

**United States Department of Labor
Occupational Safety & Health Administration
&
BRANDENBURG INDUSTRIAL SERVICE
COMPANY**

For the

**Evergry Montrose and Sibley Station
Abatement and Demolition Projects**

In

**Montrose, Missouri
Sibley, Missouri**

Partnership Agreement

March 12, 2020

IDENTIFICATION OF PARTNERS

Brandenburg Industrial Service Company (Brandenburg) and the Kansas City Area Office of the Occupational Safety and Health Administration (OSHA) recognize the importance of providing a safe and healthy work environment for employees engaged in the construction industry. This OSHA Strategic Partnership Agreement (OSP), at the Evergy (formerly KCP&L) Montrose and Sibley projects in Missouri, will facilitate the goals of OSHA to reduce occupational-related fatalities and serious injuries and illnesses within the construction industry.

The Montrose Generating Station is a 564 megawatt, coal-fired power plant located near Clinton, Missouri. The plant commenced operations in 1958 and ultimately ceased operations in late 2018. The facility is comprised of (3) turbine generators and (3) boilers. The scope of work at the Montrose Generating Station includes:

- Hazardous material abatement, decommissioning, and demolition of the main plant,
- Hazardous material abatement and demolition of associated plant equipment, buildings, and structures, and
- Civil work required to return the site to a level condition at the conclusion of the project

The Sibley Generating Station is a 524 megawatt, coal-fired power plant located in Sibley, Missouri. This plant commenced operations in 1960 and ultimately ceased its operations in late 2018 as well. The facility is comprised of (3) turbine generators supplied by (3) boilers. The scope of work at the Sibley Generating Station consists of:

- Hazardous material abatement, decommissioning, and demolition of the main plant,
- Hazardous material abatement and demolition of associated plant equipment, buildings, and structures, and
- Civil work required to return the site to a level condition at the conclusion of the project

The purpose of this Agreement is to outline the commitments of the Partners and organizations pledging support in order to foster cooperation and compliance and help ensure that this project has a safe and healthful work environment.

The organizations listed below have committed to this OSP jointly with a common objective to provide a safe and healthy environment for all employees at the Montrose and Sibley project sites. It is the intent of this agreement to focus their combined experience and knowledge to promote safety and health, and to empower all workers on site to participate in this goal.

Primary Partners:

- OSHA Kansas City Area Office
- Brandenburg Industrial Service Company

Pledging their support for the Partnership:

- Evergy, Inc.
- Laborers International Union of North America, Local 264
- Laborers International Union of North America, Local 663
- International Union of Operating Engineers, Local 101

I.PURPOSE/SCOPE

The purpose of this partnership is to provide a safe and healthy work environment for employees involved on this project and in the construction industry. The organizations of this partnership are committed to preventing serious incidents and fatalities during the demolition activities of the Montrose and Sibley sites through increased training, implementation of best work practices, enhanced safety and health programs, and compliance with applicable OSHA standards and regulations.

II.GOALS/STRATEGIES

The overall goal of the partnership is to create a working relationship that focuses on preventing work-related fatalities, eliminating serious workplace hazards, and establishing a foundation for the development of an effective safety and health program. Specific responsibilities for contractor compliance and involvement in the partnership for compliance, site audits, partnership improvements and evaluations of partnership modifications and achievements are delineated in Section X of this document. Responsibilities are delineated for Brandenburg and all other contractors on site, OSHA, and Trade Unions.

GOALS	STRATEGIES	MEASURES
<p>Maintain a project-wide injury and illness rate, which is 50% below the 2018 BLS Total Recordable Case (TRC) rate and Days Away from Work, Restricted or Transfer (DART) rate for the industry (used as the baseline for this project).</p>	<p>Establish proactive measures for the common hazards found at construction sites.</p> <ol style="list-style-type: none"> a. Provide all necessary engineering controls, administrative controls and personal protective equipment. b. Provide a comprehensive Job Site Safety Orientation for all workers prior to allowing them to work on site c. Implement a task-specific hazard analysis to assure all anticipated hazards that can be engineered out are addressed, create administrative controls/procedures to cover those that cannot be engineered out and complete a personal protective equipment assessment. 	<p>Brandenburg will collect and calculate the following injury and illness data on a monthly basis for comparison to the national average:</p> <ul style="list-style-type: none"> - Total Recordable Case rate (TCR) - Days Away / Restricted or Transfer rate (DART) <p>Brandenburg will compare the sites (TCR) and (DART) with the 2018 BLS data published (TCR) rate of 2.7 and a (DART) rate of 1.8 for (Site Preparation Contractors) NAICS Code 238910, and will be used as the baseline for this partnership. The project's injury and illness data will also be compared to the most current BLS data for NAICS Code 238910.</p>

<p>Promote a cooperative relationship between labor and management and encourage employee participation to achieve a safe and healthful workplace. [Management commitment, employee participation, jobsite analyses, and training]</p>	<ul style="list-style-type: none"> a. Conduct daily toolbox safety meetings. b. Conduct Monthly Safety Topic training c. Keep an open door safety policy and encourage hazard reporting. d. Conduct hazard analysis during Pre-Task Safety Planning. e. Empower each employee to utilize his or her Stop-Work Authority if required. 	<ul style="list-style-type: none"> a. Meeting topics and sign-in records will be used to track and document attendance. b. Course rosters/sign-ins to be used to track the number of employees receiving training. c. Track number of hazard analyses and number of changes in analyses d. Track incoming safety issues, hazard reporting, suggestion forms and complaints and their resolution.
<p>Identify and prevent the most common causes of workplace injuries and illnesses in the construction industry, included but not limited to: falls, electrical safety, struck-by, caught in/between, trenching/excavations, and cranes. [Hazard prevention and control]</p>	<ul style="list-style-type: none"> a. Conduct daily toolbox safety meetings. b. Enforce a (6) foot fall protection rule. c. Conduct site audits and daily site walk through. d. Conduct hazard assessments and review assessments with all affected employees. e. Conduct personal air monitoring and noise dosimetry. 	<ul style="list-style-type: none"> a. Site safety personnel will conduct daily, weekly and monthly audits to ensure that the most common hazards are addressed. b. When available and at OSHA’s discretion, OSHA representatives will be present for quarterly partnership steering committee meetings. c. OSHA log 300 will be used to track the number of work-related injuries and illnesses. TCR and DART rates for previous years will be used for comparison purposes. d. Near miss tracking forms will be utilized to track near misses on the site. e. Track air and noise exposures.

<p>Institute a comprehensive industrial hygiene and environmental monitoring program to evaluate and quantify contaminants such as: asbestos, lead, respirable crystalline silica, elevated noise, and fence line aerosols.</p>	<ul style="list-style-type: none"> a. Industrial hygiene sampling will be completed to evaluate employee exposure to agents such as asbestos, lead, respirable crystalline silica, and noise. b. Fence line monitoring will be completed for aerosols (PM 10). 	<ul style="list-style-type: none"> a. Sampling results will be compared to applicable OSHA, NIOSH, and ACGIH OELs. b. Fence line monitoring will be maintained throughout the project. c. Track sampling data and provide to OSHA upon request and summarize in the annual report.
<p>One hundred percent (100%) of contractors and subcontractors to have site-specific comprehensive written safety and health programs.</p>	<p>Written safety and health programs will be required for all contractors, subcontractors and tier-subcontractors.</p>	<ul style="list-style-type: none"> a. Brandenburg will require, review, and maintain copies of all contractors', subcontractors', and tier- subcontractors' safety and health programs, and will ensure that 100% of contractors and subcontractors have effective safety and health programs. b. Track number of programs reviewed, programs initially drafted and implemented, and programs improved.
<p>Support OSHA's initiatives, including the Fall Protection Initiative to further the industry's awareness of fall hazards in the workplace, and Safe and Sound Week, to further emphasis on safety and health programs.</p>	<ul style="list-style-type: none"> a. All on-site contractors will participate in OSHA's annual "National Safety Stand-Down to Prevent Falls in Construction" event until the project is completed. All on-site contractors will display OSHA's National Safety Stand-Down Poster in locations where employees are 	<ul style="list-style-type: none"> a. All contractors will use OSHA's "Join the National Safety Stand-Down" webpage to sign-up for the event, provide information about their stand-down activity and complete the survey. In addition, all contractors will provide the Kansas

	<p>working and inside their on-site trailers.</p> <p>b. All on-site contractors will participate in Safe and Sound Week event(s) until the project is completed.</p>	<p>City Area Office the number of employees that were participants, with the goal being 95% participation of all employees on site.</p> <p>b. All contractors will provide the Kansas City Area Office the number of employees that were participants in the Safe and Sound week event(s), with the goal being 95% participation of all employees on site.</p>
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III. SAFETY AND HEALTH PROGRAMS

Safety and Health Programs are a critical part of this OSP in that it is an important aspect of collaboration between the project management team, supervisors, and the workers on site. The safety and health programs will enhance the partnership through collaboration of all parties on site, and increased communication among parties, to impact worker safety and health. Safety and Health Programs will include, but not be limited to, the following core elements:

Leadership / Management Roles

Brandenburg will implement a Safety and Health Program patterned after OSHA’s ‘Recommended Practices for Safety and Health Programs in Construction’ dated October, 2016. This may be found at: https://www.osha.gov/shpguidelines/docs/8524_OSHA_Construction_Guidelines_R4.pdf. OSHA’s ‘Recommended Practices’ contain seven core elements—management leadership, worker participation, hazard identification and assessment, hazard prevention and control, education and training, program evaluation and improvement, and communication and coordination for employers on multiemployer worksites. The recommended practices will encourage partnering employers to commit a high level of worker involvement to assist in monitoring and identifying job site hazards on a continual basis to prevent accidents. The programs will be implemented at the initiation of the partnership and continue to be implemented during the entire duration of the partnership.

Worker Involvement/Participation

The workers will be encouraged to report job site hazards and bring all potential hazards to the attention of his/her supervisors if discovered for immediate response and correction. Reported information will be used to improve workplace safety and no worker will experience retaliation for bringing such information to management’s attention. This will

be encouraged in the following ways:

- Brandenburg will hold a Job Site Safety Orientation with each worker prior to work on site.
- All contractors provide a system to allow workers to report potential job site hazards to Brandenburg, all other contractors, and/or supervisors upon discovery to stop work if necessary.
- All contractors will require all workers to attend daily tool box talks.
- All contractors will participate in monthly safety audits and provide all subcontractors on site with a copy of the safety audit reports for use in discussion with workers during tool box talks.
- All contractors will share the result of accident investigations, site safety walkthroughs, and exposure monitoring to help workers understand workplace hazards
- All workers on-site are obligated to utilize Stop-Work Authority if they observe any condition that could result in an incident.

Worksite Analysis

This project will focus on safety at all times and Brandenburg will enforce job site safety compliance to OSHA standards including but not limited the following ways:

- Brandenburg will conduct daily site inspections and review all subcontractors, workers and site conditions for safe practices.
- Brandenburg and all other contractors involved will take immediate action to correct any unsafe conditions.
- Brandenburg will continually monitor all workers, visitors and others entering the work site to ensure safe conditions throughout the worksite.
- Brandenburg will maintain and communicate a disciplinary program for workers and contractors for non-compliance with site safety and health rule violations.

Hazard Prevention and Control

Brandenburg considers Hazard Prevention and Control a process requiring continual efforts of monitoring and identifying job site hazards and taking corrective actions to maintain a safe and healthy job site at all times.

- Brandenburg will ensure that hazard correction procedures are in place.
- Brandenburg and all other contractors involved will ensure that everyone knows how to use and maintain personal protective equipment.
- Brandenburg and all other contractors involved will make sure that everyone understands and follows safe work procedures.

Safety and Health Training

- Brandenburg and all other contractors involved will ensure only properly authorized and instructed employees are permitted to do any job.
- Brandenburg and all other contractors involved will ensure workers do not do a job

- that appears to be unsafe.
- Brandenburg and all other contractors involved will ensure that supervisors are trained to recognize both health and safety hazards associated with their line of work, and understand their responsibilities.

Program Evaluation and Improvement

Brandenburg will ensure that all contractors and subcontractors evaluate and improve their safety and health programs, which should include:

- Control measures are periodically evaluated for effectiveness.
- Processes are established to monitor program performance, certify program implementation, and identify program shortcomings and opportunities for improvement.
- Necessary actions are taken to improve the program and overall safety and health performance.

Communication and Coordination for Employers on Multiemployer Worksites:

Since this is a multiemployer worksite, Brandenburg will ensure that all contractors and subcontractors communicate and coordinate with all employers on the worksite, and should include:

- General contractors, contractors, and staffing agencies commit to providing the same level of safety and health protection to all employees.
- General contractors, contractors, subcontractors, and staffing agencies communicate the hazards present at the worksite and the hazards that work of contract workers may create on site.
- General contractors establish specifications and qualifications for contractors and staffing agencies.
- Prior to beginning work, general contractors, contractors, and staffing agencies coordinate on work planning and scheduling to identify and resolve any conflicts that could impact safety and health.

IV. WORKER INVOLVEMENT

- Brandenburg and all other contractors involved will ensure workers and/or their representatives are involved with daily and monthly site inspections.
- Brandenburg and all other contractors involved will ensure workers and/or their representatives participate in monthly safety meetings, as well as report any near miss or unsafe conditions.
- Brandenburg and all other contractors involved will provide support to all workers and/or their representatives by providing feedback on risks and assisting them in eliminating hazards.
- Brandenburg and all other contractors will ensure the development and implementation of a procedure for the safe reporting of all work-related injuries and illnesses, and prohibits discrimination against an employee from reporting these events, as directed in 29 CFR 1904.35 and 1904.36.

V. EVALUATION

On a quarterly basis, the Partnership Executive Safety Committee, comprised of representatives from Brandenburg and a representative(s) from OSHA, shall meet and discuss the program, share project data, discuss best practices and challenges, and make any modifications as required to continually improve the partnership. These quarterly meetings will serve as an on-site non-enforcement verification visit. Other Site Contractors performing work will be invited to attend to offer further feedback.

The program will be evaluated on an annual basis through the use of the Strategic Partnership Annual Evaluation Format measurement system, as specified in Appendix C of OSHA Directive CSP 03-02-003.

It will be the responsibility of Brandenburg to collect required data to evaluate and track the overall results and successes of the partnership program. This data will be shared with OSHA-Kansas City Area Office and other partners as necessary. OSHA-Kansas City Area Office and Brandenburg will jointly conduct, write and submit the annual evaluation with input received from the partners.

VI. VERIFICATION PROCEDURES

- A. OSHA will continue to investigate fatalities and catastrophes should they occur at the jobsite as well as alleged “imminent” danger situations per the CPL 02-00-160 - Field Operations Manual (FOM), dated August 2, 2016. **Note: In the event that the FOM is revised, the most current FOM will be utilized.**
- B. OSHA will continue to investigate complaints and referrals received in accordance with procedures contained in the FOM. Note: In the event that the FOM is revised, the most current FOM will be utilized.
- C. OSHA will conduct a focused “**on-site enforcement verification inspection**”, should this site be randomly selected by existing OSHA construction scheduling systems such as the University of Tennessee system. Note that OSHA will not implement any scheduling of this site for an on-site enforcement verification inspection over and above that which would be experienced by a non-partnership site. These inspections will follow the “Focused Inspection” protocol {Memorandum from James W. Stanley, “Guidance to Compliance Officers for Focused Inspections in the Construction Industry”, dated August 22, 1994 (Revision 2 issued September 20, 1995 and incorporated herein)} addressing hazards related to falls, struck by, caught-in, and electrical hazards. Inspections conducted in response to complaints, Local and/or National Emphasis Programs (LEP/NEP), or referrals will qualify as the verification inspection if, in addition to addressing the complaint/LEP/NEP/referral item(s), the compliance officer completes the focused inspection protocol for the worksite.
- D. All contractors on site will remain subject to OSHA inspections and investigations in accordance with agency procedures.
- E. **On-site non-enforcement verification visits** will be performed by OSHA representatives, by their participation in the quarterly Partnership Executive Safety

Committee meetings (as outlined in Section VI of the partnership agreement).

VII. INCENTIVES

The following partnership incentives include:

- A. In the event that a contractor performing work at the site is cited by OSHA for a violation occurring at the site, a maximum penalty reduction for good faith will be provided, in accordance with FOM. **Note: In the event that the FOM is revised, the most current FOM will be utilized.**
- B. Priority will be given to “phone and fax” safety and health complaints in lieu of on-site inspections.
- C. Other-than-serious violations observed during an OSHA visit shall not be cited if immediately abated.
- D. This partnership requires frequent inspections of the worksite by Brandenburg, contractors, and subcontractors to identify and correct hazards. It serves as a model to contractors and others by demonstrating how to implement a strong safety and health program on a multi-employer jobsite. It also encourages a higher level of participation in the safety process by involving everyone on the jobsite. The knowledge gained from this partnership will be applied to reduce injuries and illnesses at future work sites.

VIII. OSP MANAGEMENT AND OPERATION

Brandenburg, the U.S. Department of Labor/Occupational Safety and Health Administration – Kansas City Area Office, and all listed Unions will form a Partnership Executive Safety Committee to monitor the implementation of this Agreement. The Committee will consist of a representative from each of the designated partners. Brandenburg will serve as the chairperson and as OSHA's primary contact. The Committee will review contractor compliance and involvement in the partnership, analyze job site audits, make partnership improvements, and evaluate partnership modifications, achievements, and success.

- A. Brandenburg will implement their company's comprehensive safety and health programs, which is based on OSHA's ‘Recommended Practices for Safety and Health Programs in Construction, dated October 2016. This may be found at: https://www.osha.gov/shpguidelines/docs/8524_OSHA_Construction_Guidelines_R4.pdf. The OSHA's ‘Recommended Practices’ contain seven core elements including:

- Management commitment;
- Employee involvement;
- Hazard analysis;
- Hazard prevention and control;
- Education and training;
- Program evaluation and improvement; and
- Communication and coordination for employers on multiemployer worksites.

B. The Partnership Executive Safety Committee (with Brandenburg as the Chair) will:

- Mentor contractors and subcontractors who have not yet developed their own safety and health program and, if necessary, refer them to other entities for assistance.
- Enforce 100% fall protection for all fall hazards over six (6) feet.
- Act as the Project Site Safety Leadership Team and will share the responsibility for overseeing site safety, to serve as a point of contact, and to oversee the partnership goals.
- Share the responsibility for overseeing site safety, to serve as a point of contact, and to oversee the partnership goals.
- Conduct and document daily safety audits.
- Ensure that all subcontractors participate in job-site safety meetings/toolbox talks on a daily basis and document all attendance and topics.
- Coordinate, conduct, and document a comprehensive site audit on a monthly basis. If non-compliant activity or hazards are discovered, immediate correction is required. Brandenburg and all other contractors involved will document the corrective action taken, and share this information during the quarterly update meetings.
- Allow OSHA access to the site during inspection activities (programmed and un-programmed activities such as fatalities, referrals, and employee complaints).
- Audit the partnership and make recommendations for improvement.
- Share and make available to all workers, job-site inspections and investigation of near misses and incidents.
- Require the use of appropriate personal protective equipment by everyone entering the work site. Appropriate personal protective equipment will include leather work shoes / boots (dress shoes, tennis shoes and any other types of shoes are not allowed on site), ANSI approved hardhats, eye protection and high-visibility reflective vests or clothing as a minimum, will be worn at all times on the worksite.
- Ensure that contractors and subcontractors develop and implement a procedure for the reporting of all work-related injuries and illnesses, which prohibits discrimination against an employee from reporting these events, as directed in 29 CFR 1904.35 and 1904.36.

C. OSHA will:

- Participate in the bi-monthly Partnership Executive Safety Committee meetings.
- OSHA will ensure that the partnership is evaluated quarterly and will include data used to monitor the success of the partnership efforts.
- Designate a Kansas City Area Office contact to be used as a resource for technical issues, and may assist with safety and health training/tool box meetings.
- May review Project records, including but not limited to injury/illness logs, safety and health programs, and safety and health self-audits.

D. Trade Unions will:

- Represent all Unions affiliated with the work trade scopes of this project.
- Assist in trade jurisdiction and work requirements and offer additional OSHA certified safety training to their respective Union members.
- Assist in planning and implementation of all safety and health programs.

IX. WORKER AND EMPLOYER RIGHTS

This partnership does not preclude employees and/or employers from exercising any rights provided under the OSHA Act, nor does it abrogate any responsibility to comply with rules and regulations adopted pursuant to the Act.

X. OSP TERM

- A. This agreement will terminate at the completion of demolition and removal activities. If any signatory of this agreement wishes to terminate its participation prior to the established termination date, written notice of the intent to terminate must be provided to all other signatories.
- B. If OSHA chooses to terminate its participation in the partnership, the entire agreement is terminated.
- C. Changes to the OSP may be implemented in writing if all parties are in agreement that it is in true best interest of all members involved.
- D. Should either of the principal participants (OSHA or Brandenburg) elect to withdraw from participation in the partnership prior notification in writing of the intent to terminate shall be given to the other Party. A thirty (30) day written notice is required prior to termination, during which the parties have an opportunity to resolve any issues to avoid termination. Termination by either Party shall constitute a cancellation of the partnership. OSHA and Brandenburg are the only entities that can terminate this partnership.

United States Department of Labor
Occupational Safety & Health Administration

Based upon a mutual interest to protect construction workers, the parties below agree to the above terms of the Brandenburg Industrial Service Company / OSHA Strategic Partnership Agreement (OSP) for the Evergy Montrose and Sibley Generating Station projects, located in Missouri.

Signed this 12 day of March, 2020.

Primary Partners:

Karena Lorek
Area Director
OSHA-Kansas City
Area Office

Daniel Charles
Corporate EHS Manager
Brandenburg Industrial Svc Co.

Supporting Groups:

Aaron Brown
Business Representative
International Union of Operating
Engineers, Local 101

Bill Livingston
Secretary / Treasurer
Laborers International Union
of North America, Local 264

Andrew Moenster
Project Manager
Evergy, Inc.

Phillip Butler
Business Agent
Heavy Construction Laborers,
Local 663