

## MJS Legacy Safety Consulting Services LLC

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

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

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

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

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



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

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



### **Safety for Everyone**

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

- ▶ **DOL's OSHA Civil Penalties for 2025** [read more...](#)
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Why don't manufacturing workers wear safety glasses even when they know the risks of going without? [read more...](#)
- ▶ **10 Essential Safety Tips for Crane Operators**  
Crane operations are among the most hazardous workflows in construction. [read more...](#)
- ▶ **Bureau of Labor Statistics Reports Big Decrease in Illnesses and Respiratory Cases**  
This marks the lowest number of reported cases since 2019. [read more...](#)



**Your Right to Know**

- ▶ **Requiring Employers to Keep Employees Informed**  
*A new topic every month.....*
  - > **COLORADO WAGE & HOUR RIGHTS & RESPONSIBILITIES** [read more...](#)
  - > **Workplace Violence Fact Sheet** [read more...](#)

**TRANSPORTATION NEWS SUMMARY**

- ▶ **Reminder - Federal Drug Testing Custody and Control Form Mandatory...** [read more...](#)
- ▶ **DOT 2025 Regs Violation Penalty Increases** [read more...](#)
- ▶ **FMCSA to Study Disabled, Parked Truck Roadside Warnings**  
The study will require data collection from 256 truck drivers. [read more...](#)
- ▶ **Colo. Law: Move Over for Me ~ IT'S THE LAW ~** [read more...](#)
- ▶ **CVSA Releases New Out-of-Service Criteria for 2025**  
The CVSA has introduced important updates set to take effect on April 1, 2025. [read more...](#)
- ▶ **Personal Conveyance...** is the movement of a commercial motor vehicle (CMV) for personal use while off-duty. [read more...](#)



▶ DOT Amends Oral Fluid Drug Testing Procedures

The rule clarifies that a qualified urine collector is not a qualified oral fluid collector, and vice-versa. [read more...](#)

▶ 2025-01 – Unified Carrier Registration Enforcement Bulletin for 2025 Registration Year

guidance for verifying compliance with UCR during a roadside inspection [read more...](#)

▶ FMCSA Announces Changes to Safety Measurement System (SMS)

Enhanced SMS will build on the streamlined design of the CSA Prioritization Preview website. [read more...](#)

▶ Pipeline and Hazardous Materials Safety Administration Extends Comment Period for HM-265 NPRM

Advancing Safety of Highway, Rail, and Vessel Transportation [read more...](#)

▶ Truck History Reports — Look up reported accidents, inspection violations, insurance claim, owner history and more. [read more...](#)

▶ No More Free Rides: EVs Must Pay Their Fair Share into the Highway Trust Fund

When it comes to paying for the maintenance and expansion of our road network, no one should get a free ride. [read more...](#)

▶ 2025 CVSA Out-of-Service Criteria Updates – download the App & order printed material [read more...](#)

▶ MSHA is now on [FACEBOOK](#) and [INSTAGRAM!](#) [read more...](#)

MSHA NEWS SUMMARY

▶ MSHA: NO MINES MET PATTERN OF VIOLATIONS CRITERIA IN 2024 — first time since 2021 [read more...](#)

▶ Mine operators are required to [Report Accidents & Hazardous Conditions](#) immediately [read more...](#)



MONTHLY SAFETY & HEALTH TIP NEWS SUMMARY

▶ 3 Ways Safety Training is Evolving to Meet Today's Needs

Safety training is critically important as work-related accident and injury rates remain stubbornly high. [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)

### > NUCA COMPETENT PERSON FOR EXCAVATION & TRENCHING

The National Utility Contractor Association Competent Person for Excavation & Trenching Course covers the requirements for excavation & trenching protection as well as the duties of the competent person. This 1 day course includes classroom training with hands-on exercises for soil analysis and classification, cave-in protective system selection and the duties of the employers DESIGNATED COMPETENT PERSON.

**THIS CLASS IS AVAILABLE IN BOTH ENGLISH AND SPANISH.**

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

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

- \*PEC Safeland Basic Orientation: **NEW 2021 SAFELAND:** Mar 3, 14; 8 – 4:30;
- \*First Aid/CPR/AED/BLOODBORNE PATHOGENS (We offer MEDIC FIRST AID): Mar 11, 27; 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, 27; 12:30 – 4:30;  
*This class available via Instructor Led video conference*
- \*PEC H2S CLEAR 4 hour: Mar 6;  
*This course meets the ANSI Z390.1-2017 standard and may be required by some Oil & Gas Operators*  
*We are also able to offer this course through video conference instructor led distance learning upon request*  
*Scheduled only upon request - Call Carrie to schedule to fit your needs - 720-203-4948*

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

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

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

#### — FEATURED TRAINING PROGRAMS —

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

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

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

~ or ~

Attend a class at our  
Training Center?

Just give us a call !!

Need Help With  
■ ISNetworld  
■ PEC/Veriforce  
■ NCMS  
■ Avetta/BROWZ  
■ TPS ALERT  
**CALL US!!!**

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

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

SOURCES FOR  
THIS ISSUE  
INCLUDE:  
OSHA  
FMCSA  
ISHN  
US DOL  
CDC  
US Dept Labor  
Statistics  
MSHA  
Rock Products  
Foley  
Transport Topics  
CVSA  
CDLLIFE  
DOT  
ATA – Henry  
Hanson

▶ 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!

**Trench Safety Stand-Down** — JUNE 20-24. *More information in next month's newsletter.*

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

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

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



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

### Key Takeaways:

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

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



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

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

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

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

[Authorized outreach trainers and online providers](#)

[More about OSHA's voluntary Outreach Training Programs](#)

### MJS Legacy Safety

is an Authorized Outreach Trainer.

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

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

**Give us a call!**

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

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



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

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
(a)	(b)	(c)	(d)

Number of Days	
Total number of days away from work	Total number of days of job transfer or restriction
(e)	(f)

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?
- What must covered establishments submit?
- FAQs
- When must covered establishments submit their completed Form 300A?
- Job Aids (How-To)
- How do I submit my establishment data?

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](#).

## About Noise-Induced Hearing Loss

### WHAT TO KNOW

- Noise is all around us — at school, at home, and everywhere in between.
- Noise is a significant source of hearing loss.
- Prevention and early detection of hearing loss due to noise are important.
- Recognize signs of hearing loss and get your hearing tested if you are at risk.



### OVERVIEW

#### Hearing loss can occur:

- in [children](#) and affect communication, language, and social skills.
- In [occupational settings](#) and result in permanent injury for workers.
- due to loud noise near the ear or repeated exposure to loud noise.

Exposure to loud noise can lead to noise-induced hearing loss. Noise-induced hearing loss can be caused by participating in activities that produce harmful sound levels or by repeated exposures to loud sounds.

#### Some examples of noisy activities include:

- Watching summer fireworks on the 4th of July
- Mowing the lawn
- Using power tools
- Watching a sports game and cheering on your favorite team
- Attending a concert

Recognize early signs of noise-induced hearing loss and take steps to protect your hearing.

- [Signs and Symptoms](#)
- [Causes](#)
- [Prevention](#)
- [Noise-Induced Hearing Loss Resources](#)

# Contamination vs. Exposure: What's The Difference?

In the realms of environmental health and safety, the terms "contamination" and "exposure" are often used interchangeably. However, the two are very different and can impact human health and the environment in various ways. This blog post aims to clarify the difference between contamination and exposure, explore their implications, and emphasize the importance of proper training in handling hazardous substances.



## What Is Contamination?

Contamination refers to the presence of unwanted, [potentially hazardous substances](#) in or on a body, object, or environment. These substances can alter the properties of the affected sample, such as its appearance, texture, or chemical reactions.

### Contamination typically occurs through:

- *Ingestion: Consuming contaminated food or drink.*
- *Inhalation: Breathing in contaminated air.*
- *Direct contact: Touching a contaminated surface.*

Common contaminants include chemicals, biological agents, and radioactive materials. They are often indicators of pollution or impurities in an environment.

## What Is Exposure?

Exposure, particularly in the context of radiation, refers to the absorption of ionizing radiation by part or all of the body. Unlike contamination, exposure does not necessarily involve direct contact with [hazardous substances](#).

### Key points about exposure include:

- It occurs from an external source of radiation.
- External exposure does not make the body or object radioactive.
- It can result from internal contamination (ingestion, inhalation, or absorption of radioactive materials).

Exposure does not significantly change the taste, texture, or appearance of the exposed sample. It has practical applications in medical and industrial fields, such as in X-rays and radiation therapy.

## Contamination vs. Exposure

Understanding the difference between contamination and exposure is vital for implementing appropriate safety measures and protocols in workplaces that [handle hazardous materials](#).

Here's contamination and exposure explained in simple terms:

### Contamination

- Involves the physical presence of hazardous substances.
- Alters physical and chemical properties of the affected item.
- Can occur through ingestion, inhalation, or direct contact.

### Exposure

- Involves absorption of radiation, not necessarily physical contact.
- Does not alter the physical properties of the exposed item.
- Can result from external sources or internal contamination.

## Who Is at Risk?

Certain professions are at higher risk of contamination and exposure. These include:

- Healthcare workers handling radioactive materials or infectious agents.
- Laboratory technicians working with hazardous chemicals.
- Industrial workers in nuclear power plants or chemical manufacturing facilities.
- Emergency responders dealing with hazardous substance spills or accidents.

For these workers, understanding and managing the risks associated with contamination and exposure is crucial to their safety and health.

Understanding contamination and exposure is vital for occupational safety. By recognizing the unique characteristics of each, implementing proper safety protocols, and ensuring comprehensive training, workplaces can significantly reduce the risks associated with hazardous materials.

**MJS Legacy Safety CAN HELP!!**  
*Give us a call !!*



## Full-Body Safety: INTEGRATING EYE PROTECTION IN PPE

Why don't manufacturing workers wear safety glasses even when they know the risks of going without? Is there a way to convince them to comply? If facility managers understand their reasoning, they can better integrate eye protection into personal protective equipment (PPE).



### The Risks of Inadequate Eye Protection

Each year, thousands of people damage their eyes at work. According to the United States Bureau of Labor Statistics (BLS), approximately [18,510 experienced eye-related injuries](#) in 2020 that required at least one day away from work. In total, there were around 1.7 cases for every 10,000 full-time employees.

Counting those who experienced eye damage but didn't take a day off of work — or weren't even aware — the BLS figure should be higher. Naturally, people who worked very physically demanding jobs were more likely to be injured. Construction, maintenance, material moving and production were the industries most affected.

The Centers for Disease Control and Prevention (CDC) points out that thousands of these work-related eye injuries [could have been prevented](#) with proper PPE. If people had worn face shields, safety goggles or visors when they were supposed to, they likely wouldn't have gone home with potentially permanent vision damage.

Eye damage is more likely in some fields than others. For instance, it is one of the most common hazards in laser marking. Even short or infrequent periods of exposure can be dangerous. Since the retina — the part of the eye that captures and converts signals into visual information — can feel no pain, people often don't realize there's damage until it is too late.

### The Impact of Unchecked Eye Hazards

Dozens of eye hazards exist. Chemical vapors, flying particles, sparks, caustic liquids, lasers, molten metal and bodily fluids are some of the most common, but the specific risks vary by industry. Even glare or heavy winds can be hazardous because they increase the likelihood of struck-by and slip-and-fall incidents. Each hazard causes a different type of damage.

However, whether someone rubs their eyes after using a corrosive cleaning agent, gets an infection from a week-old cut or suffers blunt force trauma from a flying object, the result is the same — vision loss is likely. The brain often works to compensate for blurriness or dark spots, so individuals may not realize their sight has worsened for some time.

In the meantime, their efficiency and the quality of their work will deteriorate. Depending on the severity of their on-the-job injury and whether they are aware of it, they may even become a safety hazard themselves. For example, they may hit a colleague when driving a forklift because they don't realize they have new blind spots.

If the damage is irreparable — in many cases, it is — affected workers will have permanent vision loss in one or both eyes. If they decide to sue for negligence or file a worker's compensation claim, their employer is financially responsible. Although this scenario is bleak, it underscores the importance of integrating eye protection into PPE.

### Why Workers Go Without Despite the Risks

Despite the risks — and various regulations from the Occupational Safety and Health Administration (OSHA) — many workers choose to go without eye and face PPE. Even if their employer provides it, they often take it off when they get the chance. In some facilities, not wearing safety glasses is normal.

This problem doesn't just affect manufacturing. Workers disregard eye protection in adjacent industries, too. For instance, despite 64.3% of construction workers experiencing occupational accidents in 2020, 40.6% said they don't regularly use PPE. When asked why, 78.2% said it made them uncomfortable, 73% claimed they didn't know how to use it and 67.3% said it wasn't available at their workplace.

In most cases, having ill-fitting PPE is just as bad — or even worse — than having none at all. Despite providing inadequate protection and requiring frequent adjustments to remain in place, it gives a false sense of security, and unsuspecting workers risk eye injuries as a result.

### What Can Employers Do to Ensure Full-Body Safety?

The facility manager's role in integrating eye protection into PPE is fundamental. They should begin by conducting a hazard assessment to determine what on-the-job risks workers face. If they can't eliminate the source of the danger, they must use protective equipment to reduce its effect on employees.

Decision-makers **must ensure** the eye **PPE they provide** is properly **rated for the required** level of **protection**. Workers' **needs will change** based on the **industry**, facility type and **position**. **For example**, while sand **casting manufacturers deal with molten metal**, laser marking professionals **face light radiation hazards**.

Facility **managers must communicate** the **importance** of eye **protection** to staff. **Signage in hallways**, infographics in **break rooms** and **caution flags** near hazards **can help them recognize** the dangers of **working without** the **proper PPE**. If reminders are **not effective enough**, training and **updated policies** may be **necessary**.

Above **all else**, **management must remember** PPE is the **last line of defense** — it may not **block all incoming** damage. If **other safeguards** are **more suitable**, they should **be used**. **Also**, higher-quality **equipment versions** should be used if available. While the **upfront costs** are higher, facilities **will likely save money** by **preserving their reputation** and **avoiding legal** issues.

### Considerations for Integrating Eye Protection

Decision-makers should take these **considerations** into account before **integrating eye protection** into their **facility's PPE**.

#### 1. Accessibility

*Do people with glasses need prescription lenses? Will those working with both hands need an elastic band to keep their safety goggles in place? Facility managers must ensure accessibility for eye protection to provide the maximum benefits.*

#### 2. Comfort

*Although comfort may seem like a low-priority consideration, it is essential. If workers feel discomfort or pain when putting on PPE, they won't want to wear it for the entire workday. Eye and face protection should be lightweight and comfortable.*

#### 3. Compatibility

*OSHA estimates that around 182,980 construction workers require non-standard PPE sizes, and 10% of them — 18,298 people — likely need to replace ill-fitting equipment. To prevent slippage, discomfort and ineffective coverage, decision-makers must consider compatibility.*

#### 4. Model

*Not all safety glasses are held to the same standard. For example, while polycarbonate lenses can block flying debris because they are 10 times stronger than other plastics, they won't protect against light radiation or caustic chemicals. Proper model selection is crucial.*

### Why Safety Glasses are Nonnegotiable

Management should strictly **enforce PPE policies** and regulations to ensure **employees stay safe**. If **extenuating circumstances** arise, they **should accommodate** instead of **making an exception** to the rules. This way, **everyone in the workplace** will **understand the importance of eye protection**.

## 10 Essential Safety Tips for Crane Operators



Crane operations are among the most hazardous workflows in construction. However, building firms can still avoid accidents if they pay close attention to a few crane safety best practices. Even experienced operators and safety managers can make mistakes or forget key preventive measures. Heights can quickly turn deadly. Here is an essential crane safety checklist to run through before your next project.

#### 1. Use the right type of crane

The first step to safer crane operations is selecting the right equipment for the job. Carry deck cranes may be easy to set up and sufficient for fast, simple tasks, but they lack the support necessary for rougher terrain or taller lifts.

In addition to choosing an appropriate type of crane, project managers should consider their specific machine's capacity. **OSHA** dictates that working loads **cannot exceed manufacturers' ratings** or design limitations, so it's important to review these restrictions to find a crane that can handle your specific lift requirements.

#### 2. Partner with reliable vendors

After deciding on a specific crane, consider where you get it. The same equipment from different vendors can vary widely in quality, upkeep and support — all of which can heavily impact worker safety.

Construction firms must only partner with reliable equipment providers with a reputation for transparency and maintenance. Even though on-site, day-off inspections are essential, vendors should perform their own safety checks before leasing cranes. You can find such partners by asking for their maintenance and inspection protocols and reading customer reviews, paying special attention to upkeep concerns.

### 3. Anchor and rig everything carefully

Once the crane is on-site, teams must anchor and rig the equipment with care. Refer to the OEM's recommendations to determine how far outriggers should extend for your lift and what counterweights you may need. Remember to keep cranes and their stabilization mechanisms on flat, stable ground, regardless of manufacturer guidelines or lift heights.

Workers must apply the same care when rigging the load itself. Consider the payload's weight, weight distribution, angle and susceptibility to wind to determine the best way to position and strap it in.

### 4. Inspect cranes before use

Pre-use inspections are also critical to **OSHA**-compliant crane safety protocols. Failing to do so can carry hefty penalties — **OSHA** fined two contractors \$61,299 in October 2024 for failing to identify damaged crane components before an incident that tragically ended in an employee's death.

Regardless of the lift or if a crane receives inspections from its vendor, construction teams must assign an experienced, licensed operator to review the equipment before use. Such safety checks should happen daily if the project uses a crane over multiple days. It's also best to follow a specific, in-depth checklist to ensure the inspector reviews all relevant components and practices.

### 5. Inspect operator harnessing

Similarly, you must always inspect fall arrest mechanisms. Falls from heights account for 38.7% of workplace deaths in construction, and proper harnessing can prevent death or injury even when other equipment fails.

Like with the crane itself, fall protection inspections are a daily occurrence. Employees should also report unusual signs they notice, even if they may not lead to safety concerns. Any amount of wear and tear is too much when it comes to protecting employees from a potentially fatal fall.

### 6. Ensure all personnel are well-trained

Crane safety training is another key part of safe operations. Anyone involved in the project — including those who don't work with the crane but may be near it — should receive thorough training on relevant hazards and the required practices to address them. Experience is not a stand-in for education. Even veteran workers can forget steps or become complacent, so it's a good idea to review crane safety steps with the team before a project begins. These standards include all **OSHA** requirements and site-specific hazards and communication protocols.

### 7. Communicate thoroughly

Communication is also critical to crane safety. Before the workday begins, managers should go over relevant hazards and the lift plan with all operators and other workers involved in the process. During the lift, teams can use radios, flags and hand signals to guide each other and communicate risks in the moment.

Operators cannot always see every hazard, so other workers should inform them of what's near them so they can adjust accordingly. For example, equipment must be at least 10 feet away from power lines, so employees on the ground must signal operators when the boom gets near one, directing them to move away.

### 8. Maintain cranes and complementary equipment

All cranes and supplemental equipment must also receive thorough maintenance. Poor care can lead to damage or performance issues that create larger hazards as the project progresses. By contrast, proactive repairs make unexpected problems less likely.

Relevant maintenance steps depend on the specific equipment in question. Teams should review OEM recommendations and consider using Internet of Things (IoT) sensors or other crane safety devices to monitor machine conditions to catch emerging issues early.

### 9. Monitor the weather

Environmental hazards also deserve attention. Before each day begins, you should review the weather to get a picture of what winds or other weather-related risks may threaten your lift.

Wind protections are not always a matter of **OSHA** or state regulations, but they're still important. A crane in Tampa Bay, Florida, fell 550 feet in Hurricane Milton despite officials warning teams to take it down before the storm. In this case, local laws did not require any action, but if workers had responded to the weather anyway, they could've prevented much of the damage.

### 10. Create a plan for every lift

You should have a formal crane safety checklist for every lift. This list includes the load, its weight, how high you'll lift it, who will perform each task and what safety steps you'll follow to prevent accidents.

You can use crane safety devices like simulation software to estimate site-specific hazards or determine the kinds of rigging and counterweights you need. While it may take additional time, creating a detailed life plan for each crane operation will significantly reduce the likelihood of unforeseen incidents.

**Start With These 10 Tips to Form Your Own Safety Plan and Keep All Workers Safe.**

# Bureau of Labor Statistics Reports Big Decrease in Illnesses and Respiratory Cases

The U.S. Bureau of Labor Statistics (BLS) has reported a significant decrease in the number of nonfatal workplace injuries and illnesses in 2023. According to the BLS, private industry employers reported 2.6 million cases, which is an 8.4% decrease from the previous year. This marks the lowest number of reported cases since 2019.

The decline in reported cases was largely driven by a 56.6% decrease in reported illnesses, which fell to 200,100 cases in 2023. The BLS attributes this decrease to a 72.6% drop in respiratory illness cases, which fell to 100,200 in 2023.

In addition to the overall decrease in reported cases, the BLS also reported a decline in the incidence rate of total recordable cases (TRC) in private industry. The TRC rate fell to 2.4 cases per 100 full-time equivalent (FTE) workers in 2023, down from 2.7 in 2022. This is the lowest TRC rate since the BLS began tracking this data in 2003.

The BLS also reported a decrease in the number of nonfatal injuries and illnesses involving days away from work (DAFW). In 2023, there were 946,500 DAFW cases, which is a 20.1% decrease from the previous year. These cases accounted for 62.0% of all cases involving days away from work, job restriction, or transfer (DART).

## Total injuries and illnesses by industry sector

In 2023, total recordable injuries and illnesses decreased in private industry health care and social assistance to 562,500 cases, down from 665,300 in 2022. The TRC incidence rate in health care and social assistance was 3.6 cases per 100 FTE workers, down from 4.5 cases in 2022. Cases in manufacturing also declined in 2023 to 355,800, down from 396,800 cases in 2022, and cases in retail trade fell by 68,800 from 2022 to 353,900 in 2023. The TRC incidence rates for these industry sectors were 2.8 and 3.1 cases per 100 FTE workers in 2023, respectively, both down from 2022. The private industry transportation and warehousing and the wholesale trade sectors also had a decrease of total cases and incidence rates in 2023. No private industry sectors experienced increases in total cases or incidence rates in 2023.

## Respiratory illnesses by industry sector

The respiratory illness incidence rate in the private industry health care and social assistance sector decreased to 44.1 cases per 10,000 FTE workers in 2023, down from 134.8 in 2022.

## Injuries by industry sector

The private industry injury rate was down in 2023, but the total injury cases (2,368,900) were essentially unchanged from 2022. Injuries in health care and social assistance increased by 27,800 cases to 471,600 in 2023. The accommodation and food services; arts, entertainment, and recreation; and utilities sectors also had increases in injuries in 2023. Injuries decreased in two sectors in 2023. Injury cases in manufacturing decreased 21,400 to 326,400 cases in 2023, and injuries in wholesale trade fell 11,900 to 127,000 cases.

## Highlights

- Injuries in food and beverage stores increased 6.5 percent to 78,200 cases in 2023, up from 73,500 in 2022. Illnesses in this industry fell 78.7 percent to 7,900 cases, down from 37,100 in 2022.
- The injury rate in general freight trucking decreased to 2.9 cases per 100 FTE workers in 2023, down from 3.2 in 2022.
- Food manufacturing had 61,400 total injury and illness cases in 2023. These cases occurred at a rate of 3.6 cases per 100 FTE workers, down from 4.6 in 2022.
- Couriers and messengers had 77,000 total cases in 2023, making up 29.0 percent of the total cases in the transportation and warehousing sector (265,700).

## OSHA statement

The U.S. Department of Labor's Assistant Secretary for Occupational Safety and Health Douglas Parker issued the following statement on the Bureau of Labor Statistics 2023 Survey of Occupational Injuries and Illnesses:

The "report from the Bureau of Labor Statistics reveals that the rate of recordable workplace injuries and illnesses in 2023 fell to its lowest level since 2003. Private industry non-fatal injuries and illnesses decreased 8.4 percent from 2022.

"We are encouraged by these significant improvements in injury and illness rates in 2023. Looking at the BLS report and our own recent analysis showing fewer worker deaths in OSHA's purview, our formula of strong enforcement combined with collaboration between government, labor and the private sector to make workplace safety and health as a core value is making a difference in the lives of America's workers.

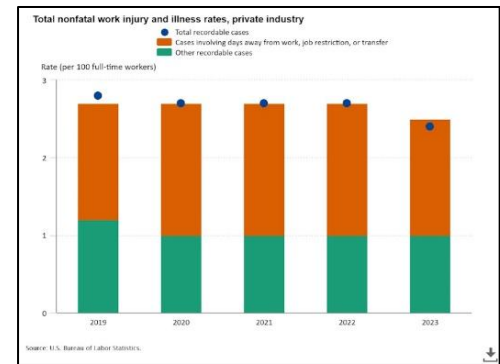
"Despite the progress reported today, OSHA's work is far from complete. Too many workers are injured or sickened every day in the United States, mostly from preventable incidents. We all must continue our commitment to making sure that every worker is able to go home healthy and whole.

"Safety and health is not a partisan issue, and we hope the strategies associated with these outcomes will continue."

## Additional Information

The report only measures nonfatal injuries. Nonfatal occupational injury and illness estimates by industry and case type are available [here](#).

The SOII relies on OSHA recordkeeping requirements, which mandate employers record certain work-related injuries and illnesses on their OSHA 300 log, including the recording of cases of COVID-19 (see [www.osha.gov/coronavirus/standards](http://www.osha.gov/coronavirus/standards)).



## Requiring Employers to Keep Employees Informed

### Labor Law Posters

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

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

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

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

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

### COLORADO WAGE & HOUR RIGHTS & RESPONSIBILITIES

#### 2025 Colorado Overtime & Minimum Pay Standards (COMPS) Order Poster (effective 01/01/2025)

To see 7.4 POSTING REQUIREMENTS, 7.4.1 POSTING, 7.4.2 DISTRIBUTION, AND 7.4.3 TRANSLATION go to this [link](#).  
[Poster & Notice](#) (pdf)

### Workplace Violence Fact Sheet **Revised**

(OSHA FS-3509 - 2024) (English: [PDF](#) )

(OSHA FS-3524 - 2024) (Spanish: [PDF](#) )



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

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



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



**COLORADO**  
Department of Revenue

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

### DOT 2025 Regs Violation Penalty Increases

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

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

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

## FMCSA to Study Disabled, Parked Truck Roadside Warnings



The **Federal Motor Carrier Safety Administration** is planning a **study to determine** if modern warning devices for parked or disabled commercial motor vehicles can reduce crashes.

The **study will require data** collection from **256 truck drivers**.

“Given the increasing focus on automated driver systems, questions surrounding the safety of CMV drivers when deploying warning devices, and the availability of new technology and alternative devices since these questions were last explored in the 1980s, there is a need to thoroughly evaluate the effectiveness of warning devices under current regulations,” the **agency said** in a [Federal Register announcement](#). “In addition, advanced research instruments unavailable or not in use at the time of all past research on this topic are now in common use and would permit far more sophisticated analyses of the effects of warning devices on driver behavior.

“This includes sensors which can precisely measure and record the location of vehicles (e.g., differential GPS, eye-tracking devices), which allow the researcher to determine the precise moment when a driver first glanced at a parked or disabled CMV, and instrumented vehicles which record accurate, high-frequency data related to drivers’ interactions with a vehicle’s controls.”

**Recent issues related to warning device requirements also call attention to the historically unresolved questions** of whether the **use of such devices improves traffic safety** and, if so, **how and to what extent**, the agency said.

**FMCSA** announced the **study two days before autonomous truck company Aurora Innovation Inc.** with the **U.S. Court of Appeals for the District of Columbia Circuit** seeking a **legal ruling to support cab-mounted warning beacons** in lieu of current regulatory requirements to use **triangles when a large truck is parked or disabled on roadside.**

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

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



### Colo. Law: Move Over for Me

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

**~ IT'S THE LAW ~**

# CVSA Releases New Out-of-Service Criteria for 2025



The Commercial Vehicle Safety Alliance has introduced important updates to the out-of-service criteria (OOSC) for drivers and vehicles, set to take effect on April 1, 2025.

*This year, the changes primarily focus on mechanical components, such as brakes, tires, and suspension elements, with minor adjustments to driver out-of-service conditions.*

**\*\* Notably, it will now be an out-of-service violation for a prohibited driver to accompany a driver in training, and drivers without a valid medical certificate will no longer be allowed to operate commercial vehicles transporting people or property.**

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## Driver Out-of-Service Criteria Updates

A revision to Part 1, Item 3 of the **North American Standard OOSC** clarifies that "*an accompanying driver of a driver with a commercial learner's permit (CLP) cannot be unauthorized to drive for any reason,*" according to the [CVSA announcement](#).

This update references the **Federal Motor Carrier Safety Administration's (FMCSA)** update in the *Federal Register*, which specifies that a **CLP holder must be accompanied by a valid commercial driver's license (CDL) holder who is authorized to operate the commercial motor vehicle for that trip. In other words, if a driver is in prohibited status due to a reported substance or alcohol DOT violation, they cannot accompany a CLP holder for training purposes.**

This update follows the new **FMCSA Drug and Alcohol Clearinghouse-II** regulation, which revoked the commercial driving privileges of prohibited drivers in **November 2024**.

In another driver OOSC update, medical certificates will be removed from **Part I, Item 4** to clarify that the **OOS condition is the same regardless of whether the vehicle is carrying property or people**. The CVSA explained that "*not having a medical certificate is an imminent hazard on the first offense for a driver, regardless of the type of vehicle being driven.*"

## Vehicle Out-of-Service Criteria Updates

### Brakes

One of the changes from this CVSA update involves brake systems. It introduces a new OOSC for inoperative brakes caused by an unplugged electrical cable and a disconnected service gladhand. This change could lead to fewer individual OOS violations, as it serves as a catchall for any number of inoperative brakes, rather than a documented violation for each inoperative brake.

The update also removes "*hoses and tubing that are crimped in such a manner as to restrict airflow*" as OOS conditions since crimped air lines affect the brake release more than brake application.

### Tires

Numerous OOSC updates were applied to tires, including the following:

- *If only the rubber of a mudflap is contacting a tire, this is not considered an OOS condition.*
- *A tire without an automatic tire inflation system (ATIS) is out of service if it has a noticeable leak in the tread area. Additionally, tires with leaks in the sidewall are considered an OOS condition, regardless of whether they have an inflation system.*
- *The separate OOS conditions for radial and bias tires were eliminated, combining them into a single section.*

This update is especially timely, considering the vehicle violation focus area for the 2025 **Roadcheck** inspections is tires. The next **International Roadcheck** is scheduled for May 13-15, 2025.

### Suspensions

The CVSA clarified that cracked or broken u-bolt bottom plates should be considered an OOS condition. Additionally, CVSA added a note and updated a diagram "*to help distinguish between the bolts and the bushings in spring hangers.*"

[See CVSA 2024 International Roadcheck Results](#)

# Personal Conveyance



Personal conveyance is the movement of a commercial motor vehicle (CMV) for personal use while off-duty. A driver may record time operating a CMV for personal conveyance as off-duty only when the driver is relieved from

work and all responsibility for performing work by the motor carrier. The CMV may be used for personal conveyance even if it is laden, since the load is not being transported for the commercial benefit of the motor carrier at that time. Personal conveyance does not reduce a driver's or motor carrier's responsibility to operate a CMV safely. Motor carriers can establish personal conveyance limitations either within the scope of, or more restrictive than, the guidance.

[Click here](#) (pdf) for answers to frequently asked questions regarding personal conveyance and FMCSA's recent regulatory guidance.

FMCSA updates the guidance for § 395.8 Driver's Record of Duty Status to read as follows:

**Question 26: Under what circumstances may a driver operate a commercial motor vehicle (CMV) as a personal conveyance?**

**Guidance:** A driver may record time operating a CMV for personal conveyance (*i.e., for personal use or reasons*) as **off-duty only when the driver is relieved from work and all responsibility for performing work by the motor carrier.** The CMV may be used for **personal conveyance** even if it is laden, since the load is **not being transported** for the **commercial benefit** of the carrier at that time. **Personal conveyance** does not reduce a driver's or motor carrier's responsibility to operate a CMV safely. **Motor carriers** can establish **personal conveyance limitations** either within the scope of, or more restrictive than, this guidance, such as **banning use of a CMV for personal conveyance purposes**, imposing a distance limitation on personal conveyance, or prohibiting **personal conveyance while the CMV is laden.**

**Examples of Appropriate Uses of a CMV While Off-duty for Personal Conveyance**

The following are examples of appropriate uses of a CMV while off-duty for personal conveyance include, but are not limited to:

- Time spent traveling from a driver's en route lodging (such as a motel or truck stop) to restaurants and entertainment facilities.
- Commuting between the driver's terminal and his or her residence, between trailer-drop lots and the driver's residence, and between work sites and his or her residence. In these scenarios, the commuting distance combined with the release from work and start to work times must allow the driver enough time to obtain the required restorative rest as to ensure the driver is not fatigued.
- Time spent traveling to a nearby, reasonable, safe location to obtain required rest after loading or unloading. The time

driving under personal conveyance must allow the driver adequate time to obtain the required rest in accordance with minimum off-duty periods under 49 CFR 395.3(a)(1) (property-carrying vehicles) or 395.5(a) (passenger-carrying vehicles) before returning to on-duty driving, and the resting location must be the first such location reasonably available.

- Moving a CMV at the request of a safety official during the driver's off-duty time
- Time spent traveling in a motorcoach without passengers to en route lodging (such as motel or truck stop), or to restaurants and entertainment facilities and back to the lodging. In this scenario, the driver of the motorcoach can claim personal conveyance provided the driver is off-duty. Other off-duty drivers may be on board the vehicle, and are not considered passengers.
- Time spent transporting personal property while off-duty.
- Authorized use of a CMV to travel home after working at an offsite location.

**Examples of Uses of a CMV that Would Not Qualify as Personal Conveyance**

The following are examples of uses of a CMV that would not qualify as personal conveyance include, but are not limited to, the following:

- The movement of a CMV in order to enhance the operational readiness of a motor carrier. For example, bypassing available resting locations in order to get closer to the next loading or unloading point or other scheduled motor carrier destination.
- After delivering a towed unit, and the towing unit no longer meets the definition of a CMV, the driver returns to the point of origin under the direction of the motor carrier to pick up another towed unit.
- Continuation of a CMV trip in interstate commerce in order to fulfill a business purpose, including bobtailing or operating with an empty trailer in order to retrieve another load or repositioning a CMV (tractor or trailer) at the direction of the motor carrier.
- Time spent driving a passenger-carrying CMV while passenger(s) are on board. Off-duty drivers are not considered passengers when traveling to a common destination of their own choice within the scope of this guidance.
- Time spent transporting a CMV to a facility to have vehicle maintenance performed.
- After being placed out of service for exceeding the maximum periods permitted under part 395, time spent driving to a location to obtain required rest, unless so directed by an enforcement officer at the scene.
- Time spent traveling to a motor carrier's terminal after loading or unloading from a shipper or a receiver.  
Time spent operating a motorcoach when luggage is stowed, the passengers have disembarked and the driver has been directed to deliver the luggage.



# DOT Amends Oral Fluid Drug Testing Procedures

## Part 40 Final Rule - DOT Summary of Changes



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

### When is the final rule effective?

The final rule was effective December 5, 2024.

### What does this mean for collectors?

- 1) *The rule clarifies that a qualified urine collector ([§ 40.33](#)) is not a qualified oral fluid collector ([§ 40.35](#)), and vice-versa.*
- 2) *The rule provides temporary qualification requirements for mock oral fluid monitors.*
  - *DOT clarifies that generally, a qualified collector for the oral fluid mock collections required under § 40.35(c) must be a qualified oral fluid collector and have specific experience in oral fluid collections or training.*
  - *Prior to this rulemaking, there were no qualified oral fluid collectors per §40.35(c)(2) to monitor and evaluate a trainee's mock collections.*
  - *To best facilitate the timely training of oral fluid collectors, the final rule permits an individual who is not a qualified oral fluid collector to serve as the monitor for oral fluid mock collections **ONLY** if:*
    - *The individual successfully completes an oral fluid "train the trainer" course ([§ 40.35\(c\)\(2\)\(iii\)](#)); **OR***
    - *The individual conducts oral fluid collector training ([§ 40.35\(c\)\(2\)\(ii\)](#)).*
    - *DOT is waiving the requirement that an individual have at least 1 year experience conducting oral fluid collector training.*
    - *The individual conducting the oral fluid collector training should (1) have a thorough understanding of Part 40, (2) be well versed in the course content they are teaching, and (3) maintain records to demonstrate that the training was conducted. The course content must meet the requirements specified in [§ 40.35\(b\)](#).*

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

- *After the one-year period, individuals observing oral fluid mock collections (i.e., monitors) will need to comply with the qualified oral fluid collector requirements in [§ 40.35\(c\)\(2\)](#).*
  - *So that all are aware of the effective dates of the regulatory flexibility, DOT will publish a *Federal Register* document specifying the date the first oral fluid laboratory was certified by HHS and the effective date that individuals observing mock collections (i.e., monitors) will need to comply with the qualified collector requirements in [§ 40.35\(c\)\(2\)](#) established in the May 2023 final rule.*
- 3) *The rule identifies which individuals may be present during an oral fluid collection*
    - *An oral fluid collector must not allow any person other than the collector, the employee, or a DOT agency representative to actually witness the testing process.*
  - 4) *The rule clarifies how collectors are to document that a sufficient volume of oral fluid was collected*
    - *After an employee provides a sufficient oral fluid specimen, the collector must check the "Volume Indicator(s) Observed" box in Step 2 of the Federal CCF to document that the collector observed the volume indicator(s).*

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

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

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

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

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

**MJS Legacy Safety will complete our "qualified oral fluid collector" training as soon as classes are released and available.**

**Questions? Give us a call!**

# 2025-01 – Unified Carrier Registration Enforcement Bulletin for 2025 Registration Year

**Summary:** This bulletin provides guidance for verifying compliance with Unified Carrier Registration (UCR) during a roadside inspection and encourages roadside enforcement for the 2025 registration year, effective Jan. 1, 2025.



**Background:** The 2005 U.S. Department of Transportation (DOT) re-authorization bill, also known as SAFETEA-LU, codified UCR into federal law.

**Enforcement of Previous UCR Registration Year (2024):** *For roadside enforcement of the previous UCR registration year, enforcement staff should first obtain evidence of interstate/international operations occurring during that registration year.*

**Proof may include, but is not limited to:**

- log entries
- toll receipts
- shipping papers
- bills of lading
- previous year's apportioned receipt
- prior years' roadside inspection reports of interstate/international operations

**Who is Subject to UCR?**

*All motor carriers (for-hire, private and exempt), brokers, freight forwarders and leasing companies operating in interstate and international commerce are subject to the UCR Agreement. Carriers based in Canada and Mexico that operate in the U.S. are also subject to the UCR Agreement.*

**Who is Not Subject to UCR?**

The following groups are not subject to UCR:

- A motor carrier designating intrastate commerce (those that do not handle interstate/international freight or make interstate/international movements)
- Private motor carriers of passengers (those that operate as a private motor carrier engaged in the interstate/international transportation of passengers which is provided in the furtherance of a commercial enterprise and is not available to the public at large)

**Is there a UCR Credential?**

*No UCR credential is required to be carried in the commercial motor vehicle. The UCR can be verified through CVIEW, SAFER or [www.ucr.gov/enforcement](http://www.ucr.gov/enforcement).*

**Fees:** *The fees for 2025 contain an approximate 25% increase in fees across all six tiers.*

**Want to learn more about the UCR Plan?**

*Learn more about the [UCR Plan](#).*

**Enforcement Guidance:**

*The 2025 UCR enforcement begins Jan. 1, 2025. The UCR Board recommends that states begin enforcement for the 2025 registration year on Jan. 1, 2025.*

*The Federal Motor Carrier Safety Administration (FMCSA) has a Title 49 Code of Federal Regulations (CFR) violation code in the inspection software to indicate that a carrier is not in compliance with UCR, which is 392.2 UCR - Failure to pay UCR fees.*

*Any non-compliance of the UCR registration should be documented on the Driver/Vehicle Examination Report as a "392.2 UCR - Failure to pay UCR fees" violation.*

**NOTE:** Consult your state statute and departmental regulation to verify the state has a supporting UCR law before documenting a violation on an inspection report or issuing a citation. A violation shall not be documented in instances where there is no supporting state statute/regulation.

# FMCSA Announces Changes to Safety Measurement System (SMS)



Coming Soon: An Enhanced Safety Measurement System.

FMCSA is working on a re-design of the SMS web system to display the results of the new SMS methodology. This enhanced SMS will build on the streamlined design of the CSA Prioritization Preview website.

All the forthcoming approved changes to SMS are explained in detail on the [CSA Prioritization Preview website](#).

## Public Q&A Webinars

**\*\* FMCSA has cancelled the two upcoming webinars in February and March. Registration is no longer open. They may be rescheduled at a later date.**

Information on the first webinar is posted to the [CSA Prioritization Preview website](#).

# Pipeline and Hazardous Materials Safety Administration Extends Comment Period for HM-265 NPRM

## Advancing Safety of Highway, Rail, and Vessel Transportation

On October 28, 2024, PHMSA published a notice of proposed rulemaking (NPRM) titled “Hazardous Materials: Advancing Safety of Highway, Rail, and Vessel Transportation (HM-265),” proposing amendments to the Hazardous Materials Regulations (HMR) to adopt several modal-specific amendments that would enhance the safe transportation of hazardous materials in commerce by highway, rail, and vessel transportation.

In response to a request for an extension of the comment period submitted by the Railway Supply Institute (RSI), PHMSA is extending the comment period for the HM-265 NPRM by an additional 90 days. Comments must be received by April 28, 2025.

To the extent possible, PHMSA will consider late-filed comments as a final rule is developed.

Comments should reference Docket No. PHMSA-2018-0080 (HM-265) and may be submitted in the following ways:

- [Federal eRulemaking Portal](#). Follow the instructions for submitting comments.
- Fax: 1-202-493-2251.
- Mail: Docket Management System; U.S. Department of Transportation, West Building, Ground Floor, Room W12-140, Routing Symbol M-30, 1200 New Jersey Avenue SE, Washington, DC 20590.
- Hand Delivery: To the Docket Management System: Room W12-140 on the ground floor of the West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

## 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.



# No More Free Rides: EVs Must Pay Their Fair Share into the Highway Trust Fund

—ATA Senior Vice President of Legislative Affairs Henry Hanscom—*TRUCKS ARE DOING THEIR PART TO INVEST IN THE NATION'S INFRASTRUCTURE. IT IS REASONABLE TO EXPECT ELECTRIC VEHICLES TO DO THE SAME. WE COMMEND SENATOR DEB FISCHER AND CONGRESSMAN DUSTY JOHNSON FOR LEADING THIS EFFORT TO ENSURE THAT ELECTRIC VEHICLES ARE PAYING THEIR FAIR SHARE.*



When it comes to paying for the maintenance and expansion of our road network, no one should get a free ride.

Truckers lead by example. We represent only four percent of the vehicles on our nation's highways, yet we pay nearly half the tab into the federal Highway Trust Fund—all while moving over 70 percent of the domestic freight tonnage.

That's a sharp contrast to freeloading electric cars, which currently do not contribute one cent to the HTF. A new bill authored by Senator Deb Fischer (R-Nebraska) and Congressman Dusty Johnson (R-South Dakota)—the **Fair SHARE Act**—aims to fix that.

Ninety percent of federal funds used for transportation projects come from the HTF, which primarily receives its revenue through the federal gas tax: 18.3 cents per gallon of gas and 24.3 cents per gallon of diesel. But it faces impending insolvency. Rising fuel efficiency has reduced cash flowing into the coffer, while ballooning inflation has eroded how far each transportation dollar goes. Since 2008, over \$275 billion has been shifted from the general fund to ensure the HTF stays afloat.

Keeping our highways in a state of good repair and enhancing capacity requires sustained investments. Current spending nationwide is only about half of what is needed to address all bridge and pavement maintenance costs and address congestion. Electric vehicles that use the same roads as their gas-powered counterparts must be a part of the solution.

The **American Trucking Associations** has long advocated for a long-term, stable revenue source for the HTF that is paid for equitably. As the largest payer into the HTF, the trucking industry will continue fulfilling our responsibility, but we expect all road users to do the same. Even heavy-duty electric trucks contribute to the HTF through the heavy vehicle use tax, the tire tax, and the federal excise tax.

ATA endorsed the **Fair SHARE Act** because it takes an important step toward restoring balance in how we fund transportation projects. It would accomplish this by creating a two-tier fee structure for light-duty electric vehicles modeled after the federal gas tax and the heavy vehicle use tax.

Specifically, the bill would:

- 1) Impose a one-time fee of \$1,000 on light-duty electric vehicles at the manufacturer level, and
- 2) Impose a one-time fee of \$550 on each battery module for light-duty electric vehicles with a weight greater than 1,000 pounds.

This amount is roughly the equivalent of what a light-duty internal combustion vehicle pays in gas taxes over its lifetime.

Keeping our infrastructure modernized is key to ensuring that all Americans can get where they need to go safely and efficiently. It is also essential to growing our economy, lowering costs, and creating good jobs. We are eager to work with Senator Fischer and Congressman Johnson to make their proposal a reality and help fairly fund our transportation system.

## 2025 CVSA Out-of-Service Criteria Updates

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

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

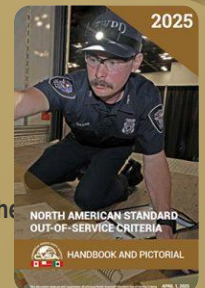
### Out-of-Service Criteria Updates

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

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

The 2025 OOSC will be available in the CVSA OOSC app on April 1, 2025. To purchase the out-of-service criteria, search "CVSA" in the [App Store](#) or [Google Play](#) then select "CVSA Out-of-Service Criteria." Once you've downloaded the app, set up your account with your first and last name and email address, then purchase the 2025 criteria. If you already have the app, search and select "CVSA Out-of-Service Criteria" in the App Store or Google Play to update your app and purchase the 2025 criteria.

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



## Connect with MSHA

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



## MSHA: NO MINES MET PATTERN OF VIOLATIONS CRITERIA IN 2024



The U.S. Department of Labor released the results of the Mine Safety and Health Administration's (MSHA) second Pattern of Violations screening in 2024 and announced that for the first time since 2021, none of the nation's mines met the POV criteria for the existence of a pattern of violations under [section 104\(e\)](#) of the Mine Act.

POV screenings enable MSHA to identify chronic violators and mine operators that show a disregard for miners' health and safety. For the second year in a row, the agency conducted at least two POV screenings in a calendar year, setting new precedent and underscoring the agency's concerted efforts to reduce fatal and serious accidents and improve operator compliance.

The announcement comes after MSHA conducted a POV screening of all the nation's mines for a 12-month enforcement period ending Nov. 30, 2024.

"When the mining industry experienced a troubling increase in fatalities in 2023, MSHA actively led efforts to combat the trend, including enhanced enforcement like Pattern of Violations and impact inspections to improve compliance and focus on chronic violators," said previous Assistant Secretary for Mine Safety and Health Chris Williamson. "Mining fatal accidents decreased by 30% in 2024, and no mines were identified during the most recent POV screening. We know from recent experience and history that an active, adequately staffed MSHA is critical to preventing accidents and protecting miners' safety and health."

The Mine Act authorizes the Secretary to issue a POV notice to any mine that demonstrates a pattern of significant and substantial violations. The POV screening process examines all U.S. mines and identifies those with a high number of significant and substantial violations and other safety and health compliance problems. An S&S violation is one that could contribute in a significant and substantial way to the cause and effect of a safety or health hazard.

"MSHA's POV screenings have helped improve compliance beyond just the mines that have met the screening criteria," added Williamson. For the 200 mines with the most S&S violations, those violations have decreased 15% over the past two years. The same mines have also seen a 10% reduction in total violations and a 26% decrease in elevated enforcement actions. "POV remains a critical tool to rein in chronic violators and protect the nation's most vulnerable miners."

MSHA offers two online calculators to help mine operators monitor compliance: the [Pattern of Violations Calculator](#), which allows mine operators to monitor performance under the POV screening criteria and alerts mine operators that corrective actions are needed, and the [Significant and Substantial Calculator](#), which enables mine operators to monitor their S&S violations.

Mine operators are responsible for tracking their violation and injury histories to determine whether they need to take action to avoid meeting the POV screening criteria.

Miners have the right to file hazardous complaints.  
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.



### Health tool for miners

Office of the Chief Information Officer worked collaboratively with the Mine Safety and Health Administration to develop a [new tool](#) that provides quick access to health services tailored to miners' needs.

## Report Emergency

[Report Accidents & Hazardous Conditions](#)  
[1-800-746-1553](#)

Mine operators 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.

## 3 Ways Safety Training is Evolving to Meet Today's Needs

Safety training is critically important as work-related accident and injury rates remain stubbornly high. According to the Bureau of Labor Statistics, 5,486 workers died from injuries in the United States in 2022, a 5.7% increase from the previous year. In the same year, fatalities due to contact with objects and equipment hit the highest levels since 2018.

As corporate leaders and safety managers seek to reduce these incidents in industrial facilities and on construction sites, safety training is evolving to meet the moment. Here's a look at three shifts that are making safety training more effective and efficient.

**SAFETY  
TRAINING**



### SAFETY TRAINING IS BECOMING AN INVESTMENT, NOT AN EXPENSE

*The very idea of safety training and its role has undergone a significant transformation. Workers were once "punished" with safety training after being involved in a safety incident. Today, there's a growing emphasis on building and nurturing a culture of safety on worksites.*

*Successful safety cultures protect the health of employees while guarding against accident-related productivity losses and fines for noncompliance. More companies are viewing regular, ongoing safety training as an essential investment in the business and its people.*

*Larger companies are leading this trend and creating a trickle-down effect on smaller companies who subcontract for them. As employees at smaller companies gain exposure to best practices at these worksites, they begin to value them. Such exposure is one of the factors driving increased demand from workers for safer working conditions and the training required to help them do their jobs safely and effectively.*

*Companies that offer ongoing training as part of an overall commitment to employee development and support are gradually becoming employers of choice. Safety managers can leverage this phenomenon to improve recruitment and retention by highlighting the training opportunities they make available.*

### DIGITAL TRAINING IS INCREASING FLEXIBILITY AND CONVENIENCE

*Digital natives who've risen to leadership positions have accelerated the adoption of digital safety training, which gained momentum during the COVID-19 pandemic. While in-person training remains a convenient way to train large groups of workers located in the same place, digital classes are making safety training more flexible and convenient for both workers and employers.*

*Providers of safety training courses are broadening their offerings of two types of digital classes: online and webinar-style. Both types have distinct advantages.*

*With online courses, also called e-learning courses, workers who are comfortable with computers can complete the training at their convenience and at their own pace. They can spend as much or as little time on each module as needed to fully understand the material. Some training providers are updating their online courses, making them more engaging and interactive to boost their effectiveness.*

*Virtual training, which is conducted via a videoconferencing link and features a live trainer, is a fast-growing training option. These classes require little in the way of computer skills, and trainers can interact with students, asking and answering questions and encouraging participation. Virtual training allows companies to provide the same level of training from the same trainer to workers in different locations at the same time. It is especially useful for workers who travel frequently as part of their job, including safety trainers. As demand for virtual training grows, training providers are ramping up to meet it.*

*For equipment operators seeking operator certification or recertification, online and virtual classes that teach the theory portion of training are followed by in-person skills training and evaluation.*

### MULTILINGUAL TRAINING IS BOOSTING COMPREHENSION

*OSHA requires companies to offer safety training in a manner or language that workers can understand. Increasingly, that means providing training in Spanish as well as other languages. According to the Bureau of Labor Statistics, Hispanic and Latino groups make up nearly 20% of the U.S. labor force, and that percentage is projected to rise.*

*Providing safety training in the language workers understand best makes training more effective. It's an investment that can pay off in reduced injury rates, a greater sense of appreciation among employees and potentially, lower turnover rates.*

*Leading training providers are beginning to offer more courses, including online courses, in languages other than English. Digital training is an effective way to train workers in their native language when a bilingual trainer isn't available locally for in-person training.*

### IMPROVED TRAINING, IMPROVED OUTCOMES

*Even as equipment manufacturers advance the safety technology available on machines, safety training remains the surest way to reduce accident and injury rates on jobsites.*

*Providing relevant, ongoing training for workers at all levels, from new hires to managers, sets employees up for success and contributes to a culture that prioritizes safety over other business goals. As viewpoints on safety training evolve and workforce demographics change, so does the training offered by leading vendors. New training formats and courses available in multiple languages are helping companies deliver training when, where and how it's needed. **When safety improves, everyone wins!***

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

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

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

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

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

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

## News Release

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

January 15, 2025

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

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

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

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

[Read the termination of rulemaking.](#)



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

Be safe out there!!