to invest time and energy into creating a driver-centric culture. Educate your frontline supervisors on how to treat drivers with respect and retain your all-stars.*

It's **no wonder** you're **struggling** to find **qualified drivers**. Nearly **everyone is**. You're not **helpless**, though.

Get **more responses** on your ads with **better ad copy** and more **positive reviews**. Take action to **overcome** the **hiring challenges** everyone is **dealing with**. You'll **grow your fleet** of **all-star drivers** while your **competition wonders** where all the **qualified leads** went.

Sept 8, 2021

Safety Program for Surface Mobile Equipment

The U.S. Department of Labor's **Mine Safety and Health Administration** announced a proposed rule requiring mine operators that employ six or more miners to develop a written safety program for mobile equipment and powered haulage equipment (*except belt conveyors*) used at surface mines and surface areas of underground mines. Under this proposal, mines would have flexibility to develop and implement a written safety program that works best for their mining conditions and operations. The written safety program would include actions that mine operators would take to identify hazards and risks to reduce accidents, injuries, and fatalities related to surface mobile equipment.



The [proposed rule](#) was published in **Federal Register** on September 9, 2021. Public comments are solicited until the comment period closes on November 8, 2021.

MINE FATALITY – On September 15, 2021, a 33-year-old contract welder was fatally injured when he crawled 40 feet into a 30-inch-diameter stainless-steel pipe. The victim was welding a joint from the outside of the pipe, and then entered the pipe to troubleshoot issues related to argon gas leakage. Coworkers found him unresponsive.



Best Practices:

- Remove dangerous working materials and gasses by means of a high volume of fresh airflow before entering confined spaces.
- Assess risks and hazards before beginning work activities to determine what personal protective equipment (PPE) and atmospheric testing is needed prior to entry and during work execution.
- Test atmospheres from a safe location with a calibrated gas monitor capable of detecting harmful and noxious gasses before entering and continuously while working in confined spaces.
- Designate a miner to maintain contact with the miner entering a confined space in the form of visual or voice contact, or signal lines.
- Ensure miners use the appropriate PPE, including dry, flame-retardant clothing and respiratory protection equipment, such as powered air-purifying respirators.
- Train miners to identify confined spaces and understand their associated hazards.

MINE FATALITY – On August 3, 2021, a miner was run over by a customer tractor-trailer while walking to his normal work area. [Fatality Alert.pdf](#)



Best Practices:

- **Assure adequate illumination** sufficient to provide safe working conditions.
- **Communicate with mobile equipment operators and make eye contact to ensure they acknowledge your presence.** Be aware of the location and traffic patterns of mobile equipment in your work area.
- **Wear high visibility clothing** when working around mobile equipment.
- **Wear strobe lights** near mobile equipment.
- **Assure traffic controls provide for safe movement of mobile equipment and are followed.** Operate mobile equipment at reduced speeds in work areas.
- **Stay clear of normal paths of travel for mobile equipment** and train all persons to recognize work place hazards.

MINE FATALITY – On August 11, 2021, a 53-year-old contract truck driver with ten years' experience was fatally injured while conducting a pre-operational examination of a truck.



The rear wheels of the vehicle struck the truck driver when the truck rolled forward. [Fatality Alert.pdf](#)

Best Practices:

- **Block mobile equipment against motion.** Adequately chock wheels or turn wheels into a bank.
- **Use specially designed truck-wheel chocks** of the appropriate size and material to hold the vehicle securely. Do not use lumber, cinder blocks, rocks, or other makeshift items to chock.
- **Never position yourself in hazardous areas** around equipment parked on a grade that is not blocked or secured from movement.
- **Maintain the equipment's braking systems.** Perform repairs and adjustments when necessary and follow the manufacturer's recommendations. Do not exceed the manufacturer's load limits.

These are the 23rd & 24th fatalities reported in 2021, and the ninth & tenth classified as "Powered Haulage."

Implementing Mental Health into your Workplace



Occupational health and safety has been at the forefront of employers' minds for decades, with some safety organizations getting their start in the early 1900s and, of course, OSHA being formed in 1971. However, mental health is often not considered on the same level as occupational health. In fact, while mental health concerns have recently become more acknowledged by employers, the stigmatization of mental illnesses – from anxiety and depression to more severe conditions – remains in most workplaces.

According to the National Institute of Mental Health, nearly one in five U.S. adults suffered from some type of mental illness in 2019, and the numbers have not improved since the COVID-19 pandemic hit the United States in January 2020 and thrust millions of Americans into isolation, unemployment and illness.

MENTAL HEALTH: THE NUMBERS

In recent years, numerous studies have been conducted on mental health in adults, with most seeming to focus on the millennial generation (25- 40 years old in 2021) and the adult segment of the Gen Z generation (18-24 years old).

The focus being on these younger age groups makes sense in terms of the workplace because, in 2016, millennials became the largest sector of the U.S. workforce, with Gen Z at that time reaching working age and only growing.

We have already mentioned the data on adults with a mental illness prior to COVID-19, but one study in particular found that every working generation suffered from a mental health issue during the pandemic (71% of Gen Zers, 59% of millennials, 36% of Gen Xers and 22% of baby boomers).

Clearly every generation is affected by mental health issues, but how are employers currently dealing with mental health, as opposed to occupational and physical health? Not very well, it would seem.

[Mind Share Partners](#), a nonprofit aiming to change the culture of workplace mental health, along with SAP and Qualtrics conducted a study on the prevalence of mental health challenges and stigmas in U.S. workplaces.

One of the findings with the most parity, though perhaps one that isn't all too surprising, is that despite 86% of respondents saying a company's culture should support mental health, only 41% feel that is actually happening.

Looking for an employer who cares about the mental and emotional well-being of their employees has recently become a higher priority for many job seekers, and this study from Mind Share Partners only further solidifies those feelings:

- 60% of respondents reported symptoms of a mental health condition in the past year.
- People are 2x more likely to be willing to give support for a colleague's mental health than ever talk about their own challenges.
- 20% of respondents had willingly left a previous role for mental health reasons.

As for how mental health can affect workplace performance, there are both the immediate, obvious results and those that are less clear.

The Centers for Disease Control and Prevention found that depression alone leads to more than 200 million lost workdays each year, as employees with depression miss an average of 4.8 workdays every three months.

In the same study from Mind Share Partners, 61% of respondents felt that their mental health impacts their productivity. While this of course doesn't necessarily mean lost workdays, unproductive and underperforming employees can hurt businesses in the long run. Depression alone leads to more than 200 million lost workdays each year.

Most recently, roughly 1 in 3 participants in a Deloitte study admitted they have taken time off work due to stress and anxiety. Interestingly, of the remaining respondents who did not take time off, 40% said they were stressed enough to do so but chose to work through it. Many times, this is due to working in an environment where they feel they cannot take time off unless they are physically sick.

HOW EMPLOYERS CAN PROVIDE MENTAL HEALTH RELIEF

Now that you **understand a little** more about **how many employees** may be dealing with some type of **mental health issue**, it is important to **know what your options** are as far as **providing support**.

Incorporate mental health in your workplace culture

Workplace **culture is simply** the various attitudes, **beliefs** and behaviors that **make up the atmosphere** of your **work environment** and that set the **context** for everything your **organization does**. While this **typically includes** things like how **communication occurs** and drives **hiring decisions**, employee safety and **mental health** are **two keys** that must be included in any **complete workplace culture**.

When **mental health** is made a **cornerstone** of a **company's culture**, employees feel more **comfortable** not only being **honest** about any **struggles** they are having, but they are **also more likely** to seek **appropriate help**. Leaders **play a big part** in reducing the **stigma around mental health** by openly **talking about it** and knowing what **to do next** should people **say they need support**.

Let workers take mental health days

Most **Americans** are **not good at taking days off** of work. Even before the **pandemic hit** in early **2020**, employees were only **using about half** of their **paid-time off** or vacation days. Perhaps **unsurprisingly**, PTO being used for a **“mental health day”** is even **more unlikely** to happen.

However, if **your workplace** is open **regarding mental health discussions**, employees are **more likely** to feel **empowered** to admit **when they need a break**. This is also **another area** where leadership **can play a role**, by taking their **own mental health days** or by **actively encouraging** the company **to do so**.

Encourage a healthy work-life balance

A **recent study** over the **largest working generation** — millennials — found that **73% reported working** more than **40 hours per week**, with almost **25% working** more than **50 hours per week**. This may seem **like a dream** for an **employer**, but it can actually be a **hindrance** in the **long run**.

There are **numerous downfalls** to a **negative work-life balance**, including decreased **productivity**, higher **employee turnover** and negative **company perception**. When you **encourage your employees** to only work the **weekly hours** that are necessary (*which of course can vary greatly by industry and company*), you **create a stronger balance** and give people **time to recharge** themselves, both **physically and mentally**.

When possible, keep work at work

On a **related note**, many employees **may not be clocked in** and working more than **40 hours per week**, but millions still **stay plugged in**, making themselves **available** for **after-hours emails**, phone calls and **sometimes even meetings**. Doing this creates **added stress** on the employee, as they feel they **always need to be ready** to work, regardless of **personal and family needs**.

By letting your **employees keep work** at work, you **create a division of priorities**. People are **more likely** to be **fully present** during their work day because **they know they get** to go home and **not think about work** for a **few hours**. Of course, sometimes **after-work emails** or calls **might be necessary**, but making it clear that is the **exception and not the rule** helps alleviate **unnecessary stress**.

Provide resources for mental health professionals

A study by **Mental Health America** found that **86 percent of people** who **did not receive mental health treatment** were covered by **health insurance**, indicating that **coverage does not equal access** to care. It is **crucial** that **employees** know where to go and **who to turn to**. You likely **provide information** on accessing **medical doctors**, dentists or optometrists; **why not mental health professionals**, too?

The **CDC** **advocates strongly** for **mental health awareness** in the workplace and they **provide several suggestions** for steps **employers can take**:

- *Make mental health self-assessment tools available to all employees.*
- *Offer health insurance with no or low out-of-pocket costs for certain medications and mental health counseling.*

- Provide free or subsidized lifestyle coaching, counseling or self-management programs.
- Distribute materials about poor mental health and options for treatment.
- Provide managers with training to recognize the signs and symptoms of stress and depression.

Create and maintain quiet spaces

No matter **what type of work** environment you are in, you **can probably understand** the desire of **many employees** to have some “**alone time**” to take a **short break** from their email, **phones** and even **co-workers**. You may know that **having a clean, private place for employees to pump breast milk** is required by law (*when necessary and applicable*), but what about a **quiet space for general use**?

If you have a **spare meeting space**, this could be an **ideal quiet area**, but this **does not work** for every **company**. In many cases, **simply setting up** an area where **employees can sit** and relax for a **few minutes** is all you need. If **possible**, use some **comfortable chairs** and add a **partition or temporary wall**. Most importantly, **make sure employees** do not **feel shamed** for using these **spaces**.

Offer relevant training

One **very effective step toward** helping your **employees address**, and ideally **curtail**, any **mental health issues** is to offer **training courses** that can **assist them** throughout their **workday** — and **their lives**.

There are many **soft skills** that make for **good training courses**, such as **time management** and **conflict resolution**, that can help to **reduce stress**. Also, offering **company-wide training** over topics like **bullying** in the **workplace** shows you are **creating a zero-tolerance** environment, putting your **employees’ mental and physical health** above anything else.

UNDERSTAND YOUR EMPLOYEES’ NEEDS

Of course, **every organization** will have their **own mental health-related** issues to **address**, due to **different company sizes**, industries, **jobsite setups** and employee **demographics**. The best thing you can do is **talk to your employees**. Find out what their **concerns** are, work together to **come up with solutions** and be open in **continuing discussions**.

Remember that **mental health awareness** should — **without question** — be part of your **workplace culture** and can easily be **tied into any safety program**.

