

## MJS Legacy Safety Consulting Services LLC

**continues to focus our attention on  
'Providing Great Service and Building Lasting Relationships'**

It has been our distinct pleasure to serve the needs of businesses both big and small since 1995. MJS Safety transitioned to **MJS Legacy Safety Consulting Services** in 2021 with the passing of our founder, Mike Stookey. But our goal has not changed. We continue to grow the legacy of customized service and individual attention that we have provided to so many companies in Colorado, Wyoming, Montana, and surrounding states. Meeting your unique safety and regulatory needs is our mission.

We look forward to continuing a productive and successful business relationship with you through **MJS Legacy Safety Consulting Services** for many years to come.

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Mailing address: P.O. Box 10, Johnstown CO 80534

### **The U.S. Department of Labor's Occupational Safety and Health Administration civil penalty amounts based on cost-of-living adjustments for 2025...**

In 2015, Congress passed the Federal Civil Penalties Inflation Adjustment Act Improvements Act to advance the effectiveness of civil monetary penalties and to maintain their deterrent effect. Under the Act, agencies are required to publish "catch-up" rules that adjust the level of civil monetary penalties and make subsequent annual adjustments for inflation no later than January 15 of each year.



**Here are some details about OSHA civil penalty amounts for 2025:**

- **Repeat violations:** The maximum penalty for a repeat violation is \$165,514.
  - **Serious, Other-Than-Serious Posting Requirements:** \$16,550 per violation.
  - **Failure to Abate:** \$16,550 per day beyond the abatement date.
  - **Employer size:** Employers with 50 or fewer employees are eligible for a civil penalty reduction based on size.
- Visit the [OSHA Penalties page](#) for more information.
  - Inspections, Citations, and Proposed Penalties Standard Number: [1903.15](#)



### **Safety for Everyone**

OSHA's [homepage](#) allows the public to request the translation of OSHA vital documents in [Chinese Simplified](#), [Chinese Traditional](#), [Haitian Creole](#), [Korean](#), [Spanish](#), [Tagalog](#), [Vietnamese](#) and more.

## OSHA/CONSTRUCTION/DOL NEWS SUMMARY

- ▶ **DOL's OSHA Civil Penalties for 2025** [read more...](#)
- ▶ **Safety for Everyone - OSHA** allows the public to request the translation of vital documents... [read more...](#)
- ▶ **Schedule of Classes – June 2025** [read more...](#)
- ▶ **Drug Testing**  
More and more of the 3<sup>rd</sup> 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...](#)
- ▶ **IMPORTANT UPDATE: PHMSA Random Drug Testing Rate Increase for 2025** [read more...](#)
- ▶ **Report a Fatality or Severe Injury**  
*All employers are required to notify OSHA when an employee is killed on the job or suffers a work-related hospitalization, amputation, or loss of an eye...* [read more...](#)
- ▶ **2025 Fees for Student Course Completion Cards for Outreach Training Program** [read more...](#)
- ▶ **DEADLINE IS MARCH 2<sup>ND</sup> Injury Tracking Application**  
Employers must post their most recent Summary of Work-Related Injuries and Illnesses (Form 300A) [read more...](#)
- ▶ **2025 Trench Safety Stand Down - June 16-20, 2025** What is a Safety Stand Down? [read more...](#)
- ▶ **Navigating OSHA Regulations for Dock Safety** [read more...](#)
- ▶ **Heat Illness Prevention Workers** [read more...](#)
- ▶ **Training Saves Lives** [read more...](#)
- ▶ **A Guide to OSHA Regulations & Environmental Concerns for Hazardous Liquids** [read more...](#)
- ▶ **OSHA Updates Site-Specific Targeting Inspection Program** [read more...](#)
- ▶ **Essential Machine Guarding Practices for Worker Protection in Manufacturing** [read more...](#)
- ▶ **SAFETY AT EVERY LEVEL** [read more...](#)
- ▶ **Do you know the answer - Is a trench box considered a confined space?** [read more...](#)



## AGRICULTURE NEWS SUMMARY

- ▶ **Special Safety Considerations for Construction in the Agricultural Sector** [read more...](#)

- ▶ **Employers to Keep Employees Informed**

*A new topic every month.....* [read more...](#)

▪ Federal Bilingual Emergency Number Poster   ▪ Choking Poster   ▪ Seizure First Aid Training and Certification

## Your Right to Know

## TRANSPORTATION NEWS SUMMARY

- ▶ **Reminder - Federal Drug Testing Custody and Control Form Mandatory...** [read more...](#)
- ▶ **DOT 2025 Regs Violation Penalty Increases** [read more...](#)
- ▶ **CVSA's Operation Safe Driver Week Scheduled for July 13-19** [read more...](#)
- ▶ **Colo. Law: Move Over for Me ~ IT'S THE LAW ~** [read more...](#)
- ▶ **CVSA: COMMERCIAL DRIVERS MUST BE ABLE TO COMMUNICATE IN ENGLISH TO OPERATE IN US** [read more...](#)
- ▶ **FMCSA Introduces Two-Step Process to Determine Truck Driver's English Language Proficiency** [read more...](#)



## TRANSPORTATION NEWS SUMMARY cont'd

- ▶ **Cargo Theft Bill Unanimously Advances Through Committee** [read more...](#)
- ▶ **US Department of Labor Issues Guidance on Independent Contractor Misclassification Enforcement** [read more...](#)
- ▶ **CVSA to Urge FMCSA to Limit Truck Driver Conveyance Time** [read more...](#)
- ▶ **DOT Amends Oral Fluid Drug Testing Procedures** [read more...](#)
- ▶ **Truck History Reports** — *Look up reported accidents, inspection violations, insurance claim, owner history and more.* [read more...](#)
- ▶ **FMCSA Revokes 8 ELDs From Approved List** [read more...](#)
- ▶ **Your Road Guide to Workzone Safety** [read more...](#)
- ▶ **Truck Parking Shortage Blamed in Fatal 2023 Crash** [read more...](#)
- ▶ **Trucking Leaders Warn of Lax Oversight in CDL Training** [read more...](#)
- ▶ **CVSA New Out-of-Service Criteria for 2025** [read more...](#)

## MSHA NEWS SUMMARY

- ▶ **MSHA is now on FACEBOOK and INSTAGRAM!** [read more...](#)
- ▶ **MSHA VIOLATIONS, INJURIES, & FATALITIES Informational Alert** [read more...](#)



## MONTHLY SAFETY & HEALTH TIP NEWS SUMMARY

- ▶ **A Practical Guide to Workplace Fire Safety Standards** [read more...](#)

## COVID/RSV/FLU INFORMATION/RESOURCES SUMMARY

For your convenience, we have moved all COVID/flu/RSV information and resource [links](#) to the last page of the newsletter.



## "Training Spotlight"

(a different course will be featured monthly)

### > OSHA 10 OUTREACH HOUR FOR GENERAL INDUSTRY OR CONSTRUCTION

The OSHA 10 Hour course is designed to cover hazard recognition and mitigation for employees in General Industry and Construction. Both courses cover the INTRODUCTION TO OSHA and other specified required course content of the current OSHA OUTREACH GUIDELINES. Upon completion, students receive a Department of Labor OSHA Outreach card. This class is for 10 contact hours, not including lunches and breaks. Per OSHA guidelines, this class must be a 2 day course with no more than 7.5 hours in one day. There is a 3 person minimum for the class per OSHA's current guidelines. This course requires a minimum of 3 people to conduct.

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

#### Schedule of classes June 2025: • TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543

- \*PEC Safeland Basic Orientation: **NEW 2021 SAFELAND:** June 3, 13 (*all virtual*), 27; 8 – 4:30;
- \*First Aid/CPR/AED/BLOODBORNE PATHOGENS (We offer MEDIC FIRST AID): June 2, 20; 8 – noon;  
*In Person Classes: This class is also available for blended learning (online) with remote or in-person skills assessment*
- \*Hydrogen Sulfide Awareness [*ANSI Z390 -2017 Course*]: June 2, 20; 12:30 – 4:30;  
*This class available via Instructor Led video conference*
- \*Confined Space Entry Training (Attendant, Supervisor, Competent Person & Entrant) [*NUCA Course*]: June 25;

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

Need any classes in Spanish? Contact Carrie to schedule.

For any last minute schedule updates, go to [mjslegacysafety.com/training-calendar](https://www.mjslegacysafety.com/training-calendar)

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

#### — FEATURED TRAINING PROGRAMS —

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

Order  
**First Aid**  
& other  
**Safety Supplies**  
[www.mjslegacysafety.com](https://www.mjslegacysafety.com)  
Jeremy  
720-203-6325  
Carrie  
720-203-4948

Want to schedule a class  
On-Site at your Facility...

~ or ~

Attend a class at our  
Training Center?

Just give us a call !!

#### Need Help With

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

**CALL US!!!**

→ **Distance Learning & Video Conference classes:** Through the Pandemic we have been able to offer Safeland and the PEC H2S Clear courses via video conferencing, and Veriforce has extended the authorization to continue this indefinitely. We are also able to offer the 1st aid/ CPR classes with an online blended learning option, and remote skills verification – as well as our In-House H2S Awareness Course. Ask about other distance learning opportunities for more information.

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

#### SOURCES FOR THIS ISSUE

INCLUDE:  
OSHA  
FMCSA  
MSHA  
ISHN  
EPA  
US DOL  
Compliance  
Poster Co.  
Labor Law Center  
Epilepsy  
Foundation  
Transport Topics  
Truck News –  
James Menzies  
HDT Trucking  
info  
NUCA  
CDLLIFE  
The Trucker –  
Linda Garner-  
Bunch  
LAND LINE  
CVSA  
Truck Driver  
News  
EHS Daily  
Advisor



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

## Drug Testing

More and more of the 3<sup>rd</sup> Party Auditing companies like NCMS and TPS Alert are requiring drug testing levels slightly above the levels of some of the regulatory levels to ensure drug testing is being completed each quarter.



**MJS Legacy Safety Services** conducts both drug testing and Auditing account management for our in-house consortium clients as well as the management of other client drug testing consortium accounts, such as DISA. Many have modified their random selections process to work more effectively when a policy is tied to multiple auditing agencies. In specific situations, this may result in slightly more random selections being generated than clients are previously used to seeing to ensure compliance with both the regulatory requirements as well as client specific requirements.

Drug testing policies typically mirror the requirements of an auditing agency (e.g. DOT, DCC, DISA Monitoring, NCMS, etc.). When customers setup a single policy for more than one monitoring agency, and these auditing agencies require different random percentages, the number of random selections generated may be lower than one of the two agencies requires.

**If you have questions on the selection process,  
need assistance with the management of your TPS Alert, NCM,  
or other drug testing audit accounts,  
or need to sign up for a consortium, give us a call!**

**Take Care of your Mental Health!**

A healthy mind is very important  
for a healthy body!

## REPORT A FATALITY OR SEVERE INJURY



- [Federal law](#) requires all employers to notify **OSHA** when an employee is killed on the job or suffers a work-related hospitalization, amputation, or loss of an eye.
- A fatality must be reported within 8 hours.
- An in-patient hospitalization, amputation, or eye loss must be reported within 24 hours.

### To Make a Report

- Call the nearest [OSHA office](#).
- Call the OSHA 24-hour hotline at [1-800-321-6742](tel:1-800-321-6742) (OSHA).
- [Report online](#)

Be prepared to supply: Business name; names of employees affected; location and time of the incident, brief description of the incident; contact person and phone number. [FAQ's](#)

[Learn more about OSHA's severe injury report data, and the severe injury reporting requirement.](#)

## IMPORTANT: PHMSA Random Drug Testing Rate Increase for 2025

There is an important regulatory update from the Pipeline and Hazardous Materials Safety Administration (PHMSA) that may impact your compliance obligations.

Effective January 1, 2025, PHMSA has increased the minimum annual random drug testing rate for covered employees from 25% to 50%. This change applies to operators of gas, hazardous liquid, and carbon dioxide pipeline facilities, as well as liquefied natural gas (LNG) plants and underground natural gas storage facilities.



The updated testing rate reflects data from PHMSA's Drug and Alcohol Management Information System (DAMIS), which showed a positive random drug testing rate exceeding 1% for the calendar year 2023. As a result, the higher rate is being implemented to further enhance workplace safety and compliance across the industry.

### Key Takeaways:

- Starting in 2025, you must ensure that at least 50% of your safety-sensitive employees are randomly selected for drug testing annually.
- Review your current random drug testing processes and adjust to meet this requirement.
- Ensure accurate recordkeeping of your drug testing program for compliance and audits.

Additionally, PHMSA will continue to enforce Multi-Factor Authentication (MFA) for DAMIS reporting, so please ensure your team is equipped to meet this requirement.



## 2025 Fees for Student Course Completion Cards for Outreach Training Program

Fees for new course completion cards is \$10 per card. Fees for replacement cards are established by the Authorizing Training Organizations.

**OSHA** has created 10- and 30-hour basic safety courses tailored to construction, maritime and general industry, as well as 7.5- and 15-hour classes for disaster site workers. These courses cover the basics of worker rights and **OSHA** protections. They also describe how to identify, avoid and prevent workplace hazards. **OSHA** does not require these courses but some municipalities, unions, employers and other organizations do. In fiscal year 2022, the program trained more than one million students.

To obtain copies of course completion documents, such as student course completion cards, students must contact the original training provider. **Please note**, replacement student course completion cards for **OSHA Outreach Training Program** classes cannot be issued for training completed more than five years ago. Only one replacement card may be issued per student per class.

[Authorized outreach trainers and online providers](#)  
[More about OSHA's voluntary Outreach Training Programs](#)

### MJS Legacy Safety

is an Authorized Outreach Trainer.

We offer the OSHA 10 & 30 hour courses for students.

**WE CAN HELP WITH REPLACEMENT STUDENT COURSE  
COMPLETION CARDS IF THE COURSE WAS TAKEN WITH CARRIE  
AND IS LESS THAN 5 YEARS OLD.**

**Give us a call!**

**DEADLINE WAS MARCH 2<sup>ND</sup>**



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

Establishments in [certain industries](#) **Must Submit Required Injury And Illness Data** for each calendar year by **March 2** of the following year using Form 300A.

**Employers must post their most recent Summary of Work-Related Injuries and Illnesses (Form 300A) from February 1 through April 30 in a visible location for their employees' awareness.**

OSHA provides a [secure website](#) that offers three options for injury and illness data submissions. If your establishment is required to submit this data, you must use OSHA's [Injury Tracking Application](#), or ITA. At this link you'll find detailed information on the following:

- Launch the Application
- Who is covered by this reporting requirement?
- Job Aids (How-To)
- What must covered establishments submit?
- When must covered establishments submit their completed Form 300A?
- How do I submit my establishment data?
- FAQs

All current and new account holders must connect your ITA account to a [Login.gov account](#) with the same email address in order to submit your data.

**Need more assistance?** Use the [help request form](#).

To report safety and health violations, file a complaint, or ask safety and health questions, call 800-321-6742 or visit [osha.gov/ContactUs](#).

OSHA's Form 300A (Rev. 04/2004)  
**Summary of Work-Related Injuries and Illnesses**

Number of Cases			
Total number of deaths	Total number of cases with days away from work	Total number of cases with job transfer or restriction	Total number of other recordable cases
0	0	0	0
(01)	(01)	(01)	(01)

Number of Days	
Total number of days away from work	Total number of days of job transfer or restriction
0	0
(01)	(01)

**Injury and Illness Types**

## 2025 Trench Safety Stand Down

June 16-20, 2025

The event traditionally occurs in mid-June around the third week, along with June 2025 to be declared the sixth annual "**Trench Safety Month**". TSSD formally ends around August 15th of each year, with final submission of attendee forms.

### How to Conduct a Trench Safety Stand Down

Companies will conduct a **Trench Safety Stand Down** by taking a break to have a toolbox talk or another safety activity to draw attention to the specific hazards related to working in and around trenches/excavations. We ask that member companies provide to **NUCA feedback** about their **Stand Down**, such as when it was held, how many workers participated, how you shared information with employees. **NUCA** will collect the information, publicize the overall total number of participants, and publish the names of the companies that held a **Trench Safety Stand Down**. You can find all the appropriate documentation in the [TSSD Forms](#).

### Recognition of Participation

For participants in the **2025 TSSD**, **NUCA** will provide a **Certificate of Participation** which will be e-mailed to all participating companies, and helmet stickers will be physically mailed to the address provided on the form you will complete below. Please allow at least several weeks for our safety team to process your submission.

#### 2025 Participation Form

**NUCA** will publish the list of names of participating organizations on the **NUCA** website and in our printed publications after the conclusion of the event. Please feel free to send in any photos taken during your stand down to [nuca@nuca.com](mailto:nuca@nuca.com). They may be published in our publications to encourage other companies to follow your company's lead and emphasize trench safety all year long.

If you have any questions about the online submission form please contact the **NUCA** office by phone #703.358.9300 or email [nuca@nuca.com](mailto:nuca@nuca.com).

Find [more details](#) and materials to use during your **Stand Down** week.

# Navigating OSHA Regulations for Dock Safety

Safety managers on docks have specific priorities compared to other working environments. Loading and unloading require heavy machinery and technical prowess. The **Occupational Safety and Health Administration (OSHA)** has all the recommendations dock staff needs to stay safe and healthy.



Explore how operators and supervisors navigate and implement these requirements.

## Hazard Communication (OSHA Standard [1910.1200](#))

Standard 1910.1200 is critical for all worksites, especially if loaders are handling chemicals or hazardous substances. The rule requires staff to communicate cargo contents with others so they understand the danger they could encounter.

It also requires products to be clearly labeled so there are no misunderstandings. Additionally, everyone must undergo training for hazard communication. This will let everyone know how to use safety data sheets detailing incoming shipments.

## Personal Protective Equipment (PPE) (OSHA Standard [1910.132](#))

Dock workers constantly interact with heavy equipment, wet conditions and the elements. Wearing PPE attempts to prevent injuries and fatalities. If an incident were to occur, PPE should soften the severity. Management teams are responsible for reviewing the jobsites and requiring equipment to protect against a dock's unique concerns. This should include:

- *Hard hats*
- *Gloves*
- *Reflective gear*
- *Safety shoes*
- *Eye protection*
- *Respiratory gear*

All dock areas should be labeled to show employees what PPE is required to participate in certain activities, including visuals on how to don, doff and fix anything compromised. Training will teach staff how to notice when PPE is starting to degrade, which could lead to safety concerns. For example, if safety shoes are worn and lose tread, this could cause slips and falls in icy conditions.

## Lockout/Tagout (LOTO) (OSHA Standard [1910.147](#))

Every machine, from forklifts to cranes, needs to shut down to execute maintenance and isolate power. There should be no way equipment has access to electricity so it cannot activate during repairs. **LOTO** protects dock workers from electrical injuries. But it also stops people from being unintentionally impacted by rogue equipment.

This also increases dock workers' awareness of electrification, primarily when working with non-insulated equipment. For example, many safety guidelines let workers know the minimum safe approach distance for machinery like lifts. They indicate how close something can get to a live wire before becoming electrified.

## Powered Industrial Trucks Training (OSHA Standard [1910.178](#))

Fork trucks and platform lifts are necessities on the docks, and workers must have sufficient training to operate and monitor them. They should also know how to navigate environments where the trucks will frequent.

For example, many loading zones have curbed ramps to discourage trucks from sliding. Therefore, attempting to perform tasks outside of these ramps could pose risks. Only certified individuals should be using equipment like cranes, and they must receive pre-operation inspections to promise every use will be low risk.

Similarly, operators should work within clearly painted areas, showing pedestrians and drivers safe places to work without collision. It also improves drivers' visibility so they do not encounter obstacles or exit the vehicle into an unsafe location.

## Walking-Working Surfaces (OSHA Standard [1910.22](#))

Being near the water means surfaces are often at risk of being slippery. High winds could also blow waste from water surfaces onto the docks. As staff go about their days, moisture and trash can move around the worksite and enter offices, walkways and storerooms. This is why **OSHA** has specific instructions on walking-working surfaces to minimize slips and falls, including:

- *Employees should only use dock boards for material handling with motor-powered equipment.*
- *Guardrail systems must be in required zones to prevent falls of over four feet.*



- *Service pits must be less than 10 feet deep.*
- *Floor markings should clarify edges.*
- *Ladders over 24 feet tall must be fixed with fall arrest systems.*

**OSHA** used to have guidance specifically on how to protect open dock doors with rules on wall openings. However, [these rules are outdated](#), and safety experts should reference other standards where these expectations exist, such as 1910.22.

Rule [1910.29](#) provides additional information on fall protection systems, including why docks should dismiss chains and their ability to protect workers from falls.

### **Material Handling (OSHA Standard [1910.176](#))**

Anything could be in the containers dock workers are transporting as they interact with diverse products daily. This is why thorough material handling practices are necessary. Rules cover how mechanical equipment should interact with specific materials and how workspaces can accommodate them. They should be clean and free of volatile substances that could interact with cargo, such as flammables or pests.

Other material-handling securities include safe lifting techniques for heavy objects, like hoists and dollies. This also prevents some of the most common injuries for these workers — musculoskeletal injuries. Regular inspections and maintenance on these machines are also critical for handling materials safely.

Material handling machinery should have various safety features that enable secure operation. For example, dock lifting equipment manufactured post-1996 has pothole protection systems to ensure the safe operation of an electric lift on any uneven ground. Prior to safety mechanisms like these, equipment tended to flip on docks or worksites. Safe handling consequently requires protection systems and updated equipment with the necessary features to adhere to **OSHA** standards.

### **Emergency Action Plan (OSHA Standard [1910.38](#))**

Workers must know how to respond if an emergency occurs at work. This is why safety managers create comprehensive emergency action plans. **OSHA** mandates these plans to be kept in writing in a place where any employee could review them. Emergencies may include the following:

- *Fires*
- *Evacuations*
- *Chemical spills*
- *Floods*
- *Cybersecurity incidents*
- *Other natural disasters*

Staff must know where to go and who to contact if emergency circumstances are suspected or happening. They should know who to request medical aid from, what paths lead to safe spaces and their responsibilities in specific emergencies.

Teams must run drills to prepare dock workers. Otherwise, they risk unfamiliarity with the plan, which adds unnecessary stress when an emergency occurs. Dock workers should only be focused on protecting themselves and others.

### **Bloodborne Pathogens (OSHA Standard [1910.1030](#))**

Most safety professionals would prioritize **OSHA** standards like PPE or material handling over bloodborne pathogens, but they are more common than you might think. Consider how frequently workers interact with sharp objects, where metals could introduce bacteria or infectious materials into their bodies. Dangers may also arise when working with biohazards.

Areas with potential contamination should be labeled clearly, and decontamination zones should be available to people who are exposed on the job. Under this Standard 1910.1030, **OSHA** includes guidance on handwashing stations, vaccines and waste management practices to help dock workers maintain good hygiene.

### **Keeping Docks Safer for All Workers**

Occupational safety professionals may have a long list of rules to follow for maintaining a compliant dock, but it is worth it to safeguard anything that lies in the containers. While **OSHA's** recommendations ensure care for materials and equipment, these standards place workers' safety above all else. If management teams prioritize these guidelines, then the rest will happen naturally.

## Heat Illness Prevention

### Keeping Workers Well-Hydrated *Why Hydration is Important*

Your body heats up as you work and cools itself through sweating. Sweating can lead to dehydration. Proper hydration is essential in preventing heat illness.

[PDF flyer for your workplace](#)

## Training Saves Lives



The four most common causes of worker fatalities in the construction industry are falls, being caught in or between machinery or equipment, being struck by objects, and electrocution.

Workplace safety requires leadership from the shop floor to the manager's office, to the company boardroom. Setting an example by making safety part of daily conversations demonstrates to workers that their wellbeing is important to business success.

**MJS Legacy Safety** can help you ensure that everyone on the jobsite understands safety procedures they are required to follow, and to identify and suggest solutions for any existing workplace hazards.

— Give Carrie or Jeremy a call —

## A Guide to OSHA Regulations & Environmental Concerns for Hazardous Liquids



Working with flammable and dangerous liquids requires strict adherence to safety protocols. Hence, the **Occupational Safety and Health Administration** (OSHA) standards are established to protect America's workers, facilities and environment. However, with regulation guidelines constantly being revised, it's challenging to keep track of recent changes and remain consistent with the system.

This comprehensive guide covers everything you must know about **OSHA** regulations and environmental practices for safe chemical storage and handling.

### 1. Understanding OSHA's Flammable Liquids Classifications

To create a safer work environment, it's crucial to understand **OSHA's** classifications for flammable liquids. In 2012, **OSHA** updated its flammable liquid categorization to align with the Global Harmonization System (GHS). This revision removed the distinction of "combustible" liquids and replaced it with a streamlined "flammable" liquids classification.

According to **OSHA's** current system, any liquid with a flashpoint of 199.4°F (93°C) or lower is considered flammable, with four categories that further specify storage and handling requirements:

- Category 1: Flashpoint below 73.4°F (23°C) and boiling point at or below 95°F (35°C), such as diethyl ether and petroleum ether.
- Category 2: Flashpoint below 73.4°F (23°C) and boiling point above 95°F (35°C) such as acetone, benzene, isopropyl alcohol and ethanol.
- Category 3: Flashpoint between 73.4°F (23°C) and 140°F (60°C), such as camphor oil, diesel fuel and turpentine.
- Category 4: Flashpoint between 140°F (60°C) and 199.4°F (93°C), such as animal oils, formaldehyde, hydraulic fluids and vegetable oils.

Recognizing these classifications is essential, as they determine how chemicals must be stored and handled safely. [The Safety Data Sheet](#) (SDS) is a helpful tool for identifying each liquid's category and associated risks.

### 2. Storage for Flammable Liquids

**OSHA** provides specific measures to ensure flammable liquids are stored safely indoors and outdoors.

#### Indoor Storage

The total allowable quantity is usually limited to 25 gallons when storing liquids in any indoor space. Those exceeding this number should be kept in approved storage cabinets. These cabinets are subject to stringent requirements — wooden cabinets should be at least one inch thick on all sides and coated with fire retardants, while most commercially available metal cabinets meet the standard. Each cabinet must be labeled in conspicuous letters, "**Flammable - Keep Away From Open Flames.**"

The storage limits per cabinet are as follows:

- Maximum of 60 gallons of Category 1, 2 and 3 flammable liquids.
- Maximum of 120 gallons of Category 4 liquids.

A single area is limited to only three cabinets— excess quantities should be stored in a designated storage room.

## Outdoor Storage

For outdoor storage, [OSHA](#) allows containers of up to 60 gallons each, with a maximum of 1,100 gallons in a single area. Each pile must be spaced at least five feet apart and 20 feet from any structure to minimize fire hazards. Portable tanks holding flammable liquids must not exceed 2,200 gallons, separated by a 5-foot clearance between groupings.

## Dispensing and Transferring Flammable Liquids

Proper grounding and bonding are essential safety measures when dispensing flammable liquids because of the risks associated with them. [OSHA's](#) regulation under [29 CFR 1910.106\(e\)\(6\)\(ii\)](#) specifies that Category 1 and 2 liquids, as well as Category 3 liquids with a flashpoint below 100°F (37.8°C), must only be dispensed when containers are electrically connected. This practice prevents static charge buildup, reducing the risk of sparks that could trigger fires or explosions.

## Environmental Considerations and Best Practices

Fuels, thinners and polishes are highly flammable and can harm American workers and the environment. For workers, they cause asphyxiation and human harm. For the environment, there is a risk of leaks, liquid fires and environmental pollution.

When flammable liquids leak into the ground, they quickly contaminate nearby water bodies. Water stress affects over two billion people, making it urgent to protect aquifers and water sources to ensure a consistent, safe and potable supply.

That is why, in addition to [OSHA's](#) safety regulations, the Environmental Protection Agency also has guidelines for spill prevention, control and containment to prevent the release of hazardous substances into the environment.

The Emergency Planning and Community Right-to-Know Act requires federal, state and local governments to report hazardous and toxic chemical use and release, increasing [the public's access to information](#) regarding flammable liquids.

Disposal of flammables can be done in three ways — evaporation, solidification or removal.

Here are the best practices for proper handling and disposal methods:

- Do not smoke or light an open fire within 20 meters of flammable liquids.
- Discard combustible items like wood and paper in designated storage areas.
- Avoid exposing containers to direct sunlight, car trunks or overheated storage sheds.
- Do not leave containers in direct sunlight or the boot of a car or a heated storage shed.
- Observe standard safety measures when transferring flammable liquids into vehicles.
- Always decant or pour these liquids outdoors.
- Use a spout or funnel to minimize spills. If clothing gets splashed, change immediately to reduce fire risk.
- Keep storage quantities of flammable liquids to a minimum.
- Safely dispose of any excess or unneeded flammable liquids.
- Never dispose of flammable liquids down a drain or sewer system.
- Contact a certified hazardous waste disposal company to safely remove highly flammable substances.

## Employee Training and Safety Protocols

A successful flammable liquids safety program relies heavily on comprehensive employee training. [OSHA](#) requires workers handling hazardous liquids to be well-versed in hazard communication standards and know how to interpret Safety Data Sheets. They must also be trained in proper storage, labeling and dispensing procedures and emergency actions, such as using fire extinguishers and following evacuation protocols.

To maintain a high level of safety awareness, routine inspections and audits, along with ongoing training and refresher courses, are essential. These practices reinforce **best practices**, help identify potential vulnerabilities and prevent minor issues from escalating into serious safety incidents.

## Protect the People and the Planet

A comprehensive approach to managing flammable and dangerous liquids involves more than basic [OSHA](#) compliance. By staying informed and proactive, organizations can protect their people, assets and the environment while avoiding costly fines and reputational damage.

## OSHA Updates Site-Specific Targeting Inspection Program



The **Occupational Safety and Health Administration** (OSHA) announced May 20 it updated its [Site-Specific Targeting \(SST\) program](#) of workplace inspections.

The **program directive** (CPL 02-01-067), signed on **April 8** and effective **May 20**, replaces a **directive issued on February 7, 2023**.

The **process for selecting establishments** for inspection uses **OSHA Form 300A** data from **calendar years 2021 to 2023**. Establishments **may be selected** for inspection based on:

- *High injury and illness rates in the 2023 data,*
- *Upwardly trending injury and illness rates based on 2021 to 2023 data at or above twice the 2022 private sector average,*
- *Injury and illness rates that are markedly below industry averages, and*
- *Failure to submit an OSHA Form 300A in 2023.*

The **SST program** is **OSHA's main initiative** for **site-specific programmed** inspections at **nonconstruction workplaces** that have **20 or more employees**, according to the **agency**. By applying industry and **establishment-size criteria**, **OSHA** focuses its **enforcement resources** on workplaces most **likely to have** experienced **elevated rates or increased numbers** of occupational injuries and illnesses.

**Workplaces** that have achieved **Safety and Health Achievement Recognition Program** (SHARP) status are deferred from **federal OSHA** or **State Plan programmed inspections** for up to **two years**. If a workplace has **applied to join OSHA's voluntary** protection program (VPP) and an **on-site review has been scheduled**, the area office **will remove the applicant** from any **programmed inspection list** (including an SST inspection list) for **up to 75 days before the scheduled** on-site review.

An **area office will** initiate an **SST program inspection** as either a **comprehensive safety or a health** inspection based on the **office's knowledge** of the **workplace's potential hazards**. However, the **scope** of an **inspection may be expanded** under **procedures in the agency's field operations manual**.

During an **inspection**, **agency compliance safety and health officers** (CSHOs) review the facility's **OSHA 300 logs, 300A summaries, and 301 incident reports** for three **prior calendar years** (2021, 2022, and 2023).

For the **facility walk-through**, CSHOs are **instructed to consider** and evaluate **potential hazards** in all **areas of the workplace**, with a focus on **areas where documented** injuries or **illnesses have occurred**. They're also **instructed to pay particular** attention to **employee exposures** to hazards **identified in employee interviews**, hazards in **plain view**, and injuries or **illnesses identified on OSHA 300 and 301 forms**.

**SST program inspections** also include an **evaluation of the employer's safety and health management system**, focusing on **whether the system** is adequate to **identify and address the elevated rate of injury or illness at the facility**.

Some **facilities may be selected** for **SST inspections** along with **inspections under one or more OSHA national or regional emphasis programs**. Inspections for **emphasis programs** based on **specific hazards** (such as combustible dust or lead) or **specific industries** (such as logging, scrapyards, shipbreaking, or petroleum refineries) may **run concurrently** with the **SST program**.

Therefore, **agency CSHOs** may perform **SST-only inspections, SST inspections combined with inspections under other emphasis programs, or SST inspections combined with unprogrammed inspections**. The **directive includes instructions** for recording and **tracking the different types** of inspections.



# Essential Machine Guarding Practices for Worker Protection in Manufacturing



Danger lurks in manufacturing plants, making worker safety a top priority. Some hazards can severely injure or even take the lives of employees. These include chemical burns, electrical troubles and machines with moving parts that pose occupational risks. Many of these accidents can change people's lives for the worse and are also costly to the company due to reputational damage and heavy fines from OSHA.

Machine guarding can improve a facility's safety strategy. Manufacturers and managers focused on creating a safe work environment should install this equipment to protect workers from severe injuries and fatalities.

## Why Machine Guarding Is Important

The manufacturing industry reported 326,400 injury cases in 2023, 391 of which were fatal to the employees involved. This highlights the need to protect people in hazardous workplaces.

Machine guards are designed to protect workers from mechanical hazards during regular operation. Protective coverings keep rotating parts, flying debris and sparks at bay, making the workplace safer. The goal is to minimize damage by preventing accidental contact with exposed moving parts and hazardous areas.

However, it's not just about keeping people safe. Adequately guarded equipment helps manufacturers, too. Manufacturing plants experience at least 25 hours of downtime every month, significantly affecting productivity. Machine guards lead to fewer accidents and less unproductive time. Reducing the risk of incidents leaves the costs of worker compensation claims and legal headaches behind.

## Key Machine Guarding Practices for Worker Protection

Here are essential practices for effectively installing machine guards in the workplace.

### 1. Conduct Thorough Hazard Assessments

Facility management needs to assess the risks before installing machine guards. This entails determining the dangers each piece of equipment poses, such as heat, electrical and mechanical concerns. The evaluation should also consider the worker's proximity to the machinery to determine the hazards they face when running the equipment.

Factors like speed, the material being processed and any additional dangers resulting from worker interaction with the equipment should be considered throughout the evaluation process. Once hazards have been identified, facility managers can decide which type of machine guarding will be most suitable.

### 2. Install Proper Safety Guards

Safety guards come in various types and should be selected based on the machine and specific hazards involved. Some of the most common include:

**Fixed guards:** These are stationary barriers or covers that completely enclose a dangerous area, preventing access to moving parts. For example, a circular saw used in woodworking or metalworking often has a fixed guard around the blade to prevent workers from coming into contact with the cutting edge.

**Interlocked guards:** These have a mechanism that automatically shuts the machine down when the guard is opened or removed. This prevents workers from accidentally being exposed to moving parts. For instance, press brakes have interlocked shields in metalworking to prevent people from accessing the pinch point area when the equipment is in operation. If the guard is opened, the device stops automatically.

**Adjustable guards:** These can be adjusted to adapt to different sizes of materials or parts being processed. Sheet metal machines like shears or punch presses may have adjustable guards that can accommodate various sizes of metal sheets, providing coverage around cutting edges or press areas.

**Self-adjusting guards:** These automatically adjust based on the size of the material being processed. A surface grinder may have a self-adjusting guard that automatically moves with the grinding wheel as it is lowered or raised, ensuring it's always shielded from the worker, regardless of its position.

### 3. Use Safety Devices and Automation Technology

Other safety devices supplement the use of physical guards to protect workers further. About 70% to 90% of workplace accidents result from human error, and these devices safeguard employees before problems escalate. Many high-tech automated setups strengthen safety, including:

**Presence-sensing devices:** These sensors detect when a worker is too close to a machine or its hazardous areas and can trigger an automatic shutdown or alarm to warn of danger. They are invaluable in devices that cut raw materials to size.

For example, a presence-sensing device could alert the operator that their hands are too close to the blades.

**Emergency stop buttons:** These buttons should be easily accessible and visible in areas with high-risk machinery. Workers must know how and when to use them to stop the machine immediately in an emergency. For instance, in a factory with large metal stamping machines, these buttons allow employees to pause the equipment if a hand or other body part is in danger of being caught.

**Machine control systems:** Automated systems can limit machine operations based on specific conditions, reducing the likelihood of worker injury. These systems can be programmed to halt or slow down the equipment when specific safety conditions are unmet. For instance, a computer numerical control (CNC) machine may be programmed with sensors that slow it down if a protective cover is not correctly in place or if there's an obstruction in the work area.

#### 4. Provide Proper Training and Education

Even the best machine guards and safety devices can't replace the importance of worker training. All employees, especially those working directly with the equipment, must receive comprehensive training on machine guarding practices and procedures. Training should cover:

- *The types of hazards they may encounter.*
- *The importance of safety guards and how they work.*
- *How to properly use safety devices and emergency stop buttons.*
- *How to recognize signs of wear or malfunction in machine guards.*
- *The importance of reporting damaged or malfunctioning shields immediately.*

Facility managers should ensure that workers know safety protocols and understand how to maintain a safe distance from hazardous machinery. Regular safety drills and refreshers can help keep employees up to date with the latest safety practices and ensure they remain vigilant while working.

#### 5. Maintain Regular Inspections and Audits

Routine inspections ensure that machine guards remain functional and effective over time. Guards can wear down, become misaligned or be obstructed, reducing worker protection. It's best to follow standards set by the original equipment manufacturer to ensure proper maintenance and prolong life. Establishing a maintenance schedule for inspecting machines, guards and safety devices will help identify potential issues early on.

During these inspections, it's crucial to check:

- *Whether guards are securely in place and undamaged.*
- *Whether sensors, interlocks and emergency stop buttons are working properly.*

- *Whether workers have been removing or bypassing guards.*
- *Whether machines require additional safeguards or updates to meet current safety standards.*

Maintaining a log of inspections can help identify patterns of issues with specific machines or types of guards, providing valuable information for addressing recurring problems. Additionally, these logs can be helpful for **OSHA** compliance and inspections.

#### 6. Ensure Clear Communication and Reporting Systems

Workers must always report when they recognize hazards or issues with installed machine guarding. However, 51% of occupational injuries go unreported. This is because employees might fear retaliation. Unclear procedures and a lack of trust in management also make it challenging to report dangers and accidents.

Facility managers must establish a clear, accessible system so employees can report safety concerns with ease. This system should include:

- *A simple way for workers to report problems with machine guards or safety devices.*
- *A protocol for addressing and resolving reported issues quickly.*
- *A feedback loop that ensures workers are informed about how their concerns are being addressed.*

Clear communication between workers, supervisors and maintenance is necessary so hazards are never overlooked or ignored. Encouraging employees to take an active role in workplace protection can help create a safety culture in the manufacturing environment.

#### 7. Stay Informed About Regulatory Requirements

Regulations like the **OSHA Machine Guarding Standard 1910.212** outline the requirements for machine guards, which includes proper installation, maintenance and worker safety procedures. Regularly reviewing these rules and consulting with safety experts or compliance officers can help keep facilities in line with the latest standards.

### Prevent Accidents Before They Happen

**Proper machine guarding is the crux of protecting workers in the manufacturing industry. The benefits of this measure, along with other safety practices, go beyond just preventing accidents. They also help create a safer and more productive workplace, reduce the risk of legal liabilities and ensure compliance with safety standards. By prioritizing machine guarding and worker safety, manufacturers can protect their most valuable asset — their workforce.**

## Special Safety Considerations for Construction in the Agricultural Sector



As a construction professional, you'll likely be in many different environments. While there's plenty of work available in the cities, you never know when an opportunity could open up to work on a project in the agricultural sector.

It may seem like there's not much to worry about when working seemingly in the middle of nowhere, but there are potential hazards you may not have anticipated. Whether you're a foreman or part of a team, it's essential that you plan ahead so you can stay safe until the project's completion.

There are various hazards to consider. This checklist can prepare you for what's ahead so you remain vigilant and end the job in the same condition as when you began.

### *Projects that could bring you to the agricultural sector*

Various construction projects could introduce you to the agricultural sector. Many of these jobs will occur on farms as you build free-stall barns, equipment and manure storage areas, milking parlors, greenhouses, and everything in between. There are many farms nationwide, so these projects could keep you busy for years.

One of the many unique projects you could be called out for is the construction of barndominiums. As the name implies, this structure is a barn that's used for farm work like the other barns on the property. However, there's an additional space where someone can live. Many people like the idea of barndominiums because they're affordable and durable. They are gaining steam, and you may be called out to build one.

While there's a lot of potential in the agricultural sector, these are not jobs to be taken lightly. At first glance, it may seem like a safe place to work, but the statistics show that farm work can be very dangerous. In 2012, 374 farmers and farm workers died from work-related injuries, and there's a stark reality that the fatality rate for agricultural workers is seven times higher than for workers in the private sector.

However, while the work can be dangerous, you can prepare by staying informed about common threats and the precautions you can take to stay safe.

### *Common threats*

The best way to ensure your safety is to prepare for hazards that can present themselves at any time of the day. Even commuting to the job site can pose issues if you're not careful, especially when driving at night.

One of the challenges of driving late or very early in the morning is limited visibility. There are fewer street lights out in the country, so you will need to be vigilant behind the wheel. Avoid issues by turning on your high-beam headlights when there's no oncoming traffic and wearing prescription frames if needed.

Nocturnal animals can also be an issue around farmland. With fewer buildings and people around, animals are more likely to roam, and they could dart into the road at a moment's notice. If you're not prepared and stop short, you could hurt your back or neck.

Another common threat that can happen at any time of the day is the potential to fall or hit your head on the ground or a piece of agricultural equipment. Without the proper caution, a concussion is a real possibility. If left untreated, a concussion could lead to bleeding or swelling of the brain.

That's why it's essential to know the symptoms of a concussion, which can begin with mild reactions like headaches and ringing in the ears. As time goes on, you could also experience nausea, dizziness, and temporary memory loss. It's vital that you and your coworkers know how to identify a concussion so you can help each other. Just remember that symptoms may not show immediately, so stay aware.

Avoid the potential for concussions when working on agricultural operations by keeping ladders secure, ensuring that only authorized personnel work with potentially dangerous cranes and power tools, and working with caution near grain bins and silos.

### *Consider the elements*

Working on a farm or in an open field creates some hazards you won't face everywhere else, including excessive heat from May to October. Depending on the worksite, you may not have many places to go for shade or air conditioning, so you must be cautious of the potential for heat illnesses, like sunstroke or dehydration.



You can avoid the dangers of the sun by taking breaks throughout the day and having access to enough drinking water to keep you hydrated. You should also wear a hat and sunscreen to fight the effects of the sun.

A potential threat that's typically exclusive to the agricultural sector, primarily found in states like Arizona, California and Nevada, is valley fever. It's caused by the fungus that lives in previously undisturbed soil. Once the soil is disturbed by shoveling or land-clearing operations, the spores can become airborne and negatively affect the lungs. (Recent outbreaks and studies suggest the fungus is expanding its range, including into parts of Colorado.)

Before working in an area that could have valley fever, check with the local county health department to ensure the land is safe. Also, management should train their staff on the symptoms of this and other airborne illnesses, including fever, skin lesions, and swelling.

Finally, if there are animals on the farm or nearby, be cautious of the possibility that you could come down with a zoonotic disease, which can be transmitted from vertebrate animals to humans. They include anthrax, rabies, leptospirosis, and more. You can work to avoid the potential of a disease by staying away from the animals on a farm unless you're asked or permitted to approach them.

### General protections before starting work

The best way to stay safe on an agricultural job site is to have a plan of action before the job begins. Management should first conduct a risk assessment of the potential hazards on the site by speaking to experts and surveying the area. After identifying risks, determine potential solutions if an issue becomes a reality. Once the job begins, there should be safety meetings every morning before work to discuss the day's duties and how to avoid hazards along the way.

It's also vital that everyone on the job site is provided with the necessary personal protective equipment to stay safe. Hard hats, gloves, safety goggles, and steel-toe boots may be required, so management must ensure everyone has what they need and knows how to use it properly.

Finally, create a culture of safety. Everyone on the job should have each other's backs, and no one should be afraid to come forward to report a risk. Each potential issue should be taken seriously, and safety must be at the forefront of everyone's mind. If you're new to construction in the agricultural sector, speak to a professional to better grasp the situation at your job site.

### Conclusion

When it comes time to start building and maintaining structures on a farm, field, or other agricultural site, there's a lot to consider. Learn the risks beforehand and have solutions lined up in advance so you and your team can work efficiently and without fear of injury.

### SAFETY AT EVERY LEVEL

When it comes to safety solutions, one size doesn't fit all. We have safety and health resources specifically designed to help small businesses comply with OSHA standards and receive advice you can trust.

**MJS Legacy Safety can help! Give us a call!**

## Do you know the answer

### Is a trench box considered a confined space?

A trench box is not generally considered a [confined space](#) under OSHA regulations. OSHA's excavation standard ([29 CFR Part 1926, Subpart P](#)), which covers [trenching and excavations](#), focuses on hazards like cave-ins and falls and requires protective systems such as trench boxes to shield workers from the falling soil. If workers enter something inside the trench, such as a sewer line, manhole, or vault, that is a confined space, then the employer must follow both the excavation standard for the trench and the confined space standard for that structure.



# Requiring Employers to Keep Employees Informed

## Labor Law Posters

Some of the **statutes** and **regulations** enforced by the **U.S. Department of Labor (DOL)** require that **notices be provided** to employees and/or **posted** in the **workplace**. DOL provides **free electronic copies** of the **required posters** and some of the **posters** are available in **languages** other than **English**.

**Posting requirements** vary by **statute**; that is, **not all employers** are **covered** by each of the **Department's statutes** and thus **may not be required** to post a **specific notice**. For example, **some small businesses** may **not be covered** by the **Family and Medical Leave Act** and thus **would not be** subject to the **Act's posting requirements**.

The [elaws Poster Advisor](#) can be **used to determine** which **poster(s)** employers are **required to display** at their **place(s) of business**. Posters, **available** in **English** and **other languages**, may be downloaded **free of charge** and printed **directly** from the **Advisor**. If you **already know** which **poster(s)** you are **required to display**, the **site makes it easy to download and print** the appropriate poster(s) **free of charge**.

Please note that the **elaws Poster Advisor** provides **information** on **Federal DOL poster requirements**. For **information** on **state poster requirements**, please visit [state Departments of Labor](#). For **Colorado posters**, use this [link](#).

Each month we'll highlight a different topic and do our best to keep you up to date on any new or changing statutes and regulations.

## Federal Bilingual Emergency Number Poster ([pdf](#))

The Federal Bilingual Emergency Number poster can help employers inform employees about the local emergency services in case of emergencies. The poster contains blank lines for the employer to fill in local emergency phone numbers. The high-quality Poly Vinyl surface allows you to fill in mandatory-to-communicate data. Employers are encouraged to display this poster where employees can easily read it.



## Choking Poster ([pdf](#))

The Choking Safety Poster protects your employees and guests against any potential accidents. This poster has a step-by-step guide on how to correctly perform the Heimlich Maneuver on those that are choking. As well as what to do in the event a victim becomes unconscious. Place this poster in an area frequented by employees and guests to be the resource guide in the event of a choking emergency.

## Seizure First Aid Training and Certification ([pdf](#))

Knowing how to help someone during a seizure can make a difference and save a life. While there are [many different types of seizures](#), people who experience seizures may be confused, not aware of what is going on, or unconscious. A person could get hurt during a seizure, a seizure could last too long, or the [seizures could cluster](#). The first line of response when a person has a seizure is to provide general *care and comfort* and keep the person safe. The information here relates to all types of seizures.

— Remember —

*For most seizures, basic seizure first aid is all that is needed. The steps are simple - Stay. Safe. Side. - anyone can do them.*



## Reminder - Federal Drug Testing Custody and Control Form Mandatory

► DOT-regulated employers and their service agents [collectors, laboratories, Medical Review Officers (MRO)] must use the **'revised CCF'**. ◀



[Learn more](#) about what this means for DOT drug testing.



**COLORADO**  
Department of Revenue

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

### DOT 2025 Regs Violation Penalty Increases

The Department of Transportation published a [final rule](#) in the **Federal Register**, effective Monday, Dec 30, 2024, updating the civil penalty amounts that may be imposed in 2025 for violations of certain DOT regulations, including **Federal Motor Carrier Safety Administration** regulations focused on in trucking-company audits.

This is an annual move required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act.

[The updated fines for FMCSA regulations violations can be seen here](#) (pdf)

## CVSA's Operation Safe Driver Week Scheduled for July 13-19

The **Commercial Vehicle Safety Alliance** (CVSA) has announced July 13-19 as this year's **Operation Safe Driver Week**, a safe-driving enforcement and outreach initiative aimed at improving driving behaviors through education, traffic-enforcement strategies and driver interactions with law enforcement.

During **Operation Safe Driver Week**, law enforcement personnel in Canada, Mexico and the U.S. will be on the lookout for commercial motor vehicle drivers and passenger vehicle drivers engaging in unsafe driving behaviors, such as speeding, distracted driving, following too closely, drunk or drugged driving, etc. Drivers engaging in such behaviors will be pulled over by law enforcement personnel and issued a warning or citation.

The **focus** of this year's **Operation Safe Driver Week** is reckless, careless or dangerous driving. Any person who drives a vehicle in willful or wanton disregard for the safety of persons or property is driving recklessly. Careless/dangerous driving is defined as operating a vehicle without due care and attention or reasonable consideration for other motorists or people on the road.

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

"People dealing with an issue on the side of the road are in a dangerous position, especially our first responders and others who regularly are near live traffic," said Shoshana Lew, executive director of CDOT.

"It is up to all of us, in every situation, to make the road as safe as possible when we see a vehicle pulled over on a shoulder. Move over and slow down for everyone, every time."



### Colo. Law: Move Over for Me

[HB23-1123](#) REQUIRES that drivers move over a lane whenever they encounter **ANY** stationary vehicle with its hazards flashing – and if they can't move over, they **Must Slow Down** to at least 20 mph below the posted speed limit.

**~ IT'S THE LAW ~**

# CVSA: COMMERCIAL DRIVERS MUST BE ABLE TO COMMUNICATE IN ENGLISH TO OPERATE IN US

Effective June 25, 2025, the **Commercial Vehicle Safety Alliance (CVSA)** will require that commercial drivers in the U.S. demonstrate sufficient proficiency in English or be placed out of service (OOS). The drivers must meet certain standards in English Language Proficiency (ELP). Enforcement of [Title 49 Code of Federal Regulations \(CFR\) 391.11\(b\)\(2\)](#) of the [CVSA North American Standard Out-of-Service Criteria](#) will begin June 25, 2025.

The announcement by CVSA comes on the heels of an executive order requiring commercial drivers operating in the U.S. to be proficient in English, which was signed by President Donald Trump on April 28.

According to a statement from CVSA, an “English Proficiency (U.S. Only)” heading will be added to the “Part I – Driver” section of the North American Standard Out-of-Service Criteria stating: “Driver cannot read and speak the English language sufficiently to communicate with the safety official to respond to official inquiries and directions in accordance with FMCSA enforcement guidance. (391.11(b)(2)) Declare driver out of service.”

[CFR 391.11\(b\)\(2\)](#), “General qualifications of drivers,” states that a driver must be able to read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries and to make entries on reports and records.



“Federal law is clear; a driver who cannot sufficiently read or speak English — our national language — and understand road signs is unqualified to drive a commercial motor vehicle in America. This commonsense standard should have never been abandoned,” said U.S. Transportation Secretary Sean P. Duffy in an April 28 statement. “This department will always put America’s truck drivers first.”

In addition, CVSA says it plans to petition the FMCSA to update [49 CFR 391.11\(b\)\(2\)](#) to identify non-compliance with English language proficiency as an OOS condition. CVSA will also send a petition FMCSA requesting that the agency harmonize the commercial driver’s license English language requirements in [49 CFR Part 383 “Commercial Driver’s License Standards”](#) with those in [49 CFR Part 391 “Qualifications of Drivers and Longer Combination Vehicle \(LCV\) Driver Instructors”](#) so that the standards are consistent.

## FMCSA Introduces Two-Step Process to Determine Truck Driver’s English Language Proficiency

The **Federal Motor Carrier Safety Administration** shared updated guidance for law enforcement on how to evaluate whether a commercial vehicle driver is sufficiently fluent in English to avoid a citation or out-of-service order.

The Executive Order (EO) requiring the enforcement of existing English Language Proficiency (ELP) requirements for truck drivers sought to reverse a 2016 policy that stated that commercial vehicle drivers should not be placed out-of-service for ELP violations. CVSA has updated the [North American Standard Out-of-Service Criteria](#) to make an ELP violation an out-of-service offense once again, effective June 25, 2025.

On May 20, 2025, the [FMCSA released an internal memo](#) that provides guidance for law enforcement personnel on how to evaluate whether drivers meet ELP requirements while conducting inspections, establishing the following two-step language assessment process, effective immediately:

This policy advises FMCSA personnel to initiate all roadside inspections in English. If the inspector’s initial contact with the driver indicates that the driver may not understand the inspector’s initial instructions, the inspector should conduct an ELP assessment in order to evaluate the driver’s compliance with [49 CFR § 391.11\(b\)\(2\)](#).

### Step 1. Driver Interview – Determining a Driver’s Ability to Respond Sufficiently to Official Inquiries

The inspector should evaluate the driver’s ability to respond sufficiently to official inquiries and directions in English, as required by [49 CFR § 391.11\(b\)\(2\)](#). Because the driver interview is a means of establishing the driver’s ability to respond to official inquiries by speaking English sufficiently, the inspector should inform the driver that the driver should respond to the inspector in English.

Tools to facilitate communication such as interpreters, I-Speak cards, cue cards, smart phone applications, and On-Call Telephone Interpretation Service should not be used during the driver interview, as those tools may mask a driver’s inability to communicate in English. If the inspector determines the driver is unable to respond to official inquiries in English sufficiently, it is the policy of FMCSA that the inspector cite the driver for a violation of [49 CFR § 391.11\(b\)\(2\)](#).

**\* There is no need to progress to Step 2 if the inspector determines that the driver is unable to respond sufficiently to official inquiries as outlined in Step 1 of the ELP Assessment.**

### Step 2. Highway Traffic Sign Recognition Assessment – Determining a Driver’s Ability to Understand Sufficiently United States Highway Traffic Signs Including Changeable Signs in the English Language

The inspector should evaluate the driver’s ability to understand sufficiently United States highway traffic signs by conducting a Highway Traffic Sign Assessment to include highway traffic signs that conform to the Federal Highway Administration’s Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) and electronic-display changeable (a.k.a. “dynamic”) message signs the driver may encounter while operating a commercial motor vehicle.

The memo provides an exemption for drivers operating commercial motor vehicles in commercial zones along the U.S.-Mexico border, noting that these drivers should be cited for ELP violations but not placed out-of-service or disqualified from operating commercial vehicles.

— Read the memo in full (pdf) [here](#) —



## Cargo Theft Bill Unanimously Advances Through Committee

A piece of legislation aimed at tackling the growing issue of cargo theft is moving forward. On Wednesday, May 21, the Senate Committee on Commerce, Science, and Transportation unanimously voted to advance a number of measures, including the [Household Goods Shipping Consumer Protection Act](#).



Introduced in January by Sen. Deb Fischer, R-Neb., the bill would “clarify the authority of the administrator of the **Federal Motor Carrier Safety Administration** relating to the shipping of household goods” – restoring the agency’s authority to issue civil penalties against bad actors.

“This bipartisan, bicameral legislation will give the **FMCSA** the tools needed to protect consumers from fraud by scammers in the interstate transportation of household goods,” Fischer said during the Executive Session. According to Fischer, since 2021, there has been a 1,500% increase in cargo theft incidents in the U.S., costing the industry \$35 billion annually. The legislation also would require brokers, freight forwarders and carriers to provide a valid business address to **FMCSA** before acquiring operating authority.

The cargo theft legislation is supported by a number of industry stakeholders, including the **Owner-Operator Independent Drivers Association**. “Freight fraud committed by criminals and scam artists has been devastating to many small-business truckers simply trying to make a living in a tough freight market,” **OOIDA** President Todd Spencer said in a statement. “Because of the broad industry support for these commonsense reforms, we hope this bipartisan legislation will move through the committee process without delay.”

In March, **OOIDA** Executive Vice President Lewie Pugh testified before a Senate subcommittee about the growing issue of cargo theft – encouraging lawmakers to support the legislation. “It will pay dividends if we can get it across the finish line,” Pugh said.

The federal government has shown significant interest in curbing the issue. Earlier this month, during a House Transportation and Infrastructure Subcommittee roundtable, industry stakeholders were given an opportunity to discuss what measures the federal government should be taking to curb the rising rates of cargo theft.

During the session, members of the panel expressed support for the [Combating Organized Retail Crime Act](#). This bill seeks to enhance communication between federal and state agencies investigating cargo crime and to strengthen prosecution of those convicted of cargo theft.

## US Department of Labor Issues Guidance on Independent Contractor Misclassification Enforcement

The U.S. Department of Labor’s [Wage and Hour Division](#) recently issued a [field assistance bulletin](#) providing guidance on how to determine employee or independent contractor status when enforcing the [Fair Labor Standards Act](#).

While the department reviews the 2024 final rule, [Employee or Independent Contractor Classification Under the Fair Labor Standards Act](#) – which is also being challenged in federal court – agency investigators are directed not to apply the 2024 rule’s analysis in current enforcement matters. Instead, the division will rely on longstanding principles outlined in [Fact Sheet #13](#) and further informed by the reinstated [Opinion Letter FLSA2019-6](#), which addresses classification in the context of virtual marketplace platforms. This approach provides greater clarity for businesses and workers navigating modern work arrangements while legal and regulatory questions are resolved.

This guidance does not change existing regulations but reflects how the department is allocating enforcement resources during the review of the 2024 rule. The FAB supersedes any prior or conflicting guidance provided to Wage and Hour Division staff on enforcement related to independent contractor misclassification. The department may still exercise enforcement authority in individual cases deemed appropriate by the Wage and Hour Administrator or a designee.

For additional guidance beyond the field assistance bulletin, workers and employers can contact the Wage and Hour Division at its toll-free helpline, 866-4US-WAGE (487-9243).



# CVSA to Urge FMCSA to Limit Truck Driver Conveyance Time

**38% of Drivers Misuse Rule, Raising Crash Risks, Inspectors Say**



Commercial motor vehicle inspectors have quietly gathered data on truck driver personal conveyance time and are making plans to soon ask regulators to limit the use of [conveyance time](#) to two hours.

Collecting data during more than 41,000 roadside inspections, leaders at the [Commercial Vehicle Safety Alliance](#) say they are convinced that improper driver use of personal conveyance time is on the rise, and that federal crash data shows that companies that employ drivers who improperly use conveyance are four times more likely to get in an accident — and have higher out-of-service rates.

The inspections, which included interviews with drivers whose electronic logging devices recorded conveyance time, revealed that 38% of drivers used the conveyance time improperly.

CVSA plans to file a petition with the **Federal Motor Carrier Safety Administration** seeking revisions to regulatory requirements for driver personal conveyance, according to Adrienne Gildea, deputy executive director at CVSA.

"There are a number of areas where we think the **FMCSA** has to provide more clarity with what is, and is not, actually personal conveyance," Gildea said. "So our petition will seek to cap the time which will limit the appeal of drivers improperly using it to extend their driving time."

"We wanted to get a better statistical look at how drivers are using personal conveyance, and how often they're using it improperly," said Jeremy Disbrow, a CVSA roadside inspection specialist. "The nearly 40% improper personal conveyance use is a little bit alarming. That tells me that there's probably some confusion or some drivers are using conveyance as an intentional loophole."

"Either way it needs to be clarified and cleaned up a little bit," Disbrow added.

"Say you're driving south," Gildea said. "This will allow you to drive an hour west to visit your brother, or 30 minutes one way to pick up your prescriptions, or any other number of reasons why a driver should be allowed to use personal conveyance. It essentially allows them to grab food or run a personal errand, or do things on their time off. But it is not intended to give anybody two extra hours to extend their driving time for the purpose of moving their load."

"It's when you're driving the truck but you're not working," she added.

In two attempts over four years, CVSA has failed to persuade federal trucking regulators to strengthen guidance for stopping a rise in truck drivers improperly using personal conveyance to stretch the hours they drive. One of the requirements of personal conveyance use is that drivers cannot use it to advance their load after their driving hours are done.

This time, the inspectors group believes it has the data to convince **FMCSA** to make the conveyance requirements include a two-hour time limit.

In addition to requesting the two-hour cap on use of personal conveyance in a calendar day, CVSA's petition will ask **FMCSA** to consider:

- Prohibiting time spent in personal conveyance from counting as "off-duty" time.
- Requesting official written guidance that states it is not acceptable to continue driving after reaching an hours-of-service limitation to get to a "safe haven" because there is no available parking.
- Requesting clarification for "enhancing operational readiness."
- Requesting official written guidance that states an owner-operator cannot use personal conveyance to return home or leave home.
- Defining "yard move."
- Clarifying the difference between personal use and personal conveyance.

CVSA's leaders say that the current guidance on the use of personal conveyance is incomplete, which adversely affects safety by allowing drivers to utilize personal conveyance to drive beyond the hours-of-service limits, increasing the risk of fatigued driving. The lack of clarity in the regulations can make it difficult for inspectors to identify the misuse of the provision, further incentivizing abuse of the personal conveyance designation.

CVSA said that drivers using proper reasons for conveyance include en route for food, lodging or entertainment; commuting home to terminal/drop lot; safe location after loading/unloading; moving CMV at direction of law enforcement; and transporting personal property.

Some of the improper uses include extending HOS limitations with personal conveyance; owner-operator traveling to/from residence for business; picking up or dropping off cargo; enhancing operational readiness; and continuation of trip to fulfill business purpose.

## Truck History Reports

**Look up the full history of any truck, including: reported accidents, inspection violations, insurance claim, owner history and more.**

**Find Report . . . .**

**And learn more about truck history reports.**

# DOT Amends Oral Fluid Drug Testing Procedures

## Part 40 Final Rule - DOT Summary of Changes



On November 5, 2024, the Department of Transportation (DOT) published a final rule in the *Federal Register* ([89 FR 87792](#)). This final rule amends the DOT's regulated industry drug testing program primarily as it relates to oral fluid testing.

### When is the final rule effective?

The final rule was effective December 5, 2024.

### What does this mean for collectors?

- 1) **The rule clarifies that a qualified urine collector ([§ 40.33](#)) is not a qualified oral fluid collector ([§ 40.35](#)), and vice-versa.**
- 2) **The rule provides temporary qualification requirements for mock oral fluid monitors.**

- DOT clarifies that generally, a qualified collector for the oral fluid mock collections required under § 40.35(c) must be a qualified oral fluid collector and have specific experience in oral fluid collections or training.
- Prior to this rulemaking, there were no qualified oral fluid collectors per §40.35(c)(2) to monitor and evaluate a trainee's mock collections.
- To best facilitate the timely training of oral fluid collectors, the final rule permits an individual who is not a qualified oral fluid collector to serve as the monitor for oral fluid mock collections **ONLY** if:
  - The individual successfully completes an oral fluid "train the trainer" course (§ 40.35(c)(2)(iii)); **OR**
  - The individual conducts oral fluid collector training (§ 40.35(c)(2)(ii)).
- DOT is waiving the requirement that an individual have at least 1 year experience conducting oral fluid collector training.
- The individual conducting the oral fluid collector training should (1) have a thorough understanding of Part 40, (2) be well versed in the course content they are teaching, and (3) maintain records to demonstrate that the training was conducted. The course content must meet the requirements specified in § 40.35(b).

**The temporary regulatory relief outlined above will sunset one year after HHS publishes a *Federal Register* notice that it has certified the first oral fluid drug testing laboratory.**

- After the one-year period, individuals observing oral fluid mock collections (i.e., monitors) will need to comply with the qualified oral fluid collector requirements in § 40.35(c)(2).
- So that all are aware of the effective dates of the regulatory flexibility, DOT will publish a *Federal Register* document specifying the date the first oral fluid laboratory was certified by HHS and the effective date that individuals observing mock collections (i.e., monitors) will need to comply with the qualified collector requirements in § 40.35(c)(2) established in the May 2023 final rule.

### **3) The rule identifies which individuals may be present during an oral fluid collection**

- An oral fluid collector must not allow any person other than the collector, the employee, or a DOT agency representative to actually witness the testing process.

### **4) The rule clarifies how collectors are to document that a sufficient volume of oral fluid was collected**

- After an employee provides a sufficient oral fluid specimen, the collector must check the "Volume Indicator(s) Observed" box in Step 2 of the Federal CCF to document that the collector observed the volume indicator(s).

### **Can individuals complete oral fluid collection device training and oral fluid mock collections before HHS certifies oral fluid testing laboratories?**

- Yes. **However**, training on an oral fluid collection device that has not been approved for use as part of an official HHS laboratory certification package comes with the risk that the device may not be ultimately included by a laboratory with its application package to HHS and/or approved for use by HHS.
- This risk is borne entirely by the trainer and prospective collector, as DOT does not have any role in determining which particular oral fluid collection device is submitted by a laboratory as part of its application to HHS.

### **Where can I find a copy of the final rule?**

**NOTE:** This document is a brief summary of the rule and should not be relied upon to determine legal compliance with the rule.

ODAPC encourages affected entities, including employers and service agents, to review the final rule at [ODAPC's web site](#).

**MJS Legacy Safety** will complete our "qualified oral fluid collector" training as soon as classes are released and available.  
Questions? Give us a call!

# FMCSA Revokes 8 ELDs From Approved List

## Carriers Urged to Switch ELDs or Use Paper Logs Ahead of July 11 Deadline

The **Federal Motor Carrier Safety Administration** has removed eight Gorilla Fleet Safety electronic logging devices from the agency's list of regulated ELDs "due to the company's failure to meet the minimum requirements."

The devices that were placed on the Revoked Devices list effective May 12 included:

- AllwaysTrack
- ELDX
- HCSS ELD
- Simplex ELD 2GO
- Command Alkon Trackit
- Gorilla Safety Compact ELD
- LB Technologies FleetTrack HOS
- Trucker Path ELD Pro

Motor carriers have up to **60 days to replace** the revoked ELDs with compliant ELDs. **FMCSA** said it would send an industrywide email to inform motor carriers that anyone using these revoked ELDs must discontinue using the revoked ELDs and revert to **paper logs or logging software** to record required hours-of-service data.

**FMCSA** said carriers on the list must replace the revoked ELDs with compliant ELDs from the Registered Devices list before July 11.

Beginning July 11, motor carriers that continue to use the revoked devices will be considered as operating without an ELD.

"Safety officials who encounter a driver using a revoked device on or after July 11 should place the driver out-of-service in accordance with the **Commercial Vehicle Safety Alliance** out-of-service criteria," **FMCSA** said. "If the ELD provider corrects all identified deficiencies for its device, **FMCSA** will place the ELD back on the list of registered devices and inform the industry of the update. However, **FMCSA** strongly encourages motor carriers to take the actions now to avoid compliance issues in the event that the deficiencies are not addressed by the ELD provider."

An ELD provider must self-certify that it has tested a device and that it meets all technical specifications detailed in the 2015 ELD Rule.

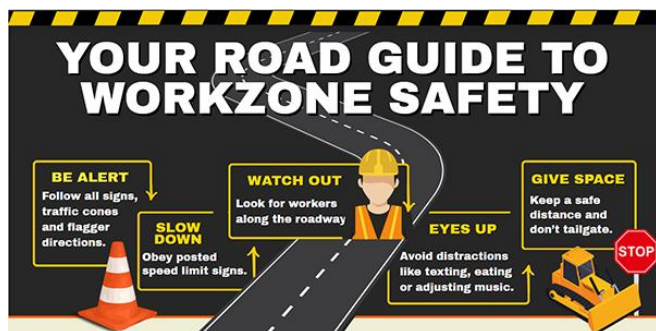
The most recent version of **FMCSA's** guidance was finalized in March 2022.

**FMCSA** said ELD manufacturers may use any test procedure they choose but that the agency will not provide a third-party testing service.

The agency said it will only investigate devices that are suspected of not conforming to specifications and will conduct testing with the **FMCSA** compliance test procedure during its investigation.

**FMCSA** said the ELD is required to obtain and display the engine control module value at all times. Safety officials will use the odometer value reported on the ELD.

The agency's guidance for providers ranges from a requirement that the ELD report on-duty not-driving status based on automatic detection, starting from the time the vehicle is no longer in motion using onboard sensors, to a requirement that the data record history can identify instances when it may not have complied with the power requirements as specified in the ELD rule.



### Driving Safely in Work Zones

Work zone safety is everyone's responsibility. To drive safely through a work zone, stay vigilant, slow down, and be aware of your surroundings. Follow posted speed limits and traffic control devices like signs and flaggers, and maintain a safe following distance. Merge safely, minimize distractions, keep an eye on blind spots and **BE PATIENT!!**





# Truck Parking Shortage Blamed in Fatal 2023 Crash

**NTSB links a Highland, IL crash to driver fatigue and illegal truck parking caused by a nationwide shortage of safe, legal rest area spaces for commercial vehicles.**

The **National Transportation Safety Board (NTSB)** has released its final findings on a deadly 2023 crash in Highland, Illinois. The crash involved a Greyhound motorcoach and three combination vehicles that were parked on the shoulder due to limited truck parking. The early-morning crash, which occurred on July 12, 2023, claimed three lives and left 12 others injured.

## What Happened

At approximately 1:48 a.m., a Greyhound bus traveling westbound on Interstate 70 departed the highway at the Silver Lake Rest Area near mile marker 27.4. The bus struck three combination vehicles that were parked on the shoulder of the exit ramp.

There were 21 people aboard the motorcoach. Three passengers died in the crash. The driver and 11 passengers sustained varying injuries. All three truck drivers were inside their parked vehicles but were unharmed.

## NTSB Identifies Fatigue and Oversight Failures

The **NTSB** determined that the bus driver was fatigued at the time of the crash. His irregular sleep schedule, prolonged wakefulness, and possible medical conditions all contributed to his fatigue. He had also chosen not to use rest facilities provided by Greyhound.

Greyhound Lines, Inc., the operator of the bus, was found to have inadequate fatigue management practices. The company failed to use its driver monitoring technology to detect signs of fatigue and did not maintain organized, electronic personnel records. This made it more difficult to track risky behavior and take disciplinary action.

## Truck Parking Shortage Played a Key Role

**NTSB** found that a significant factor in the crash was the truck parking shortage. The three trucks involved were parked on the ramp shoulder in violation of Illinois Statute Section 11-1303. However, this kind of illegal parking is common, according to the **NTSB**, because of the limited number of truck parking spaces available nationwide.

The [report](#) found that the trucks were parked within the highway clear zone, which decreased the bus driver's ability to correct his path or safely stop. The lack of safe, legal truck parking options is a widespread issue. The **NTSB** linked this crash to broader national problems first identified through [Jason's Law surveys](#), which highlight chronic truck parking shortages.

## Seat Belt Use Could Have Lessened Injuries

Many passengers on the bus were not wearing seat belts, despite their availability. According to the **NTSB**, proper seat belt use would have likely reduced the severity of injuries. Greyhound did not provide a safety briefing before the trip, which may have left passengers unaware of seat belt laws and expectations.

## Probable Cause Linked to Fatigue and Truck Parking Gaps

The **NTSB** found the main cause of the crash was the driver's fatigue. Additional contributing factors included:

- *Greyhound's failure to act on recurring unsafe behavior from the driver.*
- *The unsafe and illegal parking of three combination vehicles on the exit ramp.*
- *The absence of seat belt use by many passengers.*

## NTSB Recommends Action on Truck Parking Shortage

In response to its findings, the **NTSB** issued several recommendations:

- *The **U.S. Department of Transportation** should expand use of the **Truck Parking Information Management System** to identify critical areas in need of parking.*
- *Funding should be offered to increase parking capacity and remove restrictions that limit private development of rest areas.*
- *Greyhound should adopt a formal fatigue management program and digitize personnel records for better oversight.*
- ***FMCSA** should update safety guidance and provide better support for passenger carriers using **Safety Management Cycle** processes.*

The **NTSB** also emphasized the importance of real-time parking availability systems. These systems can help truck drivers plan ahead and avoid unsafe, last-minute parking decisions.

## National Truck Parking Shortage Demands Broad Solutions

The Highland crash demonstrates the dangers created by the nation's ongoing truck parking shortage. While some states are taking steps to improve access, a more centralized, national effort is needed. Without additional parking capacity, truck drivers may continue to park in hazardous areas, increasing the risk of future collisions.

The report urges industry leaders and lawmakers to take action. Solving the truck parking crisis, improving fatigue management, and increasing passenger safety training could all help prevent similar tragedies.





# Trucking Leaders Warn of Lax Oversight in CDL Training

## Trade Groups Say Weak Enforcement Lets Unsafe Drivers Graduate



Top leaders at the [Commercial Vehicle Training Association](#) and the [National Association of Publicly Funded Truck Driving Schools](#) are expressing “serious concerns” to federal trucking regulators that entry-level driver training enforcement has not kept pace with the threat posed by unscrupulous entities graduating drivers without adequate preparation.

The heart of the problem is inadequate oversight of a 2022 federal regulation that requires driver training schools to “self-certify” on a Training Provider Registry that they use quality curriculum, employ experienced instructors and that they have the proper equipment, according to the two training trade organizations.

“According to the **Federal Motor Carrier Safety Administration’s** own published data, enforcement activity remains limited,” according to a letter the two trade organizations sent to Transportation Secretary Sean Duffy. “As of April 11, only four training providers are listed as removed from the TPR since 2023. And despite hundreds of complaints made by citizens and state agencies, only 25 entities are listed as having been issued a Notice of Proposed Removal.

“The 25 proposed removals date back to August 2024, and there has been no progress into full removals to date.”

The two associations said the numbers “fall far short of what is needed to meaningfully protect students and the motoring public.”

“Meanwhile, state agency partners that eagerly report illicit trainers to **FMCSA** are left wondering why those illicit actors remain on the TPR,” the letter said.

The letter was signed by Danny Bradford, CVTA’s chairman, and Martin Garsee, executive director of the publicly funded driver school’s group.

The concerns outlined in the trade organizations’ letter comes one day after American Trucking Associations sent a letter to Duffy with similar complaints.

“We believe **FMCSA’s** safety monitoring, auditing, and enforcement actions need to increase to ensure that unlicensed and unqualified entities are immediately removed from the TPR,” ATA President Chris Spear wrote. “In addition, we encourage **FMCSA** to begin better tracking the number of new CDLs issued on a state-by-state basis, including, but not limited to, the number of nondomiciled CDLs that are issued on an annual basis.”

“Very few people understand what’s happening behind the scenes with entry-level driver training,” said Steve Gold, CEO of 160 Driving Academy, which runs 152 schools in 44 states and will graduate about 30,000 students this year. “I’m intimately familiar with it because we’re the largest driver training school in the U.S.”

As a result of his personal interest in the issue, Gold said he had scheduled a meeting with **FMCSA** on April 16.

“When the ELDT rule went into effect, the intent was to make the roads safer, reduce the nefarious providers, make sure that everyone was properly trained in a commercial driver school,” Gold told **Transport Topics**. “But there is absolutely zero enforcement, zero oversight, for anybody who wants to open a commercial driving school. It is putting the American public at risk every day. This has been a disaster, but no one’s paying attention to this rule.”

Gold said it’s a felony for a school to falsely self-certify.

The way it works, Gold said, is that when a driver graduates, his school will send a notification to federal regulators, who will in turn notify the state that he or she got their degree from a school that self-certified. Then the state may or may not issue a commercial driver license to the driver.

Some states go deeper to check if the school is legit; others just issue the CDL, taking the word of federal regulators, according to Gold.

“We’ve talked to probably 25 states about this,” he said. “It’s a low issue on the totem pole. Nobody understands it, but it’s a really serious thing.”

### 2025 CVSA Out-of-Service Criteria Updates

The North American Standard Out-of-Service Criteria is the pass-fail criteria for inspections. The purpose of the criteria is to identify critical violations. Those violations render the driver, vehicle and/or cargo out of service until the condition(s) or defect(s) can be corrected or fixed.

The North American Standard Out-of-Service Criteria identifies critical vehicle inspection items and details the criteria that can prohibit a motor carrier or driver from operating a commercial motor vehicle for a specified period of time or until the condition is corrected.

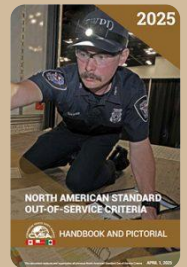
#### Out-of-Service Criteria Updates

The Out-of-Service Criteria is updated annually, effective April 1 of each year. These changes are incorporated into North American Standard Inspection training materials.

The 2025 OOSC is reproduced on tan paper and the changes, denoted by an asterisk (\*), are effective throughout North America starting on April 1, 2025. French and Spanish editions will also be available.

The 2025 OOSC are available in the **CVSA** OOSC app. To purchase the out-of-service criteria, search “**CVSA**” in the [App Store](#) or [Google Play](#) then select “**CVSA Out-of-Service Criteria**.” Once you’ve downloaded the app, set up your account with your first and last name and email address, then purchase the 2025 criteria. If you already have the app, search and select “**CVSA Out-of-Service Criteria**” in the App Store or Google Play to update your app and purchase the 2025 criteria.

Print and electronic copies of the 2025 edition of the “North American Standard Out-of-Service Criteria Handbook and Pictorial” is available for purchase through the [CVSA online store](#). For a discount on bulk orders (50 or more), contact **CVSA** Manager of Administrative Services Wendy Hall at [wendy.hall@cvsa.org](mailto:wendy.hall@cvsa.org) or 202- 998-1014.



## Connect with MSHA

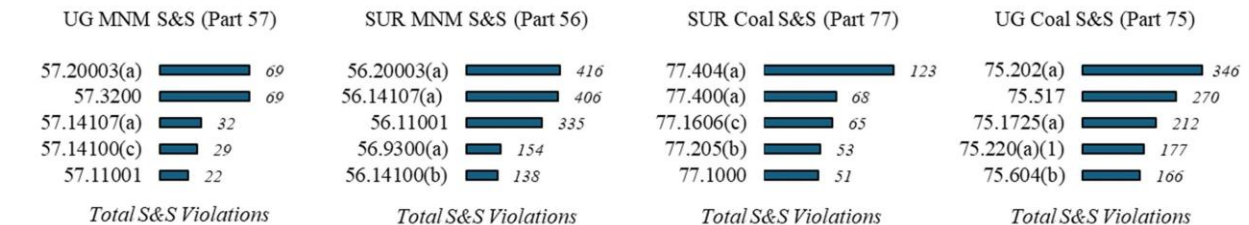
The Mine Safety and Health Administration is now on [FACEBOOK](#) and [INSTAGRAM](#)!  
FOLLOW NOW FOR MINING NEWS, REGULATIONS, AND SAFETY & HEALTH BEST PRACTICES.



### MSHA VIOLATIONS, INJURIES, & FATALITIES Informational Alert ([pdf](#))

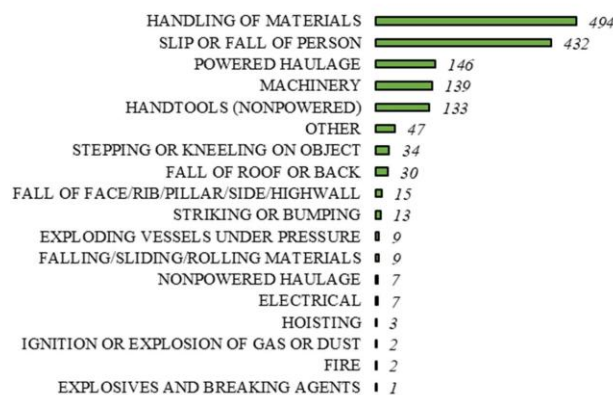
Since October 1, 2024, [MSHA](#) issued 43,819 violations that were evaluated to determine whether they were **Significant and Substantial (S&S)**. An S&S violation can contribute, in a significant and substantial way, to the cause and effect of a safety or health hazard. Of the violations issued in this period, 8,240, or 18.8%, were designated **S&S**.

### Top 5 30 CFR Sections Cited S&S by Mine Type (Fiscal Year 2025 1st Half)



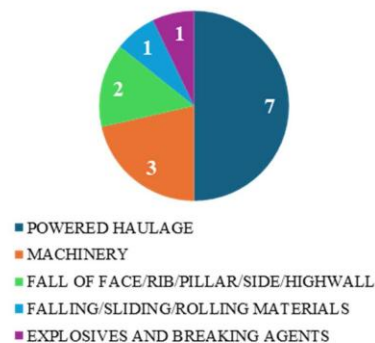
As of April 1, 2025, 2,201 injuries were reported to [MSHA](#) since October 1, 2024. Fourteen were fatal injuries. For the remaining injuries, 1,523 were non-fatal and resulted in days lost or restricted duty (NFDL), 27 resulted in a permanent disability, and 637 resulted in no days lost or restricted duty.

#### NFDL Injuries by Accident Classification



*Total Injuries*

#### Fatalities by Accident Classification



In reviewing recent trends in violations and accidents, [MSHA](#) identified fall protection, powered haulage, machinery, and roof and rib control, as areas where the mining industry should increase its focus on safe and healthful work practices. [MSHA](#) urges the mining community to focus on identifying and eliminating all safety and health hazards.

\*All MSHA Data as of 4/1/2025

\*\* UG = Underground, SUR = Surface, MNM= Metal/Non-Metal  
Report accidents and hazardous conditions: 1-800-746-1553  
msha.gov | askmsha@dol.gov | @MSHA\_DOL

Check out the  
[Health Tool](#) for miners



**Miners have the right to file hazardous complaints, and are required by law to report all mining accidents immediately – within 15 minutes of when the operator knew or should have known about the accident.**

**Miners can call or email any MSHA inspector or office, call our 24/7 hotline at 1-800-746-1553, or report online through MSHA's [Hazardous Condition Complaint system](#), or use the [Miner Health and Safety app](#).**

# A Practical Guide to Workplace Fire Safety Standards



A workplace, regardless of its industry and size, has potential fire hazards that need stringent adherence to fire safety standards. This practical guide provides a clear overview to help employers and industrial safety professionals craft a set of effective fire safety regulations.

## Understand the Legal and Regulatory Landscape

Promoting workplace fire safety starts with a solid understanding of the legal and regulatory framework. In the United States, the **Occupational Safety and Health Administration (OSHA)** is responsible for workplace safety regulations, including fire prevention-related standards for various industries.

There are also state and local fire safety ordinances aiming to address fire hazards unique to the locale. Employers and safety professionals must comply with these regulations to avoid legal liabilities, fines and increased risk of fire-related incidents.

## Conduct a Comprehensive Fire Risk Assessment

A thorough fire risk assessment is the foundation for fire safety standards. It helps guide employers or health safety experts in identifying hazards, people at risk, the likelihood of fire and more. Here's what to determine during a comprehensive fire risk inspection.

### Fire Hazards

Identify possible sources of oxygen, heat and fuel — also known as the fire triangle or three components needed to start a fire.

#### Find sources of:

- *Ignition: Heaters, naked flames or commercial processes*
- *Fuel: Display materials, textiles, overstocked products or built-up waste*
- *Oxygen: Air conditioning, oxygen supplies*

### People at Risk

Identify people who are at risk of being affected, such as people working near fire hazards, in isolated areas like storerooms, maintenance staff, contractors, visitors and people with mobility or sensory impairments.

## Record Findings and Identify Measures to Keep People Safe

Safety professionals must take note of significant findings and identify the next steps. Based on the results, they can implement solutions to reduce fire risk. Examples include replacing highly flammable materials with less flammable materials, implementing a no-smoking policy and separating combustible items from ignition sources.

Proactive measures are also important. Standards like regular inspection of electrical installations can help reduce fire risk. For metal buildings, employers may consider upgrading insulation to regulate temperature and prevent condensation, lowering the risk of overheated equipment and increased chemical reactivity.

## Develop a Clear Chain of Command and Responsibilities

A written and visual representation of the chain of command for fire safety promotes awareness among employees. Common roles include:

- *Fire safety coordinator: The overall leader responsible for overseeing and implementing the fire safety program.*
- *Fire marshals: Their duties include identifying fire hazards, conducting regular inspections and assisting with evacuations.*
- *Emergency response team: This team provides first aid and support in search and rescue efforts.*
- *Employees: The company's staff is responsible for following procedures, reporting hazards and participating in training.*

## Put Signs and Notices

All buildings must have fire safety signs in the correct places and must be visible under power loss conditions. Common notices include:

- *Fire exits that indicate the direction of travel and or change of level*
- *Temporary waiting space for people with disabilities*
- *Fire emergency phone*
- *Panic hardware or door-opening devices*
- *Fire alarm call point*
- *Fire action notices*
- *Fire extinguisher identification notice*
- *Fire hose reel*
- *Prohibitive action combination signs*

## Add Fire Detection Alarm Systems

Fire alarm systems and smoke detectors are essential for awareness. These technologies provide people with enough time to leave the premises safely. The fire safety coordinator must implement regular fire detector testing to ensure all equipment is functioning properly.

## Implement Firefighting Equipment

Your risk assessment may identify the need for firefighting equipment, such as portable fire extinguishers, hose reels, fire blankets, buckets, sprinklers, foam systems and kitchen fire suppression systems. These must be easy-to-use tools, essentially, a pull-pin, point and squeeze handle operation.

The usefulness of traditional portable fire extinguishers depends on people who know how to use them, while modern ones have clear instructions. They should be placed every 106 feet to maximize the area's coverage.

## Create an Evacuation Plan

A fire emergency evacuation plan (*FEEP*) aims to get all people out of possible danger safely and quickly. It's a written document with the standards and actions for staff and employees to follow in a fire emergency. The contents will depend on the assessment and building size. However, every employer or safety professional must consider the following:

- *Evacuation strategy*
- *Actions after discovering a fire*
- *What to do after hearing the fire alarm*
- *How to use firefighting equipment*
- *Who calls the emergency services?*
- *Key escape routes*
- *Chain of command and responsibilities*

If a business is in an area prone to wildfire, it must include safety guidelines in case that happens. This is especially important in California, where one of the most destructive wildfires in the state's history led to severe human and animal casualties.

## Train Staff

Adequate training is crucial for emergency preparedness. The type of training can vary, but it must:

- *Discuss fire risk assessment findings*
- *Explain emergency procedures*
- *Illustrate staff duties and responsibilities*
- *Be easily understood*

Regular fire awareness training is essential to keep staff updated about new safety procedures. It also helps people retain knowledge so they can carry out their duties confidently in case of emergency.

## Conduct Fire Drills

Regular fire drills ensure that people know how to react in case of fire. It can also help reduce panic, improve response times, expose potential obstacles in a real evacuation and ultimately, save lives.

A drill must be scheduled at a convenient time to minimize disruption. Notify safety officers, fire wardens and local emergencies to inform them that the drill won't cause unnecessary alarm. Educational materials like maps, training videos and instructions can make employees more confident.

## Fire Safety Standards: A Foundation for a Secure Workplace

**Workplace fire safety standards are not just a legal requirement. It's essential to ensure the safety of people and assets inside the building. A thorough risk assessment, dedicated team, preventive maintenance, regular training and clear communication all work hand in hand so companies can create a safer and more resilient workplace for everyone.**



Seasonal health issues are still affecting a lot of people.  
For your convenience, we'll continue to provide links so that you can access the most updated information.

Here are Resources containing the most current information and guidance for your workplace

- [CDC – Centers for Disease Control](#) – Important info re: [COVID-19 vaccine & boosters](#), [RSV & flu](#)
- [OSHA Fact Sheets](#) – [AVIAN INFLUENZA \(Bird Flu\)](#) – [Noroviruses](#) – [Filing Whistleblower Complaints Related to COVID-19](#)
- [CDPHE – Colorado Department of Public Health and Environment](#)
- [OSHA Guidance](#)
- [DOL Resources](#)

### SUPPORTING WORKERS WITH LONG COVID: A Guide for Employers

SINCE THE COVID-19 PANDEMIC BEGAN IN THE SPRING OF 2020, COVID-19 HAS IMPACTED PEOPLE IN MANY WAYS. Government reports estimate that millions of Americans have experienced prolonged, lingering symptoms, a condition known as Long COVID. These symptoms can be severe enough to affect an individual's ability to function, including the ability to work. Below are Long COVID resources.

- [EARN and the Job Accommodation Network](#) ([pdf](#)) provides information/resources to help employers support employees with Long COVID.
- Department of Labor – [coronavirus-covid 19 long covid](#)

### News Release

#### US Department of Labor terminates COVID-19 healthcare rulemaking

January 15, 2025

The U.S. DOL announced that its [Occupational Safety and Health Administration](#) has [terminated its COVID-19 healthcare rulemaking](#).

On June 21, 2021, [OSHA](#) issued an **Emergency Temporary Standard** to protect workers from **COVID-19 in healthcare settings**, which also served as a **proposed rule** on which [OSHA](#) requested **comments**. The agency **received public input** on this proposal **during multiple comment periods** and **public hearings** from June 2021 through May 2022. [OSHA](#) submitted a **draft final COVID-19 rule** to the **White House Office of Management and Budget** on Dec. 7, 2022.

On April 10, 2023, former President Biden **signed** into law **House Joint Resolution 7**, which **terminated** the **national emergency** related to the **COVID-19 pandemic**.

With the **recent announcement**, [OSHA](#) is now **terminating the rulemaking** because the **most effective** and **efficient use of agency resources** to protect **healthcare workers** from **occupational exposure** to **COVID-19**, as well as a **host of other infectious diseases**, is to **focus its resources** on the **completion** of an **Infectious Diseases** rulemaking for **healthcare**.

[Read the termination of rulemaking.](#)



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