MONTHLY NEWSLETTER JUNE 2023 VOLUME 15 ISSUE 6

Moving into Summer 2023!

MJS Legacy Safety Consulting Services LLC

will continue to focus our attention to

'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 will 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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DOL Adjustments to OSHA Civil Penalties for 2023

The U.S. Department of Labor changes to Occupational Safety and Health Administration civil penalty amounts based on cost-of-living adjustments for 2023.

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.** In 2023, January 15 fell on a Sunday and January 16 was a federal holiday. Therefore, new **OSHA penalty amounts** became effective **Jan. 17, 2023.**

OSHA's maximum penalties for serious and other-than-serious violations **increased** from **$14,502 per violation** to **$15,625 per violation.** The maximum penalty for **willful or repeated violations** increased from **$145,027 per violation** to **$156,259 per violation.**

- **Visit the** OSHA Penalties page **and read the** final rule **for more information.**
- **Inspections, Citations, and Proposed Penalties Standard Number:** 1903.15
- Enforcement Memo

OSHA/CONSTRUCTION NEWS SUMMARY

► DOL Adjustments to OSHA Civil Penalties for 2023

The **U.S. Department of Labor** changes to **Occupational Safety and Health Administration** civil penalty amounts based on cost-of-living adjustments for 2023. read more…

► Schedule of Classes – June 2023 read more…

► Drug Testing

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► Report a Fatality or Severe Injury

*All employers are required to notify **OSHA** when an employee is killed on the job or suffers a work-related hospitalization, amputation, or loss of an eye……..* read more…

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► New Initiative Focuses on Preventing Falls

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► From Numbers to Knowledge: A Guide to Extracting Valuable Insights from Injury Data

Drowning in data but **starved for insights?** read more…

► 5 Ways OSHA is Tackling Heat Hazards . . . Here's what "OSHA" is doing to protect workers: read more…

► What is Smart PPE? The Future of Worker Safety

If you own a smartwatch or FitBit, you already know that "smart" technology can provide powerful insights into your health and performance. read more…

TRANSPORTATION NEWS SUMMARY

► Reminder - Revised Federal Drug Testing Custody and Control Form Mandatory… read more…

► DOT Implements Annual Regs Violation Penalty Increases read more…

► FMCSA Offers Updates on Electronic Inspections, Autonomous Research

FMCSA recently **provided updates** on a **number of projects** from its **Analysis, Research and Technology** divisions, including **emphasis on crash causal factors,** an analysis of **New Entrant** carriers, **autonomous truck** and other **advanced driver assist technologies,** and more. read more…

► Not Comprehensive Enough: *Trucking responds to FMCSA's proposed CSA-scores changes*

Overall, **trucking groups** were generally **in favor of the proposed** changes, while also **noting more could** be done to **improve the system.** read more…

► Nearly 800 Trucks Sidelined…

Nearly **800 trucks and/or buses** were placed **out of service** during an **'unannounced inspection initiative'** targeting **brakes in April.** read more…

► CVSA Upcoming Program Dates

Operation Safe Driver Week - **July 9-15, 2023,** Operation Airbrake Program - **Brake Safety Week - Aug. 20-26, 2023** read more…

TRANSPORTATION NEWS SUMMARY cont'd

▶ DOT Rule on Oral Fluids Testing is Finalized!

The final rule amends the previous **drug testing industry program** under the **Department of Transportation** by removing references to the word **"urine"** and adding references **to oral fluid.** read more…

▶ Truck Parking Funding, Weight Flexibility Bills Advance in House

The House Committee on Transportation & Infrastructure, on Tuesday, May 24th, passed a package of bills intended to address supply chain challenges and improve overall safety in transportation. read more…

MSHA NEWS SUMMARY

▶ The Mine Safety and Health Administration is now on FACEBOOK! read more…

▶ Safety Alert Personnel Carriers (*pdf*)

Since 2018, there have been seven fatalities involving miners operating personnel carriers. These accidents could have been prevented if mine operators: read more…

▶ Heat Stress - Health Alert

Mining in hot work areas during summer can cause serious health issues for miners. read more…

▶ MSHA REPORT EMERGENCY

Mine operators are required by law to report all mining accidents immediately … read more…

MONTHLY SAFETY & HEALTH TIP NEWS SUMMARY

▶ Good Headspace Helps Make a Safe Workplace

The dictionary defines the term headspace as "a person's state of mind or mindset."
read more…

COVID INFORMATION/RESOURCES SUMMARY

For your convenience, we have moved all COVID information and resource links to the last page of the newsletter.

"Training Spotlight"

(a different course will be featured monthly)

> OSHA 10 OUTREACH HOUR FOR GENERAL INDUSTRY OR CONSTRUCTION

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

For all of our Course Offerings visit the MJS Legacy Safety website

SOURCES FOR THIS ISSUE INCLUDE:
OSHA
FMCSA
ISHN
US DOL
MSHA
CDC
OH&S
DOT
Overdrive
DATIA
PERILLON
Hank Seaton,Atty

Schedule of classes June 2023: • *TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543*

- ***PEC Safeland Basic Orientation: NEW 2021 SAFELAND: June 14, 28; 8 – 4:30;**
  This class available through video conference instructor led distance learning thru 6/30/22 - only upon request
- ***First Aid/CPR/AED/BLOODBORNE PATHOGENS (We offer MEDIC FIRST AID): June 7, 19; 8 — noon;**
  ***In Person Classes*:**
  This class is also available for blended learning (online) with remote or in-person skills assessment
- ***Hydrogen Sulfide Awareness [*ANSI Z390 -2017 Course*]: June 7, 19; 12:30 – 4:30;**
  This class available via Instructor Led video conference

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

For any last minute schedule updates, go to www.mjslegacysafety.com

► *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

Unable to attend a class?

MJS Legacy Safety offers multiple
"ONLINE TRAINING COURSES"
including
OSHA Construction, General Industry, Environmental, Hazardous Waste Public Safety, DOT, Human Resource, and Storm Water & ISO
or you can
Schedule training at our Training Center or On-Site at your facility

Order
First Aid
& other
Safety Supplies
www.mjssafety.com
Jeremy
720-203-6325
Carrie
720-203-4948

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 until at least June 2023. 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.*

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

Drug Testing

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

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

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

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

Report a Fatality or Severe Injury

- *All employers are required to notify **OSHA** when an employee is killed on the job or suffers a work-related hospitalization, amputation, or loss of an eye.*
- *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

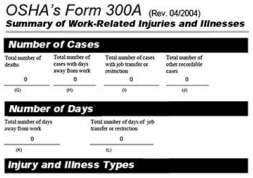
- Call the nearest OSHA office.
- Call the OSHA 24-hour hotline at 1-800-321-6742 (*OSHA*).
- Report online

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

Read This Before Submitting 2022 Injury and Illness Data

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
Number of Days
Injury and Illness Types

Employers must post their 2022 Summary of Work-Related Injuries and Illnesses (*Form 300A*) from February 1 through April 30 in a visible location for their employees' awareness.

If your **establishment is required to submit** this data, you **must use OSHA's** Injury Tracking Application, or **ITA.**

The **DOL recently updated** the **ITA as part** of the **Department of Labor's information** technology **modernization and security enhancement** efforts. ***What's different?*** 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 **2022 data by March 2, 2023.**

Why must employers create a Login.gov account to submit their 2022 workplace injury and illness data to OSHA?

Login.gov is a **secure sign-in service** that allows the **public to access government applications** using **one account and password.** Since October 2022, the **OSHA Injury Tracking Application** requires you **to create an ITA account** and **then a Login.gov account** to report your **establishment's injury and illness data.**

This video explains **how to create an account or log in** to an **existing account using *Login.gov*.**

You can **find answers to other FAQs** as well as **detailed instructions for entering injury and illness information** in the **ITA.**
Need more assistance? Use the help request form at the **end of the FAQs.**

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

New Initiative Focuses on Preventing Falls

Last September, a **51-year-old painter** at a residential **apartment complex** stepped onto a **third-floor balcony** and it tilted suddenly, **causing him to fall 21 feet.** The balcony slid off its **wall mount and landed** on top of him, and he **later passed away** from his injuries.

Falls from heights like this **tragic example continue** to be the **leading cause of fatalities** in construction and the **most frequently cited violation** in construction inspections. In **2021, there were 680 fatalities** associated with **falls from elevations** out of the **5,190 fatal workplace injuries** – about 13% of all deaths.

These deaths **could have been prevented** had employers followed **OSHA's safety and health standards.** No worker should **lose their life because safety** hazards like **misused fall protection** or unstable **walking-working surfaces** are ignored, leaving families, friends and **co-workers to endure the unbearable** pain of losing someone to a **fatal work injury.**

That's why **OSHA** launched a National Emphasis Program to prevent falls (*pdf*) for **people working at heights** in all industries – including **non-construction work activities** such as tree trimming, **utility line work and window** cleaning.

On the **enforcement side,** this program **gives guidance for locating** and inspecting **fall hazards and allows** compliance safety and **health officers to open inspections** whenever they **observe someone working** at heights. If a **compliance officer** determines an **inspection is unnecessary** after entering a **worksite and observing work** activities, they **will provide** outreach on **fall protection and leave** the site.

Outreach to **employers is a key part** of this program. We want to **make sure they understand** how to **keep workers safe** and provide compliance **assistance to help them** adhere to **fall protection requirements. OSHA** urges employers in all **industries to implement good** safety and health **management systems** that eliminate **fall hazards and make sure** workers are **aware of risks and hazards** on their job sites.

The bottom line is that **EVERY DAY**, on **EVERY JOB**, **EVERY WORKER** should be protected.

Find information and resources **about fall protection. If you have safety concerns, contact your local** OSHA or state plan office**, or call 800-321-OSHA.**

MJS Legacy Safety can help with your
Workplace Safety Solutions
We are your One Stop Safety Shop
Give us a call!

time for a refresher . . .

Safety Training Standards for MEWPS (Aerial and Scissor Lifts)

Adopted June 1st, 2020

In December 2018 new **ANSI aerial and scissor lift standards** were released. These new **best-practice standards** were set to take effect on **December 10th of 2019.** However, **implementation** of the new **ANSI A92 suite of standards** was delayed, and **took effective** on June 1, 2020. In that **interim period, MEWP safety training video kits** were available on DVD or via Online Training Course**.**

The **reason for the change** was due to **appeals concerning requirements** that the **Manual of Responsibilities** be placed on every **Mobile Elevating Work Platform** (*MEWP*) and that **modifications** or additions to a **MEWP** could only be made with the **permission of the manufacturer.** The decision by the **ANSI Board of Standards Review** regarding the appeals, **resulted in some revisions** of the language which **violated** the **ANSI Commercial Terms Policy.**

The **new standards** were devised **to increase the safety** of all **entities involved** with the use of **MEWPS.** In additional to **changes in training requirements,** equipment design, and **job site safety rules,** new terminology and **classifications regarding aerial and scissor lifts** were taking effect.

MEWP Terminology and Classification

Aerial Work Platforms were renamed and are now called **Mobile Elevating Work Platforms** or **MEWPs.** Along with the **new terminology for lifts** came a new **classification system.** Previously, **Aerial Work Platforms** were classified by **product type** like scissor lifts, **boom lifts,** etc. **MEWPs** now are **classified** into **"groups"** and **sub-divided** into **three "types".**

Group **classification is determined** by whether the **lift stays within the tipping lines** or moves **beyond the tipping** lines**. "Group A" MEWPs** move **vertically** but stay within the **chassis or tipping lines.** Scissor **lifts are an example** of this group. **"Group B" MEWPs** can move beyond the **machine's chassis** or tipping lines (*wheels or outriggers*). **Group B generally refers to boom lifts.**

MEWP Type is determined by whether the lift can **travel when stowed** or elevated and the **location of the controls** which **allow such travel.**

- ***Type 1 MEWPs can only travel with the platform in a stowed position.***
- ***Type 2 MEWPs can travel elevated and is controlled from the chassis.***
- ***Type 3 MEWPs can travel elevated and is controlled from the platform.***

(Note: Type 2 and type 3 MEWPs can be combined.)

MEWP Equipment Changes

Additional **safety design features** are now **required** on all **new MEWPs.** New safety features **include load and tilt sensing,** stability test for **pneumatic tires,** wind force requirements for **outdoor use,** toe-boards on **all platform areas,** non-flexible **entrance gates,** taller platform railings, and **sustained involuntary operation controls.** Operators must be **familiarized** with the **MEWPs being used** and trained on the **new safety features** prior to operating. Existing equipment is **not required to be retrofitted** to meet the **new design requirements.** Therefore, it is important for **all employees** to know the **differences between the company's** various **MEWPs** and are properly **trained on both as needed.**

MEWP Safe Use

A **Safe Use Plan** must be **established for each** specific **MEWP.** The plan should **include worksite risk assessment** to identify hazards, **evaluate risk,** create control measures, and **communicate results** with all **affected employees.** Other areas which must be **covered include** but is **not limited to the following:**

- ***Selection and use of the appropriate MEWP;***
- ***An assessment of the support surface;***
- ***Familiarization of the specific MEWP to be used;***
- ***Monitoring of the work performance of the operator by a trained and qualified supervisor; and***
- ***Requirements for documentation of records.***

MEWP Manuals and Safety-Related Bulletins

Operation manuals provided by the **manufacturer MUST BE STORED** in a **weather-proof compartment** on the **MEWP.** Employers must ensure **operators read and understand** the manual or **has it explained** to them. **MEWPs must be registered** with the manufacturer to **ensure safety-related bulletins are received.**

Inspections

Different **inspections must be performed** to ensure the **safety of all involved** with the use of **MEWPs.** Inspections are the key to **identifying and correcting** any **malfunctions** and/or problems **associated** with the **MEWP** before the **MEWP is put into operation.** The **three inspections** are **(1) Frequent Inspections, (2) Annual Inspections,** and **(3) Pre-Start Inspections.** A qualified person must **perform the frequent** and annual **inspections** while the **MEWP operator is the one** to perform the **pre-start inspections.** The **MEWP should not** be put into service **until all malfunctions** and/or **problems found during** the inspections **have been corrected.**

- ***A frequent inspection must be performed prior to placing a MEWP into service or if the MEWP has been out of service longer than three months.***
- ***The annual inspection must be performed at least once every 12 months. It must include all items checked on the frequent inspection and any additional items specified by the manufacturer.***
- ***Pre-start inspections must be performed every day or at the beginning of each shift.***

MEWP Rescue Planning

A **written rescue plan** must be created and **incorporated into the company's** training procedures which **addresses falls** from the platform. **Rescue planning is necessary** to ensure the safe and **timely rescue of workers** from heights in the **event of a MEWP breakdown,** platform entanglement or a **fall from the platform.** The plan should limit the **time anyone on the work platform,** known as an occupant, is **suspended after an arrested fall.** The rescue plan can **include the following:**

- ***Self-rescue – by person involved***
- ***Assisted rescue – by others at the work site***
- ***Technical rescue – by emergency services***

MEWP Qualifications and Training

MEWP-specific training must be provided to **operators and their supervisors** by a qualified person and **must be presented** in a both a **language and vocabulary** the **trainee can understand.**

- ***Operators – Can only operate MEWPs on which they have been trained, familiarized, and authorized to operate. Operators must be physically and mentally capable of operating the MEWP safely.***
- ***Occupant – MEWP operators must provide instructions and/or make sure all occupants have a basic level of knowledge to work safely on the MEWP. At least one occupant must be taught how to operate the MEWP controls in case of an emergency where the operator becomes incapacitated. This does not give the occupant the authority to operate the MEWP except in an emergency.***
- ***Familiarization – Employers must ensure the trained operator is familiarized with the specific MEWP to be used before authorizing the operator to use it. Familiarization includes:***
  1. *Location of the manufacturer's operation manuals and confirmation they are present;*
  2. *Purpose and function of all controls, features and devices; and*
  3. *Limitations and operating characteristics.*

Implementation of the new standards likely seemed a **little overwhelming** considering the **entirety of them.** But **compliance was critical** in making the **necessary changes, k**eeping the **health and safety of your employees** the **focus,** while incorporating the **new standards into your work policies** and procedures.

Visit MJS Legacy Safety Course Offerings

"AERIAL LIFT/MOBILE ELEVATING WORK PLATFORM TRAINING"

Give us a call to schedule training.

What is the Severe Violator Enforcement Program (SVEP)?

OSHA's SVEP is a framework for enforcement policies and procedures, which concentrates resources on inspecting employers that have demonstrated indifference to their OSH Act obligations by committing willful, repeated, or failure-to-abate violations. Enforcement actions for severe violator cases include mandatory follow-up inspections and, where appropriate, ensure increased awareness of the enforcement actions at the corporate level, corporate-wide agreements, enhanced settlement provisions, and federal court enforcement under Section 11(b) of the OSH Act. In addition, this Instruction (*pdf*) provides for nationwide referral procedures, which include OSHA's State Plans.

What is the criteria for an SVEP case?

OSHA considers an inspection to result in a SVEP case if it meets at least one of the criteria below. All OSHA standards are applicable to SVEP.

- **Fatality/Catastrophe Criterion**.
  A fatality/catastrophe inspection where OSHA finds at least one willful or repeated violation or issues a failure-to-abate notice based on a serious violation directly related either to an employee death, or to an incident causing three or more employee hospitalizations.
- **Non-Fatality/Catastrophe Criterion**.
  An inspection where OSHA finds at least two willful or repeated violations or issues failure-to-abate notices (or any combination of these violations/notices), based on the presence of high gravity serious violations. NOTE: Low and moderate gravity serious violations do not fulfill this criterion.
- **Egregious Criterion**.
  All egregious (e.g., per-instance citations) enforcement actions shall be considered SVEP cases.

How can an inspection be removed from OSHA's SVEP Public Log?

Does OSHA offer a SVEP term less than three years?

Does OSHA maintain a public log of inspections in SVEP?

From Numbers to Knowledge: A Guide to Extracting Valuable Insights from Injury Data

How to leverage data rigor, leading and lagging indicators, and technology to transform injury data into actionable insights

Drowning in data but **starved for insights?** It's a **common problem** in the field of **workplace safety** where having access to a **vast amount of injury data** is both a blessing **and a curse.** While this **data is a valuable resource,** it comes with its **own risks,** particularly when we lack the **proper tools** and strategies to **effectively analyze** and use it.

But there's hope! By **implementing the principles** of data rigor, working with **leading and lagging** indicators, and **technology,** we can maximize the value of **our injury prevention.** This enables us to turn the **overwhelming amount** of data into **actionable insights** that can help prevent **future accidents and injuries.**

The principles of data rigor in decision-making

Data rigor is **essential for collecting** and analyzing **high-quality** and reliable **data to inform** decision-making and **identify workplace injury** risks. To **achieve this,** it's **important to:**

- *Set clear goals and objectives*
- *Consult with stakeholders*
- *Use appropriate tools to analyze data*
- *Identify trends, patterns, and insights*
- *Continuously collect and analyze data*
- *Regularly review and clean data to ensure accuracy*
- *Implement data visualization*
- *Prioritize relevant data and collaborate with subject matter experts*
- *Invest in data analysis training and techniques*

Balancing leading and lagging indicators for better insights

Perhaps the **most important tool** to uncover the **value in injury data** is utilizing **both leading and lagging** indicators. **Leading indicators** are used to detect **hazards to prevent injuries** before they happen, while **lagging indicators** analyze **past incidents** to uncover **clues to their root** causes.

Examples of **leading indicators** include safety **engagement discussions** with workers, **safety-related communication,** workplace safety inspections, **hazard identification,** and interventions to **prevent injuries.**

Examples of **lagging indicators include** the rate and **severity of injuries,** the number of **lost workdays,** the rate and **cost of workers' compensation** claims, and the **ongoing number** of hazardous **movements per hour.**

How technology can help

Technology can be an **invaluable tool** for collecting data and **monitoring performance** against leading and **lagging indicators.**

For example, in **jobs prone to musculoskeletal** injuries, we can use **wearable movement sensors** and **AI vision processing technology** to measure **leading indicators.**

Wearables **provide key data points** like hazards by job **roles, departments** and tasks, and **identify workers** in need of **additional coaching.**

AI **vision processing technology** can be **used to conduct task** risk assessments to **identify the body** mechanics **involved and facilitate** interventions.

The resulting **insights promote action** through **encouraging safety** engagement, identifying coaching needs, **facilitating efficient inspections** and **interventions,** and mitigating risks. **Collecting data** on these **activities helps measure** performance **against leading** indicators.

To **measure the effectiveness** of a safety program, we need to **work with lagging indicators** as a **baseline.** For example, **an increase** in **musculoskeletal injury rates** may indicate the need for **implementing technology** such as **wearables** and vision **processing.** By tracking **lagging indicators** such as injury rates, **lost workdays,** and claims, we can **measure the success** of the **interventions** and technology.

Wearables can **collect data on the number** of hazardous **movements** per hour, which **is a useful** lagging **indicator.** A **sustained reduction** in hazardous **movements** indicates a **successful safety program.**

By enlisting the **help of both leading** and lagging indicators, **we can build a holistic** approach to **workplace safety** that safeguards the **well-being of all.**

From data to action

With **all the data that can** be collected and **analyzed,** it's easy to **become overwhelmed** and lost in the **sea of information.** But simply **collecting and analyzing** data isn't **enough** to improve workplace safety. The **real value of data** lies in using it **to inform action.**

The **hierarchy of controls provides** a structured approach to **convert data insights** into effective **actions that reduce** the risk of **injuries.** By using the insights **obtained from our data** we can work through each **level of the hierarchy** of controls, **ensuring that actions** are targeted, **effective,** and data-driven.

Advancing data analytics: Moving towards sophistication

To **effectively turn data** into action, it's **important to understand** the **different stages** of **analytics sophistication,** descriptive, **diagnostic,** predictive, and **prescriptive.**

Beginning with **basic reporting on safety** incidents, we can **advance to using diagnostic** analytics to **merge multiple datasets** and identify correlations **between worker behavior** and workplace **accidents.** Predictive **analytics can be used** to understand **factors that contribute** to incidents, and **ultimately, optimization** of analytics **can help** make **data-driven decisions** to optimize **safety functions.**

By **assessing the stage** of analytics **sophistication maturity,** we can identify **opportunities to grow** and improve in **gathering actionable** data to **prevent injuries** and reduce costs.

Key takeaways for successful data analysis

Looking **towards the future,** effective data **analysis is crucial** in preventing **injuries,** reducing costs, and **retaining staff** in the current **labor shortage crisis.** By establishing **data rigor,** working with **leading and lagging** indicators, **utilizing wearable technology** and AI, and **working** through the **hierarchy of controls,** we can **gather rich, actionable** data and **turn insights into actions.**

As **data analytics continue** to evolve and **mature,** we must **strive to move towards** predictive and **prescriptive analytics** to optimize **safety functions** and make **data-driven decisions.** With a carefully **considered plan,** we can **stay ahead** of the curve and **ensure a safe** and **productive workplace** for all.

5 Ways OSHA is Tackling Heat Hazards

En español

Thirty-five-year-old worker started a new job on Monday, July 6, 2020, at a bridge project in New York. The next day, he collapsed and died at the end of his shift from heat stress and heat exhaustion.

OSHA's investigation found he had been working alone without shade or water and not been given time to acclimatize to the 90-degree plus temperatures. OSHA also found his employer had failed to train him and protect him and other workers from extreme heat hazards.

Heat is the leading cause of death among all weather-related workplace hazards. Dozens of workers like one lose their lives each year by heat-related illnesses in indoor and outdoor workplaces, and thousands more are sickened.

As temperatures continue to rise, OSHA wants employers and workers to know that heat-related illnesses can be prevented by common-sense safety measures.

Here's what "OSHA" is doing to protect workers:

- *As part of our ongoing heat campaign, we're educating employers on their responsibility to keep workers safe from extreme heat and providing resources to help everyone understand the hazards, recognize heat illness signs and take steps to stay safe.*
- *In 2022, we launched a National Emphasis Program on heat that allows us to proactively initiate inspections in over 70 high-risk industries when the National Weather Service has issued a heat warning or advisory for a local area. On days when the heat index is 80 F or higher, inspectors will look for and address heat hazards regardless of whether the worksite they are inspecting is among those targeted industries.*
- *Our area offices are engaged in outreach to unions, employers and organizations committed to advancing protections for underserved workers, who are disproportionately likely to be killed or sickened by heat on the job.*
- *Our On-Site Consultation Program provides free assistance for small- and medium-sized businesses to help identify and mitigate heat hazards.*
- *We are considering a workplace rule to address heat-related illnesses and are gathering input from diverse stakeholders and experts. On May 31, the National Advisory Committee on Occupational Safety and Health is slated to discuss a report from its Heat Work Group on proposed recommendations regarding potential elements of a rulemaking.*

As OSHA continues this critical work, they're asking everyone to join in taking action now. Download the Heat Safety Tool app to get recommendations for your workplace and remember these three words: **Water. Rest. Shade.** With the right knowledge and preparation, you can help us save lives.

If you have questions or concerns about heat or other workplace safety and health issues, please contact OSHA online, call 1-800-321-6742 (*OSHA*), or call Carrie (720-203-4948) or Jeremy (720-203-6325) at MJS Legacy Safety. We Can Help!!

What is Smart PPE? The Future of Worker Safety

If you own a smartwatch or FitBit, you already know that "smart" technology can provide powerful insights into your health and performance.

Smart technology continues to be integrated into personal protective equipment (PPE) in order to reduce costs, prevent injuries, and improve worker productivity.

But let's take a step back. You might have never seen a smart helmet before. You might not know what smart PPE is, or why it matters. Here are some answers to your questions about these gadgets:

What is smart PPE?

Smart PPE, or smart wearable systems, refers to PPE that connects to the internet and other devices like software or tablets to deliver real-time safety information. You can think of it as PPE that not only minimizes exposure to hazards, but also collects data, sends notifications, and automatically adjusts to internal and external conditions.

What can smart PPE do?

With smart PPE, the possibilities are endless. Here are just a few examples of potential applications:

- *Smart communication devices like helmets, ear muffs, and face masks can aid communication in loud or low-visibility environments*
- *Smart cooling and heating elements can respond to body and external temperatures to keep the wearer safe*
- *Active PPE like smart lockout/tagout and laser-enabled emergency stop devices can prevent equipment related injuries*
- *Light-emitting garments like safety vests can provide high visibility*
- *Environmental sensors embedded in clothing can monitor gas, chemical, heat, sound, UV, impact, etc. and alert supervisors if workers are in trouble*

How does smart PPE work?

Most smart PPE connects to other devices via Bluetooth. Through this connection, the PPE can provide real-time alerts and gather data. In many cases, smart PPE devices can be connected to an EHS software solution to make data collection and analysis even easier.

How big is the market for smart PPE?

Smart PPE witnessed a surge in demand during the COVID-19 pandemic — particularly in the healthcare and pharmaceutical industry, making up 23% of smart PPE applications. The global smart PPE technology market is projected to grow to $9.05 billion in 2028.

Who's using smart PPE?

Mining, oil and gas, manufacturing, and transportation are a few of the industries where the smart PPE trend has also caught on. Smart location devices are popping up in the mining industry to keep tabs on miners' locations, gas masks with thermal cameras are helping protect firefighters, and fatigue monitors are detecting 'micro-sleeps' before drowsy driving puts drivers at risk.

What are some of the downsides of smart PPE?

With all new technology, there's a steep learning curve. But when a miner or firefighter's life depends on a smart wearable device, it needs to work properly every time. Unfortunately, there are no current minimum requirements for device performance, so backup may be necessary.

Fortunately, many PPE makers have already taken steps to protect workers' personal information; for example, by randomizing trend information that is sent to health and safety departments for analysis.

The price of smart PPE devices can be prohibitive for many smaller companies. More widespread adoption could drive competition and bring down prices, making it more affordable for companies of all sizes

What is the future of smart PPE?

Developments in smart PPE are promising. Smart helmets, hearing protection, environmental monitoring garments, and light-emitting high-visibility vests have the potential to reduce costs, prevent injuries, and improve worker productivity.

Whether or not smart PPE is widely adopted depends on corporate consumers. But one thing is for sure: EHS technology is always evolving, and it's important to keep up.

Reminder - Revised Federal Drug Testing Custody and Control Form Mandatory

► As of ***August 30, 2021***, 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 Implements Annual Regs Violation Penalty Increases

The Department of Transportation published a final rule in the ***Federal Register,*** Monday, March 21, 2022 updating the civil penalty amounts (*effective immediately*) that may be imposed for violations of certain DOT regulations, including **Federal Motor Carrier Safety Administration** regulations focused on in trucking-company audits.

The updated fines for FMCSA regulations violations can be seen here.

FMCSA Offers Updates on Electronic Inspections, Autonomous Research

The **Federal Motor Carrier Safety Administration** recently **provided updates** on a **number of projects** from its **Analysis, Research and Technology** divisions, including **emphasis on crash causal factors,** an analysis of **New Entrant** carriers, **autonomous truck** and other **advanced driver assist technologies,** and more.

At the agency's annual **Analysis, Research and Technology (*ART*) Forum, FMCSA** Associate Administrator Tom Keane asked stakeholders *"to take an introspective look at your current programs to determine what is working to improve safety and what is not, and to make any appropriate adjustments."*

Bob Kreeb, director of **FMCSA's Office of Analysis, Research, and Technology,** said even with the **advancement of autonomous trucks** and other technologies, **FMCSA** will continue to **focus its research** and efforts on **driver issues and improving** driver **safety** because, *"while ADS vehicles continue to mature, we know that human drivers will be core to motor vehicle operations for many, many years to come."*

Yet the **four-hour forum** saw **FMCSA's Technology Division** focused **largely on initiatives** *"that could dramatically alter how drivers are interacting with their vehicle, how vehicles are inspected, and how potential future autonomous driving system (ADS) vehicles may interact with law enforcement,"* Kreeb said.

As such, **several autonomous-related** initiatives **are in the works** -- they include an **"Automated CMV Evaluation Program"** ongoing, which **tests autonomous vehicles** and conducts **research to inform** potential future **rulemakings.**

The agency is **also continuing to develop** the **Level 8 electronic inspection,** which will **be necessary** with any **fully autonomous vehicle.** The rolling **inspections** are envisioned to be **conducted electronically** while trucks **are in motion,** without any **direct interaction** with **law enforcement** other than **data interchange.** Vehicle information **could be checked** against **databases** and used to make **bypass and inspection** decisions.

Not Comprehensive Enough: *TRUCKING RESPONDS TO FMCSA'S PROPOSED CSA-SCORES CHANGES*

Since February, the **Federal Motor Carrier Safety Administration** has been **fielding public comments** on **proposed changes** to its **CSA Safety Measurement System** (*SMS*) carrier **scoring system.** That **comment period** closed mid-May with **just 176 comments filed** to the **docket** after a period during which **carriers were invited** to preview how the **changes might affect their scores.**

Overall, **trucking groups** were generally **in favor of the proposed** changes, while also **noting more could** be done to **improve the system.** The **Owner-Operator Independent Drivers Association,** however, said it was "*disappointed that the agency's proposed modifications to **CSA/SMS** fall short of the comprehensive systemic overhauls needed to accurately identify at-risk carriers and reduce truck crashes*."

Likewise, attorney Hank Seaton, **filing comments on behalf** of a number of trucking and freight organizations, including the National Association of Small Trucking Companies, among others, said the **proposed changes** will **not improve accuracy** and fairness to **prioritize carriers** for **safety enforcement** like **FMCSA** claims. Instead, "*it will carry forward the major statistical and legal flaws of the old version, and in fact will prejudice the ability of small carriers to obtain sufficient **SMS** data -- good or bad -- to be accurately measured*," he said.

Seaton added that what is **required to fix the system** is "*not a mere reboot of **SMS** but a complete re-do of the agency's system for making safety fitness determinations*."

Category reorganization

The **proposed changes include** reorganizing the **current categories** of measurement, **renaming them** simply **"Safety Categories,"** to **better identify specific problems.** The agency also **proposed to combine** the **current 959 violations** used in **SMS**, plus **14 additional violations** not currently used, into **116 new violation groups.**

The **American Trucking Associations** said it **supports the proposal** to reorganize the **categories,** but suggested that **FMCSA instead refer** to them as **"Compliance Categories"** to further **simplify the terminology,** in line with how the **SMS** was **originally conceived** -- a way to **measure relative regulatory** compliance through which **state enforcement departments** and the agency itself could **prioritize investigatory work.**

FMCSA wants to **move** the entire **Controlled Substances/Alcohol** category, as well as **all violations for operating** while **out-of-service** (*OOS*), into the **Unsafe Driving** category to "*help focus **FMCSA's** investigative resources on carriers with higher crash rates*," **FMCSA** said.

The agency **also proposes to split** the **Vehicle Maintenance** category **in two**: **Driver Observed** and **Vehicle Maintenance.** The new **"Driver Observed"** category would be **reserved for roadside-observed** "*violations that could reasonably be observed by a driver*" during a **pre- or post-trip inspection,** "*or detected as part of a **Walk-Around (Level 2)** roadside inspection*."

Regarding these **reorganization** proposals, **OOIDA** said that **while the changes** would "*be more practical, they do not help **FMCSA's** overall mission statement 'to reduce crashes, injuries and fatalities involving large trucks and buses*.'" The **group added** that the **updated categories underscore** that "*many of these categories have virtually no correlation to crash risk*."

For the **separation** of **"Driver Observed"** and **"Vehicle Maintenance"** categories to be effective, **ATA** said, **additional scrutiny** is needed on the **"Driver Observed"** violations. "***FMCSA** should work with industry to agree on which violations should be included in the driver observed category*," **ATA** said.

Violation severity weight changes

The **proposal also includes** changes to the **system's current 1-10 scale** for violation **severity weights,** simplifying the **scale to just a** 1 or 2. **Out-of-service violations** for any **safety category** except **Unsafe Driving** will **receive a 2,** as will **driver-disqualifying violations** in the **Unsafe Driving** category. The **agency also proposed** changes to **intervention thresholds.**

Continuing on the **notion of crash risk** correlation, **OOIDA** said the **severity weight proposals** "*should help to reduce **FMCSA's** erroneous weighting*," but they **don't** "*change the fact that many of the violations found in the **Federal Motor Carrier Safety Regulations** do not have a direct link to safety*."

ATA noted that **simplifying the severity** weights, while **removing the arbitrariness** of **assigning the weights,** "*creates a new concern by grouping all violations into a single severity weight*," unless it's an **OOS** or **disqualifying violation,** "*regardless of the true severity of the actual violation*."

The **Commercial Vehicle Safety Alliance,** representing **inspectors across** North America, said that **while it understands** the **individual rationale** behind the **proposed changes,** it has some **concerns about unintended** consequences.

Violation grouping and the **severity weight simplification** "*may not accurately reflect a motor carrier's safety performance*," **CVSA** said. "*Under the proposed changes, a motor carrier whose driver is found to have multiple out-of-service conditions during an inspection could appear the same as a motor carrier whose driver is found with only one out-of-service condition, depending on which safety category the out-of-service condition belongs in*."

The **Independent Carrier Safety Association** (*ICSA*) said **FMCSA** is **correct to change** the current **1-10 rating system**, but **added the agency** "*must also take care to distinguish compliance violations from violations associated with crash risk*." **Small fleets** and those **new to the business** "*should not be labeled as unsafe simply because they do not have staff or the experience to properly execute paperwork or follow regulatory procedures each and every time -- so long as they operate safely and do not pose a crash risk*."

Regarding intervention thresholds, **OOIDA** said it **seeks more understanding** on why **FMCSA** is **raising the thresholds.** "*If a carrier has to be worse than 90% of their peers in order for the agency to prioritize them, as proposed for* ***Driver Fitness and HM Compliance*** *categories, then why is* ***FMCSA*** *using this category at all to assess safety risk*?" **the group asked.**

Focus on recent violations

SMS currently assigns percentiles in the **HOS Compliance, Vehicle Maintenance, and Driver Fitness BASICs** if the **last inspection** in the past **two years** resulted in a **violation.** Under this **standard,** a carrier **may be prioritized** for **intervention** even if the **carrier had no recent** violation, **FMCSA** said.

The **agency proposed** to sharpen the **focus on carriers** with more **recent violations** by **assigning percentiles** only to **carriers** that had at least **one violation** in the **safety category** in the **past 12 months,** meaning that if all a **carrier's violations** in a **particular safety category** are **12 months or older,** the carrier **will not be assigned** a **percentile** in that category.

CVSA said it **agreed with the change** to focus on **more recent violations** because "*doing so will provide a more accurate assessment of the motor carrier's current safety performance*."

OOIDA called this a **"positive modification,"** but noted **FMCSA** "*should emphasize the need for law enforcement personnel to complete clean inspections and swiftly transmit that information.* ***OOIDA*** *members suffer when law enforcement does not upload clean inspections to* ***SMS***."

ATA said its members are **also in favor** of the **change** but said it should **apply to all safety** categories. **ATA** said it **believes this would** help **identify carriers** "*who are currently and most recently experiencing violations*" as compared to **carriers who have** taken **corrective action** and had **clean inspections since that time.**

On the **contrary,** the **Truck Safety Coalition** blasted **FMCSA** for **reducing the focus to just** one year.

"***FMCSA*** *claims that this allows them to focus on carriers with the greatest safety risk*," the group said. "*Every carrier does not receive a roadside inspection annually. If no new roadside inspection occurs for a carrier in 12 months or greater from their previous roadside inspection, those violations must remain and be calculated in its safety measurement scoring*."

'Geographic variation'

In its **proposal, FMCSA** said it considered, **but did not include** in the **proposal,** a model to **account for geographic variation** of carriers. The agency **acknowledged** that a **consistent criticism** of **SMS** has been that **differences among** state **enforcement agencies** in inspection and **violation rates** can lead to **unfair SMS results** for carriers that **operate in higher-enforcement states.**

Ultimately, **however, FMCSA** concluded "*that incorporating a model to account for geographic variation would not improve the agency's ability to identify high risk carriers and would run contrary to the goals of the* ***Motor Carrier Safety Assistance Program*** *(MCSAP), the agency's grant program to support state and local efforts to reduce crashes involving* ***CMVs***."

OOIDA noted that it was **"disappointed"** that **FMCSA left out geographic variation** from its proposal. The group **argued that** "*accounting for geographic variation does not de-emphasize enforcement. Instead, this would help the agency, as well as the states, identify high-risk carriers*."

ATA also **disagreed** with **FMCSA's determination** to leave **geographic disparity** out of the **proposal,** noting that "***CSA SMS*** *scores are often a reflection of where a motor carrier operates, not how safely it does so*." The **group cited statistics** from **2022 that show** that **approximately 84%** of all **violations** in Texas were **vehicle maintenance violations,** while only **34% of violations** issued in Indiana **were vehicle maintenance violations.**

"*While we acknowledge that certain violations may vary based on geographic location, vehicle maintenance violations should be assessed consistently regardless of where the vehicle is operated*," **ATA** said. "*In this example, a motor carrier who operates predominantly in Texas is much more likely to receive a vehicle maintenance violation and therefore receive an elevated* ***Vehicle Maintenance*** *safety category*," adding that **if the two carriers** in the **example** were in the **same safety group,** the Indiana carrier "*may enjoy a much better vehicle maintenance safety category score, not because their vehicles are in better working order, but because they operate in a state that does not prioritize vehicle maintenance violations as much as the other*."

Overdrive's long-running **CSA's Data Trail** series has **borne these dynamics** out time and again, **analyzing wide disparities** in **inspection rates** and **violation prioritization** across the nation. In **2022's central update,** furthermore, the **violations per inspection** rate in Texas (2.8) **was nearly twice** that in Indiana (1.7). In a **system that weights** each **violation equally,** as **FMCSA** is **proposing,** carriers **operating frequently** on lanes in the **Long Star State** thus might be **seen to be** that much **more likely** to be **prioritized** than similarly **situated carriers** with exposure to Indiana **enforcement,** regardless of **violation category.**

Large fleet **Schneider National** agreed with **ATA** and **OOIDA,** noting that "*carriers should be scored on how they operate, and those scores should not be overly influenced by where the carrier operates*." **Schneider added** that, while **states should be allowed,** and **encouraged,** to identify **areas of concern** specific to their state, "*the lack of uniformity between states creates a disconnect when it comes to carrier-to-carrier evaluation under the* ***SMS***," which is **one factor** that can **trigger an intervention,** the carrier said.

Nearly 800 Trucks Sidelined . . .

Nearly **800 trucks and/or buses** were placed **out of service** during an **'unannounced inspection initiative'** targeting **brakes in April.**

On **April 19, 6,829 commercial vehicles** were inspected **throughout Canada,** Mexico and the **U.S. as part** of the **Commercial Vehicle Safety Alliance's Brake Safety Day.** Inspectors **found brake-related critical** vehicle **inspection items** on **11.3% of the vehicles** inspected, indicating **those vehicles** were unfit and **unsafe for roadways.** As a result, **inspectors restricted** those **773 commercial motor vehicles** from travel until the **violations were corrected.**

During the **'one-day unannounced inspection and enforcement campaign',** certified **inspectors conducted** their usual **vehicle and driver inspections.** They reported **brake-related data** to **CVSA** for a **one-day snapshot** of the **state of brake systems on trucks.**

The top three brake-related out-of-service conditions were:

- **20% Brakes Violations -- 479.** *Otherwise known as the 20% rule, this OOS condition occurs when a vehicle or combination of vehicles is shown to have 20% or more of its service brakes with an out-of-service condition resulting in a defective brake -- such as a brake out of adjustment, an audible air leak at the chamber, defective linings/pads, a missing brake where brakes are required, etc.*
- **Other Brake Violations -- 368.** *Examples of other out-of-service brake violations are worn brake lines, broken brake drums, inoperative tractor protection system, inoperative low air warning device, air leaks, hydraulic fluid leaks, etc.*
- **Steering Brake Violations -- 81.** *Examples of automatic standalone out-of-service steering axle brake violations are inoperative brakes, mismatched brake chambers, mismatched slack adjuster length, defective linings, etc.*

During this year's **Brake Safety Day, CVSA** focused on **capturing data** on **brake lining/pad violations,** which can **result in violations** and affect a **motor carrier's safety rating.**

Of the **6,829 commercial motor vehicles** inspected, **108 tractor** and **87 trailer lining/pad violations** were identified, for a **total of 195 combined** lining/pad **violations.**

In addition, **eight** of the **CVSA member jurisdictions** with **performance-based brake testers** (*PBBTs*) used those **machines to assess** the **braking performance.** Those participating **jurisdictions conducted 92** inspections with **PBBTs,** resulting in **four failures (4.35%),** which meant those **four vehicles were placed out of service** for overall **vehicle braking efficiency.**

CVSA Upcoming Program Dates

- **The next Operation Safe Driver Week is scheduled for July 9-15, 2023. Throughout Operation Safe Driver Week, law enforcement personnel will be on the lookout for commercial motor vehicle drivers and passenger vehicle drivers engaging in risky driving. Identified unsafe drivers will be pulled over and issued a citation or warning.**
- **CVSA's Operation Airbrake Program will hold two annual brake safety campaigns in 2023. The next Brake Safety Week is scheduled for Aug. 20-26, 2023.**

DOT Rule on Oral Fluids Testing is Finalized!

On May 2, 2023 the **Department of Transportation** (*DOT*), **Federal Aviation Administration** (*FAA*), **Federal Railroad Administration** (*FRA*), **Federal Motor Carrier Safety Administration** (*FMCSA*), and **Federal Transit Administration** (*FTA*) released a final ruling on updated procedures for **Transportation Workplace Drug and Alcohol Testing Programs** to include the addition of **Oral Fluid Specimen Testing for Drugs.**

The final rule amends the previous **drug testing industry program** under the **Department of Transportation** by removing references to the word **"urine"** and adding references **to oral fluid. The final rule will take effect in 30 days.** This change is intended to **give employers more choices** when **conducting drug tests** in order to make **achieving workplace safety goals** more attainable.

Employers are encouraged to read the **final ruling** in preparation for **implementation.** It is **important to note** that the use of **Oral Fluid** is **optional** and **urine is still acceptable.** The **regulation** provides detailed **responses** to the **comments received** in **response** to the **Notice of Proposed Rulemaking (***NPRM***)** that are valuable **to DOT employers** and **industry professionals** who may have questions about the **new regulations. Additionally, terminology** and **requirements** throughout **49 CFR Part 40 have been updated.**

Overview of 49 CFR Part 40

Truck Parking Funding, Weight Flexibility Bills Advance in House

The House Committee on Transportation & Infrastructure, on Tuesday, May 24th, passed a package of bills intended to address supply chain challenges and improve overall safety in transportation.

The bundle included bills to allocate funding to add truck parking capacity, provide flexibility in CDL testing and provide weight flexibility for certain haulers.

Each of the bills passed by the committee will still have to pass the full House before moving to the Senate and, if passed there, move to the President's desk.

The Truck Parking Safety Improvement Act would establish a competitive grant program to fund truck parking projects across the country. The bill would create $755 million for the projects.

The Licensing Individual Commercial Exam-takers Now Safely and Efficiently (LICENSE) Act of 2023, first introduced last year, would make permanent two DOT waivers that provide flexibility for licensing qualified new drivers and improve the application process for individuals seeking CDLs by allowing skills test examiners to also administer the CDL knowledge test, and to administer a driving skills test to any applicant regardless of the applicant's state of domicile or training. The waivers were extended multiple times during the COVID-19 pandemic by both the Trump and Biden administrations with no findings that they adversely affect safety.

The Developing Responsible Individuals for a Vibrant Economy (DRIVE) Safe Integrity Act of 2023 is aimed at boosting participation in FMCSA's under-21 interstate driver pilot program by requiring the agency to make adjustments to the program to spur participation.

The committee also passed the Motor Carrier Safety Selection Standard Act which would require shippers and brokers to use carriers that are not deemed unfit to operate safely under current federal regulations, whether that means having an Unsatisfactory rating or inactive authority. Additionally, within 18 months of the bill's passage, FMCSA would be required to issue a rulemaking to update and revise its regulations to provide a procedure for determining if a motor carrier is not fit to operate.

The Carrying Automobiles Responsibly and Safely (CARS) Act would provide a 10% weight tolerance specifically for stinger-steered automobile transporters hauling heavier hybrid and electric passenger cars to market. Without exceeding federal bridge weight limits, this bill would reduce the number of miles traveled by trucks that currently must complete multiple trips because they are unable to fully load their equipment due to current weight limits.

Another weight related bill, the Dry Bulk Weight Tolerance Act, would allow a 10% weight tolerance (in vehicles loaded at or below federal weight limits) for dry bulk carriers to account for the shifting of cargo during transit. The flexibility increases the efficient movement of dry bulk cargo, including agricultural goods, and would ensure that companies moving those goods are not penalized due to shifting weights due to braking and other standard events.

Finally, H.R. 3447 would provide a 2,000-pound weight exemption to hydrogen-powered vehicles, similar to the exemption currently applied to both battery-electric and natural gas-powered heavy-duty trucks. This legislation would reduce emissions while restoring technology- and fuel-neutrality in federal regulations for companies investing in new, cleaner heavy-duty vehicles, proponents say.

Connect with MSHA

The Mine Safety and Health Administration is now on FACEBOOK!

FOLLOW NOW FOR MINING NEWS, REGULATIONS, AND SAFETY & HEALTH BEST PRACTICES.

Safety Alert Personnel Carriers (pdf)

Since 2018, there have been seven fatalities involving miners operating personnel carriers. These accidents could have been prevented if mine operators:

1) had adequate procedures in place to ensure safe travel of personnel carriers,
2) maintained braking systems, and
3) trained miners on the safe operation of personnel carriers.

A miner was fatally injured while operating a personnel carrier. While traveling down a mine slope, the personnel carrier lost control, crashed at the bottom of the slope, and pinned the miner underneath.

A miner was fatally injured while riding on a personnel carrier. The emergency stop was activated on an uphill grade, causing the personnel carrier to lose control, overturn, and pin the miner underneath.

Best Practices

- Maintain steering and braking components.
- Conduct adequate pre-operational inspections of mobile equipment. Correct any defects affecting safety before operating mobile equipment.
- Tag out and remove equipment from service when defects affecting safety are found that cannot be corrected.
- Maintain roadways free of debris, excessive water, mud, and other conditions that impact an equipment operator's ability to control mobile equipment.
- Operate mobile equipment at speeds that are consistent with the type of equipment, roadway conditions, grades, clearances, visibility.
- Task train miners on personnel carrier safety.

Heat Stress - Health Alert

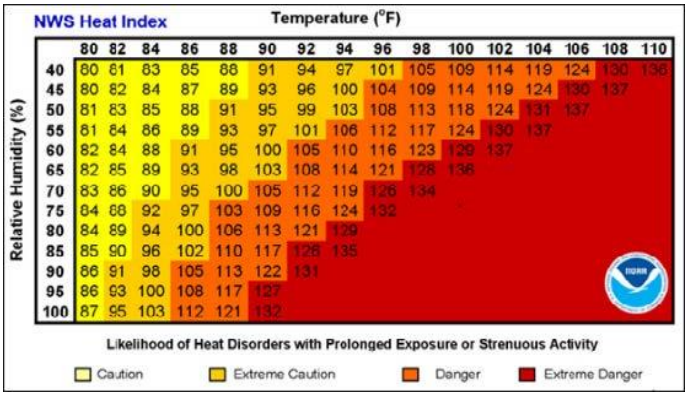
Mining in hot work areas during summer can cause serious health issues for miners. Everyone needs to recognize the hazards of heat stress and mine operators should provide heat-stress recognition training, monitoring, and personal protective equipment.

Symptoms of Heat Stress:

- *Skin is hot, usually dry, red or spotted.*
- *Body temperature is over 105˚ F.*
- *Victim may be confused.*
- *The face may be pale or flushed.*
- *Muscle cramps from loss of sodium.*

Heat Stress Prevention:

- *Provide cool drinking water near miners.*
- *Encourage miners to drink a cup of water every 15 to 20 minutes.*
- *Avoid drinks with caffeine and large amounts of sugar.*
- *Use sunblockers, proper protective clothing and shade.*
- *Use administrative controls to rotate miners on hot jobs.*
- *Schedule heavy tasks during cooler times of the day.*



Health-Alert-Heat Stress.*pdf*

Treat Symptoms:

DO:

+ Remove the miner from the hot area.
+ Apply cool wet cloths.
+ Give water if miner is awake.
+ Seek medical attention if there is no improvement.

DO NOT:

- Apply ice directly to the skin.
- Allow the miner to become so cold that shivering develops.
- Leave the miner alone.

MSHA REPORT EMERGENCY

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. Report Accidents - Hazardous Conditions or call **1-800-746-1553**

Good Headspace Helps Make a Safe Workplace

The dictionary defines the term headspace as "a person's state of mind or mindset." A good headspace then will be mindset that is set on positivity and achieving the impossible, while a bad headspace will mean feeling like giving up.

The **Occupational Safety and Health Administration's** mission is to ensure **safe and healthful working conditions** for workers. As a regulatory agency, we have **historically approached** that mission by **focusing on physical hazards** in workplaces, things **you can see and measure.** But today's **work environment requires** a broader approach that **includes both traditional occupational** safety and health ***and*** paying **attention to the huge impact** of mental health on **workers' well-being as well.**

Work-related stress is a significant problem in the United States:

- *83% of workers report suffering from work-related stress.*
- *Work-related stress has been reported to cause 120,000 deaths each year.*
- *For every $1 spent on ordinary mental health concerns, employers see a $4 return in productivity.*

We also know that the **pandemic had a significant impact** on mental health, with **nearly half of Americans** surveyed reporting **symptoms of an anxiety** or depressive disorder in 2021. It is **clear from these statistics** that it's time to **recognize mental health hazards** as occupational hazards. To bring about **meaningful change,** we all will need to **work together to protect the mental** health of workers.

This is **not to say that all stress** can be **eliminated from workplaces.** There will always be **stressful parts of work,** like the physical demands of a job, **challenges with technology** or concerns about **job security from downsizing** due to economic changes.

OSHA wants **employers to consider the role** that workplace stress **may have in their** business. **OSHA** has a workplace stress toolkit for employers with **guidance, training, real-world solutions,** and outreach materials to **help improve employee** mental health and **well-being.**

As part of the **Department of Labor's** Mental Health at Work Initiative, our agency is bringing more awareness to help employers gain confidence in talking to workers about workplace stress (*pdf*), mental health and **substance use. OSHA** is also working to **help employers dispel myths** that might make workers **afraid to voice their concerns** and talk about **workplace stressors or mental health** challenges.

And **let's be clear about another source** of stress for workers: **labor violations,** like unchecked **safety and health hazards** that pose a **risk to their safety and health.** Every worker should **feel confident** that their **employer values** their physical safety and health — which means **employers need to proactively** create safety and **health management programs** that include input from **workers to ensure all workers** are trained to **do their jobs safely.**

Workers **deserve the peace of mind** knowing that **every precaution has been taken** to ensure they ***go home to their families and friends at the end of their shift*.**

OSHA's vision is to **see safety and health established** as a core value in **every workplace in America** — a vision that **includes mental health, too.**

Need **help with stress or mental health** challenges? **Call or text 988** or chat at 988lifeline.org.

LET MJS Legacy Safety BE YOUR
OSHA-AUTHORIZED
ONE STOP SHOP FOR TRAINING.
See page 4 for classes offered this month as well as links to All of the training available.
Questions?
CALL US!!
WE'RE HERE TO HELP!

Navigating the landscape of COVID-19 and its variants has seemingly become less confusing. Hopefully this will be the path for the future. So that you can access the most updated information, we'll continue to provide links for your convenience.

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*
- CDPHE – Colorado Department of Public Health and Environment
- WHO - World Health Organization
- OSHA Guidance
- DOL Resources
- Covid19.colorado.gov

COVID-19 Resource - Filing Whistleblower Complaints Related to COVID-19

OSHA's **new fact sheet** explains how workers can protect their right to raise workplace health and safety concerns relating to COVID-19 without fear of retaliation.

Visit OSHA's COVID-19 Frequently Asked Questions page for current information

OSHA's Recordkeeping Requirements During the COVID-19 Pandemic

OSHA issued enforcement guidance related to the COVID-19 pandemic for Recording and Reporting Occupational Injuries and Illnesses required under *29 CFR Part 1904*. For more information see the Enforcement Memoranda section of OSHA's COVID-19 Safety and Health Topics page.