

## MJS Legacy Safety Consulting Services LLC

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

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

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

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## DOL Adjustments to OSHA Civil Penalties for 2024

The U.S. Department of Labor announced changes to **Occupational Safety and Health Administration** civil penalty amounts based on cost-of-living adjustments for 2024 on January 11.

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 2024, January 15 is a federal holiday. Therefore, new **OSHA** penalty amounts became effective Jan. 16, 2024.

**OSHA's** current maximum penalties for serious and other-than-serious violations are \$16,131 per violation. Failure to Abate, \$16,131 per day beyond the abatement date. The maximum penalty for willful or repeated violations is \$161,323 per violation.

- Visit the [OSHA Penalties page](#) for more information.
- Inspections, Citations, and Proposed Penalties Standard Number: [1903.15](#)



▶ **DOL Adjustments to OSHA Civil Penalties for 2024**

The U.S. Department of Labor changes to **Occupational Safety and Health Administration** civil penalty amounts based on cost-of-living adjustments for 2024. [read more...](#)

▶ **Schedule of Classes – Mar 2024** [read more...](#)▶ **Drug Testing**

More and more of the 3<sup>rd</sup> Party Auditing companies like NCMS and TPS Alert are requiring drug testing levels slightly above the levels of some of the regulatory levels to ensure drug testing is being completed each quarter. [read more...](#)

▶ **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...](#)

▶ **Injury Tracking Application ...** Collecting data on workplace injuries and illnesses is important... [read more...](#)▶ **DOL Rule Expanding Submission Requirements for Injury, Illness Data Provided by Employers in High-Hazard Industries —** *Final rule takes effect Jan. 1, 2024, for certain employers* [read more...](#)▶ **Fee Changes for Student Course Completion Cards for Outreach Training Program**

Effective Oct. 1, 2023, OSHA increased the fee for new course completion cards from \$8 to \$10 per card [read more...](#)

▶ **Inspection Notice: MSA Latchways® Guided Type Fall Arresters** [read more...](#)▶ **DOL Obtains Decision to Revoke Contractor's License for Repeated Defiance of Safety Regulations, Failure to Pay Penalties** [read more...](#)▶ **FILING A WORKPLACE COMPLAINT — whistleblower or safety and health complaint?** [read more...](#)▶ **National Safety Stand-Down To Prevent Falls in Construction** **MAY 6-10, 2024** [read more...](#)▶ **National Ladder Safety Month is ...** observed every March. Begun by the **American Ladder Safety Institute** [read more...](#)▶ **Control of Hazardous Energy (Lockout/Tagout)**

You KNOW what can happen when a machine isn't locked out and tagged out... [read more...](#)

▶ **Head Protection Standards Need to Catch Up to the Latest Research**

The construction industry continues to be one of the most dangerous in the nation. [read more...](#)

▶ **How to Manage Soft Tissue Injuries in the Workplace**

If you have ever suffered a soft tissue injury, you know how painful and frustrating it can be. [read more...](#)

▶ **Requiring Employers to Keep Employees Informed**

A new topic every month..... "Federal Fair Labor Standards Act" [read more...](#)

Your Right to Know

## AGRICULTURAL SAFETY NEWS SUMMARY

▶ **WELCOME TO STAND UP 4 GRAIN SAFETY WEEK** **March 25 – 29, 2024** [read more...](#)

## TRANSPORTATION NEWS SUMMARY

▶ **Reminder - Federal Drug Testing Custody and Control Form Mandatory...** [read more...](#)▶ **DOT 2024 Regs Violation Penalty Increases** [read more...](#)▶ **Inspection Bulletin**

2024-01 – Unified Carrier Registration Enforcement Bulletin for 2024 Registration Year [read more...](#)



## TRANSPORTATION NEWS SUMMARY cont'd

- ▶ **UCR fees for 2024 registration year** are approximately 9% less than fees for 2023 [read more...](#)
- ▶ **FMCSA Issues Active Phishing Alert: Scammers push fake safety audit claims** [read more...](#)
- ▶ **FMCSA Drug Test Conversion Requests - Also Known as "DOT Downgrades"**  
The U.S. DOT's FMCSA no longer accepting requests to convert a DOT drug test to a non-DOT test [read more...](#)
- ▶ **Inspectors Keying on Tractor Protection Systems, Drug /Alcohol Possession During Roadcheck** May 14-16 [read more...](#)
- ▶ **Colo. Law: Move Over for Me** "*Slow Down, Move Over*" protections to **ALL** disabled vehicles. [read more...](#)
- ▶ **Speed Limiter Rulemaking Now Expected in May**  
FMCSA now expects to publish its SNPRM on a motor carrier-based speed limiter mandate in May [read more...](#)
- ▶ **FMCSA Eyeing CDL Testing Requirement Changes** ... aimed at streamlining the process. [read more...](#)
- ▶ **FMCSA IN PLANNING STAGES OF NEW STUDY ON SEXUAL HARASSMENT, ASSAULT AMONG DRIVERS** [read more...](#)

## MSHA NEWS SUMMARY

- ▶ The Mine Safety and Health Administration is now on **FACEBOOK!** [read more...](#)
- ▶ **MSHA Safety Alerts ... Truck Dumping Safety ... Operating Equipment Near Water** [read more...](#)



## MONTHLY SAFETY & HEALTH TIP NEWS SUMMARY

- ▶ **National Heatstroke Prevention Day is May 1, 2024**  
Heatstroke is one of the leading causes of vehicular not-in-traffic non-crash-related deaths for children. [read more...](#)
- ▶ **Safety at Work: ADDRESSING GENDER-BASED VIOLENCE AND HARASSMENT IN THE CONSTRUCTION INDUSTRY** [read more...](#)
- ▶ **OSHA Workplace Mental Health Bulletin**  
Mental health is an important component of overall well-being and is equally as vital as physical health for all employees. [read more...](#)

## COVID/RSV/FLU INFORMATION/RESOURCES SUMMARY

For your convenience, we have moved all COVID/flu/RSV information and resource [links](#) to the last page of the newsletter.



“Training Spotlight”

(a different course will be featured monthly)

> HANDS-ON FIRE EXTINGUISHER TRAINING

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

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

Schedule of classes March 2024: • TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543

- \*PEC Safeland Basic Orientation: NEW 2021 SAFELAND: Mar 4 (All Virtual); Mar 18, 29; 8 – 4:30;
- \*First Aid/CPR/AED/BLOODBORNE PATHOGENS (We offer MEDIC FIRST AID): Mar 14, 26; 8 – noon;  
*In Person Classes: This class is also available for blended learning (online) with remote or in-person skills assessment*
- \*Hydrogen Sulfide Awareness [ANSI Z390 -2017 Course]: Mar 14, 26; 12:30 – 4:30;  
*This class available via Instructor Led video conference*
- \*Confined Space Entry Training - Attendant, Supervisor, Competent Person & Entrant [NUCA Course]: Mar 25;

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 [www.mjslegacysafety.com](http://www.mjslegacysafety.com)

SOURCES FOR THIS ISSUE

- INCLUDE:
- OSHA
  - FMCSA
  - ISHN
  - CCJ
  - NHTSA
  - DOT
  - MSHA
  - Traffic Safety Marketing
  - US DOL
  - Women’s Bureau
  - MSA The Safety Company
  - OSHA Alliance
  - WORKSAFE
  - American Ladder Safety Institute
  - NSDSA
  - CVSA

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

— FEATURED TRAINING PROGRAMS —

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

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

Want to schedule a class On-Site at your Facility...  
~ or ~  
Attend a class at our Training Center?  
Just give us a call !!

Need Help With

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

CALL US!!!

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

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



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

## Drug Testing

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



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

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

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

### 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](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](#)



## MARCH 2<sup>ND</sup> DEADLINE APPROACHING



.... 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.

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

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

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

Injury and Illness Types	

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

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

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

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

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

## DOL Rule Expanding Submission Requirements for Injury, Illness Data Provided by Employers in High-Hazard Industries

***Final rule took effect Jan. 1, 2024, for certain employers***



The U.S. Department of Labor's final rule requires certain employers in designated high-hazard industries to electronically submit injury and illness information – that they are already required to keep – to the department's **Occupational Safety and Health Administration**.

The [final rule, effective starting Jan. 1, 2024](#), now includes the following submission requirements:

- *Establishments with 100 or more employees in certain high-hazard industries must electronically submit information from their Form 300-Log of Work-Related Injuries and Illnesses, and Form 301-Injury and Illness Incident Report to OSHA once a year. These submissions are in addition to submission of Form 300A-Summary of Work-Related Injuries and Illnesses.*
- *To improve data quality, establishments are required to include their legal company name when making electronic submissions to OSHA from their injury and illness records.*

OSHA will publish some of the data collected on its website to allow employers, employees, potential employees, employee representatives, current and potential customers, researchers and the general public to use information about a company's workplace safety and health record to make informed decisions. OSHA believes that providing public access to the data will ultimately reduce occupational injuries and illnesses.

"Congress intended for the Occupational Safety and Health Act to include reporting procedures that would provide the agency and the public with an understanding of the safety and health problems workers face, and this rule is a big step in finally realizing that objective," explained Assistant Secretary for Occupational Safety and Health Doug Parker. "OSHA will use these data to intervene through strategic outreach and enforcement to reduce worker injuries and illnesses in high-hazard industries. The safety and health community will benefit from the insights this information will provide at the industry level, while workers and employers will be able to make more informed decisions about their workplace's safety and health."

The final rule retains the current requirements for electronic submission of information from Form 300A from establishments with 20-249 employees in certain high-hazard industries and from establishments with 250 or more employees in industries that must routinely keep OSHA injury and illness records.

Learn more about OSHA's [injury and illness recordkeeping and reporting requirements](#).

# Fee Changes for Student Course Completion Cards for Outreach Training Program

**Effective Oct. 1, 2023, OSHA increased the fee for new course completion cards from \$8 to \$10 per card to address significant cost changes associated with producing and distributing the cards. The new fee reflects the first cost increase since 2017.**



**OSHA will adjust the fee every two years if needed based on the Consumer Price Index.**

Fees for **replacement cards**, established by the **Authorizing Training Organizations**, may also be **affected by this cost** increase. Workers who **already have outreach cards do not need to request replacements.**

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

To obtain **copies of course completion** documents, such as **student course completion** cards, students **must contact the original training provider.** Please note, **replacement student course completion** cards for **OSHA Outreach Training**

**Program** classes **cannot be issued for training** completed more than **five years ago.** Only **one replacement card** may be issued **per student per class.**

[Authorized outreach trainers and online providers](#)

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

## MJS Legacy Safety

is an [Authorized Outreach Trainer.](#)

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

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

**Give us a call!**

February 2024

SOURCE: MSA Safety — [communications@msasafety.com](mailto:communications@msasafety.com)

## Inspection Notice: MSA Latchways® Guided Type Fall Arresters

This Inspection Notice is to inform you of a one-time inspection procedure regarding the locking pin on **MSA Latchways® Guided Type Fall Arresters (GTFAs)** that were manufactured between February 16, 2021 and January 30, 2024. Potentially affected models are listed in Table 1 in the linked Inspection Notice.

**MSA** has received a field report of an **MSA Latchways GTFa** that did not have a locking pin in the nut of the swivel connector between the carabiner and main body of the unit. Without this locking pin in place, there is potential for the connection to come loose during operation.

**MSA** has not received any reports of injuries associated with this condition. However, we are requesting that you perform the inspection outlined in this notice prior to next use.

**For more information, please view the full Inspection Notice.** Your safety and continued satisfaction are important to us, and we apologize for any inconvenience that this may have caused.

[Full Notice – English](#)

[Full Notice – FR Canadian](#)



Model Number	Material description
3100L-00T	LADDERLATCH DEVICE
3100L-00RU	LADDERLATCH ASSYLHAND MK11RUSSIA
3103L-00	CANADIAN LADDERLATCH ASSY L/H
3104L-00	LADDERLATCH DEVICE US (L/HAND)
3100L-00AC	LADDERLATCH ASSY (L-HAND) MK2
3102L-00	TOWERLATCH L/H DEVICE
3100R-00	LADDERLATCH ASSEMBLY MK2 -R/H
3101R-00	LADDERLATCH ASSEMBLY (R/HAND) MK2
85192-00	CLIMBLATCH MK2 FINAL ASSEMBLY
3102L-00BR	TOWERLATCH L/H DEVICE
3105L-00	TOWERLATCH WITH WEBBIING STROP US
3102L-00AC	TOWERLATCH WITH WEBBIING STROP
35429-00	TOWERLATCH S.P.
85191-00	CLIMBLATCH DEVICE
85195-00	CANADIAN CLIMBLATCH DEVICE



... the price to pay for neglecting to provide fall protection

## DOL Obtains Decision to Revoke Contractor's License for Repeated Defiance of Safety Regulations, Failure to Pay Penalties



The Massachusetts Board of Building Regulations and Standards has revoked a construction supervisor's license for at least two years as the result of a complaint filed by the U.S. Department of Labor citing seven separate citations issued to his company since 2014 for violating federal fall safety regulations, as well as continued failure to pay more than \$300,000 in related penalties.

The department's Regional Solicitor's Office and OSHA in Boston presented evidence against the owner of the Construction company before the board's hearing officer and obtained a favorable decision in Nov. 2023, which revoked his license. In the decision, the hearing officer ordered the contractor to return his license and cease any work on active building permits he holds until a successor license holder is substituted or the contractor regains his license.

OSHA estimates that the owner currently holds a number of active building permits in Massachusetts.

"Employers must never overlook the importance of worker safety, especially when it comes to protecting construction industry workers from falls from elevation," said OSHA Regional Administrator Galen Blanton in Boston. "This Construction company owner's continued failure to protect his employees from the industry's leading cause of death led the Massachusetts Board of Building Regulations and Standards to take decisive action."

The Commonwealth of Massachusetts requires construction supervisor's licenses for projects that meet certain thresholds and can revoke them when holders fail to comply with the [OSH Act](#).

"This decision reinforces that construction industry employers must comply with the Occupational Safety and Health Act and make worker safety a priority," explained Regional Solicitor of Labor Maia Fisher in Boston. "Employers who fail to comply with the federal workplace safety standards risk serious consequences, both federal and state."

The Bureau of Labor Statistics reports that 1,056 construction workers died on the job in 2022, with 423 of those fatalities related to falls from elevation, making it the leading cause of industry deaths.

OSHA offers [safety information](#) and [video presentations](#) in English and Spanish to teach workers about [fall hazards and proper safety procedures](#).

Need help with  
**FALL PROTECTION TRAINING COURSES?**  
Give Carrie or Jeremy a call – MJS Legacy Safety!

### FILING A WORKPLACE COMPLAINT CHOOSING THE RIGHT ONE

Workers have the right to report injuries, safety issues, and actions taken against them for speaking up including being fired, demoted, or disciplined. Workers have the right to file a whistleblower or safety and health complaint, and in some instances both.

This [chart](#) outlines the differences.

Remember, employers are required to follow safety laws and keep you safe. Employers must also maintain a workplace free from retaliation for voicing concerns about hazards or violations of federal law.





# National Safety Stand-Down

## To Prevent Falls in Construction

MAY 6 - 10, 2024

Help to eliminate fatal falls by joining workers and employers across the country May 6-10 in the [National Safety Stand-Down to Prevent Falls](#).

Fatalities caused by falls from elevation continue to be a leading cause of death for construction employees, accounting for 395 of the 1069 construction fatalities recorded in 2022 (BLS data). Those deaths were preventable. The **National Safety Stand-Down** raises fall hazard awareness across the country in an effort to stop fall fatalities and injuries.

If you're working at 6 feet or higher, you need fall protection.

### What is a Safety Stand-Down?

A **Safety Stand-Down** is a voluntary event for employers to talk directly to employees about safety. Any workplace can hold a stand-down by taking a break to focus on "Fall Hazards" and reinforcing the importance of "Fall Prevention". Employers of companies not exposed to fall hazards, can also use this opportunity to have a conversation with employees about the other job hazards they face, protective methods, and the company's safety policies and goals. It can also be an opportunity for employees to talk to management about fall and other job hazards they see.

### How to Conduct a Safety Stand-Down and [FAQs](#)

Go to this [link](#) for complete event information

## National Ladder Safety Month is Here!



National Ladder Safety Month is observed every March. Begun by the **American Ladder Safety Institute** (ALI), the event raises awareness about ladder safety and encourages employers and their workers to engage in annual ladder safety training. In industrial settings, ladders and climbing are often integral to certain job functions, so safe practices are critical to success.

If your job responsibility includes employee safety, now is the time for you to sign up at [ALI's Ladder Safety Training site](#), and prepare for training. The site makes safety training easy all year long, with an organized curriculum, video, and resource libraries – all completely free.

Training courses are designed to seamlessly complement and integrate with an organization's existing training program. Managers can choose as much or as little as they require; use the entire program wholesale or select a la carte to bolster gaps in their own training.

After signing up, trainers and training managers can develop a custom dashboard, called a Trainer's Toolbox, in which they select training and testing, assign them to trainees, and monitor trainee performance and progress on the assignments. These dashboards can track everything from a handful of trainees for smaller organizations all the way up to hundreds for larger enterprises.

Topics covered include single and extension, articulated, mobile, and stepladders, with courses available in English or Spanish.

Taking training on [laddersafetytraining.org](#) does not require an invitation from a trainer. Anyone who wishes to enhance their awareness of ladder safety can sign up. And, obviously, training is available 24/7/365 – not only during Ladder Safety Month.

These four weeks each year allow ALI to take deep dives into different aspects of ladder safety, narrowing in tightly on one topic each week, to promote safety tips and training.

### This year's topics include

- Week One: Training and Awareness;
- Week Two: Inspection and Maintenance;
- Week Three: Stabilization, Setup, and Accessories; and
- Week Four: Safe Climbing and Positioning.

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!

# Control of Hazardous Energy (Lockout/Tagout)



You **KNOW** what can happen when a machine isn't locked out and tagged out. **LOTO like your life depends on it... because it does.** Brush up on safe procedures here:

## What is hazardous energy?

Energy sources including electrical, mechanical, hydraulic, pneumatic, chemical, thermal, or other sources in machines and equipment can be hazardous to workers. During the servicing and maintenance of machines and equipment, the unexpected startup or release of stored energy can result in serious injury or death to workers.

## What are the harmful effects of hazardous energy?

Workers servicing or maintaining machines or equipment may be seriously injured or killed if hazardous energy is not properly controlled. Injuries resulting from the failure to control hazardous energy during maintenance activities can be serious or fatal! Injuries may include electrocution, burns, crushing, cutting, lacerating, amputating, or fracturing body parts, and others.

- A steam valve is automatically turned on burning workers who are repairing a downstream connection in the piping.
- A jammed conveyor system suddenly releases, crushing a worker who is trying to clear the jam.
- Internal wiring on a piece of factory equipment electrically shorts, shocking worker who is repairing the equipment.

Craft workers, electricians, machine operators, and laborers are among the millions of workers who service equipment routinely and face the greatest risk of injury.

## What can be done to control hazardous energy?

Proper lockout/tagout (LOTO) practices and procedures safeguard workers from hazardous energy releases. OSHA's Lockout/Tagout [Fact Sheet](#) describes the practices and procedures necessary to disable machinery or equipment to prevent hazardous energy release. The OSHA standard for The Control of Hazardous Energy (Lockout/Tagout) ([29 CFR 1910.147](#)) for general industry outlines measures for controlling different types of hazardous energy. The LOTO standard establishes the employer's responsibility to protect workers from hazardous energy. Employers are also required to train each worker to ensure that they know, understand, and are able to follow the applicable provisions of the hazardous energy control procedures:

- Proper lockout/tagout (LOTO) practices and procedures safeguard workers from the release of hazardous energy. The OSHA standard for The Control of Hazardous Energy (Lockout/Tagout) ([29 CFR 1910.147](#)) for general industry, outlines specific action and procedures for addressing and controlling hazardous energy during servicing and maintenance of machines and equipment. Employers are also required to train each worker to ensure that they know, understand, and are able to follow the applicable provisions of the hazardous energy control procedures. Workers must be trained in the purpose and function of the energy control program and have the knowledge and skills required for the safe application, usage and removal of the energy control devices.
- All employees who work in an area where energy control procedure(s) are utilized need to be instructed in the purpose and use of the energy control procedure(s), especially prohibition against attempting to restart or reenergize machines or other equipment that are locked or tagged out.
- All employees who are authorized to lockout machines or equipment and perform the service and maintenance operations need to be trained in recognition of applicable hazardous energy sources in the workplace, the type and magnitude of energy found in the workplace, and the means and methods of isolating and/or controlling the energy.
- Specific procedures and limitations relating to tagout systems where they are allowed.
- Retraining of all employees to maintain proficiency or introduce new or changed control methods.

# Head Protection Standards Need to Catch Up to the Latest Research

The construction industry continues to be one of the most dangerous in the nation. In 2021, the industry was responsible for approximately 1 in 5 workplace fatalities, and workers face a number of risks that can lead to injuries as well. Construction accounted for a total of 46.2% of all workplace accidents resulting from slips, trips, and falls in 2021.



The safety hazards on jobsites cannot be overstated, yet the **head protection** available to workers has seen little improvement over the past several decades.

## The History Of The Hard Hat

To get a sense of the personal protective equipment (PPE) available to workers today, it helps to take a look at the very first hard hats. Dating back to World War I, hard hats were first introduced when the U.S. built ships for the Navy: The Hard-Boiled Hard Hat was developed out of boiled leather and metal in 1919. Inner suspensions were added in 1928, which were designed to help absorb the impact of dropped objects. Throughout the 1930s and 40s, helmets made from aluminum and fiberglass were created, before the plastic hard hat, which debuted in 1951.

Helmets have seen a variety of updates in the years since, from attachments for face shields, hearing protection, and integrated eyewear, to rated chinstraps. However, beyond these functional updates, mostly in terms of useful accessories, helmets have changed relatively little from those that were first created in the twentieth century.

## Today's Helmet Options

While some workers are unsure of why helmets must be worn and the protection they can provide against traumatic brain injuries (TBIs), there is often confusion surrounding the differences between Type I and Type II helmets, and what they're designed to protect against.

Under the current [ANSI/ISEA Z89.1](#) standard, the two types of helmets available are **Type I** and **Type II**. Type I helmets are meant to protect wearers from the force of impact to the top of the head and helmet. Type II helmets are also designed to protect wearers from impacts to the top of the head, in addition to reducing the force of lateral, or side, impacts from blows that could be off center.

Depending on the work you do, you may also want to pay special attention to the helmet classification, as the helmet classification indicates its electrical performance. The three classes of helmets include **G, general**; **E, electrical**; and **C, conductive**. Class G helmets are designed to reduce exposure to low voltage conductors; Class E are designed to reduce exposure to high voltage conductors; Class C provides vented options and is not intended to add protection against contact with electrical conductors.

Helmets under the ANSI/ISEA Z89.1 standard must meet five performance tests to obtain their classification. The tests include flammability, force transmission, apex penetration, impact energy attenuation, and electrical insulation. The force transmission test concludes whether helmets reduce the force of linear impact to the top of the head, while energy attenuation tests determine whether helmets reduce the force of linear impacts to the front, rear, and sides of the helmet as well.

However, it's important to note that these tests only determine the impact of linear forces. Here's why that's a problem.

## Rotational Motion And Traumatic Brain Injuries

Traumatic brain injuries, or TBIs, are injuries that can impact how the brain functions. TBIs can lead to short-term issues, impacting how someone thinks, moves, or communicates, long-term issues including disabilities, and even death.

For the construction industry, accidents such as slips, trips, and falls are a crucial concern. When someone's head makes impact with an object or the ground, research demonstrates that this typically occurs at an angle, and therefore exposes them to something called rotational motion. The combination of rotational energy (angular velocity) and rotational forces (angular acceleration), rotational motion can result from oblique impacts to the head. When rotational motion is transferred to the head, it can result in shearing and subsequent damage to the brain's axons, the cable transmitters of the neurons.

Research has shown that the brain is more sensitive to rotational motion than linear motion regarding concussions. Simply put, if rotation is a factor, concussions can occur even from seemingly light impacts.

Different types of impacts to the head can lead to different types of injuries. For example, rotational motion can result in diffuse injuries, such as diffuse axonal injury and subdural hematoma. Linear injuries, injuries that result from straight impacts to the head, can lead to focal injuries, such as fractures and contusions. In most accidents, linear and rotational motion commonly occur simultaneously, which can potentially lead to greater risk of injury.

## Why This Is An Issue With Today's PPE

Currently, no tests are being done to determine the impact of rotational motion on the helmet wearer's head in today's standards for hard hats and safety helmets. We have begun to see rotational motion being taken into account in the sports and moto industries, but the construction industry has not applied such tests.

For those in the construction industry, it's important to know what PPE is available, and how it can potentially protect against the risks of the job. Many employers now require Type II helmets to be worn, and many also require the inclusion of chinstraps. These helmets provide an added layer of safety compared to Type I helmets, which rarely include chinstraps, and often fail to protect workers from slips, trips, and falls as they can easily fall off the wearer's head.

However, it is crucial to note that neither Type I or Type II helmets address the potential impact of rotational motion. Workers should take into consideration whether their helmets are designed to address rotational motion.

While the standards haven't changed much in recent years, research and reports continue to indicate the harmful effects of rotational motion as well as the importance of a well-fitted helmet while on the job.



# How to Manage Soft Tissue Injuries in the Workplace

If you have ever suffered a soft tissue injury, you know how painful and frustrating it can be. Soft tissue injuries can occur in any part of the body and often take a long time to heal. The average healing time once treatment has started is 12-14 weeks. Let's discuss what soft tissue injuries are, how to recognize them, and how to manage them in the workplace.



## What are soft tissue injuries?

Soft tissue injuries are any injury that affects the muscles, tendons, ligaments, or skin. They can occur in any part of the body. Some common examples of soft tissue injuries include strains, sprains, and contusions.

Soft tissue injuries can be caused by repetitive motions, sudden trauma, or overuse. They are one of the most common types of injuries and often, if not treated early, will result in a more serious musculoskeletal disorder requiring extensive and costly treatment.

## How do you recognize a soft tissue injury?

Recognizing soft tissue injuries can pose a considerable challenge due to them being undetectable on X-rays and other imaging assessments. These injuries may not leave visible marks on conventional medical scans. Instead, individuals and healthcare professionals must rely on observing an array of symptoms to discern their presence. These symptoms encompass a spectrum of experiences, including pain that can range from dull aches to sharp sensations, visible swelling as the body's response to inflammation, the emergence of bruising as blood vessels rupture within the injured tissue, and a constrained range of motion that highlights the compromised functionality of the affected area.

Pain is the most common symptom and is often accompanied by joint stiffness, redness or swelling, and/or muscle tightness. Sometimes, such as with nerve-related issues, numbness, and tingling will occur.

**Early-stage symptoms** include aching and tiredness of the affected limb that occurs during the work shift but disappears at night and on days off – this is the best time to start addressing an injury with early intervention programs.

**Intermediate-stage symptoms** include aching and tiredness that occurs early in the work shift and persists at night.

**Late-stage symptoms** of injuries include aching, fatigue, and weakness that persist at rest, an inability to sleep and perform light duties.

## How do you manage a soft tissue injury in the workplace?

If you have a soft tissue injury, there are some things you can do to help manage your symptoms and speed up your recovery. First, it is important to rest the injured area and avoid activities that aggravate your symptoms but still stay active and moving. You should also ice the injury for 20 minutes several times a day, and take over-the-counter pain medication as needed.

## What should you do if you suffer a soft tissue injury at work?

If you suffer a soft tissue injury at work, the first thing you should do is report it to your supervisor.

Being aware of your body and noticing early signs is key to keeping these injuries from developing into something more serious. Once you have reported the injury, your employer should provide you with instructions on what to do next.

There are many options for treating soft tissue injuries, the first being early intervention. If you have any questions or concerns about your employee's injury, suggest that they consult with a medical provider to determine the best course of action.

## Are there any steps that can be taken to prevent soft tissue injuries?

**Several steps that can be taken to prevent soft tissue injuries in the workplace:**

**First**, it is important to warm up before doing any physical activity.

**Second**, you should use proper techniques by adhering to ergonomic principles, following correct body mechanics when performing any tasks, and avoiding repetitive motions whenever possible.

**Third**, it is important to take breaks often and stretch your muscles regularly. There are several ergonomic risk factors that should be addressed and avoided to help prevent discomfort during the workday. Ergonomic risk factors are workplace situations that cause wear and tear on the body and can cause injury. These include repetition, awkward posture, forceful motion, stationary position, direct pressure, vibration, extreme temperature, noise, and work stress.

## Final Thoughts on Soft Tissue Injury Management

Soft tissue injuries have become a primary concern within workplace environments, and fortunately, they can be averted through the implementation of preventive measures. By adopting a proactive approach, employers and employees can significantly reduce the risk of such injuries occurring in the first place.

Strategies like ergonomic adjustments, regular breaks, proper training on lifting and movement techniques, and maintaining a safe and clutter-free workspace can all contribute to minimizing the likelihood of these injuries.



# Requiring Employers to Keep Employees Informed

## Labor Law Posters

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

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

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

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

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

## Federal Fair Labor Standards Act (FLSA)

On January 10, 2024, the U.S. Department of Labor published a final rule [Employee or Independent Contractor Classification Under the Fair Labor Standards Act](#), effective March 11, 2024, revising the Department's guidance on how to analyze who is an employee or independent contractor under the Fair Labor Standards Act (FLSA). This final rule rescinds the Independent Contractor Status Under the Fair Labor Standards Act rule ([2021 IC Rule](#), 86 FR 1168), that was published on January 7, 2021. This guidance will be updated.

Every employer of employees subject to the Fair Labor Standards Act's minimum wage provisions must post, and keep posted, a notice explaining the Act in a conspicuous place in all of their establishments so as to permit employees to readily read it. The content of the notice is prescribed by the Wage and Hour Division of the Department of Labor.

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments. Covered nonexempt workers are entitled to a minimum wage of not less than \$7.25 per hour effective July 24, 2009. Overtime pay at a rate not less than one and one-half times the regular rate of pay is required after 40 hours of work in a workweek.

- **FLSA Minimum Wage:** *The federal minimum wage is \$7.25 per hour effective July 24, 2009. Many states also have minimum wage laws. In cases where an employee is subject to both state and federal minimum wage laws, the employee is entitled to the higher minimum wage.*
- **FLSA Overtime:** *Covered nonexempt employees must receive overtime pay for hours worked over 40 per workweek (any fixed and regularly recurring period of 168 hours – seven consecutive 24-hour periods) at a rate not less than one and one-half times the regular rate of pay. There is no limit on the number of hours employees 16 years or older may work in any workweek. The FLSA does not require overtime pay for work on weekends, holidays, or regular days of rest, unless overtime is worked on such days.*
- **Hours Worked:** *Hours worked ordinarily include all the time during which an employee is required to be on the employer's premises, on duty, or at a prescribed workplace.*
- **Recordkeeping:** *Employers must display an official poster outlining the requirements of the FLSA. Employers must also keep employee time and pay records.*
- **Child Labor:** *These provisions are designed to protect the educational opportunities of minors and prohibit their employment in jobs and under conditions detrimental to their health or well-being.*

[Federal Fair Labor Standards Act \(FLSA\) poster \(pdf\)](#) — **Poster last revised: April 2023**  
(previous versions, including the August 2016 version, no longer fulfill the posting requirement and should be replaced).



March 25 – 29, 2024

## WELCOME TO STAND UP 4 GRAIN SAFETY WEEK

Because **everyone** deserves to go home from work each day, we have **come together** as an industry to take a **stand** for safety.

The **National Stand Up for Grain Safety Week** sponsored by the **Alliance**, a collaboration of **agricultural industry groups**, provides a **collective industry focus** on, and **commitment to safety**.

**Stand Up 4 Grain Safety Week** is a dedicated **focus on safety** and the **hazards our employees, contractors, and customers face every day**.

### How do I participate?

During the week, **plan an event(s)** that focuses on a **suggested topic area** or other **topic** to **find small changes** at your **workplace** that can **make big impacts** in **reducing hazards** and **improving safety**.

**List your local event** on the **Stand Up 4 Grain Safety website**. An **interactive map** allows others (*and local media*) to see what's **happening near them**.

Visit the [Resources](#) page for **event planning** and **promotion resources**.

View the [Video](#) to **learn more**.

View [Stand Up 4 Grain Safety Week “about” info](#)

View [2024 Stand Up 4 Grain Safety Week poster](#)

View [more info](#)

### Do I have to hold an event to participate?

**No!** We make it **easy to participate** in **Stand Up Week**. If you **don't have the resources** to hold your **own event**, no **problem!** **Join us for FREE daily virtual learning sessions focused on the suggested topics**. “[REGISTER](#)” to select the sessions you **want to attend**.

### Who participates?

Large companies, **small facilities**, feedlots, producers, **breweries, mills**, educators, and more. Any **business and/or individual** that uses, **stores, handles** or works around **grain is encouraged to participate**.

### Kick-Off Location:

Mitchell Technical College, 1800 E Spruce St, Mitchell, South Dakota 57301

### Featured Topics:

- [Monday: Stand Up Week Kick-Off](#)
- [Tuesday: Safety Culture](#)
- [Wednesday: Strains, Sprains, & MSDs](#)
- [Thursday: Ladder Safety](#)
- [Friday: Heat Stress & Temperature Extremes](#)

### OSHA

*Alliance Questions; Stand Up Questions, Requests, Suggestions*

200 Constitution Ave. NW

Washington, DC 20210

Ann Grevenkamp | [grevenkamp.ann@dol.gov](mailto:grevenkamp.ann@dol.gov)



# 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 2024 Regs Violation Penalty Increases

The Department of Transportation published a [final rule](#) in the *Federal Register*, Thursday, Dec 28, 2023, updating the civil penalty amounts (*effective immediately*) that may be imposed in 2024 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)

## Inspection Bulletin

### 2024-01 – Unified Carrier Registration Enforcement Bulletin for 2024 Registration Year

Created: Jan. 1, 2024

#### Summary

- This [bulletin](#) (pdf) provides guidance for verifying compliance with Unified Carrier Registration (UCR) during a roadside inspection and encourages roadside enforcement for the 2024 registration year, effective Jan. 1, 2024.

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

- To learn more about the UCR Plan, go to <https://plan.ucr.gov/>.

#### Enforcement Guidance

- The 2024 UCR enforcement begins Jan. 1, 2024. The UCR Board recommends that states begin enforcement for the 2024 registration year on Jan. 1, 2024.
- The **Federal Motor Carrier Safety Administration (FMCSA)** has a Title 49 Code of Federal Regulations (CFR) violation code in the inspection software to indicate that a carrier is not in compliance with UCR, which is 392.2 UCR - Failure to pay UCR fees.
- Any non-compliance of the UCR registration should be documented on the Driver/Vehicle Examination Report as a “392.2 UCR - Failure to pay UCR fees” violation.



UCR fees for 2024 registration year are approximately 9% less than fees for 2023, depending on the applicable fee bracket.

The changes reduce the fees paid by motor carriers, brokers, freight forwarders, and leasing companies to the UCR Plan and the participating states.

The official website of the UCR plan is [Plan.UCR.gov](https://Plan.UCR.gov).

#### The new fees for the 2024 registration year:

2023 vs. 2024 Unified Carrier Registration Plan fees						
No. of power units	0-2	3-5	6-20	21-100	101-1,000	1,001 and above
2023 fee (previous)	\$41	\$121	\$242	\$844	\$4,024	\$39,289
2024 fee (new)	\$37	\$111	\$221	\$769	\$3,670	\$35,836
Difference	-\$4	-\$10	-\$21	-\$75	-\$354	-\$3,453

## FMCSA Issues Active Phishing Alert:



### Scammers push fake safety audit claims

The **Federal Motor Carrier Safety Administration** published an alert for motor carriers with authority about phishing attempts by criminals posing as agency auditors via email. The "fake safety audit" attempt is taking the form of emails to registered entities, including motor carriers, "pretending to be **FMCSA**" notifying you of the "need to schedule a safety audit," the agency said.

In the email, there's a link that looks as if it goes to a legitimate URL on the [Safer website](#), mirroring **FMCSA's MCS-150 form updates**. Yet the page includes entry fields requesting a carrier's PIN, Employer Identification Number (*EIN*), and Social Security number.

Having all of those elements would "allow the unauthorized party to gain access to your **FMCSA** account," **FMCSA** said. With such access, crooks would get the keys to the kingdom and could change information to impersonate carriers and other entities in fraudulent freight transactions.

The email containing the link is "very convincing this is coming from **FMCSA**," the agency said, at first glance.

Official safety-audit communications, the agency added, will "typically come directly from an **FMCSA** dedicated mailbox, or from the entity within the State that has been assigned the responsibility to conduct the safety audit. While these emails typically end in a .gov extension, we encourage our stakeholders and customers to verify any email or communication they feel to be suspicious with the appropriate agency or contact your **FMCSA Division Office** directly to clarify." [Find all division offices at this link.](#)



**FMCSA** shared this image of the problem module on the web page the email linked to, crafted to look official.

## FMCSA Drug Test Conversion Requests - Also Known as "DOT Downgrades"

The U.S. Department of Transportation's  
Federal Motor Carrier Safety Administration (FMCSA)  
no longer accepting requests to convert a DOT drug test to a non-DOT test

As you may know, the process for converting a DOT drug test to a non-DOT test is not required by [49 CFR Part 40](#).

It is important for you to know that the **FMCSA** is no longer asking employers or [Medical Review Officers](#) to send in requests for "DOT Downgrades". Instead, here is an important update from the **FMCSA**:

**Effective immediately**, **FMCSA** no longer accepts requests to convert a DOT drug test to a non-DOT test. However, if a violation has been incorrectly reported to the **FMCSA's Drug and Alcohol Clearinghouse** based on a non-DOT drug test, or a DOT drug test that should have been processed as non-DOT, a petition to request correction of the driver's **Clearinghouse** record may be submitted through **FMCSA's DataQs system**.

Detailed instructions on how to file a petition are available at this [link](#) (pdf).

If the test result has not been entered into the **Clearinghouse**, then the employer can make the determination without consulting with **FMCSA**.

The employer should create a record of the justification that would be available upon request in the event of a future inspection.

In either case, there is no need to contact the laboratory that reported the result, or to request the laboratory to re-report the result as non-DOT.

**NOTE:** The information above is also setup as the autoreply when someone emails [fmcsadrugandalcohol@dot.gov](mailto:fmcsadrugandalcohol@dot.gov). The **FMCSA** is aware that most messages to that inbox pertain to downgrade requests.

Reach out for More Information

[JoMcGuire@ndasa.com](mailto:JoMcGuire@ndasa.com)

[National Drug & Alcohol Screening Association](#)



## Inspectors Keying in on Tractor Protection Systems, Drug and Alcohol Possession During Roadcheck

The **Commercial Vehicle Safety Alliance's (CVSA)** [International Roadcheck](#) is scheduled for May 14-16 this year with a [focus on two areas](#) -- tractor protection systems and alcohol and controlled substance possession.

**International Roadcheck** is a high-visibility, high-volume commercial motor vehicle inspection and regulatory compliance enforcement initiative that takes place over three days in Canada, Mexico and the United States.

During **Roadcheck**, CVSA-certified law enforcement personnel will inspect commercial motor vehicles and drivers at weigh/inspection stations, temporary sites and mobile patrols to verify compliance with federal, state, provincial or territorial regulations. Data from the 72 hours of **International Roadcheck** will be collected and the results will be released this summer.

Controlled substance and alcohol possession/use remains a significant concern for motor carriers, drivers and the general public, CVSA said, as the number of prohibited drivers listed in the **U.S. Drug and Alcohol Clearinghouse (DACH)** has been increasing. As of the most recent (*December*) [monthly report](#) from the **Clearinghouse**, there were 158,330 drivers listed as prohibited as a result of drug/alcohol testing/violations in the database. That's up from 120,345 in **December 2022**, representing an annual increase of more than 30%.

This year CVSA hopes **Roadcheck** will serve as a reminder to motor carriers to establish and strictly enforce clear policies to prevent controlled substance and alcohol possession or use in the workplace. Also, U.S. motor carriers should regularly query the **DACH** to ensure their drivers are not in prohibited status.

Truck drivers are reminded to not possess, use or be under the influence of alcohol or controlled substances while on duty. Inspectors are reminded to be vigilant in the detection and interdiction of such driver violations during every inspection.

**Roadcheck's** other focus, on the tractor protection systems, CVSA hopes will increase awareness for drivers, motor carriers, technicians and enforcement personnel of these vehicle components; specifically, the tractor protection valve, trailer supply valve and anti-bleed back valve, which may be overlooked during trip and roadside inspections.

To assist drivers and motor carriers in the proactive assessment and maintenance of those components, CVSA has provided an [inspection bulletin](#) outlining the steps on how to properly check tractor protection systems.



Over the three days of **International Roadcheck**, inspectors will conduct their routine [North American Standard Level I Inspection](#), which is a thorough 37-step inspection procedure consisting of the examination of vehicle components and driver documentation and requirements.

A vehicle that successfully passes a Level I or V Inspection without any critical vehicle inspection item violations may receive a [CVSA decal](#), which is valid for three months.

If inspectors find out-of-service violations, as outlined in the [North American Standard Out-of-Service Criteria](#), the vehicle will be restricted from operating until all out-of-service violations have been properly addressed.

During the driver portion of an inspection, inspectors will check the driver's operating credentials, hours-of-service documentation, **DACH** status (*in the U.S.*), seat belt usage, and for alcohol and/or drug impairment. If an inspector identifies driver out-of-service violations, such as not possessing a valid or necessary operating license or exhibiting signs of impairment, the inspector will restrict that driver from operating their vehicle.

For **International Roadcheck**, in case of inclement weather or other limiting circumstances, instead of a Level I Inspection, a jurisdiction or an inspector may opt to conduct a [Level II Walk-Around Driver/Vehicle Inspection](#) or [Level III Driver/Credential/Administrative Inspection](#), neither of which are eligible for a CVSA decal.

### Colo. Law: Move Over for Me

THESE PROTECTIONS TOOK EFFECT IN AUGUST 2023.

Colorado joined the ranks of just nine other states in offering robust "**Slow Down, Move Over**" protections to **ALL disabled vehicles.**

[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.**

## Speed Limiter Rulemaking Now Expected in May



The **Federal Motor Carrier Safety Administration** now expects to publish its supplemental notice of proposed rulemaking (SNPRM) on a motor carrier-based speed limiter mandate in May of this year, according to an updated Significant Rulemaking Report from the Department of Transportation.

The previous rulemaking report published in September, which first listed the maximum speed for the mandate at 68 mph before the agency backtracked to remove a specific speed, indicated the speed limiter proposal would be published in December 2023.

**FMCSA** said its new proposal will require motor carriers operating trucks equipped with an electronic engine control unit (ECU) capable of governing the truck's maximum speed to limit the truck to a speed as determined by the rulemaking and maintain that ECU setting for the service life of the truck.

The new SNPRM would supersede **FMCSA's** joint proposal with the National Highway Traffic Safety Administration (NHTSA) in 2016.

**DOT's** latest Significant Rulemaking Report also updates the expected publication dates of other rulemakings in the works.

The joint final rule from **NHTSA** and **FMCSA** to propose to require automatic emergency braking (AEB) systems on trucks is still expected to be published in April -- the same timeline as the previous rulemaking report released in September. The proposed AEB rulemaking released last year would require heavy commercial vehicles with FMVSS-required electronic stability control systems to be equipped with an AEB system.

An SNPRM that would require a new-entrant knowledge test is also still set to publish by its previously proposed date of July 2024. The rulemaking would consider methods for ensuring a new applicant carrier is knowledgeable about the applicable safety requirements before being granted New Entrant authority. The agency is considering whether to implement a proficiency exam as part of its revised New Entrant Safety Assurance Process as well as other alternatives. The rulemaking is in response to issues raised in a petition from Advocates for Highway and Auto Safety regarding new-entrant applicant knowledge.

Near the end of last summer, **FMCSA** released an advance notice of proposed rulemaking (ANPRM) to gather feedback on potential changes to its carrier safety rating system, dubbed its "safety fitness determination" rule. The agency is now planning to release a notice of proposed rulemaking (NPRM) by July 2025, giving the agency potentially 18 more months before the rule's publication.

**FMCSA** said its rulemaking will seek information on how it might use data and resources more effectively to identify unfit motor carriers and to remove them from the nation's roadways. **FMCSA** would seek public comment about the use of available safety data, including inspection data, in determining carrier fitness to operate. The agency would also seek public input on possible changes to the current three-tier safety fitness rating structure. The action would also include a review of the list of **Federal Motor Carrier Safety Regulations** (FMCSRs) that the agency uses in its safety fitness rating methodology.

Notably absent from the new rulemakings report is a rulemaking on brokered-freight transparency, which had been included in the previous report. The broker transparency rulemaking was a response to requests from the **Owner-Operator Independent Drivers Association** and the **Small Business in Transportation Coalition** (SBTC) to provide more transparency in brokered freight transaction.

**OOIDA** petitioned **FMCSA** to require brokers to provide an electronic copy of each transaction record automatically within 48 hours after the contractual service has been completed and explicitly prohibit brokers from including any provision in their contracts that requires a motor carrier to waive its rights to access the transaction records.

**SBTC** requested that **FMCSA** prohibit brokers from coercing or otherwise requiring parties to brokers' transactions to waive their right to review the record of the transaction as a condition for doing business, as well as to adopt regulatory language indicating that brokers' contracts may not include a stipulation or clause exempting the broker from having to comply with the transparency requirement.

On the other side of the fight, the Transportation Intermediaries Association, representing brokers, has vowed to fight any proposal that would change broker transparency regulations, with TIA President and CEO Anne Reinke calling such a change "rate intrusion," adding that it would drive rates down. Last year, **FMCSA** denied TIA's 2020 petition to remove the [49 CFR 371.3\(c\)](#) transparency regulation entirely.

**FMCSA's** previous timeline for the rule's publication was Oct. 31, 2024. Now, the rule isn't listed on the report at all. It's currently unclear if **FMCSA** intends to continue pursuing the rule. **OOIDA** said in a statement recently that, "Our understanding is that this is not unusual and that not all proposals go on these types of reports."





## FMCSA Eyeing CDL Testing Process Changes

The **Federal Motor Carrier Safety Administration** is proposing changes to CDL testing requirements aimed at streamlining the process.

A notice of [proposed rulemaking](#) published Friday, Feb. 2, in the *Federal Register* in a move that **FMCSA** said it believes will “improve the efficiency and convenience of CDL issuance and improve highway safety by further ensuring the integrity of third-party CDL knowledge testing.” **Proposed changes**, among them **some that would make permanent for all conditions** for which the agency has granted numerous waivers in past, are as follows:



- Expanding applicants' ability to take a CDL skills test in a state other than their state of domicile
- Permitting a commercial learner's permit (CLP) holder who has passed the CDL skills test to operate a commercial vehicle on public roads without having a qualified CDL holder in the passenger seat
- Eliminating the requirement that an applicant wait at least 14 days to take the CDL skills test following initial issuance of the CLP
- Requiring that third-party knowledge examiners be subject to the training, certification and record check standards currently applicable to state knowledge examiners and to the auditing and monitoring requirements now applicable to third-party skills testers
- Removing the requirement that CMV drivers must have a passenger (P) endorsement to transport CMVs designed to carry passengers, including school buses, when the vehicle is being transported in a driveaway-towaway operation and the vehicle is not carrying any passengers.

“**FMCSA** believes the proposed changes will further address **CMV driver shortages**, enhance supply chain stability, and provide appropriate regulatory relief without impacting safety,” the agency said in the **NPRM**. In fact, **FMCSA** said, the **proposal with the change** related to **third-party knowledge-test** examiners.

As noted, **some of the changes** being proposed **have already been granted** as exemptions from the **regulations in recent history**. A number of **large fleets**, including **C.R. England**, **New Prime** and more, have held **exemptions** that allow **CLP holders** who have passed the **CDL skills test** to operate without a **CDL holder in the passenger seat**.

The **third-party testing**, **14-day eligibility** and **out-of-state testing regs** were waived for **at least parts** of the **COVID-19 pandemic**, as well, as **state driver's license agencies** were operating on a **limited basis** or **struggled with staffing issues**.

**FMCSA** seeks **public feedback** on the proposal, which will have a **60-day comment period** ending **April 2, 2024**. Comments can be made at [www.regulations.gov](http://www.regulations.gov) by searching **Docket No. FMCSA-2023-0115**.

## FMCSA IN PLANNING STAGES OF NEW STUDY ON SEXUAL HARASSMENT, ASSAULT AMONG DRIVERS

The **Federal Motor Carrier Safety Administration** is planning to undertake a study to understand and quantify the prevalence and severity of sexual assault and sexual harassment (**SASH**) experienced across the commercial motor vehicle (**CMV**) industry, particularly among drivers.

The agency said it is seeking information on **how best to design** and conduct a study to identify, categorize and assess context and trends of **SASH** in the **CMV** industry.

**FMCSA** is particularly interested in how to support women currently in these jobs and those seeking to enter the **CMV** industry. The **request for information (RFI)** seeks **feedback on how best** to approach the study holistically in terms of **statistical sampling**, study design, and administering the appropriate data collection efforts.

For example, **FMCSA** seeks information on how best to treat categories of gender, sexual orientation and ethnicity in the study, as well as **best practices** in designing questions that use the latest standards for **SASH** research and address the breadth and lifecycles of careers in the **CMV** industry.

This study builds on recommendations from **FMCSA's Women of Trucking Advisory Board (WOTAB)** to better understand problems of **SASH** among drivers, thereby helping identify possible countermeasures.

**FMCSA** will use the results of the study to understand any potential regulatory or policy measures needed to improve driver safety and mitigate **SASH**; work with industry partners on outreach and other efforts to improve driver safety through **SASH** prevention; and support the participation of women in the **CMV** industry.

The agency is asking for comments on **10 specific questions** in its **RFI**, which can be seen in the [Federal Register docket](#). The comment period will be open for **30 days** beginning Thursday, Feb. 8. Comments can be [filed here](#) through March 11.

## Connect with MSHA

The Mine Safety and Health Administration is now on [FACEBOOK!](#)

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



### MSHA Safety Alerts

#### Truck Dumping Safety

On January 2, 2024, the driver of an over the road tractor-trailer haul truck died when the trailer tipped over onto the cab of the tractor. The driver was dumping part of the load of gravel from the trailer.

Between 2018 and 2024, mine operators reported 14 injury accidents where over the road trucks tipped or rolled over while dumping. During the same period, miners were also injured when 28 off-road mine haul trucks tipped or rolled over. The accidents can be prevented with proper training and following best practices:

#### Best Practices

##### For Drivers:

- Dump only on level surfaces, free of spillage. Make sure elevated dump sites are substantial and equipped with adequate dump point restraints.
- Keep your truck and trailer in a straight line when backing up and never move faster than walking speed.
- Avoid dumping in high or gusty wind conditions.
- Stay in the cab with your seatbelt on during the dumping process. Never attempt to exit or jump from an overturning truck.
- After dumping, remove any compacted material before reloading the truck.
- Evenly distribute the load and use antifreeze in cold weather to prevent material from freezing and sticking in the truck bed.
- Never overload trucks or trailers.

[Safety Alert \(pdf\)](#)



#### Operating Equipment Near Water

From 2010 through 2023, there were 19 drowning accidents. Eleven of these fatal accidents occurred when mobile equipment, operating near water, became submerged. When working near water mine operators should:

- Conduct workplace examinations and eliminate hazardous conditions.
- Keep mobile equipment a safe distance from the water's edge.
- Ensure miners wear a seatbelt when operating mobile equipment.

Emergency underwater breathing devices are commercially available, and they come in all different shapes and sizes. If made available and miners are properly trained, these devices can potentially increase miners' chances of survival if they fall into water.

#### Best Practices

- Provide emergency underwater breathing devices to miners with risk of falling into water.
- Train miners in the use of underwater breathing devices in case of an emergency.
- Keep water rescue equipment easily accessible.
- To assist miners in exiting a submerged cab, develop an underwater emergency egress kit which may include a nose clip, mask, underwater breathing device, PFD, and glass breaking device.
- Provide and ensure miners wear a Coast Guard approved Type I or Type V personal flotation device (PFD).

[Safety Alert \(pdf\)](#)



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**



## National Heatstroke Prevention Day is May 1, 2024

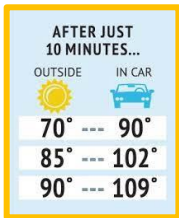


**Heatstroke** is one of the leading causes of vehicular not-in-traffic non-crash-related deaths for children. More than **50% of hot car fatalities** occur because a child was unknowingly left in a car. Heatstroke can happen when a child is left in, or gets trapped in, a car on a hot day. Very young children can't exit the vehicle on their own or alert an adult that they are trapped. When the outside temperature is 93°F the temperature inside a car can quickly reach 125°F raising body temperature to dangerous levels. Children are at particular risk because their bodies heat up 3 to 5 times faster than an adult's. Sadly, 969 children have died from heatstroke in a hot car since 1998.

- In 2023, 29 children died because of vehicular heatstroke.
- On average, 37 children die per year due to vehicular heatstroke.

Yet, this tragedy is 100% preventable.

Cars can heat up to dangerous temperatures in just 10 minutes on a hot day, but heatstroke can happen on days when temperatures are as low as 57 degrees.



Like a greenhouse, the sunlight passes through the windows and heats up the dash and car seat thus heating up the ambient air. Cracking the window or parking in the shade does little to cool the car.

While it seems like an impossible mistake to make, every parent or caregiver can potentially become distracted, and distractions often fuel this devastating situation. No one is immune.

We each have a role to play to help keep our kids safe. Help us share life-saving tips and resources with as many people as we can.

**Help us spread the word: Once You Park, Stop, Look, Lock.**

Click [here](#) for campaign materials. NHTSA is preparing to release a new tagline and campaign material for Vehicular Heatstroke Prevention around May 1. Until then, you can continue using our previous material.

On behalf of the NHTSA team, thanks for your proactive support in child heatstroke prevention.

### Safety at Work: ADDRESSING GENDER-BASED VIOLENCE AND HARASSMENT IN THE CONSTRUCTION INDUSTRY



Join us for the second in a series of four webinars with the Occupational Safety and Health Administration. This webinar will focus on the importance of addressing gender-based violence and harassment (GBVH) in the construction industry and how GBVH impacts worker health and safety.

Speakers will include a construction worker, an employer, representatives from stakeholder groups and a representative from the Equal Employment Opportunity Commission (EEOC). Spanish interpretation will be available.

- Agency Hosts [Women's Bureau](#)
- Date and Time TUESDAY, MARCH 5, 2024 02:00 - 03:00 PM EST
- Location [Register here](#)

### OSHA Workplace Mental Health Bulletin

Mental health is an important component of overall well-being and is equally as vital as physical health for all employees. Mental health concerns due to work have the potential to adversely impact an employee's social interactions, productivity, performance, and absenteeism.

Stress affects people in a variety of ways such as muscle tension, headaches, stomach discomfort, high blood pressure, and heart disease. Ignoring workplace stress can have lasting harmful effects on individuals, families, co-workers, and communities.

Here's a link to the OSHA [Bulletin](#) (pdf)

**Take Care of your Mental Health!**  
A healthy mind is very important  
for a healthy body!

Navigating the variety of viruses lurking around this season can be difficult at times. 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](#), [RSV & flu](#)
- [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 for Exposure to COVID-19

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.

## SUPPORTING WORKERS WITH LONG COVID

According to the [Centers for Disease Control and Prevention](#), some people who had COVID-19 experience a range of new or ongoing symptoms, known as post-COVID conditions or Long COVID.

These symptoms can last weeks, months, or years, and can worsen with physical or mental activity.

[Read more including examples of accommodations for common symptoms of Long COVID and its related conditions.](#)



From all of us at  
MJS Legacy Safety...

Be safe out there!!