

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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The U.S. Department of Labor's Occupational Safety and Health Administration civil penalty amounts based on cost-of-living adjustments for 2026....

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 OSHA civil penalty amounts for 2025, carrying through 2026:

- **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.

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Your Right to Know

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TRANSPORTATION NEWS SUMMARY

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MSHA NEWS SUMMARY

- ▶ MSHA is now on **FACEBOOK** and **INSTAGRAM!** [read more...](#)
- ▶ **MSHA Safety Alert... Autotransformers** [read more...](#)
- ▶ **MSHA Health Alert... Ammonia (NH3)** [read more...](#)
- ▶ **Mine Fatality Reports...** [read more...](#)



MONTHLY SAFETY & HEALTH TIP NEWS SUMMARY

- ▶ **Making Contractor Safety Stick: What Works Across Job Sites** [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)

> FRONTLINE LEADERSHIP COURSE FOR SUPERVISORS

Supervisors and managers can make or break a company's reputation with their employees. This course outlines the leadership skills to be an effective leader instead of a resented boss.

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

Schedule of classes March 2026: • TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543

- *PEC Safeland Basic Orientation: **NEW 2021 SAFELAND**: Mar 3 (*Instructor Led Virtual Class*), 17, 30; 8 – 4:30;
- *First Aid/CPR/AED/BLOODBORNE PATHOGENS (We offer MEDIC FIRST AID): Mar 11, 24; 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*]: Mar 11, 24; 12:30 – 4:30;
This class available via Instructor Led video conference

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

MJS Legacy Safety does **FMCSA Clearinghouse** compliance and drug testing
for TPA (Third-Party Administrator) programs

▶ 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
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

- ISNworld
- 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
US DOL
CDLLIFE
DOT
Heavy Duty
Trucking
Freight Waves

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

Drug Testing

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



MJS Legacy Safety 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 for 2026 – 50%

Pipeline and Hazardous Materials Safety Administration (PHMSA) is maintaining the minimum annual random drug testing rate at 50 percent of all covered employees for CY 2026.

Effective January 1, 2026, this rate 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 testing rate (increasing from 25% in 2024 to 50% in 2025) reflected 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 was implemented to further enhance workplace safety and compliance across the industry.

Key Takeaways:

- Starting in 2026, 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 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.



2026 Fees for Student Course Completion Cards for Outreach Training Program

Fees for new course completion cards are calculated using biennial adjustments based on the Consumer Price Index, meaning the fee for 2026 will likely be around \$10 or slightly higher, set by Authorized Providers who manage the cards, not OSHA directly. You'll get this fee when your Authorized Provider requests the card for you. It covers production/shipping costs.

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.

Hydrogen Sulfide - Evaluating and Controlling Exposure



Follow **OSHA** requirements for [confined space](#) entry. Enter the space only if necessary and follow established procedures:

- Test (monitor) the air in the space from the outside before entering.
- Test (monitor) the air in the space continuously during work operation.
- Determine if entry permit is required.
- Ventilate area continuously to remove accumulated hydrogen sulfide.
- Make sure that rescue procedures, personnel, and equipment (e.g., positive pressure SCBAs) are in place.
- Maintain contact with trained attendant.



See also: [Permit-Required Confined Spaces in General Industry](#). **OSHA QuickCard™** Explains what workers should do before entering a confined space, such as underground vaults, tanks, storage bins, silos or manholes based on the requirements of **OSHA's** Standard for **Permit-required Confined Spaces** [[29 CFR 1910.146](#)].

To protect workers from harmful hydrogen sulfide exposures:

- [Evaluate exposure](#) to know whether H₂S gas is present and at what levels.
- Eliminate the source of hydrogen sulfide whenever possible.
- If the source cannot be eliminated, [control exposures](#) by:
 - Using engineering controls as the next best line of defense.
 - Developing administrative controls and safe work practices to reduce exposures to safe levels.
- Use [personal protective equipment](#) if engineering controls and work practices alone cannot reduce hydrogen sulfide to safe levels.

Evaluate Exposure

- **Identify processes that could release or produce hydrogen sulfide.** This includes identifying known sources of hydrogen sulfide and evaluating possible fire and explosion hazards. Use a Process or Job Hazard Analysis for identifying and controlling hazards.
- **Test (monitor) the air** for hydrogen sulfide. This must be done by a qualified person. Use the right test equipment, such as an electronic meter that detects hydrogen sulfide gas.

Conduct air monitoring prior to and at regular times during any work activity where hydrogen sulfide exposure is possible. When working in confined spaces air monitoring must be conducted in accord with the applicable **OSHA** standards. Detector tubes, direct reading gas monitors, alarm only gas monitors, and explosion meters are examples of monitoring equipment that may be used to test permit space atmospheres.

- [Procedures for Atmospheric Testing in Confined Spaces](#). **OSHA Fact Sheet.** Discusses the importance of evaluating the hazards of the confined space and verifying that acceptable conditions exist for entry into that space.

Information on general atmospheric testing methods:

- [OSHA Occupational Chemical Database](#). **OSHA's** premier one-stop shop for occupational chemical information. It compiles information from several government agencies and organizations. Information available on the pages includes chemical identification and physical properties, exposure limits, sampling information, and additional resources.
 - [Hydrogen Sulfide](#)
- [NIOSH Method 6013](#). Air samples are collected with a glass tube and personal sampling pump and analyzed with ion chromatography.

DO NOT rely on your sense of smell to indicate the continuing presence of hydrogen sulfide or to warn of harmful levels. You can smell the "rotten egg" odor of hydrogen sulfide at low concentrations in air. But after a while, you lose the ability to smell the gas even though it is still present (olfactory fatigue). This loss of smell can happen very rapidly and at high concentrations and the ability to smell the gas can be lost instantly (olfactory paralysis).

Control Exposures

- Use exhaust and ventilation systems to reduce hydrogen sulfide levels. Make sure that the system is:
 - Non-sparking
 - Grounded
 - Corrosion-resistant
 - Explosion-proof
 - Separate from other exhaust ventilation systems

These safety measures are important because hydrogen sulfide is flammable and can corrode materials if they are not properly protected. When working in confined spaces ventilation should operate continuously and must be conducted in accord with the applicable **OSHA** standards.

- **Train and educate workers about hazards and controls. Training topics may include:**
 - Characteristics, sources and health hazards of hydrogen sulfide
 - Symptoms of hydrogen sulfide exposure
 - Types of hydrogen sulfide detection methods and applicable [exposure limits](#)
 - Workplace practices and procedures to protect against hydrogen sulfide exposure
 - Emergency plans, locations of safety equipment, rescue techniques, first-aid
 - Confined space procedures
- **Establish proper rescue procedures** to safely rescue someone from a hydrogen sulfide exposure.

WARNING: First responders must be trained and properly protected before entering areas with elevated levels of hydrogen sulfide.

Rescuer protection should include:

- Positive-pressure, self-contained breathing apparatus (SCBA).
- A safety line to allow for rapid exit if conditions become dangerous.
- **Use respiratory and other personal protective equipment.** If engineering and administrative controls cannot reduce hydrogen sulfide below **OSHA's** permissible exposure limit, employers must provide respiratory protection and other personal protective equipment (PPE), such as eye protection and possibly fire-resistant clothing. Employers must complete a PPE hazard assessment and equipment selection process in accord with the **OSHA** regulations before beginning any work activities. Respiratory protection should be at least:
 - For exposures below 100 ppm, use an air-purifying respirator with specialized canisters/cartridges for hydrogen sulfide. A full face respirator will provide eye protection.
 - For exposures at or above 100 ppm, use a full face pressure demand self-contained breathing apparatus (SCBA) with a minimum service life of thirty minutes or a combination full face pressure demand supplied-air respirator with an auxiliary self-contained air supply. **Exposures at or above 100 ppm are considered immediately dangerous to life and health (IDLH).**
- Whenever respirators are used, the employer must have a respiratory protection program that meets the requirements of **OSHA's Respiratory Protection** standard ([29 CFR 1910.134](#)). This program must include proper respirator selection, fit testing, medical evaluations, and training. **For more information on respiratory protection see:**
 - [OSHA's Respiratory Protection Safety and Health Topics Page](#). Provides information on what respirators are, how they work, and what is needed for a respirator to provide protection.
 - [OSHA's Small Entity Compliance Guide for the Respiratory Protection Standard](#). This guide is intended to help small businesses comply with the **OSHA** Respiratory Protection standard.

Refer to [Other Resources](#) for more information about controlling hydrogen sulfide exposures in specific industries and operations.

Stranded in a Vehicle



If you are stranded in a vehicle, stay in the vehicle. Call for emergency assistance if needed. Response time may be slow in severe winter weather conditions. Notify someone else of your situation if possible.

Do not leave the vehicle to search for assistance unless help is visible within 100 yards. You may become disoriented and get lost in blowing and drifting snow.

Display a trouble sign by hanging a brightly colored cloth on the vehicle's radio antenna and raise the hood.

Turn on the vehicle's engine for about 10 minutes each hour and run the heat to keep warm. Also, turn on the vehicle's dome light when the vehicle is running as an additional signal. Beware of carbon monoxide poisoning. Keep the exhaust pipe clear of snow, and open a downwind window slightly for ventilation.

Watch for signs of *frostbite* and *hypothermia*. Do minor exercises to maintain good blood circulation in your body. Clap hands and move arms and legs occasionally. Try not to stay in one position for too long. Stay awake, you will be less vulnerable to cold-related health problems.

Use blankets, newspapers, maps, and even the removable car mats for added insulation. Avoid overexertion since cold weather puts an added strain on the heart. Unaccustomed exercise such as shoveling snow or pushing a vehicle can bring on a heart attack or make other medical conditions worse.



Safe Forklift Operation

Forklift operators and employees working around these operations are at risk of hazards such as collisions, falls, tip-overs, and struck-by conditions.

Ways to prevent these hazards include:

Forklift Operations

- Always operate the vehicle according to the manufacturer's instructions.
- Always wear a seatbelt when the forklift has one.
- Never exceed the rated load and ensure it is stable and balanced.
- Do not raise or lower the load while traveling.
- Keep a safe distance from platform and ramp edges.
- Be aware of other vehicles in the work area.
- Have clear visibility of the work area and ensure you have enough clearance when raising, loading, and operating a forklift.
- Use proper footing and the handhold, if available, when entering the lift.
- Use horns at cross aisles and obstructed areas.
- Watch for pedestrians and observe the speed limit.
- Do not give rides or use the forks to lift people.

Safety Training

- Only trained and certified workers may operate a forklift.
- Ensure operators are trained on types of trucks in use.

Forklift Maintenance

- Remove from service any forklift found to be in unsafe operating condition.
- Keep forklifts in clean condition; free of excess oil and grease.
- Repair and maintain according to the manufacturer's recommendations.

OSHA QUICK CARD



DEADLINE IS MARCH 2ND

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.

(Provide your Employer Identification Number when submitting Form 300A data.)

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
(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
(0)	(0)

Injury and Illness Types

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](#).



Trench safety starts here

5 Things You Should Know to Stay Safe

1. ENSURE SAFE ENTRY AND EXIT
2. TRENCHES MUST HAVE CAVE-IN PROTECTION
3. KEEP MATERIALS AWAY FROM THE EDGE OF THE TRENCH
4. LOOK FOR STANDING WATER OR OTHER HAZARDS
5. NEVER ENTER A TRENCH UNLESS IT HAS BEEN INSPECTED

TO REPORT AN UNSAFE TRENCH: 1-800-321-6742

[More Information On Trench Safety](#)

[PDF Brochure](#)

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!

Mold and Mental Health: THE DUAL CRISIS FACING INDOOR ENVIRONMENTAL REMEDIATION TEAMS



In mold remediation, physical safety often takes the spotlight, and fit-tested respirators, full PPE and air monitoring are nonnegotiable. But beneath those layers of protection lies another crisis in the mounting psychological toll on the very workers trained to restore safe environments. As incident managers focus on exposure prevention and containment control, the mental well-being of remediation crews deserves equal urgency.

The Unseen Hazards of the Remediation Environment

Every project site presents two battles, with one against contamination and the other against fatigue and isolation. The first is visible, measurable and enforceable through [OSHA](#) guidelines. The second operates quietly, eroding concentration, morale and decision-making under layers of Tyvek suits and negative-air pressure.

The weight of contamination goes beyond technical protocol. Crews remain on high alert to avoid exposure, cross-contamination and the fear of “*take-home toxins*” that could threaten their families. The hypervigilance required to contain mold spores creates sustained stress similar to that faced by healthcare workers in infectious environments. Isolation and sensory strain intensify that pressure. Full-face respirators distort voices, and protective gear restricts vision and movement. Communication breaks down, and workers operate in dimly lit, confined spaces where humidity and discomfort can drain mental endurance long before the shift ends.

The science of the threat does not help. Mold can begin to grow on a damp surface in as little as **24 to 48 hours**, serving as a stark reminder of the relentless nature of this hazard. Even a slight increase in interior humidity levels above the recommended range of 30% to 50% can cause spores to proliferate. Soon, these start colonizing substrates, such as walls, ceilings and soft furnishings — essentially any surface in the home.

Sizing Up the Industry-Wide Mental Health Challenge

Across labor-intensive industries, psychological challenges are reaching crisis levels. The construction sector, one of the closest occupational comparisons to remediation, is facing record rates of anxiety, depression and death by suicide.

Nearly 29% of workers become susceptible to lung disease because of restrictive spirometry patterns, such as those from respirators. This contributes to the likelihood of comorbid conditions like cancer and cardiovascular disease. The threat, combined with hazardous contact with harmful substances like silica, lead dust and asbestos, adds occupational strain.

For remediation teams, those pressures compound. In addition to the physical burden of PPE and chemical inhalation risk, workers regularly enter contaminated homes and businesses where clients are emotionally distraught. They are not just remedying property damage but also absorbing trauma. Add in the biological hazard element and the chronic vigilance required to stay safe, and the risk for mental exhaustion becomes significantly higher than in most trades.

When Exposure Itself Affects the Mind

Even with perfect protocol, biohazard contact can still happen. When it does, the consequences can extend far beyond respiratory irritation or fatigue. The [Neuroscience Research Institute](#) found that a particular species of [black fungi produces mycotoxins](#) that disrupt normal neurological and immune function, leading to toxic mold syndrome. Symptoms often include brain fog, difficulty concentrating, insomnia and mood disturbances that mirror clinical anxiety or depression. Over time, chronic contact can trigger neuropsychiatric symptoms such as panic attacks, irritability and cognitive decline. Workers exposed to high spore concentrations or working in poorly ventilated environments may develop persistent neurological inflammation, which has been linked to depressive disorders and chronic fatigue.

The **CDC** and **OSHA** both emphasize the importance of [immediately leaving the contaminated areas](#) and a comprehensive medical evaluation following suspected exposure. However, many cases go underreported because the symptoms are gradual and easily mistaken for stress or burnout and carry stigma within high-performance trades. This may cause workers to avoid seeking help. When untreated, these physiological effects can amplify emotional strain, creating a feedback loop of declining health and reduced job performance.

For safety managers, this reinforces a critical point that mental instability symptoms may not always originate from poor resilience. Environmental interaction can create or intensify them, blurring the line between physical and emotional well-being.

Recognizing Signs of Psychological Distress in Teams

Early recognition of worker strain can prevent injury and burnout. Safety managers must learn to spot not only physical symptoms but behavioral cues that indicate when a worker is nearing their limit.

Behavioral red flags may include irritability, withdrawal from colleagues, uncharacteristic lapses in safety protocol or increased absenteeism. These changes often appear before someone openly expresses distress. Fostering a workplace that is supportive and [offers services to enhance mental health](#) can be beneficial.

Subtle symptoms of chronic stress can manifest physically, such as frequent headaches, fatigue or muscle tension, which can reduce focus and coordination. A worker distracted by exhaustion or experiencing symptoms of mold-induced anxiety may be more prone to errors, which can directly compromise jobsite security.

Beyond the typical indicators of burnout, remediation teams face a unique psychological strain known as eco-anxiety, which is the stress related to continuous exposure to environmental contamination or decay.

Many describe feelings of helplessness or guilt when they cannot eliminate the problem, particularly after returning to sites that have been re-contaminated. The emotional toll of witnessing often impoverished homeowners' distress can also lead to compassion fatigue, a condition more commonly associated with healthcare and emergency services.

Actionable Protocols for Psychological Safety

The same precision applied to physical well-being should guide mental health protection. Treating emotional resilience as "*invisible PPE*" ensures that workers are not only physically equipped but emotionally supported.

Integrate occupational well-being into daily briefings. Start toolbox talks with brief check-ins on stress levels, fatigue or concerns about workload. Making space for these conversations normalizes mental well-being as part of standard safety culture.

Establish decompression and recovery zones. Designate spaces outside containment areas where crews can remove PPE, hydrate and mentally reset. Even short breaks away from the noise and humidity help restore focus.

Train leadership in neurocognitive health awareness. Supervisors should be able to identify early warning signs and direct employees toward support resources without stigma. Training can mirror existing **OSHA** safety certifications, which is an essential skill, not optional "*soft handling*."

Promote "psychological PPE" with access to counseling, peer-support programs and fatigue management training built into remediation schedules, not added later. Encourage open dialogue about stress and recovery time after major projects, especially when crews handle biohazard or trauma-related cleanups.

Expanding the Definition of a Safe Worksite

A safe worksite is more than a clean air test or a sealed containment zone. It is an environment where workers can perform without sacrificing mental health for productivity. As the understanding of occupational wellness evolves, safety managers must expand their definition of risk to include the psychological impact of exposure.

Protective equipment, air scrubbers and dehumidifiers can eliminate mold. But protecting the people doing that work requires empathy, proactive leadership and continuous support. A holistic wellness culture, one that values neurocognitive health alongside physical protection, keeps remediation teams stronger, safer and more resilient against the dual crises they face every day.

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.

Labor Law Poster Updates

2026 has 30+ mandatory updates expected and possibly more to come. Employers will need to stay informed and ensure all required notices are updated and prominently displayed.

MJS Legacy Safety will post updates and links to workplace posters as they become available.

NOTICE OF PAYDAYS As Required by C.R.S. §§ 8-4-107, -103

Employers must provide notice to employees of the regular paydays and the time and place of payment. Employers must post, and keep posted, this notice where employees can easily see it: at the workplace if practicable, the employer's payment office, or if easily accessible to employees, electronically.



Employers are required to post a new notice any time paydays or time or place of payment change.

Pay periods must be no longer than a calendar month or 30 days, whichever is longer. Paydays must be no later than 10 days following the close of each pay period.

This [FORM](#) is provided as a courtesy by the Colorado Department of Labor, Division of Labor Standards and Statistics. Other Notice of Paydays posters are acceptable provided that they contain the elements and information required by C.R.S. § 8-4-107.

For more information about rights and responsibilities under Colorado wage and hour law, contact the Colorado Department of Labor and Employment, Division of Labor Standards and Statistics:
303-318-8441 / 888-390-7936 / cdle_labor_standards@state.co.us (English or Spanish).

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 2026 Regs Violation Penalty

The Department of Transportation published a [final rule](#) in the *Federal Register*, effective Monday, Jan 14, 2026, updating the civil penalty amounts that may be imposed in 2026 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.](#)

*** MJS Legacy Safety does FMCSA Clearinghouse compliance and drug testing for TPA (Third-Party Administrator) programs ***

FMCSA Temporary Waiver Granted

Supports National Registry II Transition
Waiver effective through
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 was in effect until October 12, 2025, and a copy of the waiver is available on [FMCSA's website](#).

**** FMCSA first issued the waiver in July and extended it in October. That extension expired Jan. 10.**

The new extension gives truck drivers the flexibility through April 10, 2026.**

On Aug 21, 2025 **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 (NR11) 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 NR11.

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 NR11.

For additional information and resources on NR11, please visit **FMCSA's** [NR11 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 NR11, available on [FMCSA's website](#).

ALERT! Recent Phishing Scheme Targets Motor Carriers

Friday, January 30, 2026

Fraudulent Emails Posing as USDOT and FMCSA Sent to Motor Carriers

FMCSA has identified a new, aggressive phishing campaign in which motor carriers receive emails falsely claiming to be from U.S. Department of Transportation (USDOT) or **FMCSA** officials. These emails often contain professional-looking documents and legitimate-looking links, but they are **fake and designed to steal sensitive information or demand illegal payments**.



What You Need to Know

- These emails **DO NOT** come from **USDOT** or **FMCSA**.
- Official **FMCSA** correspondence **almost always** uses an email address ending in **.gov**. In **special circumstances**, such as customer satisfaction surveys after contacting the **FMCSA Contact Center**, emails may come from a non-.gov address. These surveys request feedback only and will **not** ask for personal, payment, or account information.
- Links in phishing emails typically lead to suspicious, non-.gov domains (for example, **fmcsa.web.saferwebdattacconnect.pro**).
- **FMCSA** will never request payment or sensitive information (like UCR, PIN, SSN, EIN, or bank details) through unsolicited messages.
- If you have any doubts, avoid clicking links and verify all communications directly through official **FMCSA** channels, including contacting the **FMCSA Call Center** at or call 1-800-832-5660.

FAQs

Would an email from **FMCSA** ever come from a non-.gov address?

In almost all cases, **FMCSA** and official **USDOT** communications come from **.gov** email addresses. In **special circumstances**—such as customer satisfaction surveys following **Contact Center** interactions—emails may come from a non-.gov address; these will request feedback only and will **not** ask for sensitive information. Always verify unexpected emails if unsure.

How can you verify you're on an official **FMCSA** site?

FMCSA websites end with **.gov** (e.g., www.fmcsa.dot.gov). Always double-check the domain before providing any information. Hover over links to confirm the actual URL before clicking.

What information will **FMCSA** never ask for by email or phone?

FMCSA will never request Social Security numbers, bank account details, or credit card information via unsolicited emails or phone calls. If sensitive information is required, you should initiate contact through official **FMCSA** phone numbers or web portals.

Are there actions the customer must initiate?

Yes. **FMCSA** will **never** initiate contact that requires immediate submission of payments or sensitive information. Routine updates and renewals are always user-initiated through official **FMCSA** websites or portals.

What to Do if You Receive a Suspicious Email

- **Do not** click on links or open attachments.
- **Do not** reply to the sender.
- **File a complaint** with the FBI through their IC3 site at <https://www.ic3.gov/>.
- **Report suspicious emails** to the **FMCSA Contact Center** at <https://ask.fmcsa.dot.gov/app/ticket> or call 1-800-832-5660.
- **Visit the Federal Trade Commission** site at <https://consumer.ftc.gov/> for more on phishing and email verification.

Stay alert—your attention and caution help protect your business and industry partners from cyber threats.

For More Information

Visit www.fmcsa.dot.gov or contact FMCSA directly through the agency's Call Center at 1-800-832-5660.

USDOT Announces Random Drug and Alcohol Test Rates for Truckers in 2026



The U.S. Department of Transportation (USDOT) released the minimum drug and alcohol random testing rates for safety-sensitive workers, including commercial driver's license (CDL) drivers, in 2026.

On January 8, 2026, officials released the [schedule](#) for required random drug and alcohol testing for USDOT agencies, including the **Federal Motor Carrier Safety Administration** (FMCSA), for this year.

For 2026, the **FMCSA** random drug testing rate for drivers will remain at 50%.
The random alcohol testing rate for drivers will remain at 10%

The **FMCSA** random drug testing rates remain unchanged since 2020, [when they increased from 25% to 50%](#).

Federal officials are required to increase the random drug test rate from 25% to 50% following any calendar year during which the reported positive drug test rate is equal to or greater than 1.0%. This requirement was laid out in a 2001 **FMCSA** Final Rule entitled "Controlled Substances and Alcohol Use and Testing."

The **FMCSA** said prior to the 2020 testing rate increase that the positive rate for controlled substances random testing in 2018 was 1%, up from an estimated positive drug usage rate of 0.7% in 2016 and 0.8% in 2017.

[In order for the random drug testing rate to decrease from 50% to 25%](#) for all driver positions, the violation rate must be less than 1.0 percent but equal to or greater than 0.5 percent for two consecutive calendar years.

Should a Broker Be Held Liable in the Event of a Truck Crash?

Brokers can be held liable in truck crashes if they are negligent in selecting an unsafe carrier. Brokers are generally expected to use reasonable care when selecting carriers.

Key Aspects of Broker Liability:

- **Negligent Hiring:** *The most common form, where a broker fails to check a carrier's safety rating, insurance/licensing, or operating authority.*
- **Direct Control:** *If a broker acts as a carrier or exerts excessive control over the driver, they may face vicarious liability (e.g. forcing drivers to violate hours-of-service rules).*
- **Legal Standards:** *While FMCSA regulations require a \$75,000 bond, this does not shield them from personal injury liability.*
- **Split Rulings:** *While federal law often complicates these claims, recent court decisions have deepened a circuit split on whether federal law preempts state negligence claims against brokers, with some circuits allowing cases to proceed if the broker failed in their duty of care to properly vet carrier safety records, such as through the SAFER system data.*



CONGRESS MANDATES FMCSA REGULATION CHANGE SO ENGLISH PROFICIENCY FAILURE TRIGGERS OUT-OF-SERVICE ORDER FOR CDL DRIVERS

A federal appropriations bill passed by Congress recently contains a provision that tightens the regulatory screws for commercial driver's license (CDL) drivers who fail to demonstrate proficiency in the English language.

On February 3, 2026, the U.S. House passed the **Consolidated Appropriations Act of 2026**, which included transportation funding elements.

This bill was signed into law by President Trump.

The bill contains a provision requiring the **Federal Motor Carrier Safety Administration** to update regulations to require that "non-compliance with section 391.11(b)(2) of title 49, Code of Federal Regulations, triggers an out-of-service order."

Section [391.11\(b\)\(2\) of title 49](#) is a long-standing regulation that establishes that commercial vehicle drivers 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."

While this English language requirement has been a federal rule for decades, a 2016 FMCSA memo loosened enforcement when it directed law enforcement officers not to put commercial vehicle drivers out-of-service for language violations.

An [April 2025 Executive Order issued by the White House](#) called for increased enforcement of the existing rule requiring English Language Proficiency (ELP) for commercial truck drivers.

In response to the White House Executive Order, the **Commercial Vehicle Safety Alliance** (CVSA) added "English Proficiency" to the agency's **North American Standard Out-of-Service Criteria**, effective June 25, 2025.

The **Owner-Operator Independent Drivers Association** (OOIDA), a prominent trucking trade group, spoke out in support of Congress for pushing for more stringent ELP enforcement.



"Nobody cares about road safety more than professional truck drivers. That's why OOIDA and truckers across America strongly support Congress' actions to sideline drivers who fail to demonstrate English proficiency. It's common sense that truck drivers should demonstrate they can read critical road signs before getting behind the wheel of an 80,000 lb. vehicle on public roadways. In addition to reading road signs, professional truckers routinely communicate with law enforcement and first responders in order to do their jobs safely and effectively. OOIDA has long advocated for stronger driver training standards and we appreciate this legislative action to make our roads safer for our members and the motoring public," said Todd Spencer, President of OOIDA.

The bill also maintains an existing exemption for commercial motor vehicles transporting livestock or insects from the electronic logging device requirements.

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.

CVSA INTERNATIONAL ROADCHECK

Unannounced Brake Safety Day

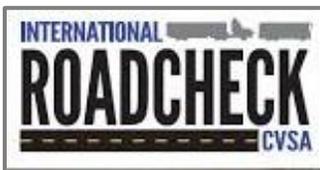
- The CVSA will hold an unannounced **Brake Safety Day**, one-day brake safety enforcement initiative, which may be held at any time during 2026.
- During Brake Safety Day, commercial motor vehicle inspectors will conduct brake system inspections (primarily **Level IV Inspections**) on large trucks and buses throughout North America to identify brake-system violations.

Unannounced Hazardous Materials/Dangerous Goods (HM/DG) Road Blitz

- The CVSA will hold the **HM/DG Road Blitz**, an unannounced five day HM/DG inspection and enforcement initiative that can take place at any time during 2026.
- The **HM/DG Road Blitz** involves inspections of commercial motor vehicles transporting hazardous materials/dangerous goods.

International Roadcheck 2026: ELDs UNDER SCRUTINY

Mid-May will be the time for the three days that last year made more than 56,000 inspections



International Roadcheck will be May 12-14 this year, and ELDs will be the Primary Driver safety target. The separate Vehicle safety target will be cargo securement.

The **Commercial Vehicle Safety Alliance**, which manages Roadcheck, announced the dates of the 72-hour enforcement mid-February. The dates are in line with when International Roadcheck generally takes place. Roadcheck last year was May 13-15.

Roadcheck is referred to as “*international*” because it takes place in the U.S., Canada and Mexico in a coordinated effort among law enforcement. Inspectors, according to **CVSA**, are at weigh stations or inspections as well as “*pop-up inspection sites*.”

The inspection is a 37-point test. The two major parts, **CVSA** said, are “*an examination of the driver’s operating requirements and an assessment of the vehicle’s mechanical fitness*.”

Tampering, falsification or manipulation

The driver focus in 2026 will be ELDs, with inspectors looking for “*tampering, falsification or manipulation*,” according to **CVSA**.

“*Inaccurate ELD entries may result from a driver’s lack of understanding of the federal regulations and exemptions*,” **CVSA** said in its announcement. “*However, in some cases, inaccurate entries are purposefully used to conceal hours-of-service violations, and some records are manipulated to conceal driving time (with no indication the record was edited as required by federal regulations)*.”

CVSA said in 2025, falsification of records was one of the most cited violations during all roadside inspections recorded by **FMCSA**, with more than 50,000 booked by the agency over the course of the year.

CVSA said of the “*vehicle focus*” that improper or inadequate cargo securement “*poses a serious risk to the driver and other motorists by adversely affecting the vehicle’s maneuverability and/or causing unsecured loads to fall or become dislodged, resulting in roadway hazards and/or crashes*.”

FMCSA data from last year, according to **CVSA**, recorded 18,108 violations in the U.S. during the year “*issued because cargo was not secured to prevent leaking / spilling / blowing / falling and 16,054 violations were issued for vehicle components or dunnage not being secured*.”

Last year, **CVSA** made 56,178 inspections during Roadcheck. Of those inspections, 81.6% of the vehicles and 94.1% of the drivers passed the inspection. Others received an out of service order.

Roadcheck last year was the first time in several years when the number of drivers who stayed off the road to avoid stepped-up enforcement appeared to have a noticeable impact on capacity. It had been seen as a possible first sign to the end of the freight recession.

DOT Inquiry Signals New Era of Scrutiny for Electric Trucks

Department's hazmat safety agency targeting EV vulnerabilities



Federal regulators are officially asking if the nation's trucking fleet is moving too fast toward electrification without a safety net.

The **Pipeline and Hazardous Materials Safety Administration**, a modal agency within the **U.S. Department of Transportation**, published recently a formal [Request for Information](#) (RFI) to investigate the "*distinct safety risks*" of transporting hazardous materials via heavy-duty electric vehicles (EVs) compared to traditional internal combustion engines (ICE).

PHMSA's notice arrives as the current administration continues its aggressive dismantling of Biden-era "*EV mandates*". Over the past year, the **Environmental Protection Agency** has moved to eliminate **Greenhouse Gas Phase 3 standards** and [revoked California's "Advanced Clean Trucks" waivers](#), which previously forced manufacturers toward zero-emission targets. Infrastructure funding for EV charging, meanwhile, has faced pauses and legal battles.

Industry groups like the **American Trucking Associations** and the **Owner-Operator Independent Drivers Association** have hailed [these rollbacks](#) as major regulatory wins, arguing that original timelines were unachievable, threatened supply chain stability, and that the costs outweighed the benefits.

For the trucking industry, this **PHMSA** inquiry may signal the next phase of the administration's deregulatory pivot. By identifying new technical hazards, the agency could provide a safety-based justification for a permanent retreat from electric heavy-duty fleets in the hazmat sector.

PHMSA is asking the public to "*compare the risks between heavy-duty EVs and ICE motor carriers, with a focus on hazmat packaging and product safety, as well as risks to the vehicles.*" The agency wants specific feedback on several concerns, among them:

- **Thermal Runaway:** *How the fire risks, burn temperatures, and durations of EV battery fires differ from diesel incidents when transporting hazmat.*
- **Weight and Stability:** *Whether the added weight of EV powertrains negatively impacts cargo safety and vehicle stability.*
- **Electronic Interference:** *If EV battery systems emit radiofrequency signals that could interfere with sensitive cargo like electronic detonators or tracking monitors.*
- **Infrastructure Hazards:** *The risks of charging hazmat-laden trucks at public stations, including the proximity of charging ports to cargo and the potential for spill ignition.*

The RFI also questions if current **Emergency Response Guidance** is sufficient for EV hazmat fires in confined spaces like tunnels.

While previous policies viewed EVs as a critical decarbonization tool, the current administration's **Unleashing American Energy** initiative has re-prioritized fossil fuels and labeled electric transition goals as market distortions.

The public has until May 4 to submit data to **PHMSA**.



"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 ~

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](#).

After a legal pause last fall, **FMCSA** has finalized its rule limiting non-domiciled commercial driver's licenses. The agency says the change closes a safety gap, and its revised economic analysis suggests workforce effects will be more gradual than first thought.

The new rule goes into effect in March limiting who is eligible for a non-domiciled commercial driver's license or permit.

The **Federal Motor Carrier Safety Administration** moved swiftly to issue a [final rule](#) limiting non-domiciled commercial driver's licenses after a legal challenge put an emergency version of the rule on pause last fall.

Non-domiciled CDLs are issued to people who are legally allowed to work in the U.S. but do not permanently live in the state issuing the license. This is often foreign nationals working under temporary U.S. work authorization. However, **FMCSA** said it found major problems with states issuing these licenses improperly and said it leads to unsafe drivers on the road.

In the September emergency rule, **FMCSA** limited non-domiciled CDL eligibility to individuals on H-2A, H-2B, or E-2 visas. It excluded other categories such as asylum seekers, refugees, and Deferred Action for Childhood Arrivals (DACA) recipients, who previously were eligible for non-domiciled CDLs.

The rule was challenged in court because it did not go through the legally required rulemaking process. The U.S. Court of Appeals for the D.C. Circuit temporarily stayed the rule in a November 10 order.

Since then, **FMCSA** has continued to pressure states it said were flagrantly ignoring the previous non-domiciled CDL rules.

Did the FMCSA Make Changes in its Revised Non-Domiciled CDL Rule?

There were about 8,000 comments on that IFR, but in issuing its [final rule](#), **FMCSA** said it reaffirms the emergency rule with only minor changes.

"This final rule closes a critical safety gap in the nation's commercial drivers licensing system that has manifested in two ways," **FMCSA** said:

1. The issuance of licenses to individuals whose safety fitness cannot be adequately verified by state driver licensing agencies.
2. The reliance on Employment Authorization Documents to demonstrate eligibility for a non-domiciled CDL, which has proven administratively unworkable and resulted in widespread regulatory non-compliance.

As **Trucksafe Consulting's** Brandon Wiseman explained, the September emergency rule restricted non-domiciled CDL eligibility to foreign-domiciled holders of H-2A, H-2B, or E-2 statuses, requiring proof through an unexpired foreign passport with I-94. SDLAs were mandated to:

- Limit credential validity to the immigration document's expiration (maximum one year, renewable with renewed proof).

- Verify statuses using the Systematic Alien Verification for Entitlements (SAVE) system.
- Retain document copies and SAVE queries for at least two years, producible within 48 hours upon FMCSA request.
- Downgrade credentials if eligibility lapses.

In those thousands of comments, groups such as the **Owner-Operator Independent Drivers Association** and the **American Trucking Associations** praised the rule for improving safety and reducing fraud.

Critics argued that it was discriminatory, would shrink the pool of truck drivers, was not backed up by strong data, and overlooked alternatives such as enhanced SAVE checks.

But in the end, the only changes to the rule involved clarity, such as removing redundant text and refining document verification and retention.

Details of the New Rule

Effective **March 15**, the new final non-domiciled CDL rule applies to state licensing agencies issuing non-domiciled credentials:

- **Eligibility:** Restricted to H-2A, H-2B, or E-2 holders; proof via passport/I-94.
- **Validity and Renewal:** Matches immigration documents (≤ 1 year); renewable with updated proof.
- **Verification and Records:** SDLAs must use SAVE, retain documents/SAVE queries for two years, and respond to FMCSA requests within 48 hours.
- **Downgrades:** Required if status changes; no new driver notification system.

What Will the Effect be on Trucking Fleets?

Brandon Wiseman of **Trucksafe Consulting** said in a blog post, "For fleets, the immediate impact may not be overly dramatic, but important to consider."

One notable change, he said, was **FMCSA's** economic analysis. In the interim rule, the agency assumed that most non-domiciled CDLs had relatively short validity periods. But after auditing state records, the **FMCSA** concluded that most properly issued non-domiciled CDLs had expiration dates of up to 5 years.

Instead of a sudden loss of around 194,000 drivers, **FMCSA** concluded that any reduction in the non-domiciled driver population would occur gradually as licenses expire and are not renewed under the new eligibility standards.

So even though the rule could eventually affect hundreds of thousands of non-domiciled CDL holders, the impact will be spread over several years rather than all at once.

FMCSA Finalizes Changes to Reduce Burdens on Truckers

Reforms include digital inspections and ditching spare fuses

Following a broad deregulatory initiative launched last year, the **Federal Motor Carrier Safety Administration** has finalized 11 of 18 rulemaking actions originally proposed in May 2025.



The final rules, published on Feb 19th, address a range of operational requirements, from vehicle equipment standards to administrative recordkeeping, and are an effort to modernize regulations that affect trucking.

Highlights among them include:

- **Electronic recordkeeping:** FMCSA has formally clarified that Driver Vehicle Inspection Reports may be created, maintained, and signed electronically, removing ambiguous language that previously suggested a need for paper-based methods.
- **Safety equipment modernization:** FMCSA is removing the requirement for trucks to carry liquid-burning flares and spare fuses, noting that these devices are largely obsolete or easily replaced at retail locations.
- **Vehicle lighting and markings:** New exceptions eliminate the need for functional license plate lamps on the rear of truck tractors while towing a trailer. Additionally, the agency clarified that it does not require tire load markings on sidewalls, deferring those manufacturing standards to National Highway Traffic Safety Administration.
- **Military personnel inclusion:** The “military exception” from CDL standards is now extended to dual-status military technicians, harmonizing the treatment of all personnel operating commercial motor vehicles for military purposes.

FMCSA also reformed rules related to:

- Certification and labeling requirements for rear impact guards
- Auxiliary fuel tanks
- Brakes on portable conveyors
- Fuel tank overfill restriction
- Obsolete references to “water carriers”

The American Trucking Associations and the Owner-Operator Independent Drivers Association weighed in on most of the proposals, describing many of the changes as “commonsense regulatory reform.”

FMCSA emphasized, however, that while the slate of operational reforms collectively will make life easier for drivers and carriers by reducing administrative burdens and potentially extending the useful life of older equipment, the economic impact of each specific rule is expected to have a small or negligible effect on costs and savings for the industry.

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

Autotransformers

Autotransformers being used by machine manufacturers pose a potential ground fault hazard. It is hazardous when a ground fault within the autotransformer occurs and goes undetected by the ground fault protection circuit.

Miners and electricians have reported being shocked when contacting shuttle cars. Shuttle cars equipped with autotransformers may cause a ground fault condition that goes undetected. These hazards exist when an autotransformer ground fault occurs, and the ground fault protection circuit is inadequate because the ground fault current is too low to be detected.



Autotransformer (highlighted in red) within an explosion proof (XP) enclosure

Best Practices

- Follow 30 CFR §§75.900 (coal) and 57.12003 (metal/nonmetal) to provide adequate protection.
- Train qualified personnel conducting electrical examinations to safely identify the use of autotransformers and their potential hazards.
- Examine all mining equipment with autotransformers currently in service to ensure safe operating condition.
- Consult with manufacturers for compliant/approved alternatives.
- Contact your local MSHA district office for additional assistance.

[Autotransformer Safety Alert.pdf](#) (250.9 KB)

MSHA Health Alert

Ammonia (NH₃)

Exposure to high levels of ammonia can cause serious health effects involving the eyes, lungs, and skin. Miners working with or around ammonia should take caution. Use engineering controls, such as ventilation, and if respirators are in use, ensure that an ammonia-specific filter cartridge is used.

	<p>YOU CANNOT RELY ON SENSE OF SMELL TO MONITOR NH₃ LEVELS</p> <p>NH₃ can numb the sense of smell. While a miner may initially detect NH₃ gas by smell, the sense of smell cannot be relied on for ongoing monitoring.</p>
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Ammonia at Mine Sites

Ammonia is used on mine sites for chemical processing, refrigeration systems, emissions, and as a neutralizing agent. Exposure can occur due to equipment malfunctions, leaks, chemical mixing or improper handling. Ensure proper ventilation in mines where ammonia is naturally occurring.

Ammonia Detection

Ammonia has a sharp, pungent smell that can be detected at levels as low as 5 parts per million (ppm). However, smell alone cannot be relied upon for detection and appropriate warning. Industrial hygiene sampling equipment should be used to monitor levels of ammonia and personal exposure.

Exposure Limits

The Threshold Limit Value-Time Weighted Average (TLV-TWA) for ammonia is 25 ppm. Ammonia is Immediately Dangerous to Life and Health (IDLH) at 300 ppm.

First Aid

If ammonia gas is inhaled, relocate the person to fresh air. If liquid ammonia contacts the body, remove contaminated clothes and rinse with water for at least 15 minutes. Immediately seek medical aid. Stay informed on your required site-specific hazard awareness training including hazardous materials, warning signals, and evacuation procedures.

[Health Alert_Ammonia.pdf](#) (157.19 KB)

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](#).



**Check out the
Health Tool for miners**

Mine Fatality Reports

MINE FATALITY – On May 1, 2025, an excavator operator died after material from a tailings cell engulfed the excavator he was operating. At the time of the accident, the excavator operator was loading dry material into two haul trucks.

Best Practices:

- *Establish and follow ground control procedures that are consistent with prudent engineering design for the safe control of all highwalls, pits, spoil banks and any area where miners will be working below a tailings or water storage cell.*
- *Examine highwalls, banks, and other areas that slope into working areas after every rain, freeze, or thaw and before miners begin work in such areas.*
- *Stay clear of potentially unstable areas. Document and correct unsafe ground conditions in the affected area.*
- *Equip excavators with two-way communication systems, high-strength glass, light sticks, cooling packs, and a breathable air device when working on material that has the potential to slide or engulf mobile equipment.*



[May 1, 2025 - Final Report.pdf](#) (1.06 MB)

MINE FATALITY – On January 6, 2026, a contractor was fatally struck by the motor and gearbox assembly while removing a baghouse slide gate.

Best Practices:

- *Block machinery or equipment against hazardous motion before beginning maintenance or repairs. Verify miners are in a safe location and away from potential “red zone” areas.*
- *Secure assemblies to prevent unexpected movement and use proper tools.*
- *Identify and control all stored energy sources, including gravity.*
- *Train miners in safe work procedures and hazard recognition.*



[January 6, 2026 - Fatality Alert.pdf](#) (235.69 KB)

MINE FATALITY – On January 8, 2026, an over-the-road truck driver died after he became pinned between the dump bed and the frame of a truck.

Best Practices:

- *Establish and discuss safe work procedures before beginning work. Identify and control all hazards associated with the work and use methods to properly protect persons.*
- *Before working on equipment, block all raised components against motion and ensure persons are positioned in a safe location and away from the “red zone” areas.*
- *Never work under a load that is unsupported or inadequately supported. Observe and follow all warning labels and signs on equipment.*



[January 8, 2026 - Fatality Alert.pdf](#) (249.67 KB)

Making Contractor Safety Stick: What Works Across Job Sites



Contractors are now an essential part of most industrial and construction operations, often comprising a significant portion of the workforce at any given time. Yet despite their critical role, they remain one of the most inconsistent elements of a safety program.

It's been demonstrated, contractor oversight ranges from highly structured to entirely improvised. Too often, safety protocols break down in the gray space between "approved" and "accountable." A contractor may be fully vetted on paper, but the moment they step onto the jobsite, gaps emerge. What's missing isn't intent. It's consistency.

Why Inconsistency Puts Safety at Risk

Across job sites, the same challenges play out. One crew arrives fully prepared, documents current, hazard-trained, and ready to work. The next day, another crew walks in, missing a critical certificate or unaware of a key site hazard. Both were "approved," yet the outcomes are entirely different.

This disconnect happens when qualification is treated as a one-time event rather than an integrated process. Safety starts long before the first discussion, and it must be sustained throughout the contractor's time on site.

What a Functional Contractor Safety System Looks Like

The most reliable contractor safety systems share four characteristics:

- 1. Requirements That Match the Role:** *A generic qualification checklist doesn't cut it anymore. Requirements should reflect the specific hazards tied to each contractor's scope of work. Welders, riggers, and electricians should each face tailored expectations, especially when it comes to documentation and training.*
- 2. Pre-Arrival Hazard Training:** *Training should happen before boots hit the ground. That includes site-specific hazard awareness, emergency protocols, and any behavioral expectations tied to the jobsite culture. When this is handled upstream, the entire operation runs more safely and efficiently.*
- 3. Real-Time Visibility:** *Gatekeepers need a clear view of who's qualified, who isn't, and what's missing, without chasing down spreadsheets or emails. Real-time compliance tracking makes it easy to catch gaps before they become risks.*
- 4. Cultural Integration:** *Contractor compliance shouldn't feel like an external add-on. It should reflect the same safety expectations your internal teams follow.*

Lessons From the Field

Implementing a contractor safety system is straightforward in theory, but in practice, there are common pitfalls:

- **Overcomplication:** *Systems with too many steps or irrelevant requirements frustrate both safety staff and contractors.*
- **Lean systems** that focus on essential safety drivers work best.
- **Training Bottlenecks:** *When safety teams are constantly retraining new arrivals, it slows everything down. Offloading initial training into a structured onboarding process gives field staff bandwidth to focus on higher-value tasks.*
- **Inconsistent Enforcement:** *If expectations vary by site or supervisor, contractors learn to game the system. Consistency in how requirements are applied and verified is what makes safety stick.*

How Safety Leaders Can Make It Stick

If you're working to improve contractor safety across multiple locations, here's where to focus:

- **Start with clarity.** *Define exactly what's required, by role and site. Communicate this to contractors upfront.*
- **Streamline onboarding.** *Build a repeatable process that handles document collection and training before arrival.*
- **Use the data.** *Real-time tracking shows where things are slipping and allows you to intervene early.*
- **Audit regularly.** *Field inspections should go beyond PPE and verify that contractors are actually working within the safety expectations set during onboarding.*

Final Thought

It's been displayed, the most effective systems are the ones that balance structure with usability, and consistency with flexibility. They reduce administrative burden while increasing visibility. Most importantly, they treat contractors not as external risks, but as fully integrated members of the safety culture.

Seasonal health issues affect many 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!!