

CONSTRUCTION HEALTH AND SAFETY EXCELLENCE (CHASE)
A Partnering program between AGC of North Dakota and North Dakota OSHA

I. Partnership Background

On March 12, 1998, the Associated General Contractors of America (AGC) and the Occupational Safety and Health Administration (OSHA) signed a partnership charter that mutually recognized the importance of providing a safe and healthful work environment in the construction industry. To advance both parties' mutual goal, it was agreed that the need to develop a working relationship creating mutual trust and respect for the perspective roles of each organization in the construction safety process was necessary. The Associated General Contractors of North Dakota (AGC/ND) Construction Health and Safety Excellence (CHASE) partnership agreement as described within this document is the direct result of the 1998 partnership charter.

II. CHASE Partnership

1. Program Expectations

This agreement is between the AGC of North Dakota and the Occupational Safety and Health Administration is intended to serve as a template for AGC members to use as a basis for partnerships with the Bismarck OSHA area office. The actual partnerships will be negotiated between the AGC members and the OSHA Area Office. This agreement covers construction activity in the state of North Dakota. The parties mutually agree to the following:

- A. Implementation of this program is expected to result in decreased serious injuries, illnesses, and fatalities for participating contractors and improvement of existing safety and health programs.
- B. This agreement provides for incentives to construction contractors that voluntarily participate in the CHASE program and demonstrate implementation of effective safety and health programs.
- C. This agreement will not in any way affect employee's ability to exercise rights under the OSH Act and OSHA regulations, including walk around rights.
- D. This program will improve the ability of the AGC of North Dakota and Bismarck Area office, through the collection of reliable data to identify conditions that create a high risk of injury and illnesses and implement interventions that can reduce such risks.
- E. The rates generated from reported data will be internally comparable from year to year and will thus provide a valuable perspective on the effectiveness of the AGC of North Dakota CHASE program. As described in Section 8(a), BLUE participants who are general contractors will be required to report to AGC of North Dakota all DART incidents occurring on their job sites.

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2. Specific Goals of CHASE

- A.** To reduce by 3% annually the rate of injuries, illnesses, and fatalities affecting participant employers and their subcontractors, with an emphasis on reducing injuries and fatalities resulting from those hazards that are the four leading causes of death on construction sites (falls, struck-by, caught in/between and electrocution).
- B.** To increase the number of general and specialty contractors who implement effective safety and health programs and provide effective safety and health training for management, supervisors, and employees.
- C.** To recognize those contractors with exemplary safety and health programs and effective site-specific safety and health plans.

3. Program Implementation

The AGC of North Dakota CHASE Committee or designated representative will inform members who have successfully completed the application process and are thus eligible for participation in the partnership. The AGC of North Dakota Safety Director will then follow the procedures developed in this partnership to inform the applicable North Dakota OSHA Area Director of the qualified contractors.

4. Eligibility Requirements for the Multi-Step Program: RED, WHITE, & BLUE

- A.** The CHASE Program will be implemented in three levels: RED, WHITE, and BLUE.
- B.** Applications may be submitted at the beginning of each quarter. Eligibility status must be renewed on an annual basis. New and renewal applicants will:
 - 1.** Complete the two-part CHASE application form.
 - a.** The first part of the form will request data from the summary of the contractor's previous year OSHA 300 log or its equivalent. The second part of the form will be a self-audit evaluation checklist (See Appendix A), which will require applicants to answer a series of questions related to their safety programs.
 - b.** The AGC CHASE Committee or the designated representative will administer the self-audit evaluation of the CHASE Program. The Safety and Health Committee is comprised of representatives from AGC of North Dakota member companies, or the AGC of North Dakota member companies will appoint the designated representative. Either will approve or reject the CHASE application. The AGC of North Dakota

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CHASE Committee will give final approval as soon as possible and in no case shall exceed 90 days following the application submission. The North Dakota OSHA Area Office will serve in an advisory capacity to the chapter safety and health committee or its designated representative.

- c. The CHASE Program has three award levels. Entry into RED and WHITE and BLUE Levels are based on answering “yes” to all of the questions on the self audit evaluation administered by AGC of North Dakota. In order to determine the contractor’s level of eligibility, the contractor must provide the AGC of North Dakota CHASE Committee or its designated representative with evidence of conformance with each requirement for each level
- d. The AGC of North Dakota CHASE Committee or designated chapter representatives will inform the chapter members who have successfully completed the application process and are eligible to participate in the partnership program.
- e. The top level, BLUE, will be open to those companies whose achievements in the area of worksite safety are outstanding. Acceptance into the BLUE level will require additional validation of safety and health program efficacy through a comprehensive onsite qualifying inspection. The AGC Chase Committee or designated representative will conduct the qualifying inspection on at least one active job site to be determined solely at the discretion of the AGC of North Dakota CHASE Committee.
- f. Contractors who are accepted into the CHASE Program receive incentives form OSHA, as listed in Section 7 of this document.

C. RED: Applicants seeking RED status must meet the following requirements:

- 1. Develop and implement a written safety and health program that addresses those hazards that are the four leading causes of death on construction sites (falls, struck-by, caught in/between, and electrocution);
- 2. Conduct weekly employee safety meetings;
- 3. Conduct and document self-audits.
- 4. Entry into the RED level is based on answering, “yes” to all of the questions on the self-audit evaluation administered by AGC of North Dakota.

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D. WHITE: Applicants seeking WHITE status must meet the following requirements:

1. Implement a comprehensive written safety and health program based in the most current revision of ANSI A 10.38-1991 Guidelines or OSHA's 1989 Safety and Health Program Management Guidelines;
2. Assign at least one trained employee with responsibility for employee safety to administer the participants safety and health program and to conduct documented safety and health inspections of ongoing work; training equivalent to the AGC Safety Management Course or equivalent will be deemed satisfactory. The AGC of North Dakota Chapter Safety and Health Committee will determine training equivalency.
3. Conduct an orientation of all new employees in the safety and health program of the company, and show evidence of effective employee training for avoidance of hazards specific to the contractor's work site(s);
4. Conduct weekly employee safety meetings;
5. Conduct and document self-audits;
6. Entry into White Level is based on answering "yes" to all of the questions on the self audit evaluation administered by AGC of North Dakota.
7. Show evidence of employee involvement in the safety and health program; for example, participation in self-audits, site inspections, job hazard analysis, safety and health program reviews, safety training, and mishap investigations;
8. Develop and maintain a Substance Abuse Program;
9. Provide all field construction supervisory personnel with training equivalent to the AGC Supervisor Safety Competency Training Course;
10. Maintain a total case injury/illness incidence rate that is 10% less than most current Bureau of Labor Statistics national rate for the 3 digit specific SIC code for the employer industry.

E. BLUE: Applicants seeking BLUE status must meet the following requirements:

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1. Implement a comprehensive written safety and health program based on the most current revision of ANSI A 10.38 Guidelines or OSHA 1989 Safety and Health Program Management Guidelines. Ensure that written, site specific, safety and health plans are used by all contractors on their projects.
2. Applicants achieving BLUE status agree to serve as a mentor for contractors on its projects who have yet to attain the same level of recognition within the partnership. Each BLUE participant general contractor agrees to require its subcontractors to follow the general contractor's site-specific safety and health program, unless the subcontractor's program is substantially equivalent to the applicable portion(s) of the general contractor's program. (Referencing the Multi-Employer Work-site OSHA directive CPL 2-0.124)
3. Assign a minimum of one employee who will administer the firm's safety and health program. This person must have attended the AGC Safety Management Training Course or equivalent in the previous three years;
4. Ensure designated safety personnel conduct documented safety and health inspections of all work on their project(s). Personnel, through training and experience, must be able to recognize hazards and will have the authority to take prompt corrective action. Training curriculum equivalent to the OSHA 30-Hour Construction Outreach Course will be deemed to be satisfactory. Training equivalency will be determined by the AGC CHASE Committee or designated representative.
5. Train all field construction supervisory personnel. In addition to the Supervisory Safety Competency Course or its equivalent as determined by the AGC CHASE Committee or designated representative, additional training shall be provided for competent persons in such areas as Scaffolding, Excavation, Fall Protection, Occupational Health in Construction, etc. The type and scope of work the applicant routinely conducts will predicate this additional training.
6. Provide evidence of employee involvement in all levels of the safety and health program, such as self-audits, site inspections, job hazard analysis, safety and health program reviews, safety training and mishap investigations.
7. Provide a safety and health program orientation for all new employees and show evidence of effective employee training for avoidance of hazards specific to the contractor's work site(s);

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8. Conduct weekly employee safety meetings;
9. Implement and maintain a substance abuse program;
10. Conduct and document self-audits;
11. Implement a 100% fall protection policy for fall hazards exceeding heights of six feet.
12. Maintain a total case injury/illness incidence rate that is 10% less than most current Bureau of Labor Statistics national rate for the 3 digit specific SIC for employer industry;
13. Receive a qualifying inspection of at least one representative job site by the AGC of North Dakota CHASE Committee or the designated representative. The selected site will be chosen at the discretion of the AGC of North Dakota CHASE Committee;
14. Have no willful violations in the last three years;
15. Have no repeated serious violations in the last three years; and
16. Have no fatalities or catastrophes within the last three years that resulted in serious or willful citations related to the incident.

5. Program Confidentiality

Information submitted by contractors as part of the application or renewal process, as well as information obtained by virtue of the contractor's application or participation in the program, will be held in strict confidence within the confines of the partnership program. The information will be used only to measure the effectiveness of the partnership program. However, in the event of an OSHA inspection, such information that is relevant to any element of the investigation and normally is available will be provided to OSHA upon request.

6. Program Oversight

- A. The AGC of North Dakota Director for Safety and Health is responsible for the following program monitoring activities:
 - 1) Periodic reviews of participatory AGC Chapter Partnering activities to ensure compliance with the partnership requirements, including random onsite visits of participant contractor work sites.
 - 2) Recommendations to the AGC Safety and Health Committee for program improvements.

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- B.** The OSHA Area Director will conduct a verification inspection of one worksite before conferring incentives listed in section 7.C.2-6 to the Blue participant. Verifications inspections will be conducted per current OSHA policy for focused inspections in construction.
7. **Incentives.** Upon acceptance as a partnership participant, North Dakota OSHA will provide certain incentives to participants.
- A. RED Participants
- 1) Will not receive citations for other than serious violations, provided that the hazards are abated within a period of time prescribed by OSHA.
- B. WHITE Participants
- 1) Will be given special recognition from OSHA and AGC designating the contractor as a participant in the CHASE Program;
 - 2) Will not receive citations for other than serious violations, provided that the hazards are abated within a period of time prescribed by OSHA.
 - 3) Will be given the maximum good faith penalty reductions currently available in current OSHA policy.
- C. BLUE Participants
- 1) Will be given special recognition from OSHA and AGC designating the contractor as a participant in the CHASE Program;
 - 2) General contractor BLUE participant job sites with-in North Dakota will not receive another “programmed inspection,” (for the purpose of this agreement only. Defined as: any and all inspections other than inspections which may be conducted as the result of a fatality, catastrophe, serious injury, formal complaint, referral, or the visual observation of a high-gravity serious physical hazard on site), within the next twelve months. This exemption shall extends to the project site and its subcontractors. This inspection exemption applies to all job sites where the general contractor is a BLUE participant. Any subcontractor, regardless of participation in this agreement, scheduled for an inspection who is engaged in activity on a BLUE participant general contractor site will be exempt form programmed inspections as defined in this paragraph.
 - 3) BLUE participants will receive un-programmed inspections only as stipulated in the preceding paragraph. North Dakota OSHA will use

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telephone or fax to handle all non-formal complaints except those deemed necessary, a copy of the complaint will be provided to the participant's Safety Director or other designated representative at the time of inspection;

- 4) OSHA will not issue citations for other-than-serious violations provided the violations are abated at the time of the inspection;
- 5) If cited by OSHA, BLUE participants will receive the maximum good faith and history penalty reductions currently available under existing OSHA policy;
- 6) During an OSHA inspection of a site controlled by a non-participating general contractor, BLUE subcontractor participants whose program has previously been verified by an OSHA inspections will not be included in the inspection unless the Compliance Officer documents that the participant is responsible for any employee exposures to serious hazards such as falls, struck by, caught in/between or electrocution hazards.

8. Partnership Evaluation

- A.** It is the responsibility of the AGC of North Dakota CHASE Committee or designated representative to gather required participant data to evaluate the overall success of the program. Data from the BLUE participating contractors will be reported to AGC and the North Dakota Area Director (with all employer and employee identifiers removed), on at least an annual basis. The data gathered will be specific to those injuries, illness, catastrophes and fatalities as identified in Section 2(A) of this agreement. Supporting documentation, including a brief description of each incident (trade involved, cause, extent of injury, corrective actions taken (if any)) will be reported annually by the BLUE participant general contractors to the AGC of North Dakota Safety Director. Recordkeeping forms will be provided to all BLUE participants for reporting of information relative to each DART incident and supporting anecdotal notation of near misses. This information will be provided for purposes of demonstrating successful implementation of safety and health principles as a result of their involvement in this agreement.
- B.** The partnership will be evaluated annually to determine whether the goal of 3% reduction in the number of injuries, illnesses and fatalities as referenced in Section 2(A) of this agreement has been met. AGC of North Dakota is responsible for collating baseline and annual performance data upon which partnership will be measured. This aggregated data will be reported to the OSHA Directorate of Construction.

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- C. Participant aggregate injury/illnesses incidence rates (total case rates) and fatality rates will be compared with BLS published data determine whether goals have been met at the AGC of North Dakota and national levels.
- D. Participant incidence of injuries from the hazards that are the four leading causes of death on construction sites (falls, struck-by, caught in/between, and electrocution) will be measured and compared against a baseline established in the first year of the partnership.
- E. AGC of North Dakota will also track various activity measures and report them to North Dakota OSHA at least annually. These measures may include the number of employees and supervisors trained, employee involvement in each participant's safety and health program (as discussed in Section 4.E.6 above), etc.
- F. OSHA will convene semi-annual meetings to evaluate the progress of the partnership, and will invite the AGC of North Dakota CHASE committee to attend, as well as selected representatives from applicable labor unions.
- G. If all signatory partners agree, partnership criteria may be revised annually based on recommendations for continuous improvement.

9. Contractor Termination

- A. A contractor's participation will be terminated by the AGC of North Dakota, and North Dakota OSHA Area Offices will be informed if one or more of the following occurs:
 - 1) An inspection by the AGC of North Dakota, the AGC National Office or North Dakota OSHA reveals a significant deviation from program criteria;
 - 2) The contractor has falsified information on the application or supporting records;
 - 3) The contractor's total case injury/illness incidence rate rises above criteria set in paragraph 4.D.9 for White level participants or paragraph 4.E.12 for Blue level participants; or
 - 4) The contractor takes other such actions that may be determined to be grounds for termination by the AGC of North Dakota CHASE Committee.
- B. Prior to final termination of a contractor's status, the following will occur:
 - 1) The contractor will be notified by the AGC of North Dakota Safety Director in writing of the intent to terminate;

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- 2) The notice will include an explanation of the reasons for termination;
 - 3) The contractor will have an opportunity to reply to the written notice within a period of thirty (30) days; and
 - 4) The contractor will have the right to appear before the AGC CHASE Committee.
- C. The AGC of North Dakota CHASE Committee will have the authority to reinstate the contractor if it determines that the contractor's experience was unusual and not necessarily inconsistent with a sound safety and health program. In this event, OSHA may conduct another verification inspection.
- D. Any contractor may terminate participation in the program at any time.

10. Terms and Location of Partnership

- A. The partnership will have an initial term of three years and may be renewed if all signatory parties concur.
- B. Any signatory party to the partnership may withdraw from the agreement at any time after submitting written notification of intent to the other partner.

This agreement entered into and made effective on ___June 16th_,_2003.

Bruce Beelman
OSHA Area Director
U.S. Department of Labor

John Eickof
President
Associated General Contractors of ND

Curt Peterson
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