

MJS Legacy Safety Consulting Services LLC,

'receiving a BBB Accredited Business Designation in 2025,'
continues to focus our attention on
'Providing Great Service and Building Lasting Relationships'

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

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

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

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



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


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



Safety for Everyone

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

OSHA/CONSTRUCTION/DOL NEWS SUMMARY

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- ▶ **All About Welder's Flash or Arc Eye** [read more...](#)
- ▶ **DEADLINE WAS MARCH 2ND Injury Tracking Application**
 Employers must post their most recent Summary of Work-Related Injuries and Illnesses (*Form 300A*) [read more...](#)

- ▶ **Requiring Employers to Keep Employees Informed**
A new topic every month.....
 Useful OSHA Resources [read more...](#)

Your Right to Know

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

TRANSPORTATION NEWS SUMMARY

- ▶ **DOT 2025 Regs Violation Penalty Increases** [read more...](#)
- ▶ **FMCSA Temporary Waiver - Announcement – See update** [read more...](#)
- ▶ **FMCSA Launches Crash-Risk Study on Driver Schedules** [read more...](#)
- ▶ **Senators Target Cold-Weather Truck Shutdowns** [read more...](#)
- ▶ **Non-Domiciled CDL Emergency Rule Could Cause Capacity Crunch** [read more...](#)
- ▶ **IMPORTANT UPDATE TO PREVIOUS ARTICLE... Order Granting Administrative Stay of interim final rule titled Restoring Integrity to the Issuance of Non-Domiciled CDLs** [read more...](#)
- ▶ **Construction Zones are Everywhere** important safety reminder! [read more...](#)
- ▶ **FMCSA Updates National Consumer Complaint Database, Includes Brokers** [read more...](#)



- ▶ **15% of Trucks Put Out of Service During 2025 Brake Safety Week** [read more...](#)
- ▶ **Truck History Reports** [read more...](#)
- ▶ **DOT Amends Oral Fluid Drug Testing Procedures** [read more...](#)
- ▶ **Study Links ELP Violations to Unsafe Motor Carriers** [read more...](#)
- ▶ **Colo. Law: Move Over for Me ~ IT'S THE LAW ~** [read more...](#)

MSHA NEWS SUMMARY

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

- ▶ **MSHA Mission** [read more...](#)



MONTHLY SAFETY & HEALTH TIP NEWS SUMMARY

- ▶ **When Mobility Isn't a Given: Bridging the Evacuation Gap for an Aging Workforce** [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.

Happy Holidays from all of us at MJS Legacy Safety



"Training Spotlight"

(a different course will be featured monthly)

> RESPIRATORY PROTECTION TRAINING & FIT TESTING

Employees utilizing respiratory protection in the workplace must be trained in proper use, care and selection of respiratory protection. Employees must also be medically evaluated and fit tested to ensure that tight-fitting face pieces create a good seal. We offer general respiratory protection training as well as medical evaluation and fit test services at our facility or yours. We can also assist in training your Program Administrator in their responsibilities.

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

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

- *PEC Safeland Basic Orientation: **NEW 2021 SAFELAND:** Dec 4 (*Instructor Led Virtual Class*), 15, 29; 8 – 4:30;
- *First Aid/CPR/AED/BLOODBORNE PATHOGENS (We offer MEDIC FIRST AID): Dec 1, 17; 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*]: Dec 1, 17; 12:30 – 4:30;
This class available via Instructor Led video conference

To sign up for one of these classes, or inquire about scheduling a different class,
Call Carrie at 720-203-4948 or Jeremy at 720-203-6325

Need any classes in Spanish? Contact Carrie to schedule.

For any last minute schedule updates, go to mjslegacysafety.com/training-calendar

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

— FEATURED TRAINING PROGRAMS —

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

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

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

~ or ~

Attend a class at our
Training Center?

Just give us a call !!

Need Help With

- ISNetwork
- PEC/Veriforce
- NCMS
- Avetta/BROWZ
- TPS ALERT

CALL US!!!

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

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

SOURCES FOR
THIS ISSUE
INCLUDE:
OSHA
FMCSA
MSHA
ISHN
ANSI
US DOL
Freight Waves
CVSA
Bureau Labor
Stats
3PLAYMEDIA
Heavy Duty
Trucking
BCG
DOT
Ethos
Preparedness



OSHA/CONSTRUCTION/DOL

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

Drug Testing

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



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

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

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

Take Care of your Mental Health!

A healthy mind is very important
for a healthy body!

REPORT A FATALITY OR SEVERE INJURY



- [Federal law](#) requires all employers to notify **OSHA** when an employee is killed on the job or suffers a work-related hospitalization, amputation, or loss of an eye.
- A fatality must be reported within 8 hours.
- An in-patient hospitalization, amputation, or eye loss must be reported within 24 hours.

To Make a Report

- Call the nearest [OSHA office](#).
- Call the OSHA 24-hour hotline at [1-800-321-6742](tel:1-800-321-6742) (OSHA).
- [Report online](#)

Be prepared to supply: Business name; names of employees affected; location and time of the incident, brief description of the incident; contact person and phone number. [FAQ's](#)

[Learn more about OSHA's severe injury report data, and the severe injury reporting requirement.](#)

IMPORTANT: PHMSA Random Drug Testing Rate Increased for 2025

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

Effective January 1, 2025, PHMSA 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 was implemented to further enhance workplace safety and compliance across the industry.

Key Takeaways:

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

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



2025 Fees for Student Course Completion Cards for Outreach Training Program

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

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

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

[Authorized outreach trainers and online providers](#)
[More about OSHA's voluntary Outreach Training Programs](#)

MJS Legacy Safety

is an Authorized Outreach Trainer.

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

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

Give us a call! We can help!

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

Creating a Year-Round Protection Strategy for Heavy Equipment



Heavy equipment represents a significant capital investment for facility managers and manufacturers. Its costs can vary significantly based on the type and usage. As extreme weather events become increasingly frequent and severe, protecting these valuable assets year-round has never been more critical. Therefore, protection strategies are critical for business success.

Understanding Seasonal Risks to Heavy Machinery

Each season brings unique challenges that can impact equipment performance and longevity. Winter conditions expose machines to corrosion from road salt, freezing temperatures that can crack engine blocks and ice accumulation that can strain hydraulic systems. These effects of cold weather are well documented, but summer extremes can be equally damaging.

Extreme heat can reduce the performance of non-silicone sealants and adhesives. Heavy rain, flooding, and extreme humidity can delay projects and damage your equipment. High temperatures can cause overheated engines and affect hydraulic fluid's thickness. Additionally, industry safety data indicates that heat-related incidents are among the leading causes of worker deaths in construction.

Spring flooding and debris accumulation pose additional risks, while fall weather brings unpredictable temperature swings and increased moisture that can lead to corrosion. Heavy machinery faces threats 365 days a year, making seasonal awareness the foundation of any effective protection program.

Core Elements of a Year-Round Protection Strategy

A thorough protection strategy must address multiple components working together to safeguard equipment investments:

- *Preventive maintenance schedules: Maintenance schedules form the backbone of any protection program, with many facilities budgeting a small percentage of total replacement asset value for maintenance expenses.*
- *Environmental controls: Navigating environmental issues includes installing proper shelters, using covers during storage and creating climate-controlled environments when feasible. Weatherproof coatings and protective treatments become more important for devices that must remain exposed to the elements.*
- *Regular inspections and documentation: Inspections help catch potential issues early, so companies with strong preventive programs can reduce costly interruptions.*
- *Staff training and awareness: A well-trained, aware team completes the protection framework. Workers must understand seasonal risks, proper storage procedures and when to implement additional protective measures based on weather forecasts.*

Leveraging Technology for Predictive Maintenance

Modern technology offers opportunities to protect equipment through data-driven insights. IoT sensors and remote monitoring systems can track its health in real time, identifying potential issues before they result in pricey breakdowns. These systems monitor everything from engine temperature and hydraulic pressure to vibration patterns and fluid levels.

Data analytics platforms can correlate performance with weather conditions, helping facility managers anticipate when additional protective measures may be necessary. For example, tracking temperature and humidity data alongside machinery's operations can reveal optimal storage conditions and maintenance schedules for different seasonal conditions.

Sustainable and Regulatory-Compliant Protection Measures

Modern equipment protection strategies must balance effectiveness with environmental responsibility. Eco-friendly lubricants, coatings and cleaning agents reduce environmental impact, while meeting OSHA standards requires careful documentation of all maintenance, proper disposal of fluids and components, and adherence to safety protocols during extreme weather events.

Companies pay billions each year to OSHA for penalties. This includes having procedures for protecting machines during extremely hot weather, extreme cold, high winds, heavy rain and lightning. For example, employers should start winterizing their equipment when nighttime temperatures get low enough to cause frost but the day is still comfortable. Regular audits and inspections help ensure compliance while identifying opportunities to improve protection measures.

Cost-Benefit Analysis: Investing in Protection vs. Reactive Repairs

The **financial case for comprehensive protection** is compelling. While **ownership and operation expenses** are substantial, **reactive maintenance approaches** can be far **more expensive than preventive** measures.

Unplanned downtime can be **expensive, making prevention** programs that **cost a fraction of this amount desirable** investments. Facilities that **invest in year-round protection** can see positive **returns through lower repair spending** and extended lifespans. **Additionally, proper seasonal** preparation can **prevent many equipment failures**, which helps **demonstrate the value of proactive** measures.

Actionable Tips for Facility Managers and Manufacturers

Implementing a **heavy machinery protection strategy** doesn't have to **happen overnight**. However, there are a **few steps you can prioritize** to see **immediate results**.

Immediate Actions

These steps are easy to implement quickly and will provide immediate protection:

- *Develop a specific checklist.*
- *Establish relationships with reliable maintenance providers.*
- *Invest in basic environmental controls such as covers and shelters.*
- *Train staff on weather-related risks.*

Long-Term Investments

Building lasting protection requires strategic investments that pay dividends over time:

- *Implement IoT monitoring systems.*
- *Upgrade to climate-controlled storage where possible.*
- *Establish predictive maintenance programs.*
- *Document all protection activities for continuous improvement.*

Emergency Preparedness

When severe weather strikes, having predetermined protocols can mean the difference between minor inconvenience and significant losses:

- *Create weather response protocols.*
- *Maintain emergency supply inventories.*
- *Establish communication systems for weather alerts.*
- *Plan for relocation during severe weather events.*

Building a Resilient Equipment Protection Program

Creating an **effective year-round protection strategy** requires a **commitment to planning** and ongoing **attention to changing conditions**. As **extreme weather events** become **more frequent and severe**, machinery that **isn't adequately protected** will face **increasing risks and prices**.

The most **successful facility managers** and **manufacturers treat protection as an investment** rather than an **expense**. By **combining preventive maintenance, environmental controls, modern technology** and **well-trained staff**, they create resilient operations that **can weather any storm while maximizing the return on their equipment spending**. The **cost of protection is always less** than replacement, so **start building your comprehensive strategy today**.

Training Saves Lives

The four most common causes of worker fatalities in the construction industry are falls, being caught in or between machinery or equipment, being struck by objects, and electrocution.

Workplace safety requires leadership from the shop floor to the manager's office, to the company boardroom. Setting an example by making safety part of daily conversations demonstrates to workers that their wellbeing is important to business success.

MJS Legacy Safety can help you ensure that everyone on the jobsite understands safety procedures they are required to follow, and to identify and suggest solutions for any existing workplace hazards.

— Give Carrie or Jeremy a call —

Leading Occupational Diseases by Category

- Musculoskeletal Disorders (MSDs)
- Fatigue
- Respiratory Illnesses
- Lead poisoning
- Asthma and COPD
- Dermatitis and Skin Diseases
- Occupational Cancer
- Heat Stress
- Byssinosis
- Noise-Induced Hearing Loss (NIHL)
- Long Working Hours

Long working hours now represent the largest occupational disease burden globally, accounting for about one-third of work-related disease deaths.

Hidden Indirect Costs

- Lost Productivity
- Training and Replacement
- Administrative Expenses
- Employee Morale

Global Perspective

*Globally, **work-related diseases and injuries** resulted in **2.9 million deaths in 2019**, a 26% increase from 2014. The associated **economic loss was estimated at 5.8% of the global GDP**, highlighting the substantial **global burden of occupational health issues**. Drawing from recent global data (WHO, ILO, and other authoritative sources), **here are the top occupational diseases by impact—both in terms of mortality and long-term burden:***

***Occupational Cancers and Noncommunicable Diseases (NCDs):** Account for a large share of work-related deaths—work-related cancers (29%) and circulatory diseases (33%) dominate globally. An estimated occupationally related cancer deaths reached about 489,000 annually, driven largely by exposure to asbestos (180,000), diesel exhaust (120,000), silica (86,000), and second-hand smoke (96,000).*

Mitigation Strategies

Implementing comprehensive occupational health programs can significantly reduce both direct and indirect costs:

- Employee Training
- Health Monitoring
- Programs, Policy, and Procedures
- Organizational Culture

By prioritizing workplace health, organizations can protect their employees and reduce the substantial hidden costs associated with occupational illness and disease. The cost savings can be used to hire more workers, incentivize productivity, purchase new equipment and machinery, and expand business operations or acquire new enterprises.

Governments can also mitigate these risks by adopting standards—capping weekly hours, enforcing rest periods, and promoting work-life balance—backed by WHO, ILO, and occupational health guidance.

Together, these changes in mitigation strategies can also benefit society in every country.

SAFETY AT EVERY LEVEL

When it comes to safety solutions, one size doesn't fit all. We have safety and health resources specifically designed to help small businesses comply with OSHA standards and receive advice you can trust.

Are you seeking to improve your workplace safety culture?

MJS Legacy Safety can help!

Give us a call!

How Crowded Job Sites Affect Safety in Industrial Work Environments



Industrial job sites are inherently hazardous due to the nature of the work, equipment, and materials involved. When these spaces become overcrowded, the risk of accidents and injuries increases. Crowded conditions can interfere with workflow, reduce visibility, obstruct access to emergency exits, and make it harder for employees to operate safely. Maintaining a safe work environment in high-density job sites requires proactive planning, communication, and design considerations.

Increased Risk of Physical Accidents

One of the most immediate effects of crowding is the elevated likelihood of physical accidents. Workers may trip over tools, extension cords, or debris that are harder to see in cramped conditions. Forklifts and other moving machinery require ample space to operate safely. When pathways are restricted, the chance of collision rises.

Falls, which are a leading cause of injury on job sites, also become more likely in tight spaces. Workers may feel pressured to cut corners, use unsafe access points, or bypass fall protection measures to meet productivity demands. The risk of falling tools or materials from scaffolds or platforms also grows when multiple workers are concentrated in small areas.

Obstructed Communication and Visibility

Effective communication is a cornerstone of workplace safety. On crowded job sites, noise levels often increase, which can make verbal warnings or alarms harder to hear. Poor visibility due to tightly packed personnel, machinery, and materials can prevent workers from seeing hazards.

Team coordination becomes more difficult when physical barriers and human congestion interfere with lines of sight. For example, a signal person guiding a crane operator may struggle to communicate effectively if visual contact is blocked by other workers or equipment. This miscommunication can have serious consequences.

Restricted Emergency Access and Egress

Emergency preparedness relies on clear access to exits, emergency equipment, and first aid supplies. In crowded job sites, these critical pathways can become blocked. If a fire or chemical spill occurs, delayed evacuation due to blocked paths can result in injury or worse.

The ability of emergency responders to reach injured workers also suffers in overpopulated spaces. Emergency response time is critical in controlling damage and preventing fatalities, and any obstacle that slows this process can have severe consequences.

Compromised Hygiene and Health Standards

Crowded industrial environments can also impact health beyond the risk of physical injury. Close proximity between workers increases the likelihood of disease transmission, particularly respiratory infections. Shared equipment, tools, or work surfaces can also serve as points of contamination.

Limited space can hinder routine cleaning efforts. In high-heat industries, inadequate airflow caused by overcrowding can lead to heat stress. The compounding factors of poor ventilation and physical strain present serious health hazards in many job site environments.

Impacts on Mental Focus and Fatigue

Overcrowded spaces often increase mental stress among workers. Constant stimulation, noise, and physical proximity can lead to sensory overload. Workers may become less attentive or distracted, raising the chance of errors in judgment or missed safety protocols.

Fatigue caused by stress or physically demanding work in tight conditions also contributes to slower reaction times and reduced decision-making ability. When individuals are mentally and physically drained, the risk of incidents rises. Maintaining a safe working environment requires attention to mental well-being as well as physical safety.

Preventive Measures to Reduce Risk

Addressing the risks of crowded job sites begins with project planning. Site layout should consider space requirements for workers, equipment, storage, and walkways. Job scheduling should stagger work to limit the number of individuals in one area at a time.

Regular safety audits should evaluate whether physical space allows for adequate movement, visibility, and access to emergency equipment. Clear signage, marked walkways, and physical barriers can help organize work zones and reduce accidental interference.

Investing in alternative solutions, such as off-site assembly, can also reduce on-site crowding. For instance, using a prefabricated e-house allows much of the electrical installation to be completed in a controlled environment before being transported to the site. This approach can reduce both labor demands and hazards in high-traffic areas.

Crowded job sites are more than a logistical challenge. They present a serious safety concern that requires strategic intervention. Through better planning, clear communication, and practical design solutions, businesses can reduce these hazards and create safer environments.

OSHA – Winter Weather Hazards/Precautions

Plan. Equip. Train.

To prevent injuries, illnesses, and fatalities during winter storms.

In addition to cold stress, there are other winter weather-related hazards that workers may be exposed to when performing tasks such as driving in the snow, removing snow from rooftops, and working near downed or damaged power lines.

- [Winter Driving](#)
- [Work Zone Traffic Safety](#)
- [Stranded in a Vehicle](#)
- [Shoveling Snow](#)
- [Using Powered Equipment like Snow Blowers](#)
- [Clearing Snow from Roofs and Working at Heights](#)
- [Preventing Slips on Snow and Ice](#)
- [Repairing Downed or Damaged Power Lines](#)
- [Working Near Downed or Damaged Power Lines](#)
- [Removing Downed Trees](#)



Additional resources

<https://www.osha.gov/winter-weather/resources>

<https://www.osha.gov/winter-weather>

All About Welder's Flash or Arc Eye

A flash burn is a painful inflammation of the cornea, which is the clear tissue that covers the front of the eye. A flash burn occurs when you are exposed to bright ultraviolet (UV) light. It can be caused by all types of UV light, but welding torches are the most common source. That's why it is sometimes called 'welder's flash' or 'arc eye.'



Flash burns are like sunburn in the eye and can affect both your eyes. Your cornea can repair itself in one to two days, and usually heals without leaving a scar. However, if the flash burn is not treated, an infection may start. This can be serious and may lead to some loss of vision.

Symptoms of flash burn

The symptoms include:

- pain that may be mild to very severe, usually starting a few hours after the incident
- bloodshot eyes
- light sensitivity
- watery eyes
- blurred vision
- the feeling of having something in your eye.

Causes of flash burn

You can receive a flash burn after being exposed to UV light. Sources include:

- welding torch
- direct sunlight
- reflection of the sun off water or snow
- sunlamp in a tanning salon
- some types of lamps, such as halogen or a photographer's flood lamp.

Diagnosis of flash burn

Diagnosis requires an eye examination, which may include:

- Anesthetic drops – the doctor may use eye drops to numb your eyes. These drops work long enough to examine your eyes and should not be used more than a few times.
- Inspection – the eyes are checked for damage.
- Dye – the doctor may put orange dye in your eyes. This shows up any damage when a special blue light is used. The dye is harmless and washes out with your tears.

Treatment for flash burn

Treatment for flash burns may include:

- Dilating drops – these are sometimes used to relax the eye muscles, which in turn eases pain and allows your eyes to rest and heal. Your pupils (the black part of the eye) will look bigger than normal. This effect lasts several hours to a few days.
- Dressing – your eyes may be covered with a padded dressing to rest them and allow them to heal. Do not drive with an eye patch on.
- Antibiotics – you may be advised to use antibiotic drops or ointment at home to stop infection. Follow your doctor's advice as to how often to use the prescribed eye drops or ointment. You may also be given a mild steroid-based anti-inflammatory drop.
- Review – you will be reviewed in 24 to 48 hours to make sure that your eyes are healing. Some problems, such as infection, don't show up right away. If there are any serious problems, you will be sent to an ophthalmologist (specialist eye doctor)
- Eye drops and ointments for flash burn

General suggestions for using eye drops and ointments include:

- Wash your hands before touching your eyes.
- Rest your finger on your cheek and pull down the lower eyelid.
- Tilt your head back and drop the liquid in behind your lower eyelid.
- For ointment, smear a small amount along the inside of the lower eyelid. Make sure that the nozzle doesn't touch the eye.
- You need to continue with the treatment until your eyes have healed.
- Keep all drops and ointment in the fridge and out of reach of children.

Taking care of yourself at home after a flash burn

Suggestions include:

- Take pain-relieving medication such as acetaminophen or ibuprofen. The pain is likely to last about a day.
- Don't wear contact lenses until your eyes have healed.
- Wear sunglasses if your eyes are sensitive to light.
- Use artificial tears or lubricants to help any discomfort in your eyes. You can buy these products over the counter at most pharmacies.
- It is important to return for a check-up when your doctor advises.

Seek urgent medical help for flash burn

You should see your doctor or go to the nearest hospital emergency department if you have symptoms including:

- blurred vision that is not due to eye drops or ointment
- worsening glare
- worsening pain
- if you are concerned about your eyes for any reason.

Prevention of flash burn

Prevention is best. Suggestions include:

- Protect the cornea from UV light by wearing coated safety goggles.
- Always wear a welder's mask when welding. Make sure the goggles are made to OSHA/ANSI Standards and cover the eyes completely.
- Sunglasses should protect against both UVA and UVB radiation. Check the label when buying sunglasses.

Where to get help

- In an emergency, call 9-1-1.
- Your doctor
- Emergency department of your nearest hospital
- Ophthalmologist
- Pharmacist
- Optometrist

Things to remember

- Flash burns are like sunburn in the eye and can affect both your eyes.
- A flash burn occurs when you are exposed to bright UV light.
- With the right care, your cornea will usually heal itself without leaving a scar.

DEADLINE IS MARCH 2ND

**Injury
Tracking
Application**



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

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

OSHA's Form 300A (Rev. 04/2004)
Summary of Work-Related Injuries and Illnesses

Number of Cases			
Total number of deaths	Total number of cases with days away from work	Total number of cases with job transfer or restriction	Total number of other recordable cases
0	0	0	0
(i)	(ii)	(iii)	(iv)

Number of Days	
Total number of days away from work	Total number of days of job transfer or restriction
0	0
(v)	(vi)

Injury and Illness Types

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

OSHA provides a [secure website](#) that offers three options for injury and illness data submissions. If your establishment is required to submit this data, you must use OSHA's [Injury Tracking Application](#), or ITA. At this link you'll find detailed information on the following:

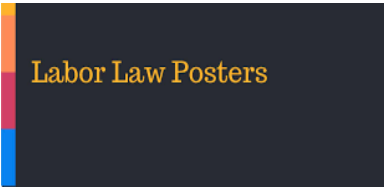
- Launch the Application
- Who is covered by this reporting requirement?
- Job Aids (How-To)
- What must covered establishments submit?
- When must covered establishments submit their completed Form 300A?
- How do I submit my establishment data?
- FAQs

All current and new account holders must connect your ITA account to a [Login.gov account](#) with the same email address in order to submit your data.

Need more assistance? Use the [help request form](#).

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

Requiring Employers to Keep Employees Informed



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.

In the absence of any new or changing statutes and regulations this month, we're providing links to useful OSHA Resources

The following provide information for employers, workers, and the general public:

OSHA QuickCards™

- [Aerial Lifts](#) | [Español](#)
- [Carbon Monoxide Poisoning](#) | [Español](#)
- [Chipper Machine Safety](#) | [Español](#) | [Portuguese](#)
- [Cold Stress](#) | [Español](#)
- [Construction Hazards \(Top Four\)](#)
- [Construction PPE](#) | [Español](#)
- [General Decontamination](#) | [Español](#) | [Portuguese](#)
- [Demolition Safety](#) | [Español](#) | [Portuguese](#)
- [Electrical Safety](#) | [Español](#)
- [Filling, Moving and Placing Sandbags](#)
- [Hand Hygiene and Gloves](#) | [Español](#) | [Portuguese](#)
- [Hydrogen Sulfide](#) | [Español](#)
- [Lead in Construction](#) | [Español](#)
- [Mold](#) | [Español](#) | [More...](#)
- [Permit-Required Confined Spaces](#) | [Español](#)
- [Portable Ladder Safety](#)
- [Protecting Worker Safety and Health under the National Response Framework](#)
- [Rescue of Animals \(Dogs\)](#)
- [Respirators](#) | [Español](#) | [Portuguese](#)
- [Tree Trimming and Removal Safety](#) | [Español](#) | [Vietnamese](#)
- [Work Zone Traffic Safety](#) | [Español](#)



Pamphlets

- [Snow Removal: Know the Hazards](#)

OSHA Fact Sheets

- [Atmospheric Testing in Confined Spaces](#)
- [Chain Saw Safety](#) | [Español](#)
- [Cleanup Hazards](#) | [Español](#)
- [General Decontamination](#)
- [Demolition Safety](#)
- [Downed Electrical Wires](#)
- [Working Safely with Electricity](#) | [Español](#)
- [Falls](#)
- [Filling, Moving and Placing Sandbags](#)
- [Flood Cleanup](#)
- [Fungi Hazards](#) | [Español](#)
- [Grounding Portable Generators](#)
- [Hand Hygiene and Gloves](#)
- [Hydrogen Sulfide](#)
- [Lead Hazards](#)
- [Mold](#)
- [NHTSA and OSHA Safe Winter Driving](#)
- [Portable Generator Safety](#)
- [Search and Rescue](#)
- [Tree Trimming Safety](#) | [Español](#)
- [Trenching and Excavation Safety](#)
- [Working Outdoors](#)
- [Work Zone Traffic Safety](#)



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 Temporary Waiver Granted

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

Announcement – [See update below](#)

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

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

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

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

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

FMCSA Launches Crash-Risk Study on Driver Schedules



Agency wants 60 motor carriers to participate in the data collection

Federal regulators plan to survey 60 motor carriers for insight into the relative risk of crashes and inspection violations based on factors related to driver work schedules.

Results of the effort presumably could lead to either loosening, tightening, or maintaining existing hours-of-service (HOS) restrictions depending on what the risk analysis shows.

“Currently, there is no comprehensive, existing data set that can be used for this project,”

FMCSA asserted in a notice published recently announcing the agency’s intent to seek Office of Management and Budget approval for the survey.

“Not collecting this data would result in an incomplete understanding of HOS-related factors that impact crash risk and the effect of alternative schedules as they relate to various aspects of HOS provisions on crash risk in CMV operations.”

“Further, the absence of this information collection would prevent FMCSA from meeting its goal – derived from the 2015 report by the National Academies of Sciences, Engineering, and Medicine – of developing a comprehensive, structured database of crash data and driver schedules to benefit future research.”

The primary objectives of the survey are to:

- Examine the relative risk of crashes and inspection violations based on various factors related to the driver’s work schedule and demographics.
- Analyze the relative crash risk by driving hour.
- Assess the impact of changes in HOS provisions.
- Examine differences in crash risk after restarts that include two nights versus those that do not.

The HOS logs and incident/crash data will be collected electronically and obtained by Pulsar Informatics, an FMCSA contractor. All personally identifiable information will be removed from the survey data.

“This deidentified data set will be provided to FMCSA after all relevant statutes of limitations (at both State and Federal levels) pertaining to legal discoverability processes have expired,” FMCSA stated.

The agency also plans to provide access to its Motor Carrier Management Information System database for crash and inspection violation records.

The public will have 60 days to comment on the survey, which FMCSA will include in its OMB approval request. FMCSA wants feedback on:

- Whether the proposed collection is necessary for the performance of FMCSA’s functions.
- The accuracy of the estimated total burden on respondents (45 hours).
- Ways the burden hours could be minimized without reducing the quality of the information.
- Ways for FMCSA to enhance the quality, usefulness, and clarity of the information.

Senators Target Cold-Weather Truck Shutdowns

Legislation could formalize EPA guidelines on truck engine performance.



New legislation has been introduced aimed at preventing automatic engine derate or shutdown functions that can be triggered in trucks operating in prolonged cold weather.

A copy of the legislation, introduced recently by Sens. Dan Sullivan, R-Alaska, and Cynthia Lummis, R-Wyo., was not immediately available.

According to the bill’s summary, it would “require the administrator of the Environmental Protection Agency to authorize manufacturers of certain vehicles to suspend engine derate or shutdown functions in prolonged cold weather conditions, and for other purposes.”

Such derate and shutdown functions are related primarily to Diesel Exhaust Fluid (DEF) and Selective Catalytic Reduction systems used by truck manufacturers to meet EPA emissions standards.

Unexpected derates can reduce a truck’s speed and power, leaving trucks stranded due to system faults or low DEF, which in turn can lead to costly maintenance and supply chain delays.

The bill represents a potential push to codify and expand guidance issued by EPA in August to ensure that existing diesel trucks, which use DEF to reduce nitrous oxide emissions, do not experience sudden engine failures after running out of the fluid.

According to EPA’s new guidelines, starting with model year 2027, all new diesel on-road trucks must be engineered to avoid sudden power loss and resulting derates after running out of DEF.

Under the new guidance, a warning light appears for 650 miles after a fault is detected, with only gradual engine derates occurring over a total of 8,400 miles or 160 hours, ending with the engine slowing to 25 mph. The changes are expected to give truck drivers much more time to diagnose and fix system problems.

Non-Domiciled CDL Emergency Rule Could Cause Capacity Crunch

Introduction to the Emergency Interim Final Rule

On September 29, 2025, U.S. Department of Transportation (DOT) Secretary Sean P. Duffy announced an emergency interim final rule to restrict non-domiciled Commercial Driver's Licenses (CDLs). This significant regulatory action, issued by the **Federal Motor Carrier Safety Administration (FMCSA)**, aims to address widespread abuse in issuing these licenses to immigrants, which has caused substantial disruptions in the trucking and supply chain industries.



Background on Non-Domiciled Commercial Driver's Licenses (CDLs)

Non-domiciled CDLs were originally introduced in 2017 to provide flexibility for drivers who resided in one state but needed to obtain a license in another. Over time, however, this licensing category expanded to include non-U.S. residents, sometimes without proper work permits. This evolution went beyond the original intent, creating a situation in which licenses were issued to individuals who may not have met all legal requirements for employment in the United States.

Key Findings from the DOT Audit

A comprehensive DOT audit revealed alarming statistics regarding non-domiciled CDLs. At least 200,000 such licenses have been issued nationwide, with particularly high concentrations in certain states. California emerged as a significant problem area, where the audit found that over 25% of non-domiciled CDLs were granted improperly.

Regulatory Guidance from FMCSA (March 2019)

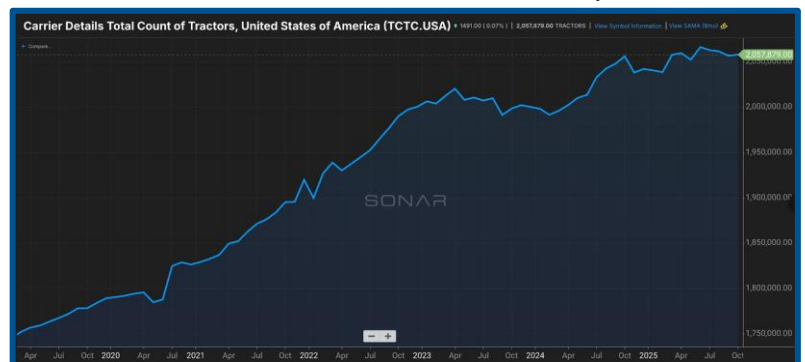
In March 2019, the FMCSA issued regulatory guidance outlining conditions under which foreign drivers could obtain non-domiciled CDLs. According to this guidance, individuals with valid employment permits or unexpired passports and U.S. Customs and Border Protection (CBP) Arrival/Departure Records could qualify. However, implementation issues soon arose, as many states failed to properly verify employment permits or align license expiration dates with work authorization periods. These oversight failures led to mounting concerns about potential fraud and safety implications in the trucking industry.

Impact on the Trucking Industry

The proliferation of non-domiciled CDLs has coincided with a dramatic increase in trucking capacity across the United States. Since the FMCSA permitted foreigners to obtain non-domiciled CDLs in March 2019, the industry has added more than 310,000 trucks to American roads.

It is not a stretch to believe that at least half of the new capacity has come from non-domiciled CDL holders. We know that 200,000 CDLs were issued, but it is unclear how many of these are still active and currently driving over the road.

Regardless, the industry has suffered greatly from the surge of new truck drivers and the sudden influx of capacity. These new participants have contributed significantly to market oversupply conditions, resulting in the longest freight recession in history. The correlation between the issuance of these licenses and industry-wide disruption points to significant regulatory challenges that must be addressed to restore balance to the freight transportation sector.



A Capacity Crunch Is Likely, but No One Knows How Fast One Will Come

The emergency interim final rule represents an important step toward addressing the unintended consequences of the non-domiciled CDL program. As the DOT and FMCSA work to implement stricter controls on these licenses, capacity will certainly tighten. The question on the mind of every freight market executive: **When will we feel it?**

↓↓↓ IMPORTANT UPDATE TO THIS ARTICLE ↓↓↓

FMCSA - Order Granting Administrative Stay of interim final rule titled Restoring Integrity to the Issuance of Non-Domiciled CDLs

Document

[2025-11-10 Order Granting Administrative Stay.pdf](#) (70 KB)

On November 10, 2025, the U.S. Court of Appeals for the District of Columbia Circuit issued an administrative stay of the interim final rule *Restoring Integrity to the Issuance of Non-Domiciled Commercial Drivers Licenses (CDL)*, 90 Fed. Reg. 46,509 (Sept. 29, 2025) that prevents the interim final rule from taking effect until further notice. Accordingly, until further notice, States are not prohibited from issuing non-domiciled CDLs and commercial learner's permits in accordance with the FMCSA's regulations and guidance in effect immediately prior to issuance of the interim final rule. *States that are subject to a corrective action plan that imposes a pause on non-domiciled CLP and CDL issuance until evidence of compliance with FMCSA's regulations and guidance, in effect immediately prior to issuance of the interim final rule, has been provided to FMCSA must continue to comply with the requirements of the plan.*

Last updated: Thursday, November 13, 2025

Construction Zones are Everywhere important safety reminder!



Work zone safety is everyone's responsibility. To drive safely through a work zone, stay vigilant, slow down, and be aware of your surroundings. Follow posted speed limits and traffic control devices like signs and flaggers, and maintain a safe following distance.

Driving Safely in Work Zones

- **Be Aware:** Pay close attention to the road and surroundings, anticipating unexpected events.
- **Slow Down:** Reduce speed as you approach and enter the work zone.
- **Follow Traffic Control:** Obey posted speed limits, signs, and directions from flaggers.
- **Merge Safely:** Be prepared to merge into the open lane when necessary, and do so as soon as it's safe.
- **Maintain Safe Following Distance:** Leave extra space between your vehicle and the one in front to avoid rear-end collisions.
- **Minimize Distractions:** Avoid using cell phones, eating, drinking, or engaging in other distractions.
- **Keep an Eye on Blind Spots:** Be aware of blind spots created by large vehicles and equipment.
- **Be Patient:** Allow extra time to travel through the work zone.



FMCSA Updates National Consumer Complaint Database, Includes Brokers

The revamped **National Consumer Complaint Database** has a shiny new interface and expanded reporting categories. For the first time, the database now has a category for complaints specifically against brokers.



The **FMCSA** stated that the update, on the front end, enhances navigation and improves functionality for users. On the back end, the agency also claims the update will streamline the agency's response process and expand reporting categories to include, for the first time, complaints against property brokers.

"This overdue tech upgrade is a win for drivers, carriers, and the driving public," said **U.S. Transportation Secretary Sean P. Duffy**. *"The modernized database will make it easier to file complaints, access digital tools, and empower individuals to speak up about unsafe practices. With your support, we will continue to take bad actors off the roads to keep the American people safe."*

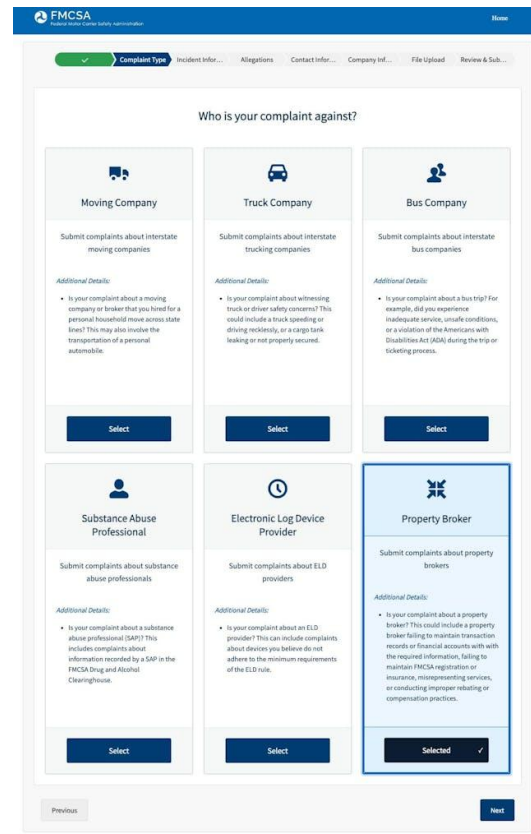
The **NCCDB** is the **Department of Transportation's** directory for complaints lodged against transportation companies. The database allows drivers and consumers to report violations of carrier regulations, including issues related to safety and fraud.



How FMCSA Changed Its Complaint Form

In the new version of the platform, **FMCSA** expanded its complaint categories and removed the checkboxes. Users can file direct complaints against brokers under the new property broker category.

The field for users to identify themselves moved from the homepage to a standalone complaint form page.



The 'complaint type' field, in addition to design changes, also expanded to include:

- Substance abuse professional
- Electronic log device provider
- Property broker

The form is no longer a bottomless series of expandable check boxes. **FMCSA** broke down its 'incident information' queries, separating incident information and complaint details into separate pages. Users will be able to see follow-up questions about driver qualification complaints, for example, only if they select that complaint topic and click 'Next.'

The most noticeable changes to the platform, however, are visual.

15% of Trucks Put Out of Service During 2025 Brake Safety Week

During the **2025 Brake Safety Week**, North American **commercial vehicle inspectors** put **15% of vehicles inspected** out of service for **brake violations**.

During the **Commercial Vehicle Safety Alliance's** annual **Brake Safety Week**, August 24-30, inspectors throughout **North America** conducted **15,175 commercial motor vehicle** inspections with a **focus on brake systems and components**.

Inspectors **placed 2,296 vehicles out of service (OOS)** due to **brake-related violations** overall across the **U.S., Canada, and Mexico**.

In the **U.S.**, the **percentage** was also about **15%**, with **2,035 brake-related** out of service **violations found** during **13,700 inspections**.

The most-cited **reason a vehicle was placed** out of service was because **20% or more of the vehicle's (or combination of vehicles') service brakes had an out-of-service** condition. Inspectors **identified 1,199** such violations, which is a **52.2% out-of-service rate**.

The **out of service rate was slightly** higher than the **2024 results**. Last year, **out of the 16,725 commercial motor vehicle inspections conducted**, 2,149 had **brake-related out-of-service violations**, a **12.8% out-of-service rate**. The rate was **similar looking at U.S. results alone**.

Drums and Rotors, PBBTs

Inspectors also **provided violation data** for **drums and rotors**, the focus for this **year's brake safety initiative**. There were **113 drum and rotor violations**. Thirty-nine **commercial motor vehicles** were placed **out of service** for rotor and/or **drum violations**. (*There may be more than one violation on some vehicles/combinations.*)

How to Measure and Improve Your Truck Brake Maintenance Program

Fifteen states with [performance-based brake testers](#) conducted **528 inspections** using their **PBBTs** during this year's **Brake Safety Week**.

A **PBBT is a machine** that assesses the **braking performance of a vehicle**. U.S. **Federal Motor Carrier Safety Regulations** and **CVSA's North American Standard Out-of-Service Criteria** require the **combination of vehicles** to have a **minimum braking efficiency** rating of **43.5% in order to pass a PBBT Inspection**.

Twenty-five (4.7%) vehicles failed to meet the required **43.5% minimum braking efficiency** rate and were placed **out of service**.

Brake Safety Week is part of the [CVSA's Operation Airbrake Program](#), a **comprehensive program** dedicated to improving **commercial motor vehicle brake safety throughout North America**.



Violation Description	Number of Violations
20% Defective Brakes Violations	1,199
Other Brake Violations	375
Brake Hoses/Tubes	306
Steering Axle Violations	199
Air Loss Rate	100

The most-cited reason a vehicle was placed out of service was because 20% or more of the vehicle's (or combination of vehicles') service brakes had an out-of-service condition.

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.

Next year's Brake Safety Week is scheduled for Aug. 23-29, 2026.

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](#).

Study Links ELP Violations to Unsafe Motor Carriers

Safety scores are worse for those with ELP violations, study finds.



New research links truck drivers who violate English-language proficiency (ELP) rules to higher rates of safety violations and poor carrier safety scores – but cautions against assuming that a driver’s lack of English proficiency is the cause.

With thousands of injuries and deaths related to truck accidents every year, “it is important to develop and implement policies that identify unsafe drivers and carriers,” the study points out, which was co-written by Alex Scott, associate professor of supply chain management at the University of Tennessee at Knoxville.

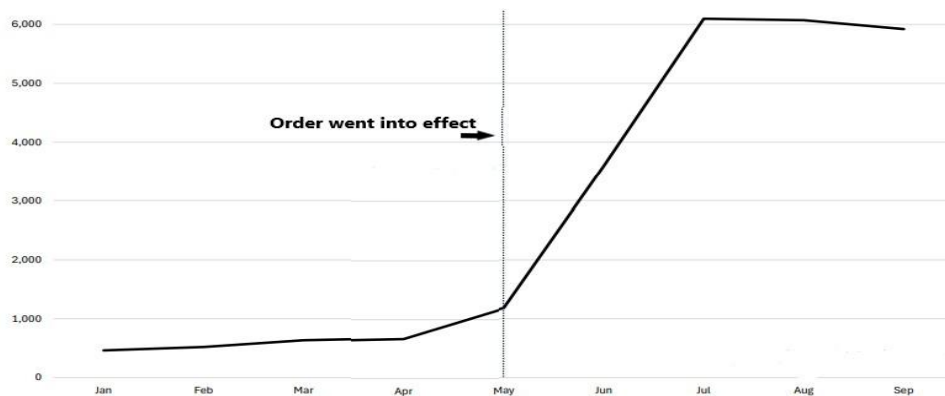
“Thus, it is worth examining whether truck drivers who violate ELP regulations are in fact less safe compared to all truck drivers, and whether the carriers that employ these drivers are less safe compared to their peers.”

For the purposes of the study, Scott focused on the Unsafe Driving, Vehicle Maintenance, and HOS Compliance from among the seven different safety categories, known as BASICS (Behavior Analysis and Safety Improvement Category) tracked and scored by the Federal Motor Carrier Safety Administration, with higher scores indicating worse safety performance, as defined by the FMCSA.

Using roadside inspection data from May 1 through September 21, the study found that inspections with an ELP violation had 2.5 times the number of total non-ELP violations relative to a comparison group, and almost 3 times the rate for the most egregious driver violations.

Carriers with ELP violations, the study found, have “bad” safety scores as measured by FMCSA. Bad scores were especially true for the vehicle maintenance and unsafe driving categories, where average carrier scores would often be in “alert” status as defined by FMCSA, which indicates a serious violation was found.

The study also revealed a “steady uptick” in enforcement in June and July, following President Trump’s April executive order cracking down on English language requirements for truck drivers – but not everywhere: California basically ignored the order, the research found, with state inspectors there citing fewer ELP violations after the order was issued compared to before.



ELP violations issued in 2025. Note: September data is extrapolated to account for sample cutoff of 9/21. Source: Alex Scott et al., UT Knoxville.

In fact, ELP violations were found at “vastly different rates across states,” the report notes, as well as when comparing federal with state inspectors, with federal inspectors reporting ELP violations at much higher rates. Rates of ELP violations on the federal level were more than 3.5 times that of Wyoming, the state with the highest rate.

Safety ratings of carriers with ELP violations were worse on average than carriers without ELP violations (see table – the higher the score the worse a carrier’s safety performance).

Safety Category	Carriers with a language violation	All carriers rated by FMCSA	For-hire, interstate, non-passenger carriers rated by the FMCSA
HOS Compliance	0.71	0.42	0.58
Vehicle Maintenance	9.06	2.77	3.33
Unsafe Driving	6.23	1.32	1.77
# Unique Carriers	6,170	783,295	481,117

Safety ratings for carriers with and without ELP violations. Source: Alex Scott et al., UT Knoxville

The average BASIC measure score in the Vehicle Maintenance category for carriers with ELP violations was 9.06, and the score for Unsafe Driving was 6.23. “These are very high scores, indicating poor safety performance,” the study notes.

Hours-of-service compliance for carriers with ELP violations was also higher, for all carriers as well as for for-hire interstate non-passenger carriers.

The study also looked at safety scores of U.S.-based versus non-U.S. based carriers – carriers based in Canada or Mexico – which are also tracked by FMCSA (for violations that occur within the U.S.).

Safety Category	Non-US-based with an ELP violation	US-based with an ELP violation	For-hire, interstate, non-passenger carriers rated by the FMCSA
HOS Compliance	0.04	1.31	0.58
Vehicle Maintenance	12.25	6.15	3.33
Unsafe Driving	0.70	11.28	1.77

Safety ratings for US- and non-US-based carriers.
Source: Alex Scott et al., UT Knoxville

Carriers based in the US had much higher (i.e., less safe) HOS Compliance BASIC scores compared to non-US carriers, “likely explained by the fact that US-based carriers are likely traveling longer distances and performing typical over-the-road operations,” the study notes, whereas non-US carriers likely are traveling shorter distances for border crossings during the day, when HOS violations are unlikely to occur, it speculates.

US-based carriers also had high unsafe driving scores. Both US based and non-US based carriers had bad Vehicle Maintenance scores, but non-US based carriers had an average score of 12.25, which is “very high,” the study acknowledges.

Causal relationship lacking

While the study could be used to support enforcement of ELP regulations as a way to identify an unsafe segment of the trucking industry, it does not prove that restricting this population based on language alone will directly eliminate the safety risk.

“The findings do not suggest that a lack of English-language proficiency causes these violations and poor carrier safety scores, just that they are correlated,” the study points out, noting two possible explanations for the correlation.

“First, if a driver cannot speak English, then the driver is unlikely to be able to understand the extensive federal rules and regulations governing trucking. This could contribute to a lack of understanding of how trucks are expected to be maintained or how hours of service rules are expected to be followed.”

“Second, it is possible that non-English speaking drivers are taken advantage of by unscrupulous carriers and managers at those carriers. It is possible that unsafe carriers hire drivers who cannot speak English and then push them to perform unsafely. If that is the case, then actions should be taken to protect drivers from those management practices.”



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 ~



“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.”

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 Mission

The U.S. Department of Labor's **Mine Safety and Health Administration (MSHA)** works to prevent death, illness, and injury from mining and promote safe and healthful workplaces for U.S. miners.

MSHA carries out the provisions of the [Federal Mine Safety and Health Act of 1977 \(Mine Act\)](#) as amended by the [Mine Improvement and New Emergency Response \(MINER\) Act of 2006](#).

The agency develops and enforces safety and health rules for all U.S. mines regardless of size, number of employees, commodity mined, or method of extraction. **MSHA** also provides technical, educational and other types of assistance to mine operators. We work cooperatively with industry, labor, and other federal and state agencies to improve safety and health conditions for all miners in the United States.

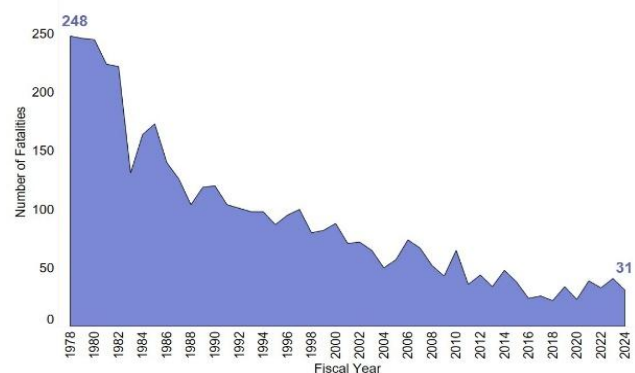
Making Strides

Safety and health in America's mining industry made significant strides during the 20th century and over the last several decades in particular. In 1978, the first year **MSHA** operated under the **Mine Act of 1977**, 242 miners died in mining accidents. In 2022, this number fell to 29 fatalities.

MSHA continues to work to reduce injuries, illnesses and death through strong enforcement as well as active outreach, education and training, and technical support to the mining industry.



U.S. Mining Fatalities by Fiscal Year (1978-2024)



Miners have the right to file hazardous complaints, and are required by law to report all mining accidents immediately – within 15 minutes of when the operator knew or should have known about the accident.

Miners can call or email any MSHA inspector or office, call our 24/7 hotline at 1-800-746-1553, or report online through MSHA's [Hazardous Condition Complaint system](#), or use the [Miner Health and Safety app](#).



Check out the
Health Tool for miners

When Mobility Isn't a Given: Bridging the Evacuation Gap for an Aging Workforce

Imagine a manufacturing plant on a chilly morning when the fire alarm suddenly sounds. As younger employees move confidently toward exits, an older technician with knee issues hesitates at the top of the stairwell, uncertain whether they can descend safely without assistance.

The reality is this situation is becoming more common as employees over the age of 55 now account for nearly a quarter of the workforce. With the workforce demographics changing drastically over the past decade, it's imperative for EHS managers and safety teams to rethink evacuation planning. Failure to adequately identify and prepare for employees with limited mobility or different abilities can lead to delayed evacuations, increased liability, and most critically, preventable injuries or fatalities.



Identifying the Gap in Recognizing Disabled Employees

Your evacuation plan is only as good as your understanding of your employees' abilities. [Corporations estimate that 4-7%](#) of their workforce are people with disabilities. When disabilities are disclosed, companies, of course, provide day-to-day accommodation and support for employees. But what about unreported disabilities? A recent global survey of employees found that [25% of respondents](#) reported having a disability or health condition that limits their daily activities, yet [only 21% of people](#) report their disability to their employers. And with growing concerns around the aging workforce potentially being discriminated against, the population may be even less forthcoming in highlighting the support that they need.

Does your evacuation plan account for a way to safety and quickly support nearly a fourth of your population in a single flow evacuation, meaning that no one needs to re-enter the building once they have successfully made it to safety? At [Ethos Preparedness](#), we often see evidence from our **EHS assessments** that physical assessments, voluntary disclosure forms, or HR databases often fail to capture the full spectrum of employees' capabilities, leaving safety managers unaware of hidden evacuation risks until it's too late. Without a systematic approach — combining regular self-reporting opportunities, confidential check-ins, and HR collaboration — **EHS teams** risk underestimating the number of individuals who might need assistance during an emergency evacuation.

Ensuring Emergency Plans Address Disabilities

Creating a plan that accurately accounts for disabled employees requires more than just understanding that the need exists. Your building's physical infrastructure, evacuation routes, and available equipment all must be evaluated, conveniently located, and trained on to ensure that employees can quickly activate during an emergency. **EHS professionals** can utilize the following key strategies to address the hidden disability gap with their emergency evacuation plan.

1. Engaging with Employees Annually

Regular and inclusive reviews of your emergency evacuation plan are essential. While it is important to engage with all employees to review and enact evacuation plans each year, holding an open session for employees that may have special considerations during an evacuation can not only help identify unknown needs, but also give those employees additional time to determine any accommodations needed. These sessions should provide a forum for employees to voice their concerns and suggest modifications to existing procedures.

2. Regular Training and Drills

Targeted training programs and regular evacuation drills can help identify different considerations that different areas of the business may benefit from. Drills should simulate real-world scenarios and include participation from all individuals in the company to test the efficacy of your tailored plans.

When it comes to supporting non-ambulatory or mobility impaired employees, the [Occupational Safety and Health Administration \(OSHA\)](#) found that up to [40% of workplace emergency plans lack specific protocols for this population](#) — a gap that can translate into catastrophic delays when an evacuation is needed. To mitigate this gap, we can consider:

- Implementing a buddy system, pairing able bodied employees with those that will need more assistance.
- Grouping employees based on location, potential mobility constraints, and proximity to evacuation stairwells. From there, model evacuation roles and routes to minimize confusion.

These approaches not only align with **ADA guidance**, which underscores the need for identifying primary evacuation routes and secondary routes that accommodate wheelchairs, walkers, and other assistive devices, but give employees confidence in how to safely evacuate everyone during an emergency.

It's also important that your evacuation plans consider the ways that your organization works including vacation time and remote or hybrid employees. Your evacuation plan must be agile enough to account for varying occupancy levels, shifting evacuation roles, and navigate any impact to the buddy system that you have implemented.

Your Evacuation Approach

The best evacuation approach is the [single-flow evacuation](#), meaning that everyone exits the building together and no one needs to go back in to reuse evacuation equipment or support other colleagues in getting out. To achieve a single-flow evacuation, there must be enough safety equipment and trained personnel to evacuate all who need assistance in a single operation. In many evacuation scenarios, building re-entry would not be safe for your staff. Your annual drills are both an opportunity to test your staff's ability to execute the evacuation plan and to informally assess their sheer ability to navigate a stairwell quickly and safely.

Now you might be thinking, by the time some people have exited the building, first responders should be on scene and would then be able to go in and support others that need help evacuating. While that could potentially be true, that is a critical aspect of your plan that you have no control over and would significantly increase the liability and risk to your people. Instead, having enough evacuation equipment, like the [Med Sled®](#), that can easily be stored and used to evacuate people can minimize the risk of having to leave someone behind and keep all of your people safe.

In practice, **EHS teams** conduct a facility-wide evacuation readiness assessment to determine the optimal locations to deploy equipment. Evacuation equipment, like Med Sleds, should be strategically placed throughout the work areas, ensuring that they are easily accessible. It's also important that all evacuation equipment is not cached in a single location in case that location becomes inaccessible during an emergency. Employees must be trained to quickly deploy the sled, load and secure occupants safely and drag or lower them down a stairwell safely. Unlike traditional evacuation chairs or improvised stretchers, Med Sleds enable two employees — regardless of their physical strength — to safely evacuate a person 2-3 times their own body weight. Crucially, Med Sleds are compatible with a “no re-entry” philosophy: once a sled and its operator exit a hazardous zone, neither needs to return, minimizing risk for first responders and preventing bottlenecks that can occur when rescuers must leave equipment to help additional evacuees.

After-Action Reviews

While it is a common practice to conduct after action reviews following a drill, seeking feedback from beyond the drill facilitators may elicit more comprehensive feedback. Holding an open session for employees or sending a post-drill survey can reveal unknown needs. One common challenge in successfully preparing your workforce for an evacuation is underinvesting in training. While evacuation plans and roles may be learned easily, ongoing skill decay means your team may forget proper deployment techniques if they don't practice at least semi-annually.

To bridge these gaps, EHS professionals should consider a structured, five-step roadmap:

1. **Evacuation Needs Assessment:** Conduct annual audits to inventory employees with mobility limitations, using confidential surveys and HR data, then overlay this information on facility floor plans to identify high-priority evacuation zones.
2. **Equipment Placement and Redundancy:** Based on single-flow readiness guidelines, cache evacuation equipment, like Med Sleds near key stairwells (ideally within 100 feet of any occupied workstation) and ensure redundancy by placing at least one unit per floor or wing. Use storage cases or steel cabinets to protect this equipment from damage while maintaining rapid access.
3. **Training and Competency Verification:** Integrate the use of your evacuation equipment into annual safety drills, emphasizing both proper use and ergonomic techniques. Maintain a roster of super users, employees who receive advance training and can mention others during an emergency, on each shift.
4. **Cross-Functional Drills and Communication:** Facilitate joint exercises that involve **EHS, Facilities, HR, Security**, and if possible, local first responders. Simulate scenarios such as fire alarms, power outage, or chemical release, ensuring your team can coordinate handoff of any safety equipment to first responders outside the building.
5. **Continuous Improvement and Feedback Loops:** After each drill or real-world activation, gather feedback from participants — especially differently abled employees — and refine evacuation maps, equipment locations, and communication protocols accordingly.

By embedding these steps into a continuous improvement cycle, organizations can transform evacuation planning from a static compliance exercise into a dynamic, people-centric process that accounts for evolving workforce demographics.

As the U.S. workforce continues to age and diversify, **EHS professionals** must anticipate and mitigate evacuation risks that go beyond traditional “*one-size-fits-all*” strategies. Organizations that fail to identify differently abled employees, neglect specialized evacuation equipment like Med Sleds, or overlook the complexities of single-flow evacuation are leaving vulnerable populations at risk and exposing themselves to potential legal and reputational fallout. By adopting a data-driven, inclusive approach — anchored in the latest demographic and disability statistics — safety managers can ensure every employee, regardless of mobility or medical condition, has a clear, reliable path to safety.

Seasonal health issues affect many people.

For your convenience, we'll continue to provide links so that you can access the most updated information.

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

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

SUPPORTING WORKERS WITH LONG COVID: A Guide for Employers

SINCE THE COVID-19 PANDEMIC BEGAN IN THE SPRING OF 2020, COVID-19 HAS IMPACTED PEOPLE IN MANY WAYS.

Government reports estimate that millions of Americans have experienced prolonged, lingering symptoms, a condition known as Long COVID. These symptoms can be severe enough to affect an individual's ability to function, including the ability to work. Below are Long COVID resources.

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

News Release

US Department of Labor terminates COVID-19 healthcare rulemaking

January 15, 2025

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

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

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

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

[Read the termination of rulemaking.](#)



From all of us at
MJS Legacy Safety ...

Be safe out there!!