



PARTNERSHIP AGREEMENT

BETWEEN THE

OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION
ANDOVER AREA OFFICE

AND

AVALONBAY COMMUNITIES, Inc.

I. PARTNERS

The partners to this agreement are:

- U.S. Department of Labor, Occupational Safety and Health Administration, Andover, Area Office;
- AvalonBay Communities, Inc.

II. PURPOSE AND SCOPE

AvalonBay Communities, Inc. (Avalon); the United States Department of Labor, Occupational Safety and Health Administration (OSHA), Andover Area Office (AAO); mutually recognize the importance of ensuring a safe and healthful work environment in the construction industry in the State of Massachusetts. To advance this mutual goal, the Partnership between Avalon and the AAO has been established to formalize a cooperative effort between these entities, committed to encouraging companies to improve their safety and health performance voluntarily, providing methods to assist them in their efforts and recognizing companies with exemplary safety and health programs.

Avalon will request and encourage subcontractors to participate in achieving the goals outlined within the Partnership from the time they start working onsite, through project completion.

Ground breaking for the Project is scheduled for early August 2019, with an expected completion date of May 31, 2021.

Avalon Woburn consists of a 350 unit, 6-story residential building wrapping and screening a 6-story pre-cast concrete garage. The residential portion is a combination of 5-story wood frame construction on a slab on grade as well as 4-story wood frame construction on top of a 2-story concrete podium. The retail portion of the project sits within the concrete podium with a large landscaped co-working terrace on the roof. The project is roughly 400,000 sf and sits within the larger development known as Woburn Village.

III. GOALS/STRATEGIES & PERFORMANCE MEASURES

GOALS	STRATEGIES	MEASURES
1. Developing a partnership that will encourage involvement of the general and sub-contractors in the improvement of safety	a. Avalon will require all the subcontractors to develop and implement written safety and health programs. b. Will require all sub-contractors onsite to work	i. Avalon will verify by reviewing the number of subcontractors that implemented written safety and health programs and recognize those with exemplary programs.

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<p>and health performance.</p>	<p>toward implementing a “zero tolerance” safety practice in order to help achieve the desired reduction of worksite incidents.</p> <p>c. Avalon has a written site specific health and safety plan for work to be conducted onsite. To easily articulate the requirements of the health and safety plan and the role of the OSHA Partnership, a site specific orientation has been developed and implemented at the worksite concerning the high hazard tasks to be performed.</p> <p>d. Compile a summary of the number of inspections made by the Avalon health and safety manager (or their designee) and any third party. The report will be broken down into the four major categories of construction-focused hazards (falls, electrical, struck by and crushed by hazards, noise and silica), and will show the number of items within the six (6) categories that were corrected.</p> <p>e. Requires all foremen along with subcontractors to conduct a daily job briefing and review with their crew prior to starting work.</p>	<p>ii. Will conduct a periodic review of the subcontractor’s injury/illness statistics for the Project.</p> <p>iii. The orientation is led by Avalon Lead Superintendent and is given to all workers that arrive onsite (general contractor and subcontractor employees). Avalon will adjust the orientation to include specific information resulting in lessons learned in changing site conditions.</p> <p>iv. The health and safety manager will periodically sit in on daily briefings and discuss with foremen strong points and areas that may be improved on.</p>
<p>2. Identifying</p>	<p>a. Facilitate ongoing training on</p>	<p>i. Document the number of</p>

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<p>opportunities for enhancing safety and health practices related to the operation and maintenance of material handling equipment involved in the Project.</p>	<p>the safe operations of material handling equipment to all employees involved in the operation.</p> <p>b. Toolbox discussions are held on a weekly basis. The discussion topic will change each week. During the discussion, site specific topics are mentioned on work either occurring currently or upcoming events the crews should be aware of.</p>	<p>employees that have been trained and licensed on the material handling equipment.</p> <p>i. All workers are asked to present their training documentation, qualifications, and/or certifications. The worker and his/her qualifications are inserted into a project binder by trade and company.</p>
<p>3. Reduce workforce fatalities, serious injuries and illnesses and provide a safe work environment for employees at the Project.</p>	<p>a. Avalon will establish a system to collect and analyze injury and illness trends (including near-miss incidents) by all contractors performing work at the Project. This data will be used as a tool for continual safety and health program improvement.</p> <p>b. All worker hours will be tracked onsite by safety representatives for both Avalon personnel and subcontractors to accurately maintain a current Total Case Incident Rate (TCIR) and Days Away Restricted Time (DART) rate.</p>	<p>i. OSHA’s 300 injury and illness data.</p> <p>ii. Avalon incident/accident monthly tracking log.</p> <p>iii. After each significant incident that occurs, an incident review is scheduled to get all members of the crew to discuss what occurred. The purpose of the meeting is to find out the contributing factors/root causes, and discuss what corrective actions need to be established.</p> <p>iv. Avalon & the CAS will compare the Project to the U.S. Bureau of Labor Statistics (BLS) national trends and use these rates as a tool for continual health and safety program development.</p>
<p>4. Ensure, where feasible all serious hazards are eliminated or controlled through controls, safe processes and/or</p>	<p>a. Confirm health-related issues arising during the course of the construction work are adequately addressed by Avalon and its subcontractors. All health-related issues will be discussed monthly during</p>	<p>i. The number of employees trained on fall protection systems including PFAS, supported scaffolding, mobile scaffolding and ladders, as they relate to the Project.</p>

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procedures, and personal protective equipment (PPE).	<p>the partnership meetings.</p> <p>b. Will provide hearing conservation training to all employees and its subcontractors.</p> <p>c. An effective environmental monitoring program will be implemented to control hazards such as silica and noise and other airborne contaminants which may be present during various parts of the Project. This will include personal monitoring, employee training, implementation of engineering controls where feasible, and the use of respiratory and dermal protection when necessary.</p>	<p>ii. The number of tool box talks regarding conditions on the worksite for the duration of the project will be tracked.</p> <p>iii. Ensure that all subcontractors conduct safety meetings to inform workers of all serious hazards and the controls, procedures, safe processes and/or PPE necessary to protect against them.</p> <p>iv. Ensure that all subcontractors are in compliance with fall protection requirements including supported scaffolding, mobile scaffolding, PFAS, and ladders.</p>

The goals, strategies, and performance measures above will be implemented to meet the following objectives of this Partnership:

- a. Reducing the number of at-risk conditions and behaviors that have the potential to result in worker fatalities, injury and illness.
- b. Reducing the number of injuries affecting participant subcontractor employees, emphasizing those resulting from the four primary construction hazards, abating hazards (conditional and behavioral) identified from weekly safety and health inspections, and having no repeat occurrences of such issues upon re-inspection.
- c. Reducing the TCIR and DART rate to 20% below the current national average for NAICS Code 236, Construction of Building industry, based upon the BLS data available for the most current year. The 2016 BLS TCIR and DART rates for NAICS 236 are 2.8 and 1.6, respectively.

IV. ANNUAL EVALUATION

The partners will prepare a joint annual evaluation of the Partnership. The evaluation will

review the success of the Partnership, lessons learned, and changes that will be made to meet the goals of the Partnership. The annual performance evaluation report format from Appendix C of the OSHA Strategic Partnership Program for Worker Safety and Health(OSPP), Directive CSP 03-02-003, will be used. Performance measures listed in the goals and objectives section of this agreement will be collected and analyzed to determine the Partnership's progress toward meeting its goals.

V. OSP INCENTIVES

The following are benefits for Avalon and its subcontractors when and only when they are working at the Project:

- a. Outreach, information, training and technical assistance by the AAO.
- b. Special recognition, which may include but is not limited to, press releases issued by OSHA and recognition on OSHA's web page designating Avalon as a participant in the OSHA Strategic Partnership Program.

VI. VERIFICATION PROCEDURES

In accordance with OSHA's Clarification of Verification Exemption Policy for OSHA Strategic Partnership Program Construction Participants dated June 1, 2006, Avalon and all construction subcontractors will receive annual verification inspections. The onsite enforcement verification inspections are conducted to determine participants' compliance with terms of this agreement. The first inspection will be conducted no later than sixty (60) days after Partnership participants formally enter into this agreement. Citations and penalties may be issued, when appropriate, as a result of these inspections. During this period Avalon shall develop and implement the safety and health management systems required under this agreement.

VII. OSP MANAGEMENT AND OPERATION

A Partnership Management Team (PMT) with members from Avalon and OSHA will oversee and coordinate this Partnership. The team will determine Partnership procedures, which will include measures to be used and data to be collected, hold conference calls and meet monthly to evaluate the effectiveness of the Partnership. Avalon and AAO are responsible for collecting baseline and annual performance data upon which the OSPP will be measured. Avalon aggregate injury and 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.

Avalon will establish the following:

Project-Specific OSHA Safety and Health Program Management Guidelines – Avalon shall develop a project-specific safety and health plan to be used as a benchmark for

contractor programs to meet or exceed. This plan shall incorporate the following minimum elements:

Management Leadership

Avalon shall assign a qualified safety and health representative to administer its safety and health program. This person will have, at a minimum, completed the OSHA 30-Hour Construction course.

Worker Participation

Weekly foremen's meetings – Avalon shall hold a weekly meeting with all subcontractor foremen that shall include discussions of Project safety and health issues, and review job hazard analyses for upcoming activities. Additionally, representatives of all active subcontractors will meet to discuss participant performance and progress toward Partnership goals. The Compliance Assistance Specialist is welcome to attend these meetings.

Hazard Identification and Assessment

Weekly worksite audits of areas where employees are working will be conducted.

Job Hazard Analysis – Avalon shall conduct a comprehensive assessment of Project work and require its subcontractors to develop job hazard analyses (JHAs) to eliminate or reduce hazards to which their employees are potentially exposed.

Hazard Prevention and Control

Training on respective fall protection equipment

Mandatory use of Ground Fault Circuit Interrupters (GFCI) throughout the Project.

All cranes, hoists, and personnel lifts (scissor/aerial) will be inspected prior to use.

All cranes will have a current annual inspection conducted by a third party acceptable to Avalon.

Use of appropriate PPE, including the use of ANSI- approved safety glasses at all times, when using power tools.

Education and Training

Conduct site-specific safety and health training.

Program Evaluation

Recordkeeping – Avalon shall maintain a Project OSHA 300 Log (or equivalent), per the requirements of 29 CFR 1904.

Coordination and communication on Multiemployer Worksites/Subcontractors:

a. Weekly Task-Specific Instructions – All subcontractors shall provide workers with

instructions on the integration of safety and health requirements with current work tasks for the week. All subcontractors shall allow the Andover Office Compliance Assistance Specialist to attend any of these meetings, when requested by OSHA.

- b. Weekly Safety and Health Inspections – All subcontractors shall conduct weekly inspections of their work areas to identify conditional and behavioral deficiencies, as defined by the project safety and health plan and OSHA standards. Deficiencies will be documented, and corrected or reported to Avalon for corrective action.
- c. Recordkeeping – All subcontractors shall record workplace injuries and illnesses as required by 29 CFR 1904 and shall report recordable incidents to Avalon for recording on the Project OSHA 300 Log.
- d. JHA – All subcontractors shall conduct a JHA for each high hazard task to be performed, and review the appropriate JHA with affected employees at regular intervals.

OSHA's Role:

- a. Provide initial and continued review and evaluation of Avalon compliance with the Partnership Agreement.
- b. Provide initial review of Avalon Project Safety and Health Plan.
- c. Make recommendations where deficiencies or opportunities for improvement exist.
- d. Provide feedback on incident trends and patterns as needed.
- e. Assist Avalon with ensuring that effective training is available and delivered, as needed.
- f. Participate in training as resources permit.
- g. Periodically attend site safety and health meetings.
- h. Provide initial site surveys and perform environmental monitoring when appropriate.
- i. Provide clarification of OSHA standards for Avalon and subcontractors.
- j. Provide input on compliance strategies.

Subcontractor Buildings Trades:

- a. Weekly Safety and Health Inspections – Representative of the trades on the worksite shall participate in weekly inspections of their work areas to identify conditional and behavioral deficiencies, as defined by the Project safety and health plan and OSHA standards. Deficiencies will be documented and corrected or reported to Avalon for corrective action.
- b. Job Hazard Analysis – Representatives of the trades on the worksite shall participate in

the development of JHAs for each high hazard task to be performed, and review the appropriate JHA with affected employees at regular intervals.

VIII. EMPLOYEE AND EMPLOYER RIGHTS AND RESPONSIBILITIES

This Partnership does not preclude employees and/or employers from exercising any right provided under the OSH Act (or, for federal employees, 29 CFR 1960), nor does it abrogate any responsibility to comply with the Act.

IX. TERMS OF OSP

This agreement will terminate at the conclusion of the work being performed at the Project. However, if OSHA or Avalon wishes to withdraw their participation prior to the established expiration dates, the Partnership will be considered null and void upon receipt of a written notice of the intent to withdraw.

X. SIGNATORIES

Signed this ____ day of ____ 2019

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Area Director
Andover Area Office

Matt Gendron
Vice President
AvalonBay Communities, Inc.

Joseph Green
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