

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

Continuing to feel ‘COVID weary’? It’s a topic we still need to think about often, staying informed about restrictions, being safe for our co-workers, our friends and our families. Until we can move on from thinking daily about COVID-19, we’ll do our best to provide you with as much helpful information as possible.

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

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

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

OSHA’s [new fact sheet](#) explains how workers can protect their right to raise workplace health and safety concerns relating to COVID-19 without fear of retaliation.



COLORADO
Department of Revenue

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



Wishing you all a Healthy and Safe Holiday Season!

▶ [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 June 2022. 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...](#)



▶ **EMERGENCY TEMPORARY STANDARD**

COVID-19 Vaccination and Testing ETS [read more...](#)

▶ **OSHA Standard Resource**

A new [Code of Federal Regulations website](#) provides easy access to a [complete list of OSHA standards](#). [read more...](#)

▶ **OSHA Biography**

Douglas L. Parker, Assistant Secretary of Labor for Occupational Safety and Health [read more...](#)

▶ **7 Reasons Why You Should Hire Military Veterans to Your Crew**

There is untapped potential in this talent pool as they bring high caliber skills and positive attributes... [read more...](#)



▶ **Trenching Violations**

Investigation of deadly trench collapse finds Colorado company exposed workers to excavation hazards... [read more...](#)

▶ **Keeping Workers Safe This Holiday Season...** As we head into another holiday shopping season, OSHA has resources to help employers keep workers safe. [read more...](#)



▶ **How to Avoid OSHA's "Fatal Four" Construction Hazards**

In the construction industry, certain hazards are present every day on the job site. [read more...](#)

▶ **Top Winter Hazards on Construction Sites & How to Avoid Them**

Winter weather can make an already dangerous job that much more hazardous. [read more...](#)

▶ **New Online Portal Simplifies Application Process for OSHA's Voluntary Protection Programs**

A new online portal for submitting applications to the OSHA's Voluntary Protection Programs is now available. [read more...](#)

▶ **11 Tips to Protect Your Construction Company From Cyber Threats**

Data breaches in construction increased 800% from 2019 to 2020 [read more...](#)



▶ **Preventive Maintenance Steps to Take for Utility Equipment Before Winter**

Winter is often considered the worst time to work in the water and sewer industry. [read more...](#)

▶ **THE DO'S AND DON'TS OF FR LAYERING**

Layered FR (flame resistant) systems are a great way to keep your team safe and compliant... [read more...](#)



OIL & GAS NEWS SUMMARY

▶ Advances in Gas Monitor Technology Cater to Facility's Specific Needs

The attention to safety is the top concern for every company across every industry. [read more...](#)



TRANSPORTATION NEWS SUMMARY

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

▶ Court Reverses Obama-Era Trailer Emissions Standards

The Truck Trailer Manufacturers Association won an appeal in the U.S. Court of Appeals for the D.C. Circuit that removes trailers from emissions requirements enacted in 2016. [read more...](#)

▶ FMCSA Amends the Federal Motor Carrier Safety Regulations

ATTENTION: Safety Management Council and Maintenance Council... [read more...](#)

▶ FMCSA Extends COVID-19 Emergency Declaration's Hours Waiver Through February

COVID-19 HOS waiver for haulers of certain commodities extended [read more...](#)

▶ Highway Fatality 'Crisis' Unfolding as Numbers Hit 15-Year High Through First Half of 2021

An estimated 20,160 people died in motor vehicle crashes in the first half of 2021... [read more...](#)



▶ COVID Vaccine Requirement Looming for Cross-Border Truckers... into U.S., Canada [read more](#)

▶ Report: Presenting the Best and Worst — State Highway Performance Ranking

In the 26th Annual Highway Report, a number of states with large populations and busy highway systems performed well in the overall rankings. [read more](#)

▶ Work Zones Safety Tips

On average, over 700 fatalities occur in work zones each year. [read more...](#)

MSHA NEWS SUMMARY

▶ An example of rich mining history...

Central City [read more...](#)



MONTHLY SAFETY & HEALTH TIP NEWS SUMMARY

▶ How does your safety culture impact workers?

Culture is difficult to quantify yet remains a crucial aspect of workplace safety. [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)

HAZWOPER TRAINING

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

- Awareness level training - 8 Hour Refresher - 24 Hour - 40 Hour - Custom Class scheduled available

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

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

- *PEC Safeland Basic Orientation: **NEW 2021 SAFELAND**: Dec 13, 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**: Dec 20, 30; 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**]: Dec 20, 30; 12:30 – 4:30;
This class available via Instructor Led video conference
- *OSHA 10 OUTREACH HOUR for General Industry or Construction: Dec 27, 28;

[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

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

— FEATURED TRAINING PROGRAMS —

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

Order
First Aid
& other
Safety Supplies
www.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
OH&S
CMCA
For Construction
Pros.com
Utility Contractor
Overdrive
CCJ
his
Workplace Safety
US DOL
reason.org
Asphalt Contractor
Workzone safety.org
Bulwark
CAT
Western Mining
History
Colorado.com



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!**

EMERGENCY TEMPORARY STANDARD

COVID-19 Vaccination and Testing ETS

On November 12, 2021, the U.S. Court of Appeals for the Fifth Circuit granted a motion to stay OSHA's COVID-19 Vaccination and Testing Emergency Temporary Standard, published on November 5, 2021 (86 Fed. Reg. 61402) ("ETS"). The court ordered that OSHA "take no steps to implement or enforce" the ETS "until further court order." While OSHA remains confident in its authority to protect workers in emergencies, OSHA has suspended activities related to the implementation and enforcement of the ETS pending future developments in the litigation.



The ETS on Vaccination and Testing was officially filed in the Office of the Federal Register on November 4, 2021, and it became effective when it was published on November 5, 2021. Written comments on any aspect of the ETS must be submitted by December 6, 2021 in [Docket number OSHA-2021-0007](#). Written comments on the information collection determination as described in V.K. of the ETS preamble [2021-23643] must be submitted by January 4, 2022 in [Docket number OSHA-2021-0008](#).

ETS - [Additional links](#) & [FAQ's](#)

Find information on the [COVID-19 Healthcare ETS](#) or on [Coronavirus Disease \(COVID-19\)](#).



Douglas L. Parker

Assistant Secretary of Labor for Occupational Safety and Health

Douglas L. Parker was sworn in as Assistant Secretary of Labor on November 3, 2021. He previously served in the Obama Administration as Deputy Assistant Secretary for Policy in the Department of Labor's Mine Safety and Health Administration, and was a member of the Biden-Harris transition team focused on worker health and safety issues. He also held positions as a senior policy advisor and special assistant at the Department of Labor. He most recently served as chief of California's Division of Occupational Safety and Health (Cal/OSHA), a position he held since 2019. Prior to his appointment to Cal/OSHA, Mr. Parker was executive director of Worksafe, an Oakland, California-based legal services provider.

Before serving in the Obama Administration, Mr. Parker was a partner at the law firm Mooney, Green, Saindon, Murphy and Welch in Washington, DC. He began his legal career as a staff attorney at the United Mine Workers of America. Prior to law school, Mr. Parker worked in the private sector as a sales and marketing director, in communications for the Democratic National Committee, and was a staff assistant for the late Senator Paul Wellstone. Mr. Parker earned a J.D. from the University of Virginia School of Law and a B.A. in history from James Madison University. He is married and has two daughters. Mr. Parker is originally from Bluefield, West Virginia, and grew up in Lynchburg, Virginia.

OSHA Standard Resource

A new [Code of Federal Regulations website](#) provides easy access to a [complete list of OSHA standards](#).



7 Reasons Why You Should Hire Military Veterans to Your Crew

There is untapped potential in this talent pool as they bring high caliber skills and positive attributes to your company.

Trying to find hard-working, determined workers can feel like searching for four-leaf clover. Companies are utilizing unique ways to fill vacancies on their crews, looking at temporary or gig workers, enticing millennials with new technology and so on. However, there is untapped potential in a skilled and loyal talent pool, expand the search to military veterans and service members.

Veterans bring valuable skills and experience from their service to the workforce and can really aid at filling openings with their high-level training and expertise. They are disciplined team players that can support any business or role.

1. Leadership Talents

The military trains people to lead by example as well as through direction, delegation, motivation and inspiration. Service members often achieve the kind of big-picture perspective that is key to being an effective leader, and they learn this early in their careers. Veterans understand the practical ways to manage behaviors for results and take responsibilities seriously.

2. Know How to Work as a Team

They understand how genuine teamwork grows out of a responsibility to one's colleagues. Military duties involve a blend of individual and group productivity. According to the [U.S. Department of Veteran Affairs](#), "Teamwork is considered an essential part of daily life and is the foundation on which safe military operations are built."

3. Know How to Take Constructive Criticism

The military relies on debriefings and they are used to analyze a mission afterward by assessing what happened and determining what can be done to improve future outcomes. Periodically assessing whether a project or process was successful and how it could have been improved offers a good way for firms to stay at the top of their end goal, a quality job completed.

4. Respect for Procedures or Processes

Veterans have a unique perspective on the value of accountability because of the way they were trained. They can grasp their place within an organizational framework, becoming responsible for subordinates' actions to higher supervisory levels. They know how policies and procedures empower an organization to exist.



5. Conscious of Safety

Service members have had extensive training and are aware of safety protocols for both themselves, the welfare of their team and others. This awareness and conscientiousness translates into protection of employees, equipment and materials.

6. High Performance Under Pressure

Tight schedules and limited resources are a daily schedule for service members. They have developed the capacity to know how to accomplish priorities on time, in spite of tremendous stress. They know the critical importance of staying with a task until it is done correctly and in its entirety. Veterans understand the responsibility for job performance and accountability for completing projects are something to take pride in.

7. Overcome Difficult Situations

They have the ability to follow through on assignments and tasks, even under difficult or stressful circumstances. They have proven their tenacity in mission critical situations demanding endurance, stamina and flexibility through strength and determination.

An Organization Led by Veterans, For Veterans

Organizations like [Helmets to Hardhats](#) are making an effort to connect transitioning U.S. Service members to registered apprenticeship opportunities in construction trades. The director of Minnesota's program, Justin Rost, knows firsthand how leaving the military can be as big of a step as deciding to join, and transitioning to everyday life can be overwhelming.

"When I got back it took me a long time to be comfortable walking around a mall or moving through my day without my regiment – I felt like something was missing all the time," says Rost. "I went back to school but when it came to jobs, after a few years I would get antsy, question my purpose and find something else."

This national program connects transiting active-duty military members, veterans, National Guard and Reservists with the skilled training and quality career opportunities within the construction industry.

"The similarities in technical skills, workplace discipline and the culture of brother and sisterhood prominent in both the military and in trade unions is what supports veterans finding value and purpose in their new career paths," says Rost. "We also actively collaborate with the VA, the VFW, the Minnesota Assistance Council for Veterans (MACV), the Minnesota Department of Employment and Economic Development (DEED) and mental health and wellness support groups like the Twin Cities Suicide Prevention Coalition."

Trenching Violations

Investigation of deadly trench collapse finds Colorado company exposed workers to excavation hazards in Johnstown

OSHA cites company for four violations; proposes \$208K in penalties



A federal workplace **safety investigation** that followed a **deadly trench collapse** in Johnstown on April 16 has **concluded** a Strasburg **excavation contractor** failed to take **required safety precautions** that might have **prevented** the death of a **50-year-old worker**.

The U.S. Department of Labor's **Occupational Safety and Health Administration** determined that the contractor **allowed employees** to work in a **16-foot deep trench** amid **accumulating water** and without **protective systems**. **OSHA** inspectors responded to the **collapse** after one of **two workers** in the trench became **stuck in mud** under water.

OSHA cited the **excavation contractor** for two **willful serious violations** for failing to **protect workers** from **accumulating water**, not using protective **systems**, such as a **trench box**. Additionally, the **company** was cited for **failing** to ensure **workers** had a secure way to **exit the trench** safely.

The company faces **\$208,543** in proposed penalties. **OSHA** has placed the contractor in its [Severe Violator Enforcement Program](#).

"The threat of **trench collapses** makes **excavation work** among the **most dangerous jobs** in the construction **industry**," said **OSHA** Area Director Amanda Kupper in Denver. "This **worker's life** and **family's grief** could have been spared if **required precautions** had been **taken**."

In 2019, **trench collapses** caused **24 deaths** in the **construction industry**, according to the most **recent data** from **Bureau of Labor Statistics**. **OSHA's** national **emphasis program** on trenching and **excavations** encourages employers to **develop** and implement **safety procedures** and train their **workers** on recognizing **potentially hazardous** situations. [Learn more about trenching and excavation safety.](#)

Keeping Workers Safe This Holiday Season



As we head into another holiday shopping season, **OSHA** has resources to help employers keep workers safe.

Preventing the spread of the coronavirus

All employers should take steps to control and prevent coronavirus spread, including those bringing on additional workers for the holidays. Learn more about [mitigating and preventing](#)

[the spread of COVID-19 in the workplace.](#)

Warehousing, distribution and delivery hazards

To help protect the many workers involved in online order fulfillment and delivery, we have guidance for keeping them safe every step of the way, including:

- [Warehousing Safety](#)
- [Forklift Safety](#)
- [Guidance for Package Delivery](#) (also in Spanish)
- [Trucking Industry](#)

Crowd Management

If large crowds are expected for holiday shopping events, employers should plan ahead and take steps to ensure workers remain safe. We have crowd management guidance to help employers know how to prevent worker injuries during crowded shopping events.

Temporary/seasonal workers

If you're hiring new or temporary workers for the holidays, it's important to [train them for the risks they may encounter on the job](#) – including how to reduce exposure to the coronavirus. And make sure you know [the rules that apply to teen workers](#) if you employ anyone under 18. It is imperative that every worker is trained in a language they can understand and encouraged to raise any health or safety concerns to their supervisor without fear of retaliation.

Learn more about keeping workers safe this holiday season at [osha.gov/HolidaySafety](https://www.osha.gov/HolidaySafety).

How to Avoid OSHA's "Fatal Four" Construction Hazards

In the **construction industry**, certain hazards are **present every day** on the **job site**.

The **Occupational Safety & Health Administration (OSHA)** has **identified** the **four leading causes** of **fatalities** in the construction industry – known as **OSHA's "Fatal Four Hazards"** or "**Construction Focus Four Hazards**".

The **Fatal Four Hazards** consist of **falls, electrical exposure, struck-by** and **caught-in/between** situations, and result in **545 worker fatalities** in the United States every year.

► **Fall Hazards - How To Put On A Fall Protection Harness The Right Way** ([link](#))

Falls are the **number one killer** of construction workers on the job.

The **different heights** at which fall **protection** is **required** are:

- *6 feet - General fall protection*
- *10 feet - Scaffolds*
- *15 to 30 feet - Steel erection*

If a worker is performing a job above one of the heights mentioned above, one of these systems must be in place:

- *Guardrail Systems*
- *Covers*
- *Personal Fall Arrest (PFA) systems*



Make sure to identify fall hazards such as holes in platforms and unguarded edges before work begins.

► **Electrocutions**

One of the top ten most cited OSHA standards; electrocutions are the second deadliest fatal four construction hazard. That's why OSHA has a specific regulatory standard for safety training and electrical work.

Here are some safe work practices for live electrical work on the jobsite:

- *Locate and identify utilities before starting work.*
- *Look for overhead power lines when operating any equipment.*
- *Maintain a safe distance away from power lines.*
- *Do not operate portable electric tools unless they are grounded or double insulated.*
- *Use ground-fault surge protectors.*
- *Be alert to electrical hazards when working with ladders, scaffolds or other platforms.*

► **Struck-By Object/Hazard**

A struck-by hazard is anything at a worksite that could produce injuries by forcible contact or impact between the injured person and an object or piece of equipment.

The difficulty with protecting workers from flying objects is that they may not be participating in the work that causes the object to fly.

Workers need to make sure coworkers follow the safety rules outlined by **OSHA** and the employer, and wear appropriate personal protective equipment (PPE) for the worksite.

There are four Struck-by hazard categories:

- *Flying object*
- *Falling object*
- *Swinging object*
- *Rolling object*

OSHA requires employers to protect workers from struck-by hazards. Employers are required to:

- *Meet all heavy equipment, motor vehicle, and general requirements included in [OSHA construction standards](#)*
- *Provide proper PPE, like wearing high-visibility clothes near equipment/vehicles.*
- *Provide required training for equipment and vehicles*
- *Ensure qualification of operators, riggers, signal persons, and competent persons*

► **Caught-in/Between**

Trench and excavation cave-ins, and workplace accidents where workers are pinned or caught-between machinery or fixed structures, often happen suddenly and without warning.

To avoid being caught in or between objects:

- *Never enter an unprotected trench 5 feet or deeper without an adequate protective system in place*
- *Make sure the trench or excavation is protected either by sloping, shoring, benching or trench shield systems.*
- *Never position yourself between moving and fixed objects*

Top Winter Hazards on Construction Sites & How to Avoid Them



Winter weather can make an already dangerous job that much more hazardous.

Of all of the industries covered under **OSHA**, the construction industry continues to be one of the most hazardous a worker can find themselves in. Every day hazards include slips, trips and falls, struck-by incidents, injuries to the hands, feet and head as well as the numerous obstacles a worker must face depending on the weather.

It is no secret that workers must combat inclement weather types of all kinds, including the extremes of the summer and winter. In the summer, temperatures over 100 degrees Fahrenheit can present hazards that result in serious illnesses including heat stress, heat exhaustion and heat stroke—a serious illness that could be fatal.

While we have covered heat-related illnesses ad nauseum in this publication, it is about time that we focus in on the hazards that can be present on construction sites due to the wintery mix of weather that sites may see between the months of December, January and February. In this article, we will explore some of the hazards that are present in the coldest months of the year and what safety professionals can do to prevent and avoid them at their facilities and on their jobsites.

Cold-related Illnesses & Injuries

Exposure to cold can range from discomfort to a potentially dangerous situation that can result in serious injury or even death. Professionals that work in cold environments risk exposure to extreme temperatures that could cause serious **injuries** such as chilblains, trench foot, frostbite and hypothermia.

Chilblains. *Skin repeatedly exposed to cold but nonfreezing temperatures could be at risk of chilblains—which is the painful inflammation of small blood vessels. These small blood vessels may become permanently damaged by the cold, resulting in redness and itching during additional exposures.*

Trench foot. *Feet that are not properly protected from wet, cold conditions could suffer from a cold-related injury called trench foot. Trench foot occurs because cold feet lose heat faster than dry feet, meaning they are unable to keep warm. The body then tries to prevent more heat loss, leading the blood vessels in your feet to become constricted and the skin tissue begins to die. Symptoms of trench foot include gangrene, which is usually identified by a purple, blue or grey color of the foot.*

Frostbite. *When the skin and deeper tissues are exposed to freezing temperatures, frostbite may occur resulting in the loss of feeling and color in the affected area. Frostbite can permanently damage body tissues, and in severe cases—lead to amputation. If frostbite is to occur, avoid rubbing or putting pressure on these areas, as this can further damage to tissues.*

Hypothermia. *When the body is exposed to cold temperatures, it becomes hard for it to self-regulate warmth. It begins to lose heat faster than it can be produced. Prolonged exposure to cold can cause the internal body temperature to drop, which can lead to a condition called hypothermia. Hypothermia can impact brain function, which is especially dangerous as a person may not be able to recognize the symptoms until it is too late.*

If a worker does contract hypothermia, immediately call emergency medical services. Remove any wet clothing and cover the body with loose, dry blankets, clothing or towels. Provide warm, non-alcoholic beverages if the worker is conscious and if the worker should lose a pulse, CPR should be administered.

Slips, Trips & Falls

While slips, trips and falls can be a major hazard in any industry at any time of year, the winter weather makes this hazard particularly hard to avoid as workers battle the slick conditions of ice and snow. Slips, trips and falls can result in bruises, abrasions, broken limbs, cracked ribs, serious back injuries and even trauma to the head, so it is important to do everything you can to prevent this hazard on your worksite.

While slips, trips and falls do account for 27 percent of all workplace injuries, they are preventable. There are many things employers can do—especially during the winter—to ensure that workers' feet stay solid on the ground and fall injuries stay nonexistent.

First, employers should be sure to assess working areas for slick spots that can result from ice or snow. If in an indoor facility, be sure to monitor areas where employees come in from outside. Ice and snow can melt in entry ways as it is brought in via workers' shoes creating hazardous wet patches. It is not enough to conduct one inspection each season, however. Safety professionals should regularly take note of working conditions to mitigate all slip, trip and fall hazards.

Employers should ensure that all workers are given the proper equipment to handle the weather conditions of any season. Safety equipment for the winter can include, but is not limited to, non-slip winter boots that help to ensure workers protect themselves from possible slip hazards. It is also important to ensure that workers are training on how to dress for each season appropriately.

Speaking of training, employees should be trained to take short steps and slowly walk on icy or snow-covered surfaces. This change in gait will help if the worker suddenly finds themselves without traction on a slick surface, lessening the types of injuries they will suffer should they fall.

Winter Weather Driving

According to the **Federal Highway Administration**, on average there are 5,891,000 vehicle crashes each year. Approximately 21 percent of the crashes, or more than 1.2 million, are weather-related. Of those weather-related accidents, 18 percent happen during snow or sleet, 13 percent on icy pavement and 16 percent of weather-related crashes take place on snowy or slushy pavement.

It is important for those who work on construction sites to understand how extreme winter weather conditions can impact the roadways, as muddy roads under construction sites can make for even more hazardous areas.

To prevent winter driving accidents, construction site employers should ensure that those who are assigned to vehicles and transport duties receive additional training on winter driving methods and the hazards that can be present on snowy, icy or slushy roads. Vehicles must also be inspected regularly to ensure they are in proper working order to be on winter roads. If construction workers are working on roadways, ensure that work zones have traffic controls clearly identified by signs, cones, barrels and barriers. These can be erected to help guide drivers and ultimately protect workers.

Preparation is Prevention

In the end, preparing for wintery weather and extreme cold will help any employer in any industry ward off cold-related hazards on the jobsite, ensure that workers know and understand how the cold can impact their bodies, the ground beneath them and the normal conditions in which they work.

New Online Portal Simplifies Application Process for OSHA's Voluntary Protection Programs

A new online portal for submitting applications to the U.S. Department of Labor **Occupational Safety and Health Administration's Voluntary Protection Programs** is now available. The new portal modernizes the application process for companies that qualify for **VPP** and makes it easier for candidates to start, continue and get assistance with submitting their applications.

"Companies in the **Voluntary Protection Programs** go above and beyond basic **OSHA** requirements and strive to create a culture of safety," said Deputy **Assistant Secretary of Labor for Occupational Safety and Health** Jim Frederick. "This important program comprises sites that serve as models of excellence and influence safety and health practices in all industries."

The [portal](#) allows **OSHA** to review applications in real time, and help companies correct errors or omissions quickly. Applicants can use the portal to upload electronic versions of supporting documentation, and they can stop and complete their application at a later time without having to restart. Alternatively, after completing an applicant profile, they may download an application form to complete offline, and submit their application materials by mail.

OSHA developed the **VPP Portal** as part of the agency's efforts to continue representing safety and health excellence, leverage resources, accommodate effective administration of **VPP** and support smart program growth. The agency developed the portal with input from external stakeholders and **OSHA** staff. Qualified companies with mature safety and health management systems can apply to [VPP](#) using the new system.

OSHA [adopted](#) **VPP** on July 2, 1982, to recognize cooperative action among government, industry, and labor as a means of addressing worker safety and health issues and expanding worker protection.

Learn more about [OSHA's Voluntary Protection Programs](#).

11 Tips to Protect Your Construction Company From Cyber Threats

Data breaches in construction increased 800% from 2019 to 2020, according to a recent study. A cyber security expert talks about how construction contractors can keep their companies safe from data breaches.

It's increasingly in the headlines, nightly news and on media sites; cyber security breaches are on the uptick. Some of the largest breaches this year have involved Colonial Pipeline, Facebook, Bonobos, Kroger, Parler and T-Mobile. While construction companies weren't at the top of the list of biggest breaches of 2021 so far, the number of construction-related cyber breaches experienced a 545% increase from 2019 to 2020, according to the 2021 Data Breach Outlook Study by Kroll, a risk consulting firm. In construction specifically, that increase was 800% from 2019 to 2020.

According to the study, "a large North American construction company had to notify hundreds of thousands of customers due to an incident involving a stolen laptop that resulted in unauthorized email access." While construction companies excel at working at remote jobsites, moving office work to work-from-home settings during the pandemic created challenges for the industry, the study says. There are other risks in the industry, as well. Devices connected to the Internet, from smartphones to wireless sensors, can work as portals granting access to company information. And when contractors pay subcontractors, those wireless transfers can potentially be at risk.

The construction industry was, at one time, fairly immune to security breaches. But in recent years, there's been an influx of new technologies and new connections on jobsites that can make companies vulnerable to cyberattacks. At least 43% of those surveyed for the study said they felt ill-prepared for a breach. So, what can construction companies do to prepare for a potential breach? We talked with Brian Lapidus, global practice leader for Kroll's Identity Theft and Breach Notification practice, a division of Kroll's cyber risk division, about trends he's seeing and what contractors can do to keep their businesses safe.

Lapidus points out that businesses are better prepared now for cyber threats than they were 15 years ago.

"Fifteen years ago, I think a lot of the conversation was 'Cyber who? Cyber what?' And now they're willing to take an active approach to manage their risk," he says.



Sometimes companies think they're protected when they're not, he says. For example, just because a business is in compliance, or in other words, has established protocols to address cyber threats, does not mean that business is protected from cyber threats, he says.

"I think often the board and the C-suite think about compliance as the cyber strategy, and it's not, it's not an effective cyber strategy," Lapidus says. "Compliance is a checkbox. It doesn't actually reduce the risk. Now it may increase awareness, which is a positive, but it's never going to thwart the intruder. And so, that increase in accountability and that focus on doing more than compliance still needs to occur.

1. Retain Cyber, Legal Experts

Before a threat is identified, one of the wisest decisions a construction business can make is to have a cyber expert and an attorney on file. Meet and have a brief discussion with these professionals, so you know who to call when a problem does arise, he says.

"Starting to search for a solution when you're in trouble, it's like figuring out who to call when your house is on fire," Lapidus says. "There's a lot of damage that gets done before you can even get to the fire department, if you don't know where the fire department is. So having those things in place is really, really important."

2. Practice Response to Breaches, Like a Fire Drill

The next best move is for a business to practice its response to a cyber threat the way schoolchildren and some businesses practice fire drills. Performing training exercises, such as how to react to suspicious emails, can greatly reduce a company's exposure to cyber threats, Lapidus says.

"A larger organization may do this monthly or quarterly; a smaller organization may not be able to do it with that frequency," he says. "The goal, in my mind, is for there to be some organizational muscle memory when this event does happen, so that you can react and react quickly, because speed is sometimes the name of the game."

3. Keep employees trained

It's also important to renew that training periodically. Doing so improves employee response to potential threats, Lapidus says.

"Your employees can be an amazing defense mechanism if you use them, and I don't think organizations are using them as effectively as they could today," he says. "You have your technical solutions and then you have your human capital solutions and both of those together are far more impactful than one alone."

4. Know Where Your Data Lives

Before a cyber breach occurs, find out where your company's data – employee data, customer data, security data, proprietary data – is kept.

"Whatever it is, know where your data is, because if it's accessed, then you know what you need to fix," Lapidus says. "I've unfortunately seen many clients who don't know where their data is, which, when they have a network exposure, triggers all sorts of notification requirements, that if they knew where the data was within their system, they may have been able to work with counsel to reduce the scope of that notification."

5. Stay Current on Tech

Have someone on the team who stays up-to-date on cyber security threats and technology, Lapidus says.

"It's really hard to stay on top of new technology and new potential technology exposure but making sure that people on your team are aware of those things, staying up on it, and then sharing that information and filtering it back into the organization," he says. "It reduces your risk, and all of these things are about reducing that risk. So, when this happens your impact is small, and your response is fast and stable."

6. Use More Than Encryption

Encrypting data is a best practice within the cybersecurity industry, but it's not enough to protect a company, Lapidus says.

"Encryption cannot be the only method of defense," he says. "When it's used alone, it can give businesses a false sense of security."

He suggests using a virtual private network (VPN) as an additional layer of security.

7. Network monitoring

As a preventative tool, companies can monitor their networks to ensure all entry points are protected. Monitoring also helps inform a company about whether the network has been infiltrated by a cyber intruder.

8. Ensure Wire Transfers are Secure

When contractors pay subcontractors and vendors, large sums of money exchange hands. Construction companies need to make sure those wire transfers are secure and safe from cyber threats.

"Those wire transfers and e-payments are opportunities for someone to insert themselves between a vendor and a contractor and the corporate side," Lapidus says. "So, making sure that those are super tight is important. I think it reduces the financial risks there. You can do that by providing wire instructions and then forcing a phone call for a password or specific digits, but doing things to tighten up those gaps, I think, is something that would help the construction industry."

9. Appoint Someone to Make Decisions About Cyber Security

In various industries, such as healthcare, there is typically one or two people appointed to have access to cyber security information and decisions. Appointing someone at your construction company to be in charge of cyber security information and decisions is wise, Lapidus says.

"A lot of times in hospitals, at least certain people have access to certain information; it's a regulated industry," he says. "They're required to lock certain things down. That rigor isn't required in the construction industry from my experience. Making sure that it's really clear who owns what, and who makes what decisions, and who should have access to what information is important."

10. Secure the Construction Ecosystem

In an office building, all the people, equipment and data are in one place. That's rarely the case in construction.

"If everyone was in one building, it would be a whole lot easier, right? You would be protected by four walls and a network configuration and all of those things that can happen physically within one place," Lapidus says. "Use of a VPN, use of best practices, controls around who has access to what information; it all reduces that risk of an exposure happening. That's something that I think is probably more unique to construction than anywhere else."

11. Protect Employees From Breaches

If a company were to experience a cybersecurity breach, it's important to communicate with and protect employees from any potential risk.

"These organizations need to be cognizant of the impact that a breach of their data would have on their employees or those who work for them," Lapidus says. "It's going to make it really hard for them to resolve those issues because they're on a jobsite during the day. They could be 50 feet up in the air, welding. And management is saying, 'Listen, we lost your data, but we need you to resolve it yourself. And you may want to, you may want to call your bank.' That's, that's putting your employees in a tough spot."

To learn more about the study and cybersecurity vulnerabilities, read the study [here](#).

Preventive Maintenance Steps to Take for Utility Equipment Before Winter



Winter is often considered the worst time to work in the water and sewer industry. Cold temperatures cause pipes to break, leading to endless queues of emergency calls from panicked homeowners as their homes slowly flood with icy water. Worse still are the frozen sewer lines, causing waste to back up into the house or leak into the surrounding area. It is essential to be prepared for these occurrences before temperatures start to drop and emergency calls start flooding in.

Follow this preventive maintenance checklist to ensure everything is ready for the upcoming winter season.

1. Complete Frequent Inspections

Most modern equipment will have some sort of warning light or alert that informs you when something is going wrong. This can be useful for sudden failures, but waiting for the light to turn on before you address any problems is a recipe for disaster.

Instead of waiting for things to fail, each piece of equipment should be subjected to regular and frequent inspections. Sometimes, just giving each item a once-over can make it easier to prevent equipment failures from taking your equipment offline.

Equipment inspections are critical year-round, but you'll want to watch out for certain things as temperatures begin to drop and the days get shorter. Don't get caught out on the job with burnt-out lights, old windshield wipers or a heater that's not functioning properly. Pay special attention to brakes and fluid levels, too. Before it gets too cold outside, install the correct engine, hydraulic, transmission and final drive lubricants for your machine and the temperature range it will be working in.

Opt for cursory inspections before the start of each shift, and before the start of each new job if a particular piece of equipment is being problematic. Even something as simple as a visual inspection can make all the difference if something is starting to fail before it begins to prevent other symptoms.

2. Tires

Air pressure inside equipment tires can start to fall along with the mercury in the thermometer, so check to make sure they're filled to the proper pounds per square inch (psi) at the start of each shift. If they need airing up, move the machine into a heated area to avoid underinflation issues. Doing the work in an insulated garage or service shop helps the tire bead sit firmly within each wheel's groove.

Also, use dry nitrogen gas instead of compressed air or a similar mixture when re-inflating equipment tires. It helps fight against ice crystals building up inside the tire during especially cold periods, which can push the valve stem open and increase the chances of deflation.

3. Batteries

Cold weather requires equipment batteries to generate nearly twice as many cranking amps to turn over, so keep yours charged and warm for easy starting. If you're working in sub-zero temperatures, storing a battery indoors at room temperature when it's not in use can also help.

If you store batteries, you can help maintain their useful life by recharging them when they drop below 75% capacity and cleaning them to remove any rust, moisture and dirt. Keeping batteries out of use for an extended time? Unplug them from their ground wires and check their voltage levels and charge as needed once a month.

4. Fuel

Most construction equipment runs on No. 2 diesel fuel during the warmer months. Because this type of fuel can solidify, it's not recommended for use in colder weather. A simple switch to No. 1 diesel fuel helps hold off the ice that can form when No. 2 fuel remains in the tank and lines.

To avoid a frozen fuel tank at the start of your shift, fill up at the end of each day. And always keep the fuel storage tank clean of water, debris and sediment by draining the water from the water separator on a daily basis before refilling the tank.

5. Check the Manuals

Each piece of equipment will come with a user manual, often including a maintenance schedule that details when a piece needs to be taken offline for regular inspections and maintenance. Once you understand the day-to-day operations of a piece, it's easy to disregard the information that these manuals provide. However, disregarding the manufacturer-recommended maintenance schedule will end up resulting in problems.

In this case, it's really as simple as reading the manual and implementing the schedule provided. Each manufacturer will provide a schedule that will help you keep your equipment running.

6. Test and Maintain Emergency Generators

Emergency generators will be essential in any situation where flooding makes it dangerous to keep the home's power on. It may also become necessary if there are frozen or broken pipes in homes where winter weather has caused the local power grid to fail. Before they're necessary, take the time to carefully inspect, test, and maintain any emergency generators that are part of your tool arsenal.

This will include but isn't limited to checking and changing all fluids, inspecting belts for signs of undue wear, and ensuring the generator starts easily and runs smoothly whenever necessary.

The same sort of maintenance and testing can and should apply to anything that functions with an internal combustion engine, from generators to fleet vehicles and everything in between. Take special care with used equipment or those with lots of operational hours. When buying used, be sure it's a dealer that stands behind their refurbished or remanufactured goods to ensure your assets keep working all winter long.

7. Apply or Reapply Rust Inhibitors

Regardless of how well a piece of equipment is maintained, if it is made of metal and exposed to water — which is likely when working on broken or frozen pipes — it is susceptible to corrosion and rust. Before the winter season begins, take the time to apply or reapply rust inhibitors to any equipment this is likely to be exposed to water during the winter season.

Rust inhibitors [come in a variety of forms](#), from permanent powder coats that adhere to the exterior of the device, to lubricants that need to be applied regularly to prevent water exposure from causing oxidation. Choose the ones that are best for your situation. If you opt for single-use inhibitors, ensure they are reapplied before each shift.

8. Reapply Grease and Lubricants

Speaking of lubricants, before the winter weather creeps in is the perfect time to reapply grease and other lubricants to ensure everything with moving parts will function properly, especially during the cold winter months. Keep in mind that cold weather will cause grease to harden up and seize, leaving you struggling to keep up with demand.

Companies that operate in areas that experience extremely low temperatures should take steps to ensure that all lubricants, greases, and oils used in their equipment are rated for those temperatures. Look for viscosity modifiers or labels that indicate that the grease or oil will function as intended in cold weather.

9. Monitor Lines for Leakage

Water lines aren't the only things that might leak once the temperature starts to fall. Hydraulic and pneumatic lines are also prone to leakage when the weather starts to change. As part of your regular inspections, ensure these lines are being monitored closely for signs of leakage or failure. They should also be inspected to ensure that all the connection points are secure and there are no signs of rust or damage on any of the lines.

A leaky line might not seem like the end of the world until you find yourself on a job site unable to complete a task because a vital piece of equipment is failing.

10. Consider Bringing in Manufacturer Services

We've already mentioned reading the owner's manual, but that may not cover all the bases. Some manufacturers may offer maintenance and repair services, at a premium cost, to help you ensure everything you're going to need is ready to go when the first emergency calls start flooding in.

This can be a valuable resource if you don't keep a trained maintenance crew on staff, or have a specialized piece of equipment that is challenging to maintain and difficult to repair. These services are akin to taking a car back to the dealership to be serviced. If this is part of your plan, make sure you schedule your appointments early so you aren't competing with other companies that might be trying to do the same thing to get ready before the winter season starts.

These winterizing tips will help ensure your machines are ready to go when you need them. Planning to take certain equipment out of service entirely during the colder months? Follow this [winter storage checklist](#) so it's prepped for next spring — and you won't have to worry about damaged components and unexpected repair bills to start the busy season.

THE DO'S AND DON'TS OF FR LAYERING

Layered FR (flame resistant) systems are a great way to keep your team safe and compliant—especially as the weather turns cold. But FR layering can get tricky, and when gear is layered improperly it can undercut the protection it is designed to provide. Recent updates to FR layering standards have added greater confusion to an already complicated topic. That's why our FR experts have compiled a list of their top five layering tips, complete with the cited standards, so you can easily find the information that's relevant to your business.

[DOWNLOAD FACT SHEET](#)



Advances in Gas Monitor Technology Cater to Facility's Specific Needs



The attention to safety is the **top concern** for every **company** across every industry. Companies are spending a **significant amount** of money each year **providing safety** training, **PPE**, and other **safety devices** for their employees. If possible, the **first course** of action for **employers** is to try and **engineer out** the **safety risk**. If an **engineered solution** to remove the **safety concern** is not **feasible**, then companies are taking the **next steps** by providing the **necessary equipment** in order to **mitigate** danger. This can **include items** such as **hand-held portable** gas monitors, fixed **gas detection** instrumentation, fall **protection equipment**, and many more based on the **hazard present**.

In the **oil and gas industry**, one of the potentially **always present** dangers is the presence of **toxic gases** such as **hydrogen sulfide** or carbon monoxide. These are **two of the most common toxic gases** found across the **globe** and **highly present** in the **oil and gas industry**. Another **always potentially present** hazard is the **presence of combustible gases**, such as methane, hydrogen, **natural gas**, and many other **hydrocarbons**.

Handheld **portable gas** instruments usually **outfitted** with gas sensors for **oxygen levels**, hydrogen sulfide, **carbon monoxide** and a sensor for the detection of **hydrocarbons** are provided to **employees** for personal safety. To protect a **company's assets**, such as an **oil refinery** or a natural gas **distribution facility** companies rely on **fixed gas** instrumentation. These **instruments** are installed across a **facility** providing **24/7/365** detection for the **presence** of any **hydrocarbons** and or **toxic gases** based on the **specific** needs of the facility.

Pellistor and NDIR sensors

For decades, **manufactures** of both **handheld portable** and fixed gas **instrumentation** have relied on either **Pellistor** (Cat-Bead), or **Nondispersive Infrared** (NDIR) sensor technology that are **integrated** into their instruments for the **detection of hydrocarbons**. The technology of these **sensors** is well proven, **trusted**, reliable, and **understood**. You will find across the **globe** the oil and **gas industry** has deployed **thousands** of gas **detection instruments**, both portable and **fixed** using one or both of these **technologies** in their **facilities**.

As a life **safety device**, the accuracy of the **gas levels detected** is of the **utmost importance**. This is **particularly true** in the **oil and gas industry** as the **presence** of any one or a **multiple** of different hydrocarbons could be **present** at any given time. One known **limitation** of **Cat-bead** and **NDIR sensor** technology is they are only accurate to the **gas** they are **calibrated** to. The accuracy in gas **readings** could be off by **greater** than 30%, **depending** on the gas the sensor is **calibrated** to and the **gas** it is then exposed to.

Another **requirement** for **Cat-bead** and **NDIR sensors** is the need for **routine calibration**. Sensor calibration is **required** to ensure the **sensor's accuracy** over its lifetime. **Calibration** interval is very **frequent** for **Cat-bead** and usually once or **twice a year** for **NDIR**. Calibration takes **time** and is an **ongoing expense** for employers, **raising** the total **cost of ownership** for maintaining their **gas detection** instruments.

MEMS sensors

With the **advancements** in **sensor** technology, **micro-electromechanical** system (MEMS-based) sensor **technology** was introduced to **gas detection** instrumentation **manufacturers** in 2019. Its **transducer** is a **micro-machined** membrane with an **embedded Joule** heater and **resistance thermometer**. The **MEMS** transducer is **mounted** onto a **PCB** and open to the **surrounding environment**. The **presence** of a flammable refrigerant **gas** causes changes in the **thermodynamic properties** of the **air/gas mixture** that are **measured** by the **transducer** and reported accurately to the **user**.

MPS gas sensor technology

This **technology**, with built-in **environmental compensation** for temperature, **pressure**, and humidity, **detects** and quantifies over a **dozen** of the most **common hydrocarbon** gases with the one **factory** calibration.

The **oil and gas industry** now has **new sensor** technology that **not only improves** the gas sensor's **accuracy to multiple gases**, but also **reduces** their total **cost of ownership** by **eliminating** the need for **routine calibrations**.

Conclusion

Cat-bead, and **NDIR** technology are here to **stay** as they have a **great track record** for **performance** for a **countless number** of applications. However, with **multiple leading** manufacturers **adapting** the **MPS sensor** technology into their **product range** for hand held **portables**, area monitors, and **fixed gas** transmitters, the **oil and gas industry** can **improve** their **safety initiatives** by utilizing **sensor** technology into their **fleet of gas detection** instrumentation.

Reminder - Revised Federal Drug Testing Custody and Control Form Mandatory



► 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.

Court Reverses Obama-Era Trailer Emissions Standards

The Truck Trailer Manufacturers Association won an appeal in the U.S. Court of Appeals for the D.C. Circuit that removes trailers from emissions requirements enacted in 2016.

The Environmental Protection Agency and National Highway Traffic Safety Administration's Phase 2 Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles was the first rulemaking to put emissions standards on trailers. The standards would have required trailer manufacturers to adopt some combination of fuel-saving technologies, such as aerodynamic side skirts, automatic tire inflation systems and more.

A three-judge panel agreed that EPA lacked authority to regulate trailers under the Clean Air Act, and two of the three judges agreed that NHTSA's authority also did not cover trailers in this context.

TTMA said it's pleased with the court's opinion and believes the decision to add equipment to trailers should be left up to the trucking companies themselves.

"We are pleased that the court saw the errors in the rulemaking from EPA and NHTSA," said Jeff Sims, TTMA President. "This puts the decision making in the hands of the people that understand their operations best – the motor carriers. Each motor carrier can now choose ultimately what equipment will or will not benefit from fuel saving devices in the context of their specific operations. You could have two fully outfitted trailers, for example, one being used in highway over-the-road service, and it will gain fuel efficiency from the devices, while the other trailer being used in city pick-up and delivery, and it will not gain any efficiencies in fuel economy and in fact, with the added weight, will use more fuel."

Sims added that his organization supports efforts to reduce GHG emissions but contends the Phase 2 regulations were not the best way to do so.

"TTMA members have always shared the same goals as the motor carrier industry and federal and state regulators to reduce GHG emissions and save fuel, but there is a better way to accomplish this than what EPA and NHTSA had mandated," he said. "We remain open to sensible rulemaking mirrored after the very successful voluntary EPA Smartway Program that has been in effect for over a decade now."

With regard to EPA's authority for the requirements, TTMA objected to the rulemaking, arguing that the EPA lacked authority to regulate the non-engine parts of a vehicle under the Clean Air Act.

Because trailers have no motor, they are not "motor vehicles," said Circuit Judge Justin R. Walker in the court's opinion.

According to the ruling, EPA's Clean Air Act defines "motor vehicle" to exclude anything that does not propel itself, and because trailers are not "self-propelled," EPA cannot use the Clean Air Act to regulate trailers' effects on greenhouse gas emissions.

Walker went on to say that EPA's key problem in its argument was that "a tractor is a motor vehicle before it's part of a tractor-trailer. With or without a trailer, the tractor is self-propelled and designed for transporting people or property on the road. Trailers (and trailer manufacturers) are therefore unlike parts of a motor vehicle (and their manufacturers) required for self-propulsion."

With regard to NHTSA's authority, the court said that while Congress did not define the term "vehicle" in the Ten-in-Ten Fuel Economy Act, which Congress passed in 2007 to require NHTSA to establish fuel economy standards for certain vehicles, multiple references to "fuel economy" in the legislation "put the term 'vehicle' in a context limited to machines that use fuel," Walker added, which rules out trailers from NHTSA's authority in this context.

Another judge on the three-judge panel, Judge Patricia A. Millett, agreed with the other two judges that EPA's authority does not apply to trailers. She did, however, dissent to the court's opinion on NHTSA's authority.

"NHTSA acted under a provision of the Energy Independence and Security Act of 2007 that directed NHTSA to establish fuel efficiency standards for commercial medium- and heavy-duty 'on-highway vehicles,'" she said. "Unlike the Clean Air Act, the Energy Independence Act contains no definition of the term 'vehicle' other than regulating it in its on-highway operation and status. Given that focal point, NHTSA quite reasonably applied a long-established definition of vehicles that includes commercial trailers. The majority opinion's view that NHTSA's interpretation somehow runs afoul of 'plain' non-existent text does not stand up."

FMCSA Amends the Federal Motor Carrier Safety Regulations

ATTENTION: Safety Management Council and Maintenance Council

SUMMARY: **FMCSA** amends the **Federal Motor Carrier Safety Regulations (FMCSRs)** to include **rear impact guards** on the list of **items** that must be **examined** as part of the **required annual inspection** for each **commercial motor vehicle (CMV)**. In addition, **FMCSA** amends the **labeling requirements for rear impact guards**, and excludes **road construction controlled (RCC) horizontal discharge trailers** from the rear impact guard requirements, consistent with **changes made** by the **National Highway Traffic Safety Administration (NHTSA)** to the corresponding **Federal Motor Vehicle Safety Standards (FMVSS)**. This final rule **responds** to rulemaking **petitions**, as well as a **recommendation** from the **Government Accountability Office (GAO)**.

DATES: This final rule is effective **December 9, 2021**.

In consideration of the foregoing, **FMCSA** amends **49 CFR part 393 and Appendix G to Subchapter B of Chapter III** as follows:

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

§ 393.5 Definitions. * * * * *Road construction controlled horizontal discharge trailer means a trailer or semitrailer that is equipped with a mechanical drive and a conveyor to deliver asphalt and other road building materials, in a controlled horizontal manner, into a lay down machine or paving equipment for road construction and paving operations.*

§ 393.86 Rear impact guards and rear end protection.

(a)(1) *General requirements for trailers and semitrailers manufactured on or after January 26, 1998. Each trailer and semitrailer with a gross vehicle weight rating of 4,536 kg (10,000 pounds) or more, and manufactured on or after January 26, 1998, must be equipped with a rear impact guard that meets the requirements of Federal Motor Vehicle Safety Standard No. 223 (49 CFR 571.223) in effect at the time the vehicle was manufactured. When the rear impact guard is installed on the trailer or semitrailer, the vehicle must, at a minimum, meet the requirements of FMVSS No. 224 (49 CFR 571.224) in effect at the time the vehicle was manufactured. The requirements of paragraph (a) of this section do not apply to pole trailers (as defined in § 390.5 of this chapter); pulpwood trailers, low chassis vehicles, special purpose vehicles, wheels back vehicles, and road construction controlled horizontal discharge trailers (as defined in § 393.5); and trailers towed in driveaway-towaway operations (as defined in § 390.5).*

* * * * *

(6) *Certification and labeling requirements for rear impact protection guards. Each rear impact guard used to satisfy the requirements of paragraph (a)(1) of this section must be permanently marked or labeled as required by FMVSS No. 223 (49 CFR 571.223, S5.3). The label shall be placed on the forward or rearward facing surface of the horizontal member of the guard, provided that the label does not interfere with the retroreflective sheeting required by S5.7.1.4.1(c) of FMVSS No. 108 (49 CFR 571.108), and is readily accessible for visual inspection. The certification label must contain the following information:*

* * * * *

(b)(1) *Requirements for motor vehicles manufactured after December 31, 1952 (except trailers or semitrailers manufactured on or after January 26, 1998). Each motor vehicle manufactured after December 31, 1952, (except truck tractors, pole trailers, pulpwood trailers, road construction controlled horizontal discharge trailers, or vehicles in driveaway-towaway operations) in which the vertical distance between the rear bottom edge of the body (or the chassis assembly if the chassis is the rearmost part of the vehicle) and the ground is greater than 76.2 cm (30 inches) when the motor vehicle is empty, shall be equipped with a rear impact guard(s). The rear impact guard(s) must be installed and maintained in such a manner that:*

* * * * *

PART 396—INSPECTION, REPAIR, AND MAINTENANCE

Appendix A to Part 396—Minimum Periodic Inspection Standards

* * * * *

15. Rear Impact Guard

a. *Trailers and semitrailers with a GVWR of 4,536 kg (10,001 lbs.) or more, manufactured on or after January 26, 1998 (see exceptions in § 393.86(a)(1)).*

1. *Missing guard.*

2. *Guard is not securely attached to trailer, including broken or missing fasteners, any welds or parent metal cracked, or other damage that compromises secure attachment of the guard.*

3. *Guard horizontal member does not extend to within 100 mm (4 inches) of each, or extends beyond either, side extremity of the vehicle.*

4. *Guard horizontal member is more than 560 mm (22 inches) above the ground.*

5. *Guard horizontal member is more than 305 mm (12 inches) forward of the rear extremity of the vehicle.*

6. *Guard horizontal member does not have a cross sectional vertical height of at least 100 mm (4 inches) across its entire width.*

b. *Commercial motor vehicles manufactured after December 31, 1952 (except trailers and semitrailers manufactured on or after January 26, 1998) (see exceptions in § 393.86(b)(1) and § 393.86(b)(3)).*

1. *Missing guard.*

2. *Guard is not securely attached to trailer by bolts, welding, or other comparable means.*

3. *Guard horizontal member is more than 762 mm (30 inches) above the ground.*

4. *Guard horizontal member does not extend to within 457 mm (18 inches) of each side extremity of the vehicle.*

5. *Guard horizontal member is more than 610 mm (24 inches) forward of the rear extremity of the vehicle.*

November 29, 2021

FMCSA Extends COVID-19 Emergency Declaration's Hours Waiver Through February

COVID-19 HOS waiver for haulers of certain commodities extended

The **Federal Motor Carrier Safety Administration** is extending the [COVID-19 emergency declaration](#) (*pdf*), which waives **Part 395.3** (*maximum driving time*) of the **Federal Motor Carrier Safety Regulations** for carriers providing emergency relief related to the pandemic. The declaration, which was set to expire Tuesday, Nov. 30, will **now be effective through Feb. 28, 2022**.

The extension continues to retain new features instituted with the last extension that began in September, including the narrowed regulatory range of the exemption -- which notably does not include the requirement to log time or use an **ELD**, if applicable. The September changes also included a new request for carriers to report their use of the exemption within 5 days after the end of each month. The move to add that requirement followed the agency's request in late summer to study the extent of the exemption's use around trucking. The reporting page asks for carriers' **USDOT** number; the number of trips made by commercial vehicles under the **COVID Declaration**; the type of goods transported; and for multiple goods transported, an indication of which commodity was transported the most.

Carriers are able to report by accessing their portal accounts via Portal.FMCSA.DOT.gov/login. After logging in, carriers will need to access "**Emergency Declaration Reporting**" under the "**Available FMCSA Systems**" section of the page.

The agency said it decided to extend the declaration because, "although the number of **COVID-19** cases began to decline in the U.S. following widespread introduction of vaccinations, persistent issues arising out of **COVID-19** continue to affect the U.S., including impacts on supply chains and the need to ensure capacity to respond to variants and potential rises in infections. Therefore, a continued exemption is needed to support direct emergency assistance for some supply chains."

The hours waiver applies to drivers and carriers providing direct assistance, which means transportation and other relief services related to the immediate restoration of essential services (such as medical care) or essential supplies related to **COVID-19** during the emergency.

The waiver continues to be limited to the transportation of:

- *Livestock and livestock feed*
- *Medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19*
- *Vaccines, constituent products, and medical supplies and equipment including ancillary supplies/kits for the administration of vaccines, related to the prevention of COVID-19*
- *Supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants*
- *Food, paper products and other groceries for emergency restocking of distribution centers or stores*
- *Gasoline, diesel, jet fuel, and ethyl alcohol*
- *Supplies to assist individuals impacted by the consequences of the COVID-19 pandemic (e.g., building materials for individuals displaced or otherwise impacted as a result of the emergency)*

Direct assistance does not include non-emergency transportation of qualifying commodities or routine commercial deliveries, including mixed loads with a nominal quantity of qualifying emergency relief added to obtain the benefits of this emergency declaration.

To be eligible for the exemption, the transportation must be both of qualifying commodities and related to the immediate restoration of those essential supplies.

[Read the full exemption language via this link.](#)

Highway Fatality 'Crisis' Unfolding as Numbers Hit 15-Year High Through First Half of 2021

An estimated 20,160 people died in motor vehicle crashes in the first half of 2021, according to **National Highway Traffic Safety Administration** data released recently. That is the highest number of traffic fatalities in the first half of a year since 2006, **NHTSA** noted.

Transportation Secretary Pete Buttigieg said the number of highway deaths “is a crisis,” and announced a new initiative within **DOT** to identify ways to reduce fatalities.

“This is a crisis. More than 20,000 people died on U.S. roads in the first six months of 2021, leaving countless loved ones behind. We cannot, and should not accept these fatalities as simply a part of everyday life in America,” Buttigieg said. “Today we are announcing that we will produce the Department’s first ever **National Roadway Safety Strategy** to identify action steps for everyone working to save lives on the road. No one will accomplish this alone. It will take all levels of government, industries, advocates, engineers, and communities across the country working together toward the day when family members no longer have to say goodbye to loved ones because of a traffic crash.”

NHTSA’s data also shows that the estimated 11,225 fatalities during the second quarter of 2021 represents the highest Q2 fatalities since 1990.

Preliminary data reported by the **Federal Highway Administration** show that vehicle miles traveled (*VMT*) in the

first half of 2021 increased by about 173.1 billion miles, or about a 13% increase as compared to the first half of 2020.

The fatality rate for the first half of 2021 increased to 1.34 fatalities per 100 million **VMT**, up from the projected rate of 1.28 fatalities per 100 million **VMT** in the first half of 2020.

DOT’s first ever **National Roadway Safety Strategy** will bring together work being done across the department and will put forth a comprehensive set of actions to significantly reduce serious injuries and deaths on our nation’s roadways. The strategy will recognize that, while **DOT** has an important leadership role to play in addressing the crisis, it will take concerted and coordinated effort across all levels of government, the private sector, and communities to reverse the current trend. The strategy will be released in January.

The strategy will be rooted in the **Safe System Approach** principles and will identify significant actions the department will take to help ensure: **Safer People, Safer Roads, Safer Vehicles, Safer Speeds, and Post-Crash Care**. The strategy will focus on new priorities that target the most significant and urgent problems and are expected to have the most substantial impact.



November 24, 2021

COVID Vaccine Requirement Looming for Cross-Border Truckers

COVID vaccine required for cross-border truckers into U.S., Canada

The U.S. and Canadian governments are each requiring non-citizens entering their respective country – whether for essential or non-essential reasons – to be fully vaccinated.

Beginning in early January 2022, the United States Department of Homeland Security will require all foreign national travelers crossing U.S. land or ferry ports of entry to be fully vaccinated for COVID-19 and provide proof of vaccination. The same vaccination requirement began in November for non-essential travelers entering the U.S.

In Canada, beginning Jan. 15, 2022, truck drivers and other groups of travelers who have been exempt from entry requirements will only be allowed to enter Canada with proof of full vaccination.

To meet the requirements of being “fully vaccinated” to enter the U.S., travelers must have received either two doses of the Pfizer, Moderna, AstraZeneca, Covaxin, Covishield, Sinopharm or Sinovac vaccines; or one dose of the Janssen/Johnson & Johnson vaccine.

To meet the requirements of being “fully vaccinated” to enter Canada, travelers must have received either two doses of the Pfizer, Moderna, AstraZeneca, Covaxin, Sinopharm and Sinovac vaccines; or one dose of the Janssen/Johnson & Johnson vaccine.

In both countries, the last doses must have been received at least 14 days before entering the country.

The Canadian Trucking Alliance said in a press release Nov. 19 that it will be pressing both governments for more time to prepare for the cross-border mandates.

“We are extremely concerned there is a perfect storm brewing,” said CTA president Stephen Laskowski. “In light of worldwide supply chain disruptions and delays, it’s unclear how the supply chain and the trucking industry, in particular, can withstand further turmoil and maintain the service levels required to deliver critical products Canadians and Americans need.”

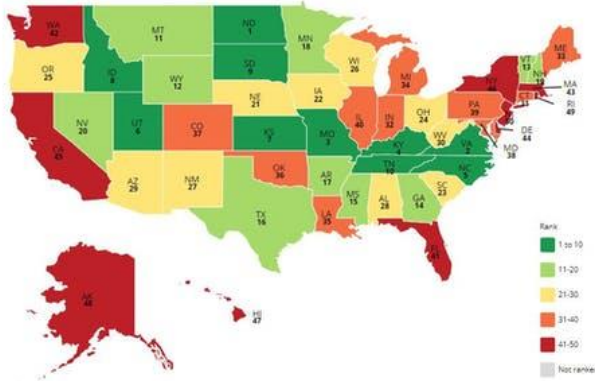
CTA estimated that 10%-20% of Canadian truck drivers crossing the border (12,000-22,000), and 40% of U.S. truck drivers (16,000) traveling into Canada would exit the Canada-U.S. trade system should the vaccination mandate take effect in January.



Report: Presenting the Best and Worst — State Highway Performance Ranking

November 18, 2021

In the **26th Annual Highway Report**, a number of states with large populations and busy highway systems performed well in the overall rankings.



This graphic shows the overall highway performance of the state highway systems using 2019 and 2020 data. Source: Reason Foundation

Highways are the arteries that keep the traveling public connected to vital resources, vacations and work-related activities. These roadways have made expansion possible, connecting rural and urban communities as easy as hopping into your vehicle and within a few convenient turns, you will be on a highway and off to the destination of your choosing. Adequate and efficient transport system like highways, promotes economic development, benefits to industries, tourist destinations, emergency care and much more. However, when these throughways fail, detrimental issues arise.

The Reason Foundation's [Annual Highway Report](#) measures the condition and cost-effectiveness of state-controlled highways in 13 categories, including urban and rural pavement condition, deficient bridges, traffic fatalities, spending per mile, and administrative costs per mile of highway maintained.

In the report, highway performance for state highways systems is based on 2019 and 2020 data, resulting in North Dakota, Virginia, Missouri, Kentucky and North Carolina to have the most cost-effective highway system. The study also found New Jersey, Rhode Island, Alaska, Hawaii and New York have the worst combination of highway performance and cost-effectiveness.

Nationally, the report shows America's highway system improving in almost every category and more than half of the states (30 of 50) making progress. However, a 10-year average of overall performance data indicates that the nation's highway system performance problems are largely concentrated in the bottom 10 states. And despite spending more and more money,

these worst-performing states are finding it difficult to improve.

43% of the urban arterial primary mileage in poor condition is in just six states: California, Massachusetts, New York, New Jersey, Nebraska and Rhode Island. Approximately 25% of the rural Interstate mileage in poor condition is in just three states: Alaska, Colorado and Washington. And although a majority of states saw the percentage of structurally deficient bridges decline, five states report more than 15% of their bridges as structurally deficient: Rhode Island, West Virginia, Iowa, South Dakota and Pennsylvania.

For total spending on state-controlled highways, three states spent more than \$250,000 per lane-mile: Massachusetts, New York and New Jersey. Inversely, five states—Missouri, South Carolina, West Virginia, North Dakota and South Dakota—spent less than \$30,000 per mile of highway.

"States that spend a lot of money per mile need to ensure that their highway spending produces tangible results like smoother pavement, fewer deficient bridges, and less traffic congestion. The states with the best overall rankings typically have better-than-average highway system conditions, which are good for drivers, and combine that with relatively efficient spending in per-mile categories, which is good for taxpayers," said Baruch Feigenbaum, lead author of the **Annual Highway Report**. "Numerous factors— budget priorities, maintenance philosophies, truck volumes, urbanization, system age, unit cost differences, terrain, climate, and more—are all impacting state highway conditions."

Work Zones Safety Tips

On average, over 700 fatalities occur in work zones each year. Commercial motor vehicle (CMV) and passenger vehicle drivers both need to be particularly careful while traveling through work zones. Trucks and buses have limited maneuverability and large blind spots, both of which make operating in these areas more challenging for them. In fact, large trucks are disproportionately involved in work zone crashes.

Research Your Route

Before setting out on the road, research your route. When possible, avoid work zones and use any detours that are available.



Pay Attention

You should always keep your eyes on the road, but this is exceptionally important in work zones. Be aware of all signage throughout work zones that can indicate reduced speeds, lane changes and other important information. Avoid distractions such as your cellphone, eating, drinking, the radio, GPS and conversing with other passengers.

Slow Down

Lane closures, traffic pattern shifts and reduced speeds are common in work zones. Make sure to slow down when entering a work zone and keep an eye out for road workers.



Move Into The Open Lane

When approaching lane closures, move into the open lane as soon as possible. Be sure to pay close attention to vehicles around you that could be in your blind spot.

Keep Your Distance

Rear-end crashes are extremely common in work zones – maintain extra space between your vehicle and the one in front of you at all times.



For more information on work zone safety visit workzonesafety.org.

An example of rich mining history...

Central City



Gold discoveries at Gregory Gulch were the center of Colorado's first mining bonanza. Numerous settlements were established here, but "Central" or Central City was the district's most important city.



1860s mining scene – Central City, Colorado area

Central City was part of what became known as "The Richest Square Mile on Earth", and was Colorado's economic center for nearly two decades.



Boiler being transported at Central City, Colorado

Black Hawk was the milling and smelting center of the Central City district. The following image illustrates how close homes were to the mines of the district.



View of the mines and railroad above Black Hawk ca. 1880

Colorado was in a depression by the late 1860s as much of the easily-recovered placer gold was played out, and processing the state's complex ore was proving difficult. Black Hawk became the first smelting center in the state, and the smelters here were instrumental in the transition from placer to lode mining.



Smelters at Black Hawk, Colorado ca. 1870

The twin towns of Central City and Black Hawk in Clear Creek Canyon west of Denver are so close, it's hard sometimes to tell where one begins and the other ends. They do have two other things in common, though. They both have revived the history of the area and are known today for limited-stakes gambling.



How does your safety culture impact workers?

Culture is **difficult** to quantify yet **remains** a **crucial aspect** of workplace **safety**. Most facilities **understand** the need for specific **safety rules** and protocols, but **company** culture — the beliefs, **values**, and attitudes of the **workforce** — often goes **underemphasized**. That **shouldn't** be the case.

OSHA says that creating a **safety culture** has the most **significant impact** on **reducing incidents** and injuries. A **positive** safety culture will go **beyond health** benefits, too. Your company's **safety culture**, whether good or **bad**, will impact your **workers** in **several ways**.



In a positive **safety culture**, workers will **prioritize safety** in everything they do, **instinctively** going above and beyond **industry standards** in everyday tasks. In **contrast**, in a poor **safety culture**, safety is an **afterthought** or another requirement in a list of **forgettable steps**. Here's how both cultures **impact workers**.

Workplace safety

The most **obvious impact** safety culture has on your employees is their safety itself. When these regulations and protocols take a backseat to considerations like productivity and convenience, injuries are more likely. Various tools and strategies can help prevent safety incidents, but none are as effective as a safety-first company culture.

For example, artificial intelligence (AI) can alert staff to potential hazards, but it doesn't prevent them by itself. No matter how much information workers have, avoiding risks requires conscious, decisive action. If employees only address these hazards as they arise, they'll keep appearing.

Positive safety culture is proactive, not reactive. When workers understand what they can do to prevent accidents and how it benefits them, they'll take a more active role in safety. They'll adjust their behavior and make suggestions to eliminate hazards instead of reacting to them, reducing the likelihood of an accident.

Productivity

Your company's safety culture will also impact your employees' productivity. A poor, purely reactive safety culture makes disruptions more likely, either through accidents or near-misses. These disruptions interrupt workflows, making it more challenging to maintain the same level of productivity throughout the workday.

Since accidents are more likely in a poor safety culture, you may encounter injured employees needing time off for medical leave. With workers out on leave, either the others must stretch themselves further to meet demand or you'll have to hire temporary workers. Temporary hires will still take time to be as productive as experienced employees, so productivity will falter either way.

A strong safety culture, by contrast, will reduce incidents, ensuring a smoother workflow. Smoother operations will translate into increased productivity. When safety becomes second nature to employees, not something they need to stop and think about, their individual productivity will improve too.

Turnover

Finally, your workplace safety culture can affect employee turnover rates. Workers want to feel safe at work, especially in high-risk industries like manufacturing, and that's precisely what a safety culture changes. A safety-first company culture will make employees feel more comfortable and a reactive one will make them feel less safe, regardless of actual injury rates.

If employees feel unsafe, they won't likely stay for long. Cases where workers leave a position because of an unsafe environment have increased by almost 1,000% since 2010. Workers today have an increasingly low tolerance for a lack of a strong safety culture.

Given these trends, it's safe to assume that better safety culture can help prevent worker turnover. Even if your actual injury rates are low, if workers don't feel safe, you may have trouble retaining them.

A positive safety culture is invaluable

It's difficult to overstate the importance of a positive safety culture. Safety must be a part of everything your company does, and it must be a primary consideration in every instance.

A safety-first workplace culture will do more than just prevent accidents. It will improve workers' productivity and reduce employee turnover rates, too. If you can foster such a culture, you can improve your organization on virtually all fronts.

From all of us at
MJS Legacy Safety

Please...

**WORK SAFE
BE SAFE
STAY HEALTHY**