

## 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 will be posted soon....**

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:**

- **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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- ▶ **DEADLINE IS MARCH 2<sup>ND</sup> Injury Tracking Application**  
 Employers must post their most recent Summary of Work-Related Injuries and Illnesses (Form 300A) [read more...](#)
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*A new topic every month.....*

- ▶ **Labor Law Poster Updates** [read more...](#)

**Your Right to Know**

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- ▶ **Reminder - Federal Drug Testing Custody and Control Form Mandatory...** [read more...](#)
- ▶ **DOT 2026 Regs Violation Penalty** [read more...](#)
- ▶ **FMCSA Temporary Waiver - Announcement - See update** [read more...](#)
- ▶ **Behavior is Dominant Driver of Collision Risk for Commercial Auto** [read more.....](#)
- ▶ **USDOT Announces Random Drug and Alcohol Test Rates for Truckers in 2026** [read more...](#)
- ▶ **CDL Drivers: Protect Your CDL Information from Fraud** [read more...](#)



- ▶ **Cargo Thieves Maintain Focus on High-Value Shipments** [read more...](#)
- ▶ **Truck History Reports** [read more...](#)
- ▶ Unannounced CVSA International Roadcheck events [read more...](#)
- ▶ **Bill would penalize brokers that hire 'unsafe' carriers** [read more...](#)
- ▶ **ATA Hails \$200 Million for Parking. Other Pro-Trucking Provisions in Appropriations Package** [read more...](#)
- ▶ **Colo. Law: Move Over for Me ~ IT'S THE LAW ~** [read more...](#)
- ▶ DOT Amends Oral Fluid Drug Testing Procedures [read more...](#)
- ▶ Four more ELDs Fail to Meet Federal Standards, FMCSA promises new vetting processes [read more...](#)
- ▶ **U.S. Postal Service is Strengthening Requirements for Contracted Trucking Providers** [read more...](#)
- ▶ **FMCSA Clearinghouse 2026: WHAT DRIVERS & EMPLOYERS MUST KNOW AFTER A DOT VIOLATION** [read more...](#)

## MSHA NEWS SUMMARY

- ▶ MSHA is now on **FACEBOOK** and **INSTAGRAM!** [read more...](#)
- ▶ **MSHA Winter Alert – Work Safely This Winter** [read more...](#)
- ▶ **MSHA: INDUSTRY FINISHES 2025 WITH 33 MINER FATALITIES** [read more...](#)



## MONTHLY SAFETY & HEALTH TIP NEWS SUMMARY

- ▶ **Workplace Violence and 6 Steps to Mitigate Risks** [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)

### > HANDS-ON FIRE EXTINGUISHER TRAINING

This course covers the basics of fire safety as well as hands-on practice with our Bullex Fire Extinguisher training system. This course is not just for the workplace - it is great for anyone who needs to learn how to use a fire extinguisher, including church groups, Boy and Girl Scouts, 4-H clubs, schools, and community members.

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

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

- \*PEC Safeland Basic Orientation: **NEW 2021 SAFELAND:** Feb 6 (*Instructor Led Virtual Class*), 13, 24; 8 – 4:30;
- \*First Aid/CPR/AED/BLOODBORNE PATHOGENS (We offer MEDIC FIRST AID): Feb 5, 20; 8 – noon;  
*In Person Classes: This class is also available for blended learning (online) with remote or in-person skills assessment*
- \*Hydrogen Sulfide Awareness [*ANSI Z390 -2017 Course*]: Feb 5, 20; 12:30 – 4:30;  
*This class available via Instructor Led video conference*
- \*Confined Space Entry Training Attendant, Supervisor, Competent Person & Entrant [NUCA Course]: Feb 10;

To sign up for one of these classes, or inquire about scheduling a different class,  
Call Carrie at 720-203-4948 or Jeremy at 720-203-6325  
Need any classes in Spanish? Contact Carrie to schedule.

For any last minute schedule updates, go to [mjslegacysafety.com/training-calendar](https://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](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  
US DOL  
LANDLINE.MEDIA  
Alert Media  
CDLLIFE  
TruckNews.com  
DOT  
HB NEXT  
USPS  
Carrier Mgmt  
Pit & Quarry  
EAA  
ProPublica  
NIH  
Motive AI  
CargoNet  
ATA





▶ 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 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.

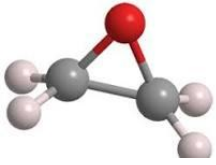
We offer the OSHA 10 & 30 hour courses for students.

*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.**

# Closing the Ethylene Oxide Safety Gap: OSHA's OUTDATED RULES ARE THREATENING WORKER SAFETY



Across the country, thousands of workers in sterilization plants, medical supply distribution centers, and other industrial environments are routinely exposed to a hazardous chemical that could jeopardize their long-term health. Ethylene oxide (EtO) is essential in sterilizing nearly 50% of the devices used in hospitals and clinics. Its role in modern healthcare is critical, but the growing evidence regarding its danger to workers can no longer be overlooked.

Despite decades of research linking EtO exposure to life-threatening diseases, the **Occupational Safety and Health Administration (OSHA)** has not updated its workplace exposure limits since the early 1980s. Federal agencies are fully aware of the risks. Yet, the regulatory protections meant to keep workers safe remain frozen in time.

## A Toxic Industrial Threat Hidden in Daily Operations

Ethylene oxide is prized because it can help sterilize devices that would be damaged by heat or steam-based methods. In many facilities, it has replaced other sterilization techniques such as gamma radiation, electron beam processing, X-ray treatment, and hydrogen peroxide plasma systems. Its effectiveness, however, comes with a steep price.

The **Environmental Protection Agency (EPA)** classified EtO as a [known carcinogen](#). Long-term low-level exposure can damage cellular DNA, and short bursts of concentrated exposure may lead to breathing problems and respiratory tract irritation, headaches, and neurological symptoms. According to the **Centers for Disease Control and Prevention (CDC)** and [the EPA](#), years of exposure to EtO can lead to the development of cancers such as leukemia, non-Hodgkin lymphoma, multiple myeloma, and breast cancer.

The communities surrounding EtO facilities are already feeling the impact. In [Laredo, Texas](#), and [Jackson, Missouri](#), projection reports revealed cancer risks 18 times and 11 times higher, respectively, near Midwest Sterilization Group sites. Near a Willowbrook, Illinois Sterigenics facility, the same report [showed cancer risk](#) more than 4.8 times the EPA accepted levels. Several California plants have also been linked to increased cancer rates in neighboring areas, and unfortunately, these are just a few examples. A 2023 study identified 31 of 653 EtO-emitting facilities in the U.S. suspected of having an estimated cancer risk greater than [100 in one million](#). Yet many of them continue operating under OSHA regulations from more than 40 years ago. Even though the risk projections ended in 2018, the data remain relevant because many diseases associated with EtO develop slowly, sometimes over 15 years after initial exposure to this deadly gas.

## OSHA's Regulations Are Stuck in the 1980s

The last time OSHA updated its **permissible exposure limit (PEL)** for ethylene oxide was 1984, long before modern toxicology and cancer risk assessments revealed the full danger of the chemical. The EPA now estimates that EtO may be up to 60 times more hazardous to human health than previously believed.

Recently, the EPA [updated its rules](#) in an effort to cut EtO emissions by 90% and reduce workplace exposure to 0.1 parts per million (ppm) by 2035. That should be indisputable evidence that EtO regulations should be stricter. Yet OSHA's current legal EtO exposure limit for an eight-hour work shift remains at 1 ppm, which is 10 times higher than what EPA now considers reasonably safe. This gap in understanding the risks leaves frontline workers without the protections they urgently need.

## If Federal Action Falts, Others Must Push Forward for Worker Protection

The EPA has taken a meaningful step towards correlating medical evidence with EtO exposure risks. However, if OSHA delays updating its PELs, the responsibility is shifted towards state governments, as well as labor unions and environmental justice organizations, which must demand immediate policy changes.

Workers deserve exposure regulations grounded in scientific knowledge, along with reliable real-time air monitoring inside and around EtO facilities. Plant operators should be required to install and maintain efficient ventilation and leak-detection systems, as well as provide employees with advanced protective gear. Moreover, medical surveillance and health evaluations of the workers should become standard practice, especially for the employees with longer exposure times within the facility.

These measures are not theoretical solutions. They are practical, achievable, and already in use in safer industrial settings. OSHA's mission is to protect working Americans, and that responsibility cannot be optional. No one should have to choose between a stable job and their health. Sterile medical equipment is vital to healthcare, but that should never translate into preventable illness among the very people who provide this service. It is past time to bring national workplace safety standards into the modern era and ensure that those supporting America's medical system are not paying for it with their well-being.



## Evacuation Plans and Procedures - Emergency Action Plan



An emergency action plan ([EAP](#)) is a written document required by particular **OSHA** standards. [[29 CFR 1910.38\(a\)](#)] The purpose of an EAP is to facilitate and organize employer and employee actions during workplace emergencies. Well developed [emergency plans](#) and proper employee training (*such that employees understand their roles and responsibilities within the plan*) will result in fewer and less severe employee injuries and less structural damage to the facility during emergencies. A poorly prepared plan, likely will lead to a disorganized evacuation or emergency response, resulting in confusion, injury, and property damage.

### Conditions under which an evacuation would be necessary

A wide variety of emergencies, both man-made and natural, may require a workplace to be evacuated. These emergencies include - fires, explosions, floods, earthquakes, hurricanes, tornadoes, toxic material releases, radiological and biological accidents, civil disturbances and workplace violence.

Employers will want their employees to respond differently to these different threats. For example, employers may want to have employees assemble in one area inside the workplace if threatened by a tornado or perhaps a chemical spill on an adjacent highway, but evacuate to an exterior location during a fire. Your plan must identify when and how employees are to respond to different types of emergencies. Ask yourself questions and brainstorm worst-case scenarios. What would happen if the storeroom caught fire, the river flooded, or a chemical release occurred in the shop?



The type of building you work in may be a factor in your decision. Most buildings are vulnerable to the effects of disasters such as tornadoes, earthquakes, floods, or explosions. The extent of the damage depends on the type of emergency and the building's construction. Modern factories and office buildings, for example, are framed in steel and are structurally more sound than neighborhood business premises may be. In a

disaster such as a major earthquake or explosion, however, nearly every type of structure will be affected. Some buildings will collapse and others will be left with weakened floors and walls.

See complete, detailed evacuation information at this [link](#).

[Evacuation Plans and Procedures eTool](#)

## Trenching and Excavation

The primary hazard of trenching and excavation work is employee injury from a cave-in. Before workers enter a trench, a soil analysis should generally be conducted to determine the appropriate employee protection methods such as sloping, benching, shoring or shielding.

Employers should also consider potential struck-by hazards associated with heavy equipment, falling loads, and public vehicular traffic in close proximity to the excavation operations. Also consider potential hazards from undermining sidewalks and buildings.

Other unsafe conditions that may be encountered include hazardous atmospheres and electrical hazards from overhead and underground power lines. These five key trench safety tips will help keep workers safe:

- [Ensure that there's a safe way to enter and exit](#)
- [Ensure trenches have cave-in protection](#)
- [Look for standing water and test if atmospheric hazards are or may be present](#)
- [Keep materials away from the edge of the trench](#)
- [Never enter a trench unless it has been properly inspected by a competent person](#)





## Cold Stress Guide



Cold temperatures and increased wind speed (wind chill) cause heat to leave the body more quickly, putting workers at risk of cold stress. Anyone working in a cold environment may be at risk of cold stress. Some workers may be required to work outdoors in cold environments and for extended periods, for example, snow cleanup crews, sanitation workers, police officers and emergency response and recovery personnel, like firefighters, and emergency medical technicians. Cold stress can be encountered in these types of work environment.

Follow this [link](#) for FAQ's that will help workers understand what cold stress is, how it may affect their health and safety, and how it can be prevented.

Protecting Workers from Cold Stress [Quick Card](#)



## Preventing Carbon Monoxide Poisoning While Working with Portable Generators

Working with portable generators can expose workers to carbon monoxide (CO), a colorless, odorless, and toxic gas. Follow these work practices to stay safe when using a portable generator:

- *Inspect the generator for damage or loose fuel lines.*
- *Keep the generator dry, and maintain and operate it according to the manufacturer's instructions.*
- *Never use a portable generator indoors, or in enclosed spaces such as garages, crawl spaces, and basements.*
- *Generators should be used outdoors, but never place a generator near doors, windows, or ventilation shafts where CO can enter and build up.*
- *Make sure the generator has 3 to 4 feet of clear space on all sides and above it to ensure adequate ventilation.*
- *If you or others show symptoms of CO poisoning—dizziness, headaches, nausea/vomiting, tiredness, confusion, unconsciousness—get to fresh air immediately and seek medical attention. Do not re-enter the area until it is determined to be safe by trained and properly equipped personnel.*



OSHA's On-Site Consultation Program provides no-cost and confidential occupational safety and health compliance assistance to small- and medium-sized businesses. Consultation services are separate from enforcement and do not result in penalties or citations. The OSHA Training Institute Education Centers offer courses for workers, employers, and managers on hazard recognition and abatement at convenient locations nationwide.

[OSHA ALERT](#) (pdf)

## 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 —

**DEADLINE IS 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.

(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.

## Did You Know?

OSHA announced on January 15th that it is extending the compliance dates with its update to the Hazard Communication Standard final rulemaking. Manufacturers, importers, and distributors were initially required to evaluate certain substances by January 19, 2026. That deadline has now been extended to May 19, 2026. OSHA is making this update so that we have time to publish the necessary guidance materials for the regulated community to review before the revised standard provisions take effect. For more details, see the Federal Register notice.

## ¿Sabías?

OSHA anunció hoy que prorroga las fechas de cumplimiento de la actualización final de su Norma de Comunicación de Peligros. Inicialmente, los fabricantes, importadores y distribuidores debían evaluar ciertas sustancias antes del 19 de enero de 2026. Este plazo se ha extendido hasta el 19 de mayo de 2026. La OSHA realiza esta actualización para disponer del tiempo necesario para publicar los materiales de orientación que la comunidad regulada deberá revisar antes de que entren en vigor las disposiciones revisadas sobre comunicación de peligros. Para obtener más detalles, consulte el aviso en el Registro Federal.



## 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!**

## Sen. Fischer Reintroduces Bill for Ag Haulers

DATE: DECEMBER 23, 2025



Sen. Deb Fischer, R-Neb., is again attempting to pass a bill aimed to support ag haulers.

Recently, Fischer reintroduced the **Haulers of Agriculture and Livestock Safety (HAULS) Act**. Fischer, who also has introduced the **HAULS Act** in previous legislative sessions, touts the bill as a way “to strengthen the transportation of America’s agricultural products.”

“Nebraska’s farmers and ranchers feed and fuel our world, but burdensome regulations make it harder for their goods to be transported,” [Fischer said in a news release](#). “That’s why I’ve introduced the **HAULS Act** to ensure that Nebraska’s ag products reach consumers in a safe and timely manner.”

### S3552 would:

- Eliminate the requirement that ag and livestock hours-of-service exemptions only apply during state designated planting and harvesting seasons
- Amend and clarify the definition of “agricultural commodities” based on feedback provided by agriculture and livestock organizations
- Expand on [Fischer provision signed into law](#) by authorizing a 150 air-mile exemption from hours-of-service requirements on the destination side of a haul for ag commodity haulers

### The revised definition of agricultural commodities would include:

- Any non-processed product planted or harvested for food, feed, fuel or fiber
- Any non-human living animal, including fish, insects and livestock
- The non-processed products of any non-human living animal, including milk, eggs and honey
- Non-processed forestry, aquacultural, horticultural and floricultural commodities
- Fresh or minimally processed fruits and vegetables
- Animal feed, including the ingredients of animal feed

### As of Monday, Dec. 22, the bill had no co-sponsors.

In 2021, Fischer and former Sen. Jon Tester, D-Mont., advocated for the bill during a Senate hearing.

“People have to understand that if you have a pot load of cattle or hogs that you can’t just pull over to the side of the road,” **Tester said**. “If you do, it’s going to overheat, and they’re going to die.”





# 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 will post updates and links to workplace posters as they become available.



**COLORADO**  
Family and Medical Leave  
Insurance Program (FAMLI)  
Department of Labor and Employment

**An update of interest...**

**COLORADO WAGE & HOUR RIGHTS & RESPONSIBILITIES**  
Effective 1/1/2026

- **Colorado Minimum Wage:** \$15.16 per hour in 2026, updated yearly (*COMPS Rule 3*)
- **Overtime:** 1½ regular rate after 40 weekly hours, or 12 daily or consecutive (*Rule 4*)
- **Meal Periods:** 30 minutes uninterrupted & duty-free, in shifts over 5 hours (*Rule 5.1*)
- **Rest Periods:** 10 minutes, paid, every 4 hours (*Rule 5.2*)
- **Deductions, Credits, Charges, & Withheld Pay** (*Rule 6, & Colorado Wage Act*)
- **Time Worked:** All on-duty or on-premises time that must be paid (*Rule 1.9*)
- **Exemptions from COMPS** (*Rule 2.2 lists all*)
- **Employer Responsibilities** (*Rule 7*)
- **Complaint & Anti-Retaliation Rights** (*Rule 8*)

Contact: **DIVISION OF LABOR STANDARDS & STATISTICS**  
303-318-8441 / 888-390-7936 / [cdle\\_labor\\_standards@state.co.us](mailto:cdle_labor_standards@state.co.us) (*English or Spanish*)

See the [Poster](#) (*pdf*) for an explanation of each Rule above.



## 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](#).

# Behavior is Dominant Driver of Collision Risk for Commercial Auto

While severe collisions declined last year, many factors influence commercial driving behavior. Though seasonal changes and distractions are expected, geopolitical factors add to less predictable freight patterns, shifting driving hazards inland.

Utilizing commercial drivers' dashcam data in the U.S., Mexico, and Canada, Motive's AI Road Safety Report examines how collision patterns evolved over the past year. The dashcam firm's data science team reviewed AI-detected safety events captured in 1.2 billion hours of video to identify when, where, and why collisions occurred from 2024 to 2025.



The good news: the number of severe collisions fell in 2025. Severe collisions involving injuries, tow-aways, and fatalities are trending 9.5% lower, with reported injuries trending 7.7% down year-over-year, and focused on long-haul, heavy-duty interstate fleets that move goods nationwide.

The report found that collision trends vary by state. Larger, higher-volume states saw year-over-year declines in collisions, including:

- Florida: 42.6% reduction
- North Carolina: 29.8% reduction
- New Jersey: 24.8% reduction

These states represent larger, higher-volume freight corridors, suggesting that improvements in safety practices and earlier risk detection can have a meaningful impact at scale, according to the report.

Some smaller states experienced year-over-year increases in reported collisions, including:

- Rhode Island: 24.8% increase
- Montana: 13.5% increase
- Maine: 11.3% increase

These states also have lower overall vehicle volumes and baseline collision rates, which can amplify year-over-year percentage changes, the report noted. In Rhode Island, for example, while total collisions increased, no fatal collisions were reported, suggesting that overall severity declined even as incident counts rose.

While risky driving behavior persists, the use of AI-powered driver safety tools helped identify risky driving behavior before crashes happened, the research team found. For every one collision, organizations saw seven near-collisions, the report found. Near-collisions help organizations identify risky driving behavior and coach drivers.

Aggressive driving remains one of the most dangerous risk factors and the biggest predictor of collisions, data showed. Industries such as waste and recycling, field services, utilities, construction, and oil and gas had the highest collision rates per million miles.

## The top findings:

- Preliminary data shows 2025 saw fewer road fatalities, but risk remains uneven and highly concentrated by time of day, season, and operating environment.
- Late-night driving is more dangerous than rush hour. Collision risk peaks at 3 a.m., when it triples compared to midday.
- Behavior—not road conditions or mileage—is the dominant driver of collision risk. Drowsiness, distraction, and aggressive driving consistently precede incidents.
- Transportation and logistics fleets drive the most miles but have the lowest overall collision rates, demonstrating that the operating environment matters more than distance traveled.
- Cell phone use is among the top five risky behaviors linked to collisions, with use peaking in late afternoons. Drivers in agriculture show the highest rates of cell phone use.
- Smoking behind the wheel happens almost 4,000 times a day, emerging as a major and often underestimated source of distraction.
- Even as 2025 tariff changes increased trade activity and congestion around ports and border crossings, collision rates in those areas remained stable, suggesting risk often shifts inland rather than concentrating at ports.
- Driver behavior will remain the biggest safety risk. Drowsiness, cell phone use, and smoking will continue to outweigh road conditions as predictors of collisions.
- Near-collisions will become the most important leading safety indicator, replacing collisions as the primary metric organizations use to manage risk.
- Ongoing geopolitical and trade volatility will continue to shift freight patterns, pushing risk inland and into overnight corridors rather than causing nationwide spikes.
- Industry-level safety gaps will widen. Agriculture, waste & recycling, and field services will see the biggest AI-driven safety gains as high-risk industries adopt more tailored, behavior-based safety programs.
- One-size-fits-all safety programs will continue to underperform. Organizations will increasingly demand AI tailored to their routes, schedules, geographies, and operating environments.
- Where and when drivers operate will matter more than how far they travel. Geography, congestion, weather, and job type will outweigh mileage as predictors of collision risk.

## 2026 predictions:

- 2026 will mark a tipping point where AI-powered, real-time intervention—not post-incident analysis—becomes the primary driver of collision reduction. Collision rates will still peak in Q1 due to winter weather and shorter daylight, but overall risk will continue to decline as unsafe behaviors are addressed earlier.

“Understanding where risk moves — not just where freight volumes increase — will be critical in the year ahead,” according to Motive AI.

The report also incorporates publicly available data from the **Federal Motor Carrier Safety Administration (FMCSA)**, the U.S. Census Bureau, and the U.S. Department of Transportation (USDOT).

# 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.

Federal Motor Carrier Safety Administration

DRUG & ALCOHOL  
CLEARINGHOUSE

## CDL Drivers: Protect Your CDL Information from Fraud

Fraudulent online activity is on the rise. Certain malicious actors are targeting users of **FMCSA** systems like the **Drug and Alcohol Clearinghouse**. Scams like these are resulting in compromised commercial driver's license (CDL) or commercial learner's permit (CLP) information for drivers, incorrect data in the **Clearinghouse**, and negative impacts to safety.

Visit the new [Clearinghouse News page](#) for more information about how CDL and CLP holders can protect their personal information from scammers.





# Cargo Thieves Maintain Focus on High-Value Shipments

**Cargo theft experts predict high-value technology will remain at the top of criminals' wish lists in 2026.**

*"Criminal enterprises are becoming more selective and sophisticated, targeting extremely high-value shipments rather than relying on opportunistic theft,"* said Keith Lewis, **vice president of operations at Verisk CargoNet.**

**Incidents involving confirmed cargo theft rose sharply in 2025, increasing 18% to 2,646 from 2,243.**

Verisk CargoNet **estimated losses from supply chain crime incidents in the United States and Canada surged to nearly \$725 million in 2025, a 60% percent increase from 2024.**

A total of **3,594 supply chain crime events** were reported **last year, essentially unchanged from the 3,607 events** reported in **2024.** However, **incidents involving confirmed cargo theft rose sharply, increasing 18% to 2,646 from 2,243.**

California **had the highest number** of reported incidents, but activity **shifted away from Los Angeles County and toward historically lower-risk regions such as Kern County and San Joaquin County.** New Jersey, Indiana, and Pennsylvania **were among the states that saw significant increases** in incidents.

Verisk CargoNet said **criminals are increasingly targeting enterprise computer components and cryptocurrency mining hardware.** In addition, **engines and components bound for domestic vehicle assembly plants** remain popular targets.

*"This strategic shift explains how losses can rise 60% even as overall incident volume holds steady,"* said Lewis.

CargoNet **also reported that food and beverage products experienced the largest increase in 2025, with 708 thefts, a 47% jump from 2024.** In addition, **metal theft rose 77%, driven by ongoing demand for copper products.**

Ben Wilkens, **cybersecurity principal engineer for NMFTA,** said that **while cargo theft remains a physical crime, it is increasingly facilitated through more sophisticated means.** *"Cargo criminals have figured out that the best way into an organization is through cyberattacks — through social engineering,"* Wilkens said on a **Jan. 22 webinar.**

He said the **stolen goods are the end result of data crimes, such as stolen identities, compromised emails, and backdoor access to systems** that provide **visibility into freight shipments.** As a **result, the physical act is often carried out by an unwitting third party who does not realize they're moving a stolen load because information is being changed remotely.**

Looking **ahead to the coming year,** CargoNet said **theft by deception is expected to grow as groups increase their focus on misdirecting shipments tendered to legitimate carriers.**

In response to the **growing threats,** states are **adopting advanced technologies** to keep pace, according to **BSI Consulting.** For example, **law enforcement officers are using helicopters and drones equipped with cameras and advanced mapping systems to assist them during operations targeting freight rail thieves in the Chicago area.**

BSI said **there has been a steep rise in railroad thefts across the United States, and that organized groups based in Mexico are engaging in particularly complex operations in Arizona.** In addition, the **Port of Miami-Dade continues to be a hub for organized crime targeting the supply chain, funneling billions of dollars of cargo stolen throughout the Southeast through the port en route to black markets abroad,** BSI said.



## 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.**



### 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.

## Bill would penalize brokers that hire 'unsafe' carriers



A new bill in the House would penalize freight brokers that contract with an “unsafe” motor carrier.

Rep. John Moolenaar, R-Mich., introduced the **Patrick and Barbara Kowalski Freight Brokers Safety Act** on Thursday, Dec. 18.

**HR6884** would hold brokers, who hire trucking companies with a history of serious safety violations, liable for a civil penalty in an amount equal to 10% of the value of the contracted cargo for the entire contract of such broker with the transportation company.

Specifically, brokers could be on the hook when they contract with transportation companies that have been issued three or more Department of Transportation violations or that employ a driver who has been issued three or more DOT violations in the past five years.

Moolenaar named the bill after **Patrick and Barbara Kowalski**, who were killed in a truck-involved crash in 2022.

“No family should experience the loss the Kowalskis faced,” Moolenaar said in a **news release**. “It was a preventable tragedy and this legislation ensures all freight industry contractors take safety seriously.”

**Shannon Mertz**, the daughter of **Patrick and Barbara**, wrote to the congressman to help spur the legislation.

“Companies, like the one involved in my parents’ accident, must be held accountable,” Mertz said. “My family and I are thankful for Congressman Moolenaar’s responsiveness and efforts to prevent another family from experiencing the heartbreak we have felt.”

In addition to civil penalties, the bill expands the authority of the **Federal Motor Carrier Safety Administration** to investigate freight brokers and impose operating requirements following fatal crashes.

As of Monday, Dec. 22, HR6884 had no co-sponsors.

The **Owner-Operator Independent Drivers Association** wants to make sure the bill does not have unintended consequences for small-business truckers.

“**OOIDA** appreciates the bill’s intention to improve roadway safety and prevent tragedies, but we have serious questions about whether this proposal would actually hold freight brokers accountable or simply penalize carriers instead,” said Collin Long, **OOIDA’s** director of government affairs. “The bill does not distinguish between serious safety violations and minor infractions, and in practice any surcharge imposed on brokers would likely be passed directly back to carriers. We believe Congress should focus on targeted, transparent solutions that improve safety and do not create unintended consequences for small-business truckers.”

The question over whether brokers should be held responsible for crashes involving motor carriers they hire has been a hot topic in recent years.

In October, the **U.S. Supreme Court** agreed to hear **C.H. Robinson’s case** regarding broker liability. Oral arguments for the case will be scheduled at a later date.

## ATA Hails \$200 Million for Parking. Other Pro-Trucking Provisions in Appropriations Package



Jan 20, 2026 - American Trucking Associations applauded the inclusion of provisions to support truckers and strengthen the supply chain in the final fiscal year 2026 appropriations package that is being considered by the U.S. House of Representatives this week. Notably, the bill includes \$200 million dedicated for truck parking expansion projects. U.S. Congressman Steve Womack (R-AR), the chairman of the Transportation Appropriations Subcommittee, was instrumental in securing this line item addressing [one of the trucking industry's top concerns](#).

*"The severe, ongoing shortage of truck parking places an immense burden on truck drivers and creates significant roadway hazards. Truckers are essential to Americans' way of life, and the least we can do to show our support is to ensure they have a safe place to park and sleep when they take their federally mandated rest break or finish their shift,"* said ATA President & CEO Chris Spear. *"We thank the members of the House and Senate Appropriations Committees for prioritizing this significant investment in truck parking, as well as additional provisions that will strengthen our supply chain. We are especially appreciative of the decisive leadership of Congressman Womack for ensuring the truck parking provision was incorporated in the final bill."*

*"Congressman Womack's commitment to issues such as truck parking demonstrates his understanding that the men and women who deliver America's freight deserve convenient, safe, and readily available places to rest,"* said Arkansas Trucking Association President Shannon Newton. *"Arkansas is primarily a rural state, where trucking represents 1 in 10 jobs, and it serves as a crossroads for interstate freight on I-30, I-40, and I-55. We are grateful to Congressman Womack for his leadership on such an important issue to our industry."*

According to a USDOT study, 98% of truck drivers regularly experience problems locating safe parking. An analysis by the American Transportation Research Institute found that the average driver sacrifices 56 minutes of drive time per day. This results in \$6,813 in lost wages for truck drivers each year. This new investment in truck parking would build on the progress that has been made through the Bipartisan Infrastructure Law that ATA championed, which has allocated funding to build roughly 2,000 truck parking spaces.

In addition to the \$200 million for truck parking, the appropriations package addresses a number of other trucking industry priorities ATA advocated for, including:

- Directing USDOT to provide a report and develop a strategy to respond to cargo theft;
- Addressing distracted and impaired driving;
- Studying the growing issue of predatory towing;
- Reporting on the availability and feasibility of technologies that could measure intoxication, including marijuana impairment;
- Providing an update on the establishment of a national AV framework;
- Requiring a study on congestion pricing, specifically relating to its effect on finances, safety, emissions, and congestion;
- Strengthening oversight of the Training Provider Registry; and
- Enforcing English language proficiency requirements.

If the House votes to approve the package, the measure will be sent to the Senate for final passage and then be signed into law.



*"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](#).



## Four more ELDs Fail to Meet Federal Standards, FMCSA Says

**REVOKED**

On Tuesday, January 13, **FMCSA** added the following ELDs to the Revoked Devices list for failure to meet minimum requirements:

- ELD Provider: PREMIERRIDE LOGS LLC - Device Name: PREMIERRIDE LOGS - Model Number: 1RIDE - ELD Identifier: PRD391
- ELD Provider: DSG TRACKING LLC - Device Name: DSGELOGS - Model Number: DSGELOGS1 - ELD Identifier: DSGEL1
- ELD Provider: STATE ELOG LLC - Device Name: STATE ELOGS - Model Number: ST8-E - ELD Identifier: STE384
- ELD Provider: STATE ELOG LLC - Device Name: STATE ELOGS 2 - Model Number: PT-30 - ELD Identifier: STE384

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 the revoked ELDs must take the following steps:

Carriers using one of these devices must:

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 **March 15, 2026**.

Starting on March 15, 2026, drivers using one of the revoked ELDs will be cited for “No record of duty status”, be considered as operating without an ELD, and placed out-of-service by law enforcement personnel.

Prior to the March 15 deadline, **FMCSA** encourages safety personnel not to issue citations to drivers using one of the revoked devices and to instead 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.

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.

## U.S. Postal Service is Strengthening Requirements for Contracted Trucking Providers



As part of longstanding policies to safeguard the American public from trucking-related safety incidents, and in line with recent Department of Transportation (DOT) policies to make American roadways safer, the U.S. Postal Service will begin working with its contracted trucking providers to phase out any use of non-domiciled Commercial Driver’s License (CDL) operators who have not been thoroughly vetted by the U.S. Postal Inspection Service. These actions are consistent with the Administration’s goals as expressed in the DOT’s recent interim final rule titled “[Restoring Integrity to the Issuance of Non-Domiciled Commercial Drivers Licenses \(CDL\)](#)”.

“The safety of our employees, our customers, and the American public is of the utmost concern to the Postal Service,” said Amber McReynolds, chairwoman of the Postal Service Board of Governors. “In order to maintain the highest possible safety standards, we have decided to phase out any use of non-domiciled Commercial Driver’s License operators who have not been thoroughly vetted by the Postal Inspection Service.”

By tightening the use of non-domiciled CDL drivers by our third-party (contracted) providers, USPS seeks to improve transportation safety and accountability and add yet another layer of protection and safety.

“USPS just completed an extremely safe and efficient peak season delivering the nation’s holiday mail and packages,” said Postmaster General and CEO David Steiner. “We believe this additional requirement will strengthen the safety, efficiency and reliability of our services into the future.”

The Postal Service moves 55,000 loads by truck every day – nearly 2 billion miles per year – and making improvements in our operations goes hand-in-hand with improvements in safety so that we can safely deliver to more than 170 million addresses six and often seven days a week.

USPS strives to promote a culture of safety to minimize accidents among employee and contract drivers. This includes monitoring industry and government data relating to our contractors.



# FMCSA Clearinghouse 2026: WHAT DRIVERS & EMPLOYERS MUST KNOW AFTER A DOT VIOLATION

In 2026, the [FMCSA Drug & Alcohol Clearinghouse](#) is more strict, more automated, and more closely monitored than ever. Every CDL driver and employer must understand the new rules—because one missed step can lead to:

## DRUG & ALCOHOL CLEARINGHOUSE

- Prohibited status
- Job loss
- DOT fines
- Insurance penalties
- Inability to hire or be hired
- Delayed SAP completion (Substance Abuse Professional)

This guide explains EVERYTHING required for 2026 compliance.

## What Is the FMCSA Clearinghouse?

The Clearinghouse is a national database that tracks:

- DOT drug and alcohol violations
- SAP Program progress
- [Return-to-Duty \(RTD\) results](#)
- Follow-up testing plans
- Employer compliance actions

No CDL driver can legally work if they are marked Prohibited in the Clearinghouse.

## What Gets Reported to the Clearinghouse in 2026?

### 1. All DOT Drug Test Violations

Positive drug test / Positive alcohol test / Refusal to test / Adulterated or substituted samples

### 2. SAP Program Milestones

SAP Initial Evaluation / SAP Recommendations / SAP Follow-Up Evaluation / SAP Completion Report

### 3. Return-to-Duty Results

RTD test scheduled / RTD test results / RTD test verified negative

### 4. Employer Violations

Failure to remove a driver from safety-sensitive duties / Failure to report refusals / Out-of-compliance follow-up testing

## Clearinghouse 2026 Update: What's New This Year?

### 1. Automatic SAP Inactivity Flags

If a driver goes more than 45 days without SAP progress, the system automatically flags the case and sends alerts to:

- Current employer
- Designated C/TPA (for owner-operators)
- FMCSA auditors

### 2. Employer Penalties Increased

Companies that allow prohibited drivers to work may face:

- Fines up to \$18,000 per violation
- DOT audits
- Loss of operating authority

### 3. AI-Based Violation Matching

The Clearinghouse now automatically matches:

- CDL numbers
- Employer records
- Medical Review Officer data

This prevents drivers from “switching employers” to hide open violations.

### 4. Mandatory Pre-Hire Query Enhancements

Employers must complete:

- Full Query (with driver consent)
- Annual Query
- New Instant Query Check (automated)



## How Clearinghouse Affects Drivers After a Violation

When a CDL driver has a DOT violation, their Clearinghouse status becomes:

### Prohibited

This means:

- No safety-sensitive driving
- No operating CMVs
- No CDL job anywhere in the U.S.
- No insurance approval
- No carrier will hire them

To remove Prohibited status, the driver must:

- [Complete SAP Initial Evaluation](#)
- Complete SAP Recommendations
- [Pass DOT-Approved RTD Test](#)
- SAP files Completion Report

Once done, the status changes to: **Not Prohibited — Eligible for Employment**

## How Clearinghouse Affects Employers in 2026

Employers must:

Run full queries before hiring / Remove drivers immediately after violations / Report refusals to test /

Ensure RTD and follow-up testing is completed / Maintain accurate compliance records

**Failure to comply = audits + fines + liability.**

## The Clearinghouse and the SAP Program: How They Work Together

The SAP Program cannot begin until:

Driver selects an SAP in Clearinghouse / SAP accepts the designation / SAP logs Initial Evaluation

**The Clearinghouse acts as the official record of SAP progress—nothing counts unless logged electronically.**

## Return-to-Duty Process in 2026 (Clearinghouse Requirements)

1. Driver gets DOT violation → Prohibited
2. Driver selects SAP in Clearinghouse
3. SAP conducts Initial Evaluation
4. Driver completes recommendations
5. SAP files Follow-Up Evaluation
6. Driver takes observed RTD drug test
7. MRO reports negative result
8. Clearinghouse updates status to Eligible
9. Employer completes follow-up testing plan

**No steps can be skipped. No employer can override the SAP's decisions.**

## Common Clearinghouse Problems in 2026 (And How to Fix Them)

### Problem 1 — SAP Not Updating File

Fix: Contact SAP to confirm documentation submission.

### Problem 2 — RTD Test Not Showing in Clearinghouse

Fix: The MRO must certify and upload the result.

### Problem 3 — Employer Does Not Remove a Prohibited Driver

Fix: Driver must stop driving immediately or face penalties.

### Problem 4 — Driver Cannot Find a SAP

Fix: Telehealth SAP providers (like AACCS) offer same-day appointments nationwide.

### Problem 5 — Employer Cannot See Driver's Status

Fix: Driver must provide consent for a full query.

## How Drivers Can Clear Their Status Faster

Choose telehealth SAP appointments / Complete education/treatment quickly / Upload all completion certificates /

Stay in communication with SAP / Schedule RTD test immediately after SAP approval / Avoid missed sessions

**Faster compliance = faster return to work.**

## 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 WINTER ALERT

*Work Safely This Winter!*

## Best Practices for Equipment and Vehicle Safety

- ✓ **Inspect and Winterize Equipment.** Check batteries, fuel lines, and brakes to ensure equipment is winter ready.
- ✓ **Clear Snow and Ice.** Keep windshields, mirrors, and lights free from snow and ice to improve visibility.
- ✓ **Test heaters and defrost systems.** Confirm proper functioning of equipment cab heating and defrosting systems for visibility and comfort.
- ✓ **Drive Cautiously.** Reduce speeds in icy or snowy conditions, maintain safe distances, and be vigilant of black ice on roads.

## Best Practices for Miner Preparedness

- ✓ **Clear walkways, ramps, and work areas regularly** to prevent slips, trips, and falls. Apply salt and sand where needed.
- ✓ **Use caution when accessing elevated work areas** in icy or wet conditions. Always maintain three points of contact when climbing ladders and equipment.
- ✓ **Wear Proper PPE for Cold Weather.** Use insulated gloves, boots, and layered clothing to protect against frostbite and hypothermia.
- ✓ **Monitor for Cold Stress.** Train miners to recognize symptoms of hypothermia, frostbite, and cold stress.
- ✓ **Provide Warm Shelter.** Create designated locations to allow miners to warm up during breaks and prevent cold weather-related injuries.



Report accidents and hazardous conditions: 1-800-746-1553  
[msha.gov](http://msha.gov) | [askmsha@dol.gov](mailto:askmsha@dol.gov) | [@MSHA\\_DOL](https://twitter.com/MSHA_DOL)



[MSHA Winter Alert \(pdf\)](#)



# MSHA: INDUSTRY FINISHES 2025 WITH 33 MINER FATALITIES

The mining industry finished 2025 with 33 miner fatalities involving accidents – including four in December.

The unofficial total was up 27 percent from 2024, when the [Mine Safety & Health Administration](#) (MSHA) reported 26 mining fatalities. MSHA had not yet issued a final year-end total as of Jan. 5.

The majority of mining fatalities last year (25) happened at metal/nonmetal operations. Coal operations accounted for the other eight.



## Accidents classifications

Powered haulage was the leading cause of 2025 mining fatalities, with 13. MSHA data shows six miners died in machinery accidents, with a variety of other causes accounting for the year's remaining mining fatalities.

Two miners died in 2025 accidents tied to the fall of a face, rib, side or highwall; two died in fall of roof or back accidents; two died in accidents involving falling, rolling or sliding rock or material of any kind; and two died in electrical accidents.

The other fatal accident causes last year were exploding vessels under pressure; explosives and breaking agents; handling material; hoisting; inundation; and slip or fall of person. These causes each claimed one miner in 2025.

## Accidents by state

By state, West Virginia had the most fatal mining accidents last year with six. All six occurred at coal operations.

Texas had the next most with four. Florida and Missouri had three each, and Pennsylvania had two.

States with a single fatal mining accident last year were California, Colorado, Illinois, Kansas, Michigan, Montana, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Rhode Island, South Dakota, Tennessee and Virginia.

## December's fatalities

Two of the four miners who died in December drowned at a Florida crushed/broken limestone operation on Dec. 10. According to MSHA's preliminary report, the miners died after the dragline they were operating went into a water-filled pit. MSHA classified the incident as a machinery accident.

In a separate incident at a West Virginia coal operation Dec. 18, a miner died after he was pinned against the rib by a tractor. Powered haulage was the accident classification.

The final mining fatality of 2025 occurred Dec. 22 at a crushed/broken limestone operation in Virginia, where a contractor died after receiving burns from a pressurized hydraulic line that ruptured and caught fire.

According to MSHA, the contractor was cutting wedges from a cone crusher with a torch.

Review all 2025 MSHA Fatality Reports at this [link](#).

*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**

## Workplace Violence and 6 Steps to Mitigate Risks



There are many types of workplace violence, from verbal abuse to homicide. No business wants to think about the types of workplace violence that might occur at their workplace. But each year, hundreds of workers report having been a victim of various types of workplace violence. These incidents, which occur coast-to-coast and impact virtually every industry, drive home how important it is for businesses to stay vigilant against violence in the workplace.

### What Is Workplace Violence?

Workplace violence is any threat of or act of harassment, intimidation, dangerous disruptive behavior, or physical violence at a workplace. Examples of workplace violence include physical assault, robbery, and theft or destruction of private or company property.

Workplace violence is unique among threats to businesses in that a person causes it, be they a coworker, contractor, customer, or former employee, and it can happen anywhere inside or outside the office. It can also happen at any time and manifests itself as anything from verbal harassment to homicide. According to one study, women, members of minority communities, trans people and other marginalized people are more likely to experience workplace violence and are often less likely to report it. These incidents can cause serious physical and mental harm to your employees, hurting morale and productivity. Businesses need to be aware of these variables to prevent workplace violence and protect their people.

### Types of Workplace Violence

*Workplace violence can come in many forms, and knowing those various types can help you recognize them in the real world and work to prevent them. While there are acts of workplace violence that might fit in multiple or none of the following categories, they can help as a framework to prevent and respond to any incident.*

**Criminal intent:** *These are crimes that are committed against a business and its property. The people committing the crime have no relationship with the business or its employees.*

**Customer/client:** *A customer or client becomes violent while interacting with the business. According to NIOSH, employees in the healthcare industry are at the highest risk for this type of interaction. Law enforcement officers, teachers, and flight attendants are also at a heightened risk.*

**Worker-on-worker:** *This type of workplace violence is perpetrated by a current or past employee who attacks or threatens another employee.*

**Personal relationship:** *Generally, this perpetrator has a personal relationship with the victim (but not the business). Women are overwhelmingly victims in this category. This type of workplace violence can also be considered domestic violence if the parties live together.*

### Workplace Violence Risk Factors

*Workplace violence incidents are not experienced evenly across all businesses.*

*According to OSHA, workplace homicides are most common in retail workers, followed by service providers and government workers. Businesses are affected differently by violent acts depending on their risk factors. Some of these factors include exchanging money with the public or working with unstable, volatile people.*

*It is especially important to know who enters your work environment as most workplace homicides involve a perpetrator who has no known relationship to the business or its employees. Other scenarios that place employees at higher risk include workers leaving late at night and businesses located in high-crime areas.*

*It is important to know what risk factors are relevant to your business and employees in order to prevent workplace violence.*



## 6 Steps You Should Take to Combat Workplace Violence

Striving to prevent workplace violence is every business owner's duty and responsibility. According to the **OSHA Act of 1970**, [workers have a right](#) to labor in an environment that does not pose a risk of serious harm. Below are six steps your organization can take to reduce the risk of workplace violence and help provide a safer environment for your people.

### Step #1: Create a workplace violence prevention program

The first step toward preventing workplace violence is to create policies for employees that outline what is acceptable behavior and what is not.

These policies can include the most common types of workplace violence, non-discrimination, racial or sexual harassment, drug and alcohol use, and safety procedures. Distribute the policies to all levels of the workplace, including employees, managers, leadership, and contract workers. In addition, make sure you carefully establish a complaint process and communicate this process in your policies.

One important example of such is a zero-tolerance policy. This means that violent behavior will not be tolerated in the workplace in any way. These kinds of policies empower employees to raise their concerns about potentially violent individuals and stop violence before it starts. By incorporating a zero-tolerance policy into your emergency plan, you reduce the risk of violent incidents.

### Step #2: Assess and improve physical security

In addition to policies, employers can work to prevent workplace violence by improving security measures such as property lighting, premises security, and even data security (to prevent unauthorized use of employer computer systems).

Employers should conduct a risk analysis to understand potential vulnerabilities that could be exploited to gain access to your facilities. Ensure exterior areas are well lit to deter and detect potential intruders. Pay particular attention to areas that are naturally darker than others. When installing or adding security cameras, look for opportunities to improve sightlines to maximize coverage for each unit you install.

## Final Thoughts

While the vast majority of cases do not make the news, millions of organizations are affected by workplace violence every year. It is every employer's responsibility to put plans in place to prevent all types of workplace violence. Take steps now to mitigate the risk of danger and improve overall workplace safety.

### Step #3: Limit access to non-employees

Strangers—with no relationship with the company—commit a large percentage of workplace homicides. Employers should limit visitors who have no business being on-site to avoid violence entering the workplace from outside. This step also helps prevent “crimes of opportunity” where violence occurs because a door or gate was left unsecured.

### Step #4: Train employees on situational awareness

Set up training sessions to help employees understand the threat of intruders and the very real risks they present. In addition, encourage employees to report suspicious visitors or potential acts of violence. For instance: Who should employees notify and what details are important? This type of reporting should be specific. Every minute counts when a potentially life-threatening situation is occurring.

In some situations, employees can also help defuse dangerous situations by de-escalating the conversation and dispersing tension. This can avoid violent confrontation before it starts.

### Step #5: Ensure lone workers are protected

Lone workers should be equipped with life-saving technology. Look for modern, mobile-friendly software designed to enhance lone worker safety in life-threatening or dangerous situations.

### Step #6: Communicate effectively

Relating critical information is vital in preventing workplace violence. Make sure teams are meeting regularly to discuss their work and to air any unresolved tensions or disagreements. By doing so, employees can ease strained relationships that might one day boil over into violence.

Teach employees to discuss their differences appropriately and encourage each employee to be open-minded with their fellow team members. Human resources should monitor teams and step in if tensions are so high that violence is possible. Work toward a quick resolution of conflicts.

Finally, a reliable employee notification system with two-way communication is a must-have when keeping your people informed of potentially dangerous situations.



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!!