THE TURNING Point

Raising The Standard RTS CONSULTING INC.

AUGUST 2025

This newsletter is to inform you of recent changes & trends regarding health and safety.

The Turning Point is a monthly newsletter covering topics from various industries and sectors. The Turning Point will respond to your inquiries and inform you of current services and updates regarding

Raising the Standard Consulting Inc.

RAISING THE STANDARD CONSULTING
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CONSULTANT ARTICLE FEATURE

MICHAEL SOTO, CHST

I HAVE HAD THE PRIVILEGE OF WORKING IN OCCUPATIONAL ENVIRONMENTAL HEALTH AND SAFETY FOR TWO DECADES. I AM KEEN TO SHARE SOME VALUABLE INSIGHTS ON ENSURING THE SAFETY AND WELL-BEING OF OUR TEMPORARY TRAFFIC ZONES, WITH THE ULTIMATE GOAL OF ACHIEVING A ZERO-INCIDENT RECORD. MY EXTENSIVE EXPERIENCE IN THIS FIELD POSITIONS ME WELL TO ASSIST BOTH PERSONNEL AND BUSINESS OWNERS IN EFFECTIVELY NAVIGATING COMPLEX SAFETY REGULATIONS.

DURING MY TIME AT MILITARY FACILITIES IN THE BEAUTIFUL STATE OF HAWAII, I HAVE DEVELOPED A NUANCED UNDERSTANDING OF VARIOUS WORKPLACE HAZARDS AND CULTIVATED A PROACTIVE APPROACH TO ADDRESSING ENVIRONMENTAL HEALTH AND SAFETY CHALLENGES. I FIRMLY BELIEVE THAT, THROUGH COLLABORATION, WE CAN FOSTER INNOVATIVE SOLUTIONS THAT NOT ONLY ENHANCE SAFE WORKING ENVIRONMENTS BUT ALSO SIGNIFICANTLY MINIMIZE RISKS. ULTIMATELY, OUR SHARED GOAL IS TO ENSURE THAT EVERY EMPLOYEE RETURNS HOME SAFELY EACH DAY. LET US JOIN FORCES TO MAKE SAFETY A TANGIBLE DAILY REALITY.

OSHA 29 CFR 1926, MUTCD, & EM-385-1-1 & HIGH VISIBILITY SAFETY APPAREL (HVSA) SPECIFICATIONS IN EM-385-1-1-5-2.M.(1-5) (ANSI/ISEA 107-2020)

Temporary Traffic Control (TTC) zones are critical in ensuring the safety of workers and the public in construction areas. Properly designed and maintained TTC zones not only prevent accidents but also facilitate smooth traffic movement around work sites. The combination of regulatory standards and best practices outlined in OSHA 29 CFR 1926, the MUTCD, and EM-385-1-1 provides a robust framework for achieving these objectives. These regulations emphasize hazard communication, visibility, and structured traffic flow, forming the backbone of construction

zone safety protocols. The following analysis delves deeper into the essential provisions and their implications for safety practices:

OSHA 29 CFR 1926 Compliance:

1. Subpart G (Signs, Signals, and Barricades): This subpart mandates strict adherence to Part VI of the MUTCD, which outlines comprehensive guidelines for designing, installing, and maintaining TTC signage and devices. This includes the requirement for visible and legible accident prevention signs and tags (§1926.200) to communicate hazards effectively. Additionally, employers are required to implement signaling protocols for both vehicular and equipment operations to minimize risks associated with blind spots and movement around construction sites (§1926.201).

2. Subpart P (Excavations): This section provides specific criteria for conducting excavations adjacent to active roadways. It emphasizes the necessity of cave-in protection systems, such as trench boxes, and established access and egress safety protocols to prevent falls and injuries when workers enter and exit excavation areas (§1926.650-652).

3. General Safety (Subparts C & E): Employers must ensure that workers wear high-visibility apparel consistent with ANSI/ISEA 107 standards to enhance visibility in highway environments (§1926.28/§1926.95). Furthermore, specific training on struck-by hazards (§1926.21) is essential for all personnel, alongside the implementation of robust fall protection measures (§1926.501) to safeguard workers near traffic.

MUTCD Provisions: (11th. Edition, 2024)

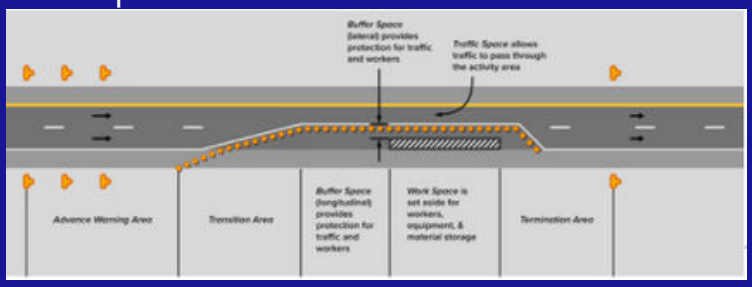
1. TTC Framework: The guidelines prescribe the use of channelization devices, like cones and barricades, to effectively guide traffic and promote reduced speed as vehicles approach work zones.

2. The MUTCD delineates the four main components of work zones:
1) Advanced Warning Area, which alerts road users to upcoming work.
2) Transition Area, where road users adjust to the changed conditions.
3) Activity Area, where the actual work is occurring.
4) Termination Area, where road users can safely re-enter normal traffic flow.

3. Updates (2023-2025): Under Interim Approval IA-23 (2025), the MUTCD allows for the use of Residential Driveway Temporary Signals as an alternative to flagger operations in single-lane work zones, thus enhancing traffic management while ensuring safety. Moreover, the 2024 edition introduces upgraded design standards for regulatory and warning signs, with planned phased implementations extending through 2025, ensuring compliance and visibility on construction sites.

4. Worker Visibility Standards: In the United States, nearly every 1 in 5 construction workplace fatalities is from a struck-by injury. A struck-by injury occurs when a worker is hit by a

piece of equipment or vehicle. Struck-by injuries and deaths, however, are preventable, and, with over 11 million construction workers in the United States, having high-visible safety apparel adhering to American National Standard Institute (ANSI) for High-Visibility Safety Apparel (HVSA) International Safety Equipment Association (ISEA)-107-2020 can better protect these workers.



The MUTCD aligns with 23 CFR 634, which imposes high-visibility clothing requirements for personnel engaged in federal-aid projects, underscoring the importance of visual recognition in preventing accidents.

The ANSI/ISEA 107-2020 standard updates requirements for high-visibility safety apparel (HVSA) to enhance worker visibility in hazardous environments. Here's a structured summary of key changes and features:

A. Classification Updates

Types: Retains three primary types but clarifies their applications:

1) Type O (Occupational): For workers “not” on public roadways (e.g., warehouses, airports).

2) Type R (Roadway): For roadways with traffic >25 mph, emphasizing retroreflective material.

3) Type P (Public Safety): For emergency responders, allowing customization (e.g., colors like red/blue).

4) Classes: Maintains Classes 1-3 (based on material area), with adjustments to minimum requirements for background and retroreflective materials.

B. Material and Design Enhancements

Retroreflective Material:

1) Updated specifications for performance in varying conditions, including stricter durability and colorfastness tests.

2) Fluorescent Background Fabrics**: Expanded color options (e.g., red for Type P) and improved luminance requirements.

3) Ergonomic Design: Emphasis on fit, comfort, and mobility (e.g., gender-specific sizing, breathable fabrics).

C. New Testing Protocols

Durability:

1) Enhanced tests for color retention.

2) Retroreflectivity after laundering or abrasion.

Daylight/Nighttime Visibility:

1) Separate criteria for photometric performance in different lighting conditions.

D. Alignment with Global Standards:

Harmonization with ISO 20471 to facilitate international compliance, though differences remain (e.g., ANSI allows single-use garments, while ISO does not).

E. Sustainability Considerations:

Encourages recyclable materials and lifecycle guidelines for reduced environmental impact.

F. Technology Integration:

Machine-Readable Materials:

1) Indirect support for materials detectable by LiDAR/cameras, though not explicitly mandated.

2) Multi-Risk PPE: Guidance on

combining HVSA with flame-resistant or arc-rated clothing.

G. Labeling and Compliance:

Updated labeling requirements to indicate compliance with ANSI/ISEA 107-2020, including placement, and content.

1) Transition periods for phasing out older standards (e.g., ANSI/ISEA 107-2015).

H. Accessories and Complementary Gear:

Guidelines for integrating accessories (e.g., gloves, armbands) to meet visibility requirements without compromising safety.

Practical Implications:

1) Procurement: Buyers must verify compliance with the 2020 standard for workplace safety audits.

2) Design: Manufacturers should prioritize ergonomic features and material durability.

3) Training: Workers need education on proper use and maintenance to retain visibility properties.

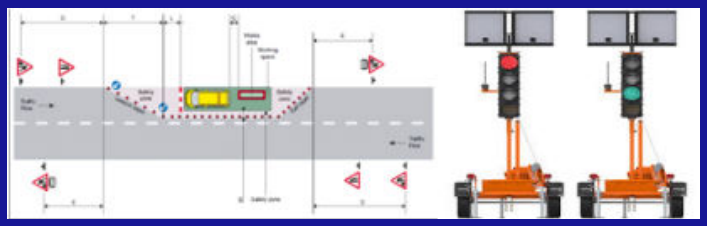
EM-385-1-1 (U.S. Army Corps of Engineers)

1. Enhanced Training Requirements:

EM-385-1-1 enhances OSHA and MUTCD provisions by imposing site-specific safety plans and rigorous training protocols for workers related to TTC operations beyond the standard OSHA requirements. This ensures that personnel are adequately prepared for the unique hazards presented by military and construction environments.

2. Internal Traffic Control Plans (ITCP):

The implementation of ITCP is crucial, as it mandates the segregation of construction vehicles from pedestrian workers, effectively reducing the likelihood of accidents in high-traffic situations and ensuring worker safety is prioritized.



3. Risk Assessments:

EM-385-1-1 necessitates thorough pre-work hazard analyses for high-risk scenarios, such as trenching and excavation activities near active roadways, to preemptively identify and mitigate potential dangers.

Risk Mitigation & Compliance Framework.

1. Hierarchy of Controls:

1) The hierarchy principle emphasizes the need for Engineering Controls, such as implementing MUTCD-compliant work zone layouts with buffer zones to separate workers from vehicular traffic.

2) Administrative Controls involve conducting daily safety briefings, deploying spotters to assist with equipment maneuvers, and strictly enforcing established speed limits within construction zones to further reduce accident risk.

3) The effective use of Personal Protective Equipment (PPE) is vital, necessitating Class two (2) or three (3) high-visibility apparel (as per ANSI 107) and hard hats for all personnel engaged in work zone activities.

2. Training Protocols:

1) OSHA prescribes a minimum of 40 hours of specialized training for safety officers, equipping them with the necessary knowledge to manage safety concerns effectively. Additionally,

2) EM-385-1-1 often mandates integration of military-specific directives, particularly for operations conducted by combat

engineers, to ensure comprehensive compliance and safety standards are met.

Enforcement & Citation Framework
1. OSHA ensures adherence to these safety protocols through enforcement mechanisms that include:
1) §1926 Subpart G, which addresses violations associated with inadequate compliance to MUTCD signage and maintenance, leading to potential hazards.
2) §5(a)(1) General Duty Clause, which allows for citations in cases where unaddressed hazards pose a significant risk, such as inadequate lighting during nighttime work activities.
3) States are required to adopt the updated MUTCD 11th Edition by January 2026, ensuring that all jurisdictions are aligned with current traffic control standards.

Comparative Overview of Key Requirements

Conclusion
1) In summary, a comprehensive understanding and application of OSHA, MUTCD, and EM-385-1-1 standards are essential for creating safe and effective Temporary Traffic Control zones in construction settings.
2) By adhering to these guidelines and implementing best practices, construction sites can significantly enhance worker safety while minimizing traffic disruptions.
3) This update reflects the evolving safety needs, technological advancements, and global harmonization efforts, ensuring high visual safety apparel (HVSA) remains effective in protecting workers. Always check compliance deadlines and specific industry requirements when adopting new gear.

Michael Soto, CHST

Comparative Overview of Key Requirements

Component	OSHA CFR 1926	MUTCD (11th Ed.)	EM-385-1-1 (2024 Ed.)
• High-Vis PPE	Class 2+ as per ANSI 107	Class 2/3 compliance (23 CFR 634)	Class 3 for high-risk zones
• Training	Focus on struck-by/fatality risk	Certification in flagging	Military-specific protocols
• Signage	§1926.200 (MUTCD-based)	Detailed in Part 6	Exceeds MUTCD visibility
• Emerging Technology	Not Discussed	Introduction of IA-23 signals (2025)	Utilization of UAV for monitoring
• Excavation Safety	Subpart P + Appendix F	Provisions for work zone shielding	Enhanced collapse prevention strategies

Best Practices for Compliance
1. Pre-Work Coordination:
1) Harmonize MUTCD TTC plans with OSHA Job Hazard Analyses (JHA) to ensure that all potential risks are identified and addressed prior to the commencement of work.
2. Technology Integration:
1) Employ IA-23 signals for effective driveway management and utilize Intelligent Transportation Systems (ITS) for real-time traffic monitoring, enhancing situational awareness.
2) Record Keeping: Implement systematic documentation practices for daily inspections of TTC setups and maintain comprehensive records of worker training activities to ensure compliance and safety measures are continuously reinforced

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OSHA National News Release

U.S. Department of Labor

July 24, 2025

US DEPARTMENT OF LABOR LAUNCHES SELF-AUDIT PROGRAMS TO HELP REGULATED COMMUNITY STRENGTHEN COMPLIANCE WITH FEDERAL LABOR LAWS

The U.S. Department of Labor today announced several programs designed to help employers, unions, and pension plans voluntarily assess and improve their compliance with federal labor laws.

The self-audit programs, which include new and updated offerings, aim to enhance worker protections while reducing the likelihood of formal investigation or litigation.

"Self-audits are one of the most effective ways to build a culture of compliance and trust," said Deputy Secretary of Labor Keith Sonderling. "These programs are designed to give employers, unions, and benefit plan officials the tools they need to correct potential violations proactively. By empowering the regulated community with clarity and collaboration, we are continuing to fulfill the Department of Labor's mission to put both workers and employers first."

The following agencies offer self-audit programs:

Employee Benefits Security Administration: EBSA offers two key self-correction programs for fiduciaries and benefits plan administrators: the Voluntary Fiduciary Correction Program, which encourages employers and plan officials to voluntarily correct violations of the Employee Retirement Income Security Act, and the Delinquent Filer Voluntary Compliance Program, which encourages voluntary compliance with ERISA's annual reporting requirements and offers incentives to late filers, including paying lower penalties

Mine Safety and Health Administration: MSHA's new Compliance Assistance in Safety and Health program features resources available to mining operations via an information hub on the MSHA.gov website. This hub provides links to a variety of safety and health topics to assist mining operations and provides direct contact to safety and health specialists to address their needs related to compliance assistance.

Occupational Safety and Health Administration: OSHA is expanding its Voluntary Protection Programs to meet businesses where they are on their safety journey to help develop strong safety programs and lower injury rates, allowing them to undergo regular self-evaluations and avoid routine inspections. OSHA is increasing its efforts to support voluntary compliance through its On-Site Consultation Program, which offers no-cost and confidential safety and health services to small and medium-sized businesses.

Office of Labor-Management Standards: OLMS administers the Voluntary Compliance Partnership program to help unions assess their compliance with the Labor-Management Reporting and Disclosure Act. The program focuses on key areas such as reporting and disclosure requirements, as well as financial integrity.

Veterans' Employment and Training Service: VETS has launched a new program, SALUTE: Support and Assistance for Leaders in USERRA Training and Employment, to help employers proactively review their policies and practices under the Uniformed Services

Employment and Reemployment Rights Act. The program aims to foster good-faith compliance and ensure the employment rights of service members are respected.

Wage and Hour Division: The Wage and Hour Division is restarting the Payroll Audit Independent Determination program to enable employers to self-identify and resolve minimum wage, overtime, and leave violations under the Fair Labor Standards Act and Family and Medical Leave Act.

Visitors can access resources, toolkits, and program-specific guidance at dol.gov/SelfAudit.

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⚠ **Notice:** Information in some news releases may not reflect the current or final stat

OSHA Regional News Brief

U.S. Department of Labor

July 21, 2025

FEDERAL INVESTIGATORS CITE WASTE MANAGEMENT COMPANY FOR FAILURE TO IMPLEMENT CONFINED SPACE ENTRY REQUIREMENTS RESULTING IN WORKER FATALITY

CLEVELAND – A U.S. Department of Labor investigation found that Clean Harbors Environmental Services Inc., a Massachusetts-based environmental and hazardous waste management service provider, failed to properly ventilate a confined space containing organic chemical residue at a customer's facility in Twinsburg, Ohio, resulting in a worker fatality.

The department's Occupational Safety and Health Administration determined the employer failed to implement legally mandated permit-required space entry requirements.

Specifically, OSHA found that the employer failed to ventilate, test the environment and use non-entry rescue equipment, including a tripod, mechanical winch, and full-body retrieval harness.
OSHA cited Clean Harbors Environmental Services Inc. for violations including three willful and proposed $602,938 in penalties.

CLICK HERE FOR FULL ARTICLE

OSHA National News Release

U.S. Department of Labor

July 14, 2025

Penalty adjustments aim to improve workplace safety

US DEPARTMENT OF LABOR UPDATES PENALTY GUIDELINES TO SUPPORT SMALL BUSINESSES AND ELIMINATE WORKPLACE HAZARDS

The U.S. Department of Labor has updated its guidance on penalty and debt collection procedures in the Occupational Safety and Health Administration's Field Operations Manual in an effort to minimize the burden on small businesses and increase prompt hazard abatement.

"All employers should be offered the opportunity to comply with regulations that help maintain a safe working environment," said Deputy Secretary of Labor Keith Sonderling. "Small employers who are working in good faith to comply with complex federal laws should not face the same penalties as large employers with abundant resources. By lowering penalties on small employers, we are supporting the entrepreneurs that drive our economy and giving them the tools they need to keep our workers safe and healthy on the job while keeping them accountable."

The new policy, outlined in the Penalties and Debt Collection section of OSHA's Field Operations Manual, increases penalty reductions for small employers, making it easier for small businesses to invest resources in compliance and hazard abatement. For example, a penalty reduction level of 70%, which was previously only applicable for businesses with 10 or fewer employees, will now be expanded to include businesses who employ up to 25 employees. The revisions also include new guidelines for a 15% penalty reduction for employers who immediately take steps to address or correct a hazard.

Additionally, the updated policy expands the penalty reduction for employers without a history of serious, willful, repeat, or failure-to-abate OSHA violations. Under OSHA's revised policy, employers who have never been inspected by federal OSHA or an OSHA State Plan, as well as employers who have been inspected in the previous five years and had no serious, willful, or failure-to-abate violations, are eligible for a 20% penalty reduction.

The new policies are effective immediately. Penalties issued before July 14, 2025, will remain under the previous penalty structure. Open investigations in which penalties have not yet been issued are covered by the new guidance.

OSHA retains the right to withhold penalty reductions where penalty adjustments do not advance the goals of the Occupational Safety and Health Act.

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PROACTIVE SAFETY PLANNING IS VITAL TO CONSTRUCTION SAFETY

Fall hazards are one of the most serious and persistent risks in the construction industry, especially in roofing and other construction work at elevation. Whether workers are installing shingles, repairing decking, or maintaining rooftop air conditioning units, the risk of falling is constant—and often has fatal results.

A Roofer Falls to His Death in Ohio
In October 2024, a roofing contractor in Ohio was cited by the Occupational Safety and Health Administration (OSHA) following a fatal fall at a residential re-roofing project. According to OSHA, one worker fell approximately 15 feet from the roof onto an asphalt driveway and died from acute blunt force trauma to his head and torso.

The agency launched an investigation and ultimately cited the employer for six alleged safety violations, proposing a combined penalty of $236,447. It's a steep penalty, but hardly the cost of human life. One of the violations was classified as willful, the most serious category under OSHA's enforcement framework.

The centerpiece of OSHA's citation was the allegation that the company failed to provide fall protection for employees working more than 6 feet above lower levels, as required by federal regulation. This willful citation alone accounted for $165,515 of the total proposed fine.

Here is a breakdown of the other citations:

- OSHA cited the company for allegedly failing to provide proper anchorage for personal fall arrest systems. According to the agency, "anchor points were installed by nailing ropes directly into the roof decking" instead of using reinforced anchors.
- OSHA also cited safety training violations, claiming multiple employees were not trained on fall hazards, procedures for inspecting fall protection systems or use of personal fall arrest systems.
- OSHA claimed the company failed to report a work-related fatality within eight hours, as required by regulation.

If OSHA's allegations are accurate, this case—and many others like it—underscores the importance of having a thorough, well-executed safety program for fall protection. Proactive safety planning helps prevent injuries and limits the legal consequences that often follow serious workplace accidents.

Failing to Plan is Planning to Fail
For contractors, implementing a comprehensive safety program is essential to preventing injuries and complying with OSHA's standards. Roofing work, for example, regularly exposes crews to serious hazards, including falls, ladder accidents, tool-related injuries, extreme heat and adverse weather. To that end, a strong safety program starts with a written safety manual—a foundational document that outlines company-wide safety policies and procedures.

This manual should cover essential topics, such as fall protection, personal protective equipment (PPE), ladder safety, emergency response, and who within the company is responsible for managing and enforcing safety. To secure employees' compliance, the manual should be distributed to all employees, referenced often and updated regularly based on lessons learned in the field.

Building on the safety manual, contractors should develop a job hazard analysis (JHA) for each construction project. A JHA helps identify specific risks tied to individual tasks and work environments. For example, replacing a roof on a steep slope in high summer temperatures may require additional controls beyond what's covered in the general manual, such as increased hydration breaks and modified work hours.

The JHA examines how each task interacts with the jobsite, the tools and the crew, giving employers a clear way to anticipate safety hazards before they occur. Together, the safety manual and JHA form a two-pronged approach: one sets the baseline and the other adapts company policy to the unique risks of each jobsite.

However, the most critical step of any safety program is implementation. Safety plans must move beyond paper and into daily practice. That means training workers before they ever step onto a jobsite, reinforcing safety expectations through supervision, and taking action when policies are ignored. Supervisors or designated safety personnel should inspect sites frequently and document any corrections made. Violations should be addressed with progressive discipline, starting with retraining and escalating to suspension or termination of employment when necessary.

Each of these actions should be documented in a centralized database in the event of future incidents. A well-implemented safety program not only reduces the risk of serious injury but also helps protect the business from costly enforcement actions, mitigating the risk of willful citation items.

Train Early and Often

A strong safety program begins with early and thorough training and keeps reinforcing it over time. New hires should receive hands-on instruction from a competent trainer before stepping onto their first jobsite. Companies with effective safety programs use this initial period to set expectations, establish safe work habits and explain the common risks (e.g., falls, ladder use and heat exposure).

Training should always be provided in a language which the worker is fluent in (typically, English or Spanish) to ensure comprehension. Additionally, before starting work and before starting any new or unfamiliar tasks, employees should be given a written test to confirm they understand core safety principles.

But wise employers don't stop there. Construction safety programs also include consistent and ongoing training. For example, weekly toolbox talks are a practical tool for reinforcing key topics and identifying knowledge deficiencies. These short meetings double as informal check-ins where supervisors can ask questions and spot misunderstandings early. Many companies also hold periodic safety stand-downs or company-wide seminars to focus on high-risk areas. OSHA's website is a useful resource, and its summaries of real-world safety incidents, such as the one referenced above, can be turned into case studies to drive home the importance of prevention.

Investing in outside training can strengthen both safety and regulatory compliance. Third-party providers offer specialized sessions on fall protection, and OSHA 10- and 30-hour courses are widely available. Many construction employers send frontline workers to OSHA 10 or fall-specific training, while supervisors complete the same courses, along with OSHA 30-hour certification. Employers can also bring in outside consultants to lead safety seminars or audit procedures. OSHA's investigators tend to view these efforts favorably, especially where training can be independently verified.

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Raising The Standard

RTS CONSULTING INC.

Hear from our clients:

Heather Larsen – Director, EH&S

We wish to thank you for helping us understand the intent of each point of the audit, providing us with essential advice, and assistance with policy creation. Our foundation was solid as we reached our second audit in achieving a very successful final score of 86%. We would be delighted to recommend your services to other organizations who are seeking customized services in respect to either a Workwell Audit or raising health and safety awareness.

For more information please contact Hailey Mesner at hmesner@rtsconsulting.com

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Raising the Standard Consulting will raise the standard of EH&S in your organization through the development of new and innovative strategies and programs driven by your own individual needs.

We want to build relationships with our clients to help create lasting change in their organizations. Contact us today to build a safer tomorrow.

With Aloha,

Stanford Brown, B.Sc., CSP, CSHP, CRSP, CHSC, Senior Consultant, President & CEO