

## MJS Legacy Safety Consulting Services LLC,

'receiving a BBB Accredited Business Designation in 2025,'

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

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- ▶ **Safety for Everyone - OSHA** allows the public to request the translation of vital documents... [read more...](#)
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- ▶ **Requiring Employers to Keep Employees Informed**  
*A new topic every month.....*  
**Anti-Discrimination Notices** [read more...](#)

### Your Right to Know

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

- ▶ **DOT 2025 Regs Violation Penalty Increases** [read more...](#)

- ▶ **Transportation Secretary Sean P. Duffy Announces Nationwide Audit of States Issuing Non-Domiciled Commercial Driver's Licenses** [read more...](#)



- ▶ **Truck History Reports** — Look up reported accidents, inspection violations, insurance claim, owner history and more. [read more...](#)
- ▶ **US Pauses Some Visas for Commercial Truck Drivers** [read more...](#)
- ▶ **FMCSA Denies Exemption, Citing Potential Confusion over 'K' Restriction** [read more...](#)

## TRANSPORTATION NEWS SUMMARY

- ▶ **New ATRI Research Highlights Evolving Truck Driver Demographics** [read more...](#)
- ▶ EPA Aims to Keep Diesel Trucks on the Road [read more...](#)
- ▶ Colorado Has High Rates of Red-Light Running Deaths and Serious Injuries [read more...](#)
- ▶ **Causes of Heavy-Duty Truck Crashes Under FMCSA Review** [read more...](#)
- ▶ DOT Amends Oral Fluid Drug Testing Procedures [read more...](#)
- ▶ FMCSA Issues Temporary Waiver to Support NRII Transition - **UPDATE** [read more...](#)
- ▶ 2 More Electronic Logging Devices Removed from Registered [read more...](#)
- ▶ More than 4,600 Vehicles Transporting Hazardous Materials/Dangerous Goods were Inspected over Five Days [read more...](#)
- ▶ **Colo. Law: Move Over for Me ~ IT'S THE LAW ~** [read more...](#)

## MSHA NEWS SUMMARY

- ▶ MSHA is now on FACEBOOK and INSTAGRAM! [read more...](#)
- ▶ MSHA Safety Alert - **ELECTRICAL SAFETY** [read more...](#)



## MONTHLY SAFETY & HEALTH TIP NEWS SUMMARY

- ▶ **OSHA Preventing Suicides in Construction** [read more...](#)
- Construction Suicide Prevention Week 2025** September 8 - 12, 2025

## 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)

### > FALL PROTECTION TRAINING COURSES

This class is designed to address the recognition of fall hazards in the workplace, protective measures available, and proper selection, use & care of Fall Protection Equipment in accordance with OSHA's Fall Protection standard as well as the ANSI Z359.1 requirements. Hands on practice with fall protection equipment use, selection and inspection and evaluation, and rescue planning is also covered in this course. The course can be conducted in a 4 hour Awareness of an 8 hour Competent Person session.

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

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

- \*PEC Safeland Basic Orientation: **NEW 2021 SAFELAND:** Sept 5 (*Instructor Led Virtual Class*), 15, 29; 8 – 4:30;
- \*First Aid/CPR/AED/BLOODBORNE PATHOGENS (We offer MEDIC FIRST AID): Sept 12, 25; 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*]: Sept 12, 25; 12:30 – 4:30;  
*This class available via Instructor Led video conference*
- \*Competent Person - Excavation & Trenching: Sept 9;

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](http://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](http://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  
Colo DORA  
AgriSafeNetwork  
US DOL  
Freight Waves  
NUCA  
ATA  
LANDLINE.MEDIA  
DOT  
SAMHSA  
CVSA  
Loretta Swit  
TruckingDive.com  
Elan Schneider  
retrainpain.org  
THE BULL VINE  
legalclarity.org  
truckdrivernews  
ATRI



► 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 Increased 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.

*It's possible you've heard the terms OSHA 10 or OSHA 30 before but, just like with most regulatory terminology, understanding the specifics can be confusing. How do you decide if you want to – or need to – complete this training if you aren't even sure what it covers?*

**Give us a call! We can help!**

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

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

## Injury Tracking Application



... 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

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

**Injury and Illness Types**



## Werner Recalls 20' and 24' Multi-Max Pro Multi-Purpose Ladders Due to Fall Hazard

**Name of Product:** Werner 20' and 24' Multi-Max Pro Multi-Purpose Ladders

**Hazard:** The ladders' locking mechanism can jam and not fully lock into place, posing a fall hazard.

**Remedy:** Refund

**Recall Date:** August 14, 2025

**Units:** About 122,250

**Description:** This recall involves the Werner 20' and 24' Multi-Max Pro multi-purpose ladder. The ladders were sold in silver with a blue top and a blue label on the side rail. The label includes an oval containing the word "Werner" next to the words "MULTI MAX PRO" along with the size and model number ALMP-20IAA or ALMP-24IAA. The ladders also have a long black rope in the back section.

**Consumer Contact:**

Werner toll-free at 888-624-1907 from 8:30 a.m. to 6 p.m. ET Monday through Friday, email at [ladder@realtimeresults.net](mailto:ladder@realtimeresults.net), or online at <http://www.wernerco.com/recalls> or at [www.wernerco.com](http://www.wernerco.com) and click on "Recalls" at the bottom of the page for more information.



[RECALL DETAILS HERE](#)

# 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 —

## Rethinking Stretching for Pain Relief

SOURCE: Elan Schneider – [retrainpain.org](http://retrainpain.org)

### Why Stretching Matters for Pain

Stretching is a common way people use movement in their pain care plan. You'd think that for something as simple as stretching, science would have it all figured out. But there is a lot we still don't know about how stretching works, and the best way to do it. And many of the things **we do know** are quite surprising.



### What We Used to Think

We used to think stretching physically changed muscles, making them longer or looser. But new research from the past 25 years indicates that muscles don't actually change much after stretching.

### What Science Shows

Instead, it's your nervous system's tolerance to the sensations of stretching that change. As your nervous system adjusts, it recalibrates what it perceives, allowing you to stretch further with less discomfort. The increase in tolerance for stretch sensations ("habituation") is what we experience as increased flexibility.

### Gentle vs. Aggressive Stretching

The reason I'm sharing this now is that a helpful new study was recently published. It asked a simple question: to ease pain, is it better to stretch gently (just to the point where you feel a slight sensation), or more aggressively (pulling the muscle until you feel pain)? Intuitively, you might think the stronger you pull, the better the effect. Many people with pain, wanting to get better faster, perform their movements or stretches aggressively, thinking more effort will bring faster benefits. But, counterintuitively, this study found that **gentle stretching was just as effective at lowering pain sensitivity as aggressive, painful stretching**. Both approaches lowered pain sensitivity by about 20%. So, if you're going to stretch for pain relief, you're better off keeping it gentle.

### The Surprising Whole-Body Effect

Researchers in that study found something else pretty interesting. The pain-reducing effect of stretching didn't just occur in the muscle being stretched, but also in other parts of the body. They saw pain sensitivity drop by 15% in non-stretched areas. In other words, stretching might have a body-wide effect.

### Bottom Line

- Stretching helps by changing your nervous system's tolerance for sensations
- Gentle stretching is just as effective for pain relief
- Benefits can spread to non-stretched areas of the body

This is good news: it's a reminder that you don't always need to push harder to feel better!

## 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.

Are you seeking to improve your workplace safety culture?

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



# "You Only Know What You Know"

## *How limited knowledge becomes a safety risk*

This concept is central to understanding risk in many contexts, from industrial settings to daily life.



- **False confidence:** People often overestimate their competence with a new subject after learning just a little about it. This "enough knowledge to be dangerous" mindset can lead to overconfidence, causing someone to take on responsibilities they are not equipped to handle.
- **Unrecognized hazards:** You can't mitigate a hazard you don't know exists. Whether it's a structural weakness in a building, a chemical interaction in a lab, or an environmental threat, an unknown variable is an uncontrolled one.
- **Lack of situational awareness:** In everyday life, this could involve not paying attention to your surroundings, such as what you see and hear. In a work environment, it means failing to recognize and control for potential risks in the operating environment.
- **Ignoring new information:** When a person becomes certain of their own knowledge, they are likely to ignore new information that could challenge their assumptions. This can prevent them from learning about new safety protocols or emerging risks.

## The solution: Cultivating a safety mindset

- **Be curious and humble:** The antidote to the false confidence of limited knowledge is an attitude of continuous learning. Knowing you don't know is a much more powerful place to be than thinking you know everything.
- **Practice situational awareness:** Actively stop, look, and think about your surroundings to focus on potential hazards.
- **Evaluation, Education, and Enforcement:** These three principles of safety involve continuously evaluating potential risks, educating people on how to control them, and enforcing the protocols that prevent injury. Read manuals, ask questions, focus during safety training.
- **Empower communication:** Creating a culture where employees feel comfortable speaking up about potential hazards without fear of retaliation is crucial for identifying unknown safety risks.
- **Assumptions:** When business owners or safety managers take the "common sense" mindset, they're neglecting their responsibility to train their employees on specific safety issues that really do get people hurt. Everybody has risk. Some of us have more risk because we're in dangerous occupations. When you're using dangerous equipment for complicated tasks in high-risk jobs, safety isn't "common sense". It requires training, it requires expectations, and it requires someone to enforce those safety rules.

If employers are asking their employees to think about your job, protect your hands, eyes, fingers, and your employees respond with "I want to wear my gear – I don't have any. Management won't order it", that's a real problem.

They've got machines with broken safety guards and they've been telling management for a year. They have open, unguarded chains and sprockets waiting to pull people's clothes in and injure them. They can't get it fixed. Employees want to be safe and do these practices. They understand the value. But if management isn't doing anything about it, why would they bother?

If management really believed in a positive safety culture and led the way, employees would follow suit. You may have a few employees who just don't get it, and if that's the case then you need to deal with them.

But if you're going to improve safety culture, you need to fix things that are broken, respond to employees, and make them believe you. It's a moral and ethical approach to safety.

If you show employees that you truly care, you will have way more positive results.



## Combustible Dust: An Explosion Hazard

OSHA has resources to help safeguard workers from combustible dust hazards that can be prevented when using these protections.

Any combustible material can burn rapidly when in a finely divided form. If such a dust is suspended in air in the right concentration, under certain conditions, it can become explosible. Even materials that do not burn in larger pieces (such as aluminum or iron), given the proper conditions, can be explosible in dust form.

The force from such an explosion can cause employee deaths, injuries, and destruction of entire buildings. For example, 3 workers were killed in a 2010 titanium dust explosion in West Virginia, and 14 workers were killed in a 2008 sugar dust explosion in Georgia. The U.S. Chemical Safety and Hazard Investigation Board (CSB) identified 281 combustible dust incidents between 1980 and 2005 that led to the deaths of 119 workers, injured 718, and extensively damaged numerous industrial facilities.

A wide variety of materials that can be explosible in dust form exist in many industries. Examples of these materials include: food (e.g., candy, sugar, spice, starch, flour, feed), grain, tobacco, plastics, wood, paper, pulp, rubber, pesticides, pharmaceuticals, dyes, coal, metals (e.g., aluminum, chromium, iron, magnesium, and zinc). These materials are used in a wide range of industries and processes, such as agriculture, chemical manufacturing, pharmaceutical production, furniture, textiles, fossil fuel power generation, recycling operations, and metal working and processing which includes additive manufacturing and 3D printing.

[OSHA Guidance](#)  
[OSHA Standards](#)  
[OSHA Enforcement](#)  
[OSHA Rulemaking](#)  
[Consensus Standards](#)  
[Additional Resources](#)

## Construction Safety in 2025: Trends, Statistics & Best Practices



With almost 8.3 million workers, the construction sector in the US achieved a major milestone in January 2025. This is the highest employment level since the early 2000s. The best practices for identifying and mitigating hazards in construction environments are to ensure that worker safety and training programs adhere to the [ANSI/ASSP A10.2-2025](#) standard. Training programs provide a range of instruction tailored for new hires, considering factors such as job site conditions, regulatory requirements, pre-job assessments, effective supervisor leadership, and the need for regular retraining.

### Changing Requirements and Increasing Risks

The construction sector has a high accident and fatality rate, making it the most dangerous workplace in the United States. According to the [BLS](#), there has been an increase in both fatal and non-fatal injuries on construction sites compared to 2023. In particular, roofers, laborers, helpers, carpenters, and maintenance workers experienced increased injuries.

Falls, slips, and trips account for the highest number of casualties. More than one-third of construction site fatalities are caused by falls, which continue to be the most common cause of death.

Approximately 20% of all worker fatalities occur among construction workers, despite their making up only 6% of the US labor force. In 2023, the industry reported 1,075 work-related deaths, the highest number since 2011. It is critical to comprehend how construction safety is evolving as we move through 2025, identify new trends, and put best practices into action in order to lower risks and safeguard employees.

OSHA emphasizes the importance of proper fitting PPE (personal protective equipment) on construction sites. By offering resources and best practices for workplace safety, OSHA is actively raising awareness of safety issues.

Specific rules about the required safety gear and apparel that must be worn on the job site have been established by ANSI and [OSHA](#).

### Construction Safety Essentials 2025

#### Proper PPE Fitting

OSHA's new rule highlights the importance of proper fit for PPE to provide maximum protection. This revision addresses concerns that standard-sized PPE may not accommodate diverse body types, which can compromise safety.

#### Mental Health

The importance of mental health and well-being, in addition to physical safety, is becoming increasingly recognized in the construction industry. This entails helping staff members discuss their challenges and addressing depressive symptoms like decreased interest in activities, irritability, anger, irregular sleep patterns, and appetite changes.

#### Falls

In the construction industry, falls are a leading cause of injuries and fatalities. OSHA requires fall protection measures for work over six feet in height, and implementing safety nets and guardrails is a crucial step in minimizing fall risks. Also, wearing a hard hat is essential for such fatalities.

### Construction Safety Summary

By introducing state-of-the-art technologies and preventative measures and requiring the use of safety gear and apparel, the construction industry is showcasing its commitment to safety in 2025. Businesses can make workplaces safer and ultimately prevent injuries and fatalities by adopting best practices and keeping up with the latest trends.

# If Full Body Protection Is Needed, Who Is Responsible to Pay?

SOURCE: [LegalClarity Team](#) [legalclarity.org](#)

*Clarifying who pays for required safety gear is essential for worker protection. Learn about employer financial obligations and key exceptions to the rule.*



When a job requires extensive safeguards like full body protection, a question arises regarding financial responsibility for the equipment. Workplace safety protocols mandate specific gear to protect employees from injury or illness. Understanding who bears the cost of this equipment is an aspect of employee rights and employer obligations.

## The Employer's General Payment Obligation

Federal regulations enforced by the **Occupational Safety and Health Administration (OSHA)** place the **primary responsibility** for payment on the **employer**. Employers must provide a **safe work environment**, which includes **furnishing necessary protective equipment at no cost** to their employees. This **requirement ensures** that an **employee's ability to afford personal protective equipment (PPE)** is not a **barrier** to their safety.

This **obligation is an enforceable standard**, and a **2007 rule clarified** that if **PPE is required** to comply with **OSHA standards**, the employer **must pay for it**.

## Types of Employer-Paid Protection

The **employer's payment duty covers** a wide **array of equipment**, especially when **full body protection** is necessary. For jobs involving **hazardous substances**, this includes **chemical-resistant** or full-body hazmat suits. In **industries with fall hazards**, employers **must pay** for **fall arrest harnesses** and lanyards. For those **exposed to intense heat** or fire, **fire-retardant clothing falls** under the employer's **financial responsibility**.

The rule **also extends** to many **other common types of PPE**, including:

- *Head protection like hard hats*
- *Non-prescription eye and face protection such as safety goggles and face shields*
- *Specialized gloves for chemical or electrical hazards*
- *Welding helmets*
- *Hearing protection*
- *Respiratory protection, from dust masks to supplied-air respirators*

## Exceptions to the Employer Payment Rule

While the **employer's payment obligation** is extensive, there are **limited exceptions**. **OSHA** does **not require employers** to pay for everyday clothing that employees would wear **outside of work**, such as long-sleeve shirts, long pants, and normal socks.

Employers are **also not required** to purchase **non-specialty safety-toe footwear** or **prescription safety glasses**. These items are **often custom-fitted** and can be worn by the employee off the jobsite.

Ordinary weather-related gear, such as winter coats or rain jackets, is also **not covered** by the employer payment requirement.

## Rules for PPE Replacement and Employee-Owned Gear

The **employer's financial responsibility** includes replacing PPE that becomes worn out through **normal work activities**. If a **hard hat is damaged** or **chemical-resistant gloves degrade** from use, the **employer must provide** a replacement at **no cost**. This **obligation does not extend** to situations where an employee **has lost or intentionally damaged** their **issued equipment**, in which case the **employer may require the employee to cover the cost**.

An **employee may prefer** to use their **own PPE**, and employers are **required to permit** this with important **conditions**. The employee-owned **equipment must be adequate** to **protect against workplace hazards** and **meet all relevant safety standards**. The employer retains the **responsibility to ensure** the gear is **appropriate** and **properly maintained**, even if they **did not purchase it**.

## What to Do if an Employer Fails to Pay

If an employer neglects their duty to **pay for required protective equipment**, an employee has several **avenues for recourse**. The initial step is to **address the issue directly** with a **supervisor**, manager, or the **human resources** department, as a **failure to provide PPE** can be an **oversight** that can be **corrected internally**.

Should **internal discussions fail**, an **employee can file a confidential complaint** with **OSHA**. The agency will **investigate the claim**, and **workers are protected by law against retaliation** for reporting safety concerns. Filing a **complaint can lead to an inspection**, and if a **violation is found**, the employer may **face citations and significant fines**.



# Tragic Loss of 6 Workers at Prospect Valley Dairy in Keenesburg, Colorado

August 23, 2025

This unfortunate incident was hydrogen sulfide doing what it always does in manure pits, except this time it claimed six lives in one devastating moment.

The deceptive nature of **hydrogen sulfide** is that if the concentration is high enough, then someone who is in that environment, with a few breaths can succumb to the effects of hydrogen sulfide. H<sub>2</sub>S destroys your sense of smell at deadly concentrations. You lose the 'rotten egg' warning completely. At **1,000-2,000 ppm**, it's lights out. Instantly.



**Temperature swings above 70°F** can significantly increase gas production, and we've seen plenty of those extreme heat days. Mechanical agitation? That releases concentrated pockets that can exceed lethal levels within seconds. The pits at Prospect Valley, like most dairy operations, can become death chambers faster than you'd believe.

Penn State research documented 91 deaths from manure-generated gas between 1974 and 2004. More recent data from the **National Education Center for Agricultural Safety** confirms **confined spaces remain among the top causes of farm fatalities** today.

There are **multi-gas monitoring systems** that provide real safety benefits. Basic portable units start under **\$300**, while comprehensive facility-wide systems can run several thousand dollars. There are a number of options that can be integrated to monitor confined space atmospheric conditions, keep you in regulatory compliance and prevent tragedies like this one in Keenesburg.

This horrible tragedy has hit so close to home for us. We regularly teach the [H<sub>2</sub>S class and Confined Space classes](#), both of which could prevent incidents like this from happening (*offered in English and Spanish*). This tragedy highlights the dangers of H<sub>2</sub>S in confined spaces and the reasons training and air monitoring are so essential, as well as having a rescue plan. **Accidents happen, but prevention and being prepared to act safely in a crisis moment is critical.**

Our deepest condolences to the families, friends, community, and everyone at Prospect Valley Dairy who witnessed this tragedy and tried desperately to prevent it from being worse than it already was.

**Carrie and Jeremy Jordan**  
**MJS Legacy Safety**

## National Farm Safety and Health Week - Sept. 22-27

Every September, AgriSafe joins with partners across the US to raise awareness about the safety and health of people working agriculture.

### Check out the Daily Themes

- Monday, September 22, 2025 – Equipment and Rural Roadway Safety
- Tuesday, September 23, 2025 – Health and Wellness
- Wednesday, September 24, 2025 – Generations of Farming
- Thursday, September 25, 2025 – Confined Spaces
- Friday, September 26, 2025 – ATV/UTV

For details go to NFSHW Webinars: [View Calendar](#)





# 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.



## Colorado

Department of Regulatory Agencies

[Colorado Civil Rights Division](#)

## Anti-Discrimination Notices

Colorado Civil Rights Commission Rules (3 CCR 708-1) require that every employer, employment agency, labor organization; every real estate broker or agent, home builder, home mortgage lender, and all other persons who transfer, rent, or finance real estate; and every place of public accommodation, post notice that summarizes the discriminatory or unfair practices prohibited by the Law. The notice must be displayed in a conspicuous, easily accessible, and well-lit place. Housing notices must be posted and maintained in all places where real estate transfers, rentals, and loans are executed. Please see the [Colorado Civil Rights Commission Rules](#) (20.1 and 20.2) for more information.

Employment-Discrimination-Poster [pdf](#)

Housing-Discrimination-Poster [pdf](#)

Public-Accommodation-Discrimination-Poster [pdf](#)

## 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)

### Transportation Secretary Sean P. Duffy Announces Nationwide Audit of States Issuing Non-Domiciled Commercial Driver's Licenses



*Audit aims to protect roadways, uphold integrity of trucking*

U.S. Transportation Secretary Sean P. Duffy announced on June 27th that the U.S. Department of Transportation (USDOT) is launching a nationwide audit into state practices in issuing non-domiciled **Commercial Driver's Licenses (CDLs)**, specifically reviewing the potential for **unqualified individuals** obtaining licenses and **posing a hazard on our roads**. This action **responds directly** to a **key directive** from President Donald J. Trump's **Executive Order on Enforcing Commonsense Rules of the Road for America's Truck Drivers** and is part of **Secretary Duffy's commitment** to safety.

USDOT has directed the **Federal Motor Carrier Safety Administration (FMCSA)** to **conduct a nationwide compliance** review of states issuing non-domiciled CDLs. The review will examine state **procedures for issuing non-domiciled CDLs** to identify and **stop any patterns of abuse** and **ensure federal standards** are being met across the country.

The U.S. Department of Transportation remains committed to supporting America's truckers, who **work every day to keep our nation's economy moving**.

### 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.

# US Pauses Some Visas for Commercial Truck Drivers



The Trump administration has **taken a series of actions** to increase **enforcement of commercial driving** standards this year, with a **focus** on clarifying **English-language proficiency** standards.

**Enforcement** ramped up recently **after an Aug. 12<sup>th</sup> fatal crash** in Florida that **involved a non-citizen truck driver received national attention**. Earlier this week, the **Department of Transportation** [launched an official investigation](#) into the **issue**, **alleging** the driver **did not speak English** and that several **states violated federal rules** while issuing a **CDL**. The incident, **caught on the driver's dash cam**, took place on **August 12** and **has already** become a **national scandal** with the driver facing **three counts of vehicular homicide**, deportation, and an **investigation into where he**, as someone who initially **entered the country illegally**, got his **CDL**. DOT Secretary Duffy said that **had the states followed the rules**, *"this driver would never have been behind the wheel and three precious lives would still be with us."* The **work visa pause** was announced shortly thereafter.

*"Effective immediately we are pausing all issuance of worker visas for commercial truck drivers,"* Secretary of State Marco Rubio **said in a post on X**. *"The increasing number of foreign drivers operating large tractor-trailer trucks on U.S. roads is endangering American lives and undercutting the livelihoods of American truckers."*

The Trump administration **had already taken actions** earlier this year to **increase enforcement of English-language proficiency** standards as a **requisite for maintaining a CDL**. In May, the **Federal Motor Carrier Safety Administration** circulated **new guidance on roadside inspections**, requiring drivers to **respond in English**. The rule change **came as a result of an executive order** from the President to **increase enforcement of English-language proficiency** in trucking.

*"Ensuring that every driver on our roads meets the highest standards is important to protecting the livelihoods of American truckers and maintaining a secure, resilient supply chain,"* a **State Department** spokesperson said.

**Trucking groups** such as the **Owner-Operator Independent Drivers Association** and the **American Trucking Associations** applauded the agency's **latest actions**, saying it's an **important step** that will have **limited impact on the overall industry**.

**OOIDA** said in a statement that *"there is unlikely to be any negative effect on the supply chain, as the trucking industry continues to face overcapacity."*

The **ATA** *"believes the issuance of non-domiciled CDLs needs serious scrutiny, including the enforcement of entry-level driver training standards,"* **President and CEO Chris Spear** said in a [statement](#).

While the **State Department's actions** have just begun, it **does not impact B-1 visas** for drivers from Mexico and Canada **moving freight** between **Canada and the U.S.**, according to Matt Silver, **co-founder and CEO of Cargado**, a platform for **cross-border freight**.

**B-1 drivers mean** *"these drivers aren't on worker visas. They're admitted under a B1 business visitor visa, which specifically allows them to haul freight across the border (Mexico → U.S.). What they cannot do is cabotage — picking up and delivering freight strictly within the U.S.,"* Silver wrote in a [LinkedIn post](#).

He also said **Canadian drivers operate** under a **different framework** that are *"governed by long-standing reciprocal agreements that let freight flow between the two countries without being tied to the worker visa programs."*

## FMCSA Denies Exemption, Citing Potential Confusion over 'K' Restriction

The **Federal Motor Carrier Safety Administration** denied an exemption request that would have allowed 18-year-olds with a commercial learner's permit to attend a driver training program in another state.

CMV DRIVERS TRAINING

In January, **FMCSA announced that Bianco Trucking Services applied for an exemption to allow Wisconsin drivers ages 18-20 with in-state restrictions to attend the company's driver training facility in Michigan.** Current regulations do not allow under-21 drivers to operate in interstate commerce.

Bianco told the agency that its facility is about 29 miles from the Wisconsin border and that several students located in Wisconsin inquired about attending the driver training program in Michigan because of the close proximity.

The company indicated that drivers under this exemption would not operate a commercial motor vehicle without a licensed training provider in the vehicle, apart from range maneuvers on a training lot that is maintained and insured by the applicant.

In a notice that was published in the Federal Register on Monday, July 28, FMCSA denied the request because of concerns the exemption would create confusion and potentially allow unqualified drivers to operate in interstate commerce.

**FMCSA** said it denied an exemption request from Wisconsin-based 3 North LLC in December 2024 for similar reasons.

*"In that decision, the agency agreed with the American Association of Motor Vehicle Administrators that allowing drivers with a 'K' (single-state) restriction to operate in states other than their state of domicile would disrupt and confuse each state's use of the 'K' restriction," FMCSA wrote. "The same reasoning applies to Bianco's request for an exemption."*

## New ATRI Research Highlights Evolving Truck Driver Demographics

The American Transportation Research Institute (ATRI) recently released new research detailing a notable demographic shift in the U.S. truck driver workforce. The research examines how broader societal and labor force trends are reshaping the industry and presents strategies for motor carriers to engage younger, more diverse, and historically underrepresented populations. The research is organized into two key phases:

1. *chronological changes in truck driver demographics; and*
2. *pathways into trucking careers for former foster youth and justice-involved individuals.*



The report offers a comprehensive analysis of the industry's most pressing workforce challenges, including an aging driver population, low female representation — women currently comprise just 4.1 % of truck drivers — and shifting employment models. With the average truck driver now 47 years old and retirements accelerating, the research emphasizes the need to modernize recruitment messaging to better resonate with younger generations. Overall, the research provides a roadmap to help carriers enhance recruitment, improve retention, and build a more resilient driver workforce.

The report also highlights opportunities to expand access to trucking careers for individuals from historically underrepresented backgrounds, particularly former foster care youth and justice-involved individuals. These groups may face unique challenges, but with the right support, trucking can offer a stable and rewarding career path. The research encourages carriers to adopt targeted outreach, training pipelines, and reentry support, while implementing hiring practices that assess each candidate's circumstances and readiness on a case-by-case basis.

*"As the trucking industry grapples with an aging workforce and continued demand for drivers, this research underscores the need to embrace evolving demographics," said Amanda Schuier, Jetco Delivery Strategic Maintenance Director. "By broadening recruitment efforts, fleets can tap into new talent pools to not only strengthen driver recruitment and retention, but also address critical workforce challenges by creating sustainable pathways into trucking careers."*

A full copy of the report is available through [ATRI's website here](#).



# EPA Aims to Keep Diesel Trucks on the Road

**New guidance expected to help drivers avoid downtime from DEF failures**

## Key Takeaways:

The Trump administration has issued new guidance on diesel exhaust fluid (DEF) systems aimed at **avoiding sudden engine shutdowns** that **sideline trucks** and **cost truckers money**.

**U.S. Environmental Protection Agency (EPA)** Administrator Lee Zeldin recently announced the new guidelines, “developed in collaboration with manufacturers,” to **ensure that existing diesel trucks**, which use **DEF to reduce nitrous oxide emissions**, do not experience **sudden engine failures**, known as “derates,” after **running out of the fluid**.

Starting with **model year 2027**, all new **diesel on-road trucks** must be **engineered to avoid sudden power loss** and resulting **derates after running out of DEF**.

“We have heard loud and clear from small businesses across the United States that the current DEF derates are unacceptable,” Zeldin said.

“It is unacceptable that farmers, truckers, construction workers, and many other small businesses continually experience failures of diesel-powered equipment when they need it most – costing millions of dollars in lost productivity.”

Category	Timing	Level
Initial	650 miles / 100 hours	15% Torque Reduction
Secondary	4,200 miles / 80 hours	30% Torque Reduction
Final	8,400 miles / 160 hours	25 mph
Before	4 hours	5 mph

DEF derates before and after new guidelines. (Source: EPA)

**Current DEF and selective catalytic reduction (SCR) systems employ engine derates that force a truck to reduce speed to as little as 5 mph or become inoperable within hours of a DEF-related fault.**

“Although this derate strategy was intended to ensure compliance with EPA’s Tier 4 Emissions Standards, it has caused needless frustration, operational delays, and real economic hardship for countless farmers, truckers, and equipment operators,” the agency stated.

Under the **new guidance**, a **warning light appears for 650 miles** after a **fault is detected**, with only **gradual engine derates** occurring over a **total of 8,400 miles or 160 hours**, ending with the engine **slowing to 25 mph** (see table).

The **extended period** is **expected** to give truck **drivers much more time** to **diagnose and fix system problems**.

“EPA’s guidance establishes more common sense inducement schedules that will help drivers maintain safe control of their vehicles as they diagnose and remedy faulty DEF/SCR systems,” commented **Owner-Operator Independent Drivers Association** President Todd Spencer.

“More flexible inducement speeds and times will help truckers finish their trips, plan for necessary maintenance, and avoid parking their truck for an extended period simply because of a false alarm. Nonsensical inducement rules have sidelined small-business truckers for too long and this accelerated relief shows what can be achieved when regulators hear directly from the people doing the job.”



## Colorado Has High Rates of Red-Light Running Deaths and Serious Injuries



**A red light running — sort of funny!**

**Running a red light — not funny at all!**

The Colorado State Patrol says the state is seeing a dangerous trend of drivers going through red lights and stop signs without stopping.

That could have deadly consequences!

In Colorado, running a red light can result in a hefty fine and four points on your license if issued by an officer,  
or a fine of up to \$75 with no points if issued by a red light camera.

And the worst possible scenario of all, causing serious injury or a fatality!  
The memory of that would last a lifetime!!

## Causes of Heavy-Duty Truck Crashes Under FMCSA Review

**FMCSA** is launching a study to analyze heavy-duty truck crash causes, collecting data on truck drivers, vehicles, & driving conditions to improve highway safety.

### Federal Register Notice Outlines Heavy-Duty Truck Focus

The **Federal Motor Carrier Safety Administration** (FMCSA) is preparing a major new [study of heavy-duty truck crashes](#). The notice appeared in the *Federal Register* on August 28, 2025.

The study is part of the **Crash Causal Factors Program** (CCFP). Congress required this research under **Section 23006** of the **Infrastructure Investment and Jobs Act**. It will focus on **Class 7 and Class 8 trucks**, such as **tractor-trailers**, **cement mixers**, and **other large vehicles**.

### Why the Study Matters

The study will collect detailed data on heavy-duty truck crashes. **FMCSA** wants to know what **factors** contribute to fatal accidents. These **factors** may include **driver behavior**, **vehicle condition**, **carrier practices**, and **environmental conditions**. The **purpose** is clear. **FMCSA** will use the **findings** to design **safety** programs and **policies**. For truck drivers, this could mean **changes** in how **crashes** are investigated and how **safety risks** are addressed.

### How Heavy-Duty Truck Data Will Be Collected

**FMCSA** will gather crash data from **30 states** chosen for their **investigative skills**, **crash frequency**, and **geographic coverage**. The **agency** expects to study as many as **3,333 fatal crashes** during a two-year period starting in **early 2026**. Other states may also contribute crash data. **Serious injury crashes** may be included if **states** choose to share them.

### SafeSpect System and Heavy-Duty Truck Crash Records

Data collection will take place through **FMCSA's SafeSpect system**. A new **reporting module** will be added to capture heavy-duty truck crash data.

The **system** will hold **police crash reports**, **post-crash investigations**, and **reconstruction records**. **Inspectors** will also fill out an **electronic incident form** within **24 to 48 hours** of each crash.

**Confidential interviews** with **truck drivers**, **carriers**, and others involved in crashes will also be **conducted**. These **interviews** will be **protected** by federal **confidentiality laws**.

### Training for Heavy-Duty Truck Crash Investigations

States taking part in the study will need to **train personnel**. Training will **cover crash classification**, **data coding**, and **reconstruction methods**.

**FMCSA** expects that **inspectors**, **analysts**, and **crash reconstruction experts** will spend **thousands of hours** in **training** and in **reviewing crashes**.

### Impact on Truck Drivers and the Industry

This study does not create new rules yet. But the **results** may guide future regulations. For **truck drivers** and **carriers**, the findings could shape how **safety inspections** and **crash investigations** are handled.

The study also signals **FMCSA's** intent to dig deeper into crash causes. As data is **collected**, **truck drivers** may notice more detailed investigations after **serious crashes**.

### Next Steps for the Heavy-Duty Truck Study

The public has **60 days** after publication to **submit comments**. **FMCSA** will share **partial results** during the study period. A final report on **heavy-duty truck crashes** will be published **after the data** is fully analyzed.



# 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 Temporary Waiver Granted

Supports National Registry II Transition  
Waiver effective through  
October 12, 2025

October 12, 2025

## Announcement – See update below

Monday, July 14, 2025 — **FMCSA** granted a waiver allowing interstate commercial driver's license (CDL) holders, commercial learner's permit (CLP) holders, and motor carriers to continue relying on paper copies of medical examiner's certificates as proof of drivers' medical certification for up to 15 days after the date the medical examiner's certificate is issued. The waiver is in effect until October 12, 2025, and a copy of the waiver is available on [FMCSA's website](#).

On Aug 21, **FMCSA** modified that waiver: CDL and CLP holders, along with motor carriers, may now rely on the paper certificate for up to **60 days after the date it was issued**. This update provides drivers and carriers additional flexibility while ensuring compliance with medical certification requirements. Read more on [FMCSA's website](#)

Through this waiver, **FMCSA** recognizes that some drivers may face delays as certified medical examiners and State Driver's Licensing Agencies transition from the paper-based process to the secure, electronic transmission of driver medical certification information under the Medical Examiner's Certification Integration (NRII) final rule. **FMCSA** has determined that it is in the public interest to issue a waiver so that drivers with valid medical certification and their employers are not negatively impacted for delays outside of their control during the transition to NRII.

In addition, **FMCSA** has issued a recommendation to certified medical examiners that, in addition to submitting physical qualification examination results electronically, they continue to issue drivers a paper medical examiner's certificate during this period of transition to NRII.

For additional information and resources on NRII, please visit **FMCSA's** [NRII Learning Center](#). In addition, **FMCSA** has issued guidance with recommendations for medical examiners, drivers, and motor carriers on procedures for drivers licensed in States that have not yet implemented NRII, available on [FMCSA's website](#).

## 2 More Electronic Logging Devices Removed from Registered List

**FMCSA** update July 31, 2025 - The U.S. Department of Transportation's **Federal Motor Carrier Safety Administration** removed two devices from the agency's list of registered electronic logging devices, or ELDs.

**WALKER ELD** and **SR ELD** were placed on the Revoked Devices list due to the companies' failure to meet the minimum requirements established in Title 49 CFR Appendix A to Subpart B of Part 395. The removals were effective July 31, 2025, for the following devices:

### WALKER ELD

Model Number: WAL-R

ELD Identifier: WLK790

ELD Provider: Walker ELD System INC

### SR ELD

Model Number: SR-E

ELD Identifier: SRE288

ELD Provider: SR ELD LLC



Motor carriers have up to 60 days to replace the revoked ELDs with compliant ELDs. **FMCSA** will send an industry-wide email to inform motor carriers that anyone using these revoked ELDs must take the following steps:

1. Discontinue using the revoked ELDs and revert to paper logs or logging software to record required hours of service data.
2. Replace the revoked ELDs with compliant ELDs from the [Registered Devices list](#) before September 29, 2025.

Prior to September 29, 2025, safety officials were encouraged not to cite drivers using this revoked ELD for 395.8(a)(1) – “No record of duty status” or 395.22(a) – “Failing to use a registered ELD.” Instead, safety officials were to request the driver's paper logs, logging software, or use the ELD display as a back-up method to review the hours of service data.

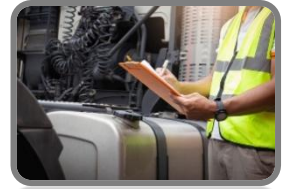
Beginning September 29, 2025, motor carriers who continue to use the revoked devices listed above will be considered as operating without an ELD. Safety officials who encounter a driver using a revoked device on or after September 29, 2025 should cite 395.8(a)(1), and place the driver out-of-service (OOS) in accordance with the [Commercial Vehicle Safety Alliance OOS Criteria](#).

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 listed above now to avoid compliance issues in the event that the deficiencies are not addressed by the ELD provider.



# More than 4,600 Vehicles Transporting Hazardous Materials/Dangerous Goods were Inspected over Five Days ..... netting nearly 600 OOS violations



Over five days this summer, commercial motor vehicle inspectors in Canada and the U.S. conducted 4,629 inspections of commercial motor vehicles transporting hazardous materials/dangerous goods (HM/DG) as part of the [Commercial Vehicle Safety Alliance's](#) (CVSA) unannounced HM/DG inspection and enforcement initiative.

During this year's HM/DG Road Blitz, which was June 9-13, inspectors affixed 831 [CVSA decals](#) to inspected vehicles. A [CVSA decal](#) is placed on a vehicle or vehicle combination after an inspection to indicate there were no critical vehicle or specification cargo tank violations on those vehicles.

Conversely, inspectors discovered 1,169 HM/DG violations, of which 598 (51%) were out-of-service violations. Vehicles with HM/DG out-of-service violations, or any other out-of-service violations, were restricted from further travel until those violations were addressed.

The transportation of HM/DG demands rigorous training and heightened compliance requirements. For motor carriers and drivers, safely transporting HM/DG is imperative to the safety of the driver, the public and the environment. For inspectors, inspecting vehicles transporting HM/DG is a complex and detailed process that involves safely looking for leaking materials or unsecured HM/DG cargo, and verifying shipping papers, placarding, marking, labeling, packaging and loading compliance.

Forty-five jurisdictions participated in this year's unannounced HM/DG Road Blitz – 10 Canadian provinces and 35 U.S. states. Enforcement personnel inspected 1,469 non-bulk packages/small means of containment, 2,522 bulk cargo tank packages/large means of containment and 447 other bulk packages/other large means of containment.

In the U.S., a [hazardous material](#) is a substance or material that poses an unreasonable risk to health, safety and property when transported in commerce, and has been designated as hazardous under [Section 5103](#) of Federal Hazardous Materials Transportation Law. Motor carriers and commercial motor vehicle drivers involved in the transportation of hazardous materials are required to comply with the federal [Hazardous Materials Regulations \(HMRs\)](#), which govern the transportation of hazardous materials in interstate, intrastate and foreign commerce.

In Canada, dangerous goods are defined as any substance or material capable of posing an unreasonable risk to health, safety and property when transported in commerce. Canada's [Transportation of Dangerous Goods \(TDG\) Regulations](#) prescribe safety standards and shipping requirements for dangerous goods and communicate the nature and level of hazard and risk associated with those dangerous goods.

[Table 1 – U.S. HM Violations](#)

[Table 2 – Canada DG Violations](#)

There are nine recognized classes of HM/DG. These classes designate HM/DG into categories based on the materials' chemical and physical properties and the risks associated with those materials. A total of 7,294 Class 1-9 packages were inspected during the five days of the HM/DG inspection and enforcement initiative.

[Table 3 – Packages Inspected by Class Type – Canada and U.S.](#)

## Loading and Securement

Inspectors discovered out-of-service loading and securement violations. Loading and securement requirements prevent cargo/goods/materials from moving in a manner that would cause damage to the package resulting in leaking, spilling, etc., in a commercial motor vehicle. This is especially important when it comes to the transportation of HM/DG.

## Package Integrity

Inspectors identified 20 out-of-service HM/DG package integrity (leaking) violations. Leaking hazardous materials/dangerous goods pose a significant threat to human health and safety, property, and the environment. HMRs and TDG Regulations mandate specific packaging requirements to ensure package integrity and prevent leaks or releases during transportation.

## Undeclared Packages

In the U.S., inspectors discovered 16 [undeclared packages](#) during the five days of the blitz. An [undeclared hazardous material](#) is a hazardous material that is subject to any hazardous communication requirements and offered for transportation in commerce without any visible indication to the person accepting the package(s) for transportation that a hazardous material is present. Hazardous materials must always be properly classified, packaged, labeled, handled and stowed for transportation. This protects workers, emergency responders and the general public from the risks associated with HM transportation.

## PHMSA Registration

In the U.S., 35 drivers did not have a copy of their [Pipeline and Hazardous Materials Safety Administration \(PHMSA\) registration](#). Drivers transporting certain hazardous materials are required to register with PHMSA. Every vehicle used for the transportation of hazardous materials that meets the registration criteria must have proof of PHMSA registration on board.

## Emergency Response Documentation

In the U.S., 70 drivers did not have [emergency response information](#) in their vehicle. Emergency response information details the specific actions and information needed to address a hazmat release, including containment and mitigation. Emergency response documentation is mandated for specific hazardous materials and quantities, as outlined in the HMRs, and designed to facilitate a quick and coordinated response to incidents involving hazardous materials, minimizing potential harm to people, property and the environment.

There were 32 total [emergency response assistance plan \(ERAP\)](#) violations in Canada. Sixteen (50%) were out-of-service violations. An ERAP describes what to do in the event of a release or anticipated release of certain higher-risk dangerous goods while they are in transport. ERAPs are required in the transportation of certain dangerous goods above the quantity specified in the TDG Regulations.

## Training Certificates

In Canada, inspectors identified 61 TDG training certificate violations, of which 39 (64%) were out-of-service violations. The [training certificate](#) demonstrates that the individual handling and/or transporting dangerous goods is properly trained and competent to safely fulfill their duties. According to TDG Regulations, anyone who imports, offers for transport, or handles or transports dangerous goods must be trained according to the regulatory requirements and must have a valid training certificate in their possession during transport.

## CVSA's annual unannounced HM/DG Road Blitz aims to:

- Inspect vehicles transporting HM/DG for regulatory compliance.
- Recognize vehicles without critical inspection violations by attaching a decal to vehicles and vehicle combinations.
- Remove vehicles with HM/DG out-of-service violations from roadways.
- Highlight the importance of the programs, processes and regulations associated with the safe transportation of HM/DG.
- Recognize safety-compliant HM/DG drivers, motor carriers, manufacturers, shippers, etc.
- Highlight the specially trained inspectors who prioritize transportation safety by inspecting vehicles transporting HM/DG and enforcing strict compliance regulations.
- Identify HM/DG shipping paper, placarding, marking, labeling, packaging and loading compliance violations.

The HM/DG Road Blitz is made possible through participation from [CVSA's member jurisdictions](#) throughout North America. It is supported by the [U.S. Pipeline and Hazardous Materials Safety Administration](#), [U.S. Federal Motor Carrier Safety Administration](#) and [Transport Canada](#).

The initiative was adopted by the [CVSA Hazardous Materials Committee](#), which is open to [CVSA's law enforcement members](#) and transportation-safety industry members who work together to reduce HM/DG incidents and encourage uniformity and consistency in the application of the regulations.

"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 ~**

## 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 Safety Alert

### ELECTRICAL SAFETY

Since 2015, 289 arc flash or electrical shock accidents have occurred. Fifteen of these accidents resulted in a fatality; an average of three miners every two years. Proper Lock Out – Tag Out (LOTO) procedures protect miners from the dangers of uncontrolled and unplanned releases of energy.



### Best Practices

- Do not begin any electrical work until the circuit has been fully de-energized and a visual disconnect has been properly locked and tagged out. Always follow the “**Lock Out, Tag Out, Try Out**” procedure, and be aware that electrical circuits may be energized from multiple sources.
- Maintain a thorough understanding of the hazards associated with electricity and avoid touching any electrical component until you have verified that it is completely de-energized.
- Develop and adhere to a comprehensive and safe work plan or troubleshooting procedure to ensure the safety of all personnel involved.
- Always wear properly rated and well-maintained personal protective equipment (PPE) to safeguard against electrical shock, arc blast, and arc flash hazards, in accordance with the [NFPA 70E Standard](#) for **Electrical Safety in the Workplace**.

[Safety Alert Electrical.pdf](#)



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.**

# OSHA Preventing Suicides in Construction

## Get help now.

If you're having trouble coping with work-related stress, talk with someone who can help.

- Call the new three-digit dialing code 988 or find online chat at [988lifeline.org/chat](https://988lifeline.org/chat)
- Para obtener información en español, llame al 1-888-628-9454 o visite el sitio web

If you're in crisis, there are options available to [help you cope](#). You can also call the Suicide and Crisis Lifeline at any time to speak with someone and get support. For confidential support available 24/7 for everyone in the United States, call 988.



### Five Things to Know About Suicide Prevention in Construction

- Poster: [English](#) **NEW**
- Poster: [Spanish](#) **NEW**

### Five Things to Know About Suicide Prevention

- [Poster](#)
- [Video](#)

### Role of Employers in Preventing Suicides

- [English](#)
- [Español](#)

### What Employers Should Know About Suicide Prevention

#### 60-Second Audio PSAs on Suicide Prevention Month

- English: [Recording](#) | [Transcript](#)
- Español: [Recording](#) | [Transcript](#)

### Workplace Stress

Provides resources, solutions, and activities to improve worker mental health and well-being.

### Additional Resources



## Construction Suicide Prevention Week 2025

September 8 - 12, 2025

### TOGETHER WE CAN SAVE LIVES.

In 2019, a mission-driven group of volunteers from across the construction industry came together with the goal of saving lives. They collaborated to launch the inaugural [Suicide Prevention Week](#) for the industry — a week dedicated to raising awareness about the higher-than-average number of suicides in the construction industry, and to providing resources to help prevent those deaths.

Every year, during September — [National Suicide Prevention Month](#) — the construction industry will dedicate a week to raising awareness about the unique challenges workers face in construction that lead to suicide and what we can do to prevent it. **Together, we can save lives.**

### 2025 THEME AND PLEDGE

#### THEME:

While the factors that lead to suicide are complex, research shows that loneliness could put someone at a greater risk for suicidal behavior, according to the U.S. Department of Veterans Affairs via a [paper](#) published in 2022 and Dr. Thomas Joiner's interpersonal theory of suicide. Employment is just one way in which people can form community, and this year's [Construction Suicide Prevention Week](#) theme focuses on just that.

**BUILD COMMUNITY** - Every day, construction workers build roads, homes, bridges, schools, churches and so much more. They build places of connection for others. But in building for others, they can also build community for one another.

During [Construction Suicide Prevention Week 2025](#), we're asking everyone in the industry to build community by checking in with colleagues, friends, family or even the guy or gal next to you in line at the store. Reach out and ask how someone is doing, then really listen to the answer. Let them know you care and they have a community to lean on when times are tough.

Think about ways you want people to show up for you, then be that person to those around you.

#### PLEDGE:

Will you take the [Construction Suicide Prevention Week](#) pledge? [Download](#) the pledge and sign your name to take the pledge!

But don't stop there. Set a reminder on your phone to check in with someone each month, week or even every day. You have the power to build connections that could save lives.

*If someone isn't doing well, you can provide them with lifesaving resources from our website, or call or text 988 if you or someone you know is in crisis.*

- [Home](#)
- [Resources](#)
- [Register Your Participation](#)
- [Sponsors](#)
- [2025 Webinars](#)
- [2025 Stand Down](#)
- [About Us](#)
- [Contact Us](#)



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.](#)



From all of us at  
**MJS Legacy Safety ...**

Be safe out there!!