

# **BUILD SAFE PARTNERSHIP PROGRAM (BSPP)**

## **I. Partnership Summary**

- A. The Builders' Association and the Occupational Safety and Health Administration of the United States Department of Labor (OSHA), mutually recognize the significance of promoting safe and healthful work environment in the construction industry. To advance this mutual goal, the Build Safe Partnership Program (BSPP) has been established to formalize a partnership between these entities committed to encouraging contractors to voluntarily improve their safety and health performance, providing methods to assist them in their efforts, and recognizing contractors with exemplary safety and health programs.
- B. The partnership will provide incentives to participating contractors who voluntarily improve their safety and health performance and demonstrate the implementation of an effective safety and health program. Incentives will include special recognition from OSHA, i.e., focused inspections, and reductions in penalties.
- C. The partnership program will be conducted within the jurisdictional areas of the OSHA Kansas City Area Office. Participation is strictly voluntary and is available to any member of The Builders' Association who meets the qualification requirements of this program.
- D. The administration and funding of the partnership program will be by The Builders' Association. The Builders' Association was organized on August 9, 1887 and incorporated on April 10, 1926. The Builders' Association is a not-for-profit commercial contractor association and represents more than 900 union and non-union companies throughout Missouri and eastern Kansas.
- E. Participating contractors retain all rights guaranteed under the Occupational Safety and Health Act (OSH Act), including the right to appeal or contest citations issued by OSHA.
- F. This agreement will not in any way affect employees' exercise of rights under the OSH Act and OSHA regulations, including walk-around rights. As an integral part of an effective safety and health program, the opportunity for employees to exercise their rights guaranteed under the OSH Act and regulations, such as, but not limited to, the right to file a safety and health complaint, and the right to information collected pursuant to OSHA requirements, e.g., the OSHA-200/300 log, and medical exposure records will not be infringed. It is anticipated that routine employee involvement in daily implementation of worksite safety and health programs will be assured, including employee participation in employer self-audits, site inspections, job hazard analysis, safety and health program reviews, and mishap investigations.

## **II. Partnership Goals**

- A. Reduce the number of injuries, illnesses, and fatalities affecting participant employers, with an emphasis on reducing injuries and fatalities resulting from:
  - 1. Falls
  - 2. Struck-By
  - 3. Caught-In/Between
  - 4. Electrocutions
- B. Increase the number of general and specialty contractors who implement effective safety and health training programs for management, supervisors and employees.
- C. Develop criteria for a model contractor safety and health program.
- D. Allow OSHA to focus resources on companies that require assistance from OSHA, rather than companies that have demonstrated existence of effective safety and health programs.
- E. Create a mentoring program for The Builders' Association members by Members who are actively involved with the partnership program.
- F. Make safety and health resources available to all members of The Builders' Association and the construction industry.

## **III. Partnership Incentives**

Participants in good standing will receive the following incentives:

- A. Special recognition from OSHA and The Builders' Association designating the contractor as a participant in the BSPP.
- B. Removal from OSHA's programmed construction inspection list for up to twelve months after successful conclusion of an OSHA verification inspection, conducted per the current policy for focused inspections in construction.
- C. After such verification inspections, a participant will not be subject to OSHA inspections except as follows:
  - 1. If OSHA receives a report of an imminent danger situation or observes exposure to hazards listed in II.A. 1-4, or hazards covered by a Local or National Emphasis Program.

2. If OSHA receives a report of a fatality or catastrophe as defined in OSHA Instruction CPL 2.103 (Field Inspection Reference Manual).
  3. If OSHA receives a complaint or referral it will be handled according to OSHA's Complaint Policies and Procedures (OSHA Instruction CPL 2.115). When the phone and fax procedure is utilized, it will be the responsibility of the participating contractor to provide a copy of the complaint(s) to The Builders' Association Safety Director within twenty-four (24) hours of receipt.
- D. During OSHA inspections of non-participant employers, participants whose program has previously been verified by OSHA will not be included in OSHA inspections of non-participant employers, unless the OSHA compliance officer observes that, as a result of a partnership contractor's actions, employees are exposed to serious hazards such as falls, crushed by, struck by and/or electrocution hazards.
  - E. Will not receive citations for other-than-serious violation(s) from OSHA, provided that the violation is abated at the time of inspection.
  - F. Will be eligible to receive the maximum reductions allowed for good faith, size and history for penalties assessed for serious OSHA citations as outlined within OSHA Instruction CPL 2.103 (Field Inspection Reference Manual).
  - G. May be eligible to receive available incentives based upon safety improvements made as a result of this program.
  - H. OSHA will provide The Builders' Association with Local Emphasis Program (LEP)/National Emphasis Program (NEP) compliance assistance material for partnership utilization.

#### **IV. Program Implementation**

- A. The Builders' Association will appoint a Partnership Steering Committee consisting of members of The Builders' Association and one designated staff member. The Partnership Steering Committee may consist of up to seven representatives. Each committee member will be entitled to one vote. Term limits for committee members will be for two years, with reappointment possible. OSHA will serve in an advisory capacity to the Partnership Steering Committee, which may include discussions relating to a contractor passing or failing an OSHA verification inspection.
- B. All contractors interested in participating in the program must submit a completed BSPP application form to the Partnership Steering Committee for review. Applications may be submitted at the beginning of each quarter. The Builders' Association and the Kansas City Area OSHA Office

will inform members who have successfully completed the application process and are eligible for participation in the program.

- C. Contractors who qualify and accept the established requirements of the BSPP will be enrolled for a period of twelve months. Participants must reapply thirty days prior to their annual renewal date and shall provide documentation that they still meet current established guidelines.

**V. Qualification Criteria**

A company seeking participation in the partnership program shall:

- A. Be engaged in the construction industry and be a member of The Builders' Association.
- B. Agree to provide written safety and health programs, training records, and injury/illness records to the Partnership Steering Committee.
- C. Have no fatalities or catastrophes which resulted in accident-related serious citations becoming a Final Order of the Occupational Safety and Health Administration Review Commission within the last three years.
- D. Have no willful violations or repeat violations becoming a Final Order of the Occupational Safety and Health Administration Review Commission in the last three years.
- E. Have a total case injury/illness incidence rate for the previous year 10% less than the rate for its SIC code, as published by the most current Bureau of Labor Statistics or an Experience Modification Rating (EMR) of .85 or less based on a three year average.
- F. Have implemented a 100% fall protection program where participants require and enforce the use of conventional fall protection (i.e. personal fall arrest systems, safety net systems or guardrail systems as defined within 29 CFR 1926.502) when their employees are performing work that is in excess of six feet above a lower level.
- G. Have read this partnership agreement in full and signify agreement to all of the requirements herein by signing a copy of the "Build Safe Partnership Program (BSSP) Application Form."
- H. Participants will have the following:
  - 1. A written safety and health program.
  - 2. A designated competent person at all worksite(s).
  - 3. Weekly documented safety training at all worksite(s).

## **VI. Safety & Health Program Criteria**

The Builders' Association Safety Services Department will be responsible for collecting contractors' written safety and health programs and training records. Information gathered will be forwarded to the Partnership Steering Committee for review and verification. An employer seeking participation in the partnership program must have a safety and health program that meets the following criteria:

### **A. Management Commitment and Employee Participation:**

1. A written safety policy statement signed by a company principal, or officer with authority, and distributed to all employees.
2. A written safety and health program that addresses recognized hazards and is based on the American National Standards Institute (ANSI) A-10.38-1991, Basic Elements of an Employer Program to Provide a Safe and Healthful Work Environment, or the OSHA 1989 Safety and Health Program Management Guidelines.
3. A designated safety coordinator appointed by top management to implement and monitor the contractor's safety and health program. The safety coordinator shall:
  - a. Have responsibilities clearly defined in writing.
  - b. Report to executive management of the company.
  - c. Have completed the OSHA 30-Hour Construction Safety and Health Training Course or equivalent training within the past three years.
  - d. Have completed the American Red Cross First Aid/CPR Course or equivalent training within the past three years.
  - e. Have at least five years of construction experience, or a combination of five years of experience and formal education as deemed appropriate by the Partnership Steering Committee.
  - f. Have the line authority from the contractor's top management to stop work, instruct, or otherwise direct field supervisory personnel/field employees on matters relating to safety and health.
  - g. Conduct periodic onsite safety and health audits, depending on the hazards involved that address at a minimum the following areas: fall hazards, electrical hazards, caught in between hazards, struck by hazards, and trenching and excavation.

4. It is the responsibility of the contractor to establish a comprehensive safety and health disciplinary program.
  - a. The program shall clearly state what disciplinary procedures will be utilized, including termination for willful or repeated safety and health violations. The program shall also have procedures for lesser forms of discipline for less serious types of safety and health violations.
  - b. A contractor who is party to a collective bargaining agreement containing an established grievance procedure may utilize such procedure for enforcement of its disciplinary rules.
5. It is the responsibility of the contractor to establish a comprehensive written drug and alcohol program. The program at a minimum shall require post-accident drug testing of injured employees who require off-site medical treatment and testing of any personnel directly involved in the accident.

B. Job-Site Analysis:

1. The contractor shall have a job-site system to recognize and abate safety and health hazards before work commences, with particular attention to the four key construction industry hazards (falls, electrocutions, caught-in/ between injuries, and struck by injuries).
2. Regular job-site safety inspections by line supervisors.
3. Job-site accountability for safety and health program enforcement.

C. Hazard Prevention and Control:

1. Conduct and document investigations of accidents and serious "near miss" events to determine their causes.
2. Measures to control hazards through engineering controls, administrative and work practice controls, or the use of personal protective equipment as required.

D. Training:

1. All jobsite supervisors and foremen shall:
  - a. Have completed the OSHA 10-Hour Construction Safety and Health Training Course or equivalent training within the past three years.

- b. Have completed the American Red Cross First Aid/CPR Course or equivalent training within the past three years.
- 2. The following employee safety and health training programs shall be conducted and documented at all levels of the company:
  - a. Training on specific jobsite and industry safety and health hazards.
  - b. Weekly toolbox safety training.
  - c. Formal new employee safety and health orientation.

## **VII. Onsite Visits**

- A. The Builders' Association will be responsible for conducting onsite visits to evaluate and verify contractor's performance. Information gathered from contractors will be forwarded to the Partnership Steering Committee and will:
  - 1. Be part of the initial application process for participation in the BSPP, and an on-site visit to the applying contractor's place of business will be conducted.
  - 2. Include interviews with the company's principals, supervisors and employees, as well as a visit to at least one active job site.
  - 3. Be evaluated as part of the contractor's annual renewal process and also on a random basis to ensure BSPP guidelines are being met. These visits will include:
    - a. An inspection of the contractor's place of business.
    - b. Safety and health program documentation.
    - c. Interviews with employees.
- B. On a quarterly basis The Builders' Association will provide the Kansas City Area OSHA Office with an active participant list. OSHA will utilize this list when scheduling participants for the purpose of conducting a jobsite verification inspection(s).
  - 1. A verification inspection of the participating contractor will be performed when a jobsite of the respective construction company receives an OSHA inspection for any reason, programmed or unprogrammed.

2. Staff from the Kansas City Area Office will conduct at least one verification inspection per year.
3. If a listing of sites is needed in order to conduct a verification inspection, the Area Director will contact the Builders' Association's Safety Director. The listing will be entered into a Microsoft Excel spreadsheet and the random selection function will be used to select a site for inspection.

#### **VIII. Partnership Evaluation**

- A. The partnership will be evaluated annually to determine whether the annual goal of a 3% reduction in the number of injuries, illnesses and fatalities has been met. The Builders' Association is responsible for collating baseline and annual performance data upon which the partnership will be measured. This aggregated data will be reported to OSHA's Kansas City Regional Office.
- C. Participant aggregate injury/illness incidence rates (total case rates) and fatality rates will be compared with the most current BLS published data to determine whether goals have been met.
- C. If all signatory partners agree, partnership criteria may be revised annually based on recommendation for continuous improvement.

#### **IX. Contractor Termination**

- A. A contractor's participation will be terminated by The Builders' Association and OSHA will be informed if one or more of the following occurs:
  1. An inspection by OSHA or Builders Association representatives reveals a significant deviation from program criteria (the contractor will remain subject to OSHA inspection).
  2. The contractor has falsified information on the application or supporting documentation.
  3. The contractor's total case injury/illness incidence rate rises above the BSPP criteria.
  4. The contractor takes any other such actions that may be determined to be grounds for termination by the Partnership Steering Committee.
- B. Prior to the final termination of a contractor's status, the following will occur:
  1. The contractor will be notified in writing of the intent to terminate.

2. The written notice will include an explanation of the reasons for termination.
  3. The contractor will have an opportunity to reply to the written notice within thirty days; and will have the right to make an appearance before the Partnership Steering Committee and be represented by counsel.
- C. The Partnership Steering Committee has the authority to reinstate the contractor if it determines the contractor's experience was unusual and not necessarily inconsistent with a sound safety and health program.
  - D. Any contractor may terminate its participation in the program at any time by providing thirty days written notification of intent to the Partnership Steering Committee.

**X. Term and Location of Partnership**

- A. The BSPP operates within the seventy (70) counties located in western Missouri covered by the Kansas City Regional OSHA Office and the Kansas City Area OSHA Office. The BSPP will be for a period of three years. At the end of the three years, the Kansas City Regional OSHA Office, Kansas City Area OSHA Office, and The Builders' Association, will make a joint determination of whether or not to continue the partnership program.
- B. Either party to the partnership may withdraw from the agreement at any time after submitting written notification of intent to the other partner by providing a thirty-day written notice to the other member(s) of the partnership, and the partnership agreement will terminate. Any party may also propose modification or amendment to the program subject to concurrence by the other partner(s) to the agreement.

**THE BUILDERS' ASSOCIATION - OSHA  
Build Safe Partnership Program (BSPP)**

Signature Page

This Build Safe Partnership Program (BSPP) agreement, made and entered into this 13<sup>th</sup> day of March, 2003, by The Builders' Association, Kansas City Regional OSHA Office, and Kansas City Area OSHA Office, will be for a period of three years. Either party can cancel this agreement by written notice in accordance with Section X. of this program.

Approved by:

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