

PARTNERING AGREEMENT

**NATIONAL ASSOCIATION OF TOWER ERECTORS
(NATE)**

AND

**U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY and HEALTH ADMINISTRATION
REGION V**

I. OBJECTIVE

- a. This Region V partnering agreement was developed jointly by the National Association of Tower Erectors (NATE) and the Occupational Safety and Health Administration (OSHA). The common objective and goal of the agreement is to provide a safe and healthful work environment for employees involved in the tower erection industry and to help prevent serious accidents and fatalities within the industry through increased training, implementation of best work practices, enhanced safety and health programs, and compliance with applicable OSHA standards and regulations.
- b. This initiative represents a voluntary agreement and affords a partnership alternative to the traditional OSHA enforcement procedures.
- c. By focusing its efforts and utilizing the skills and resources of member employers, the National Association of Tower Erectors (NATE), with assistance from OSHA and NIOSH, expects to reduce exposure to hazards, and the incidence of serious injuries, and fatalities at tower sites. Increased communication between stakeholders and the resultant mutual respect are additional benefits expected to be realized from this cooperative and voluntary partnership program.
- d. This partnership will allow OSHA to leverage resources of public and private stakeholders in the Communication Tower industry, and performing work within the region, to have a greater positive impact on worker safety and health than any signatory partner could cause by itself.
- e. OSHA and NATE will commit to work jointly on continued training efforts, and emerging or unresolved safety and health related issues within the tower industry. These efforts may include:
 1. The development of more specific regulations or directives;
 2. The development of guidelines for the use of gin poles and tower maintenance activities;
 3. The development of uniform checklists for site inspections.

II. BACKGROUND

- a. Advances in telecommunications and an increasing dependence on wireless communication and broadcast services have fueled the construction of communication towers throughout the country. With this unprecedented growth, the tower erection industry and the safety and health community have expressed concerns about work practices and the health and safety of tower workers. Additionally, traditional OSHA inspection and enforcement activity has resulted only in a limited number of tower sites being identified for interventions.

- b. NATE is an association that represents the employers of over 80% of employees who are erecting communication towers. This trade association was formed in 1995 with the mission of “providing a unified voice for tower erecting, maintenance and service companies.” There are currently over 500 such companies who are members.
- c. In 1996 OSHA established the Tower Task Force to address the concerns of this industry. At that time, NATE had requested that OSHA provide their industry with specific standards that would deal with unique conditions relative to the activities found on these sites in addition to a uniform enforcement policy.
- d. With input from NATE, and upon the recommendation of the Tower Task Force, OSHA developed CPL 2-1.29, Interim Inspection Procedures During Communication Tower Construction Activities. This document provides for uniform enforcement of OSHA regulations and policies for this industry. These collaborative efforts assist in identifying hazards, implementing safe work practices and fall protection strategies, and communicating safety and health messages related to this high-risk industry. Further, OSHA and NATE have jointly conducted communication tower safety and health training for both industry representatives and OSHA personnel in order to provide education in best work practices with regards to the erection of telecommunication towers.
- e. By maintaining a focus on safety, accidents are prevented and resources saved. The impact of accidents leads to employee deaths, equipment damage, worker’s compensation increases, insurance increases, down time, increases in temporary employee costs, fines, penalties and civil penalties. A focus on safety and health is one objective that OSHA, NATE and NIOSH have in common.
- f. Realizing the importance of safety for their members, NATE has agreed to increase the organization’s commitment and resources to safety efforts. For instance, part of the agreement allows for the placement of a competent person on all tower sites. Additionally, the NATE safety coordinator will offer the “Best Safe Work Practices” on site audits within Region V.
- g. Since OSHA has recently begun increasing inspection activities within the tower industry due to the Local Emphasis Program in Region V, providing incentives to companies that agree to partner and maintain good safety and health programs enables OSHA to focus enforcement resources on sites with less regard for safety and health.
- h. Forming this partnership will increase OSHA’s visibility within NATE’s membership and help to continue enhancing the cooperative relationship between the two organizations.

III. CORE ELEMENTS

A. Situational Analysis

1. Through partnering with those NATE members dedicated to being leaders in safety and health, one expected outcome of the program is OSHA being able to focus resources toward erectors whose safety and health efforts require the most assistance. Other outcomes include developing criteria for a model tower erection safety and health program; mentoring of others in the tower erection industry by partnership member contractors; and making new safety and health materials available to all contractors who are members of NATE.
2. The partnership will provide incentives to participating tower erectors who voluntarily improve their safety and health performance. Incentives will include:
 - a. Special recognition from OSHA and NATE
 - b. Focused inspections on tower sites
 - c. Reductions in penalties per the current FIRM
3. The partnership program is consistent with OSHA's long-range efforts to develop a business/labor/government partnership approach to safety management.
4. The partnership allows for better use of OSHA resources, fosters innovation in safety management and encourages more participation in the safety process by tower erectors. This program will also help to create private sector incentives for improved safety. This partnership may result in tower owners requesting that their projects be performed by contractors who are participants in the partnership and can demonstrate their commitment to safety.

B. Partnership Program

Participants in this program will include those members of NATE that meet the eligibility criteria as specified in this agreement and performing work in Region V.

Participation criteria will include the development and implementation of a safety and health program, specialized employee and supervisor training, competent persons at each job site, absence of any willful violations or fatalities for three years (based on national inspection history), and a signed agreement by management. Participants must be in good standing with OSHA. Removal from the program will occur if two safety audits are failed or falsification of application is revealed. "Best Safe Work Practices" will be offered and encouraged during site audits. Partners agree to provide reciprocal training and technical assistance as needed.

NATE will administer the application and certification protocol of partner companies. NATE will also assist by encouraging that compliance with CPL 2-1.29 will be followed by member companies and will supply OSHA with a list of eligible companies for review and inclusion in the partnership agreement. This process will assist in the overall tracking of the industry performance.

C. Goals

The major goal of this partnership is to eliminate fatalities over a three-year time frame. A sub-goal is to increase the implementation of safety and health programs among Tower Erector companies.

D. Measurement Systems

1. The measurement system will use OSHA recordable fatalities and accidents as they relate to the industry work activity levels.
2. Activity measures shall include the number of employers, supervisors and employees trained.
3. Intermediate measures will include the number of safety and health programs instituted.
4. Outcome measures will incorporate NATE data to analyze the number of man-hours worked, number of injuries, illnesses and fatalities during the baseline year, and the number of serious violations found as a result of OSHA inspection activity with regards to falls, electrocutions and gin pole use.
5. Internal audits will indicate the number of hazards observed and subsequent progress and improvements with their safety and health programs. The areas include fatalities and serious accidents.

E. Safety and Health Program

Participants will develop and implement a comprehensive written safety and health program and will use site specific safety and health plans. NATE has developed a comprehensive safety program for this industry that has been recognized by OSHA as satisfying the elements that would be expected for such an industry. Safety training will be an integral part of the overall program. Training equivalent to the OSHA 30 hour course for supervisors and the 10 hour course for employees will be deemed satisfactory, but said training shall focus on the hazards encountered during tower erection activities. Such training shall occur within one year of the signing of the Agreement.

F. Employee Involvement

Employees shall be involved in the day to day implementation of worksite safety and health programs including, but not limited to self-audits, site inspections, job hazard analyses, safety and health program reviews, and mishap investigations. This partnership will not effect the employee's rights under the OSHA Act and

OSHA regulations, including walkaround rights during an OSHA inspection.

G. Stakeholder Involvement

There is Stakeholder involvement in all aspects of the partnership agreement between the Tower Erectors represented by NATE. Other stakeholders include NIOSH and any other federal agency that may have an interest in tower awareness.

H. OSHA Incentives

Participant incentives from OSHA include:

1. The use of focused inspections, focusing on the most serious hazards identified as targets of this partnership;
2. Maximum penalty reductions allowed in the OSHA Field Inspection Reference Manual for good faith and history;
3. Priority consideration for compliance assistance by OSHA
4. Offsite technical assistance;
5. No citations for other than serious violations when those violations are corrected during the OSHA inspection.

I. Verification Protocols

In the past, inspection activity in this industry has been generated by referrals or accidents. To address the increasing number of accidents and fatalities, OSHA is focusing resources on tower inspections by implementing local emphasis programs which will greatly increase the number of tower inspections in the future:

1. Verification of the partnership program will be achieved through normal inspection activity.
2. At least 10% of participating employers will receive verification inspections in accordance with the above procedures.
3. This program stipulates that partnering employers remain subject to OSHA programmed inspections, referrals, and investigations for formal complaints, fatality/catastrophes and imminent danger situations in accordance with agency procedures.
4. Employees remain assured of their statutory rights with regard to inspection participation. Citations will be issued and penalties assessed for violations of statutes, regulations or the general duty clause consistent with OSHA procedures and this partnership. Consistent enforcement including focused inspections, as warranted, will be realized.

J. Program Evaluation

1. The program will be evaluated on an annual basis (after the first participant is approved) through the use of the Strategic Partnership Annual Evaluation

Format measurement system as specified in Appendix C of TED 8-0.2, OSHA Strategic Partnerships for Worker Safety and Health.

2. It will be the responsibility of NATE to gather required participant data to evaluate the overall success of the partnership program.
3. NATE will provide an annual report to the OSHA Tower Task Force.
SENTENCE REMOVED

K. Termination Statement

1. This partnership shall have an initial term of three years from signing.
2. The program may be terminated by any of the primary partners (NATE and OSHA) by providing 60 days notice to the other parties.
3. If the partnership is successful as identified in the goals section, the partnership may be extended for additional three year periods at the consent of the primary partners.

The date of this NATE/OSHA Partnership Agreement is _____, 2001, and is effective in 60 days.

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