



**United States Department of Labor
Occupational Safety & Health
Administration**

&

McCarthy Building Companies, Inc.

**BJC HealthCare Campus Renewal Project
Phase 3**

**4950 Barnes-Jewish Hospital Plaza
St. Louis, MO 63110**

I. Identification of Partners

A. The Partners in this Agreement are the following:

1. Occupational Safety and Health Administration, OSHA's St. Louis, MO Area Office
2. McCarthy Building Companies, Inc. (also referenced herein as "McCarthy", "McCarthy Building Companies Team," or "McCarthy Team")
3. Project Subcontractors – All subcontractors that work on this Project are considered Partners for purposes of this Agreement. All contracts with subcontractors not already executed will incorporate this OSHA Partnership into their respective agreements with McCarthy. McCarthy Building Companies, Inc. will incorporate this OSHA Partnership into each of its subcontractors' respective written agreements, including through amendment or change order, if necessary. This will include a provision acknowledging the subcontractor's obligations under this Agreement.

B. Supporting Groups

1. BJC HealthCare is a supporting group in that it acknowledges the coordination between McCarthy Building Companies, Inc. and OSHA and supports the mission of their project and partnership. As a supporting group, BJC HealthCare is not a signatory to this Agreement and in no way will be bound to any of the terms or conditions contained herein, nor have any liability hereunder.
2. The Partners attest that The Building and Construction Trades Council, Mid-America Carpenters Regional Council, and the Missouri and Kansas Laborers' District Council each support the Partnership described herein.

II. Purpose/Scope

This Partnership was developed jointly by the Occupational Safety and Health Administration (OSHA) and McCarthy Building Companies, Inc. (McCarthy Team).

This Partnership is consistent with OSHA's long-range efforts to develop a contractor/government partnership approach to safety management. It allows for better use of OSHA resources and innovation in safety management. This Agreement also encourages more participation in the safety process from the construction community. With the implementation of this strategic partnership, OSHA and McCarthy Building Companies, Inc. aim to reduce the number of worker illnesses, injuries, and fatalities by specifically focusing on reducing or eliminating employee exposure to falls, struck-by, caught-in between and electrical hazards.

Phase 3 of the Campus Renewal Project includes the construction of a new 16-story replacement bed tower in the footprint of the recently demolished Queeny Tower. The new building will house Acute and ICU patient care areas along with Diagnostics, Imaging and Surgical support

spaces. Adjacent to the new tower will be an improved entrance to the Washington University Medical Center campus (including a new pedestrian bridge). Major construction work began spring 2021, with plans for the campus to become operational in 2025.

Specifications and assignments within this partnership document do not relieve the McCarthy Team or contractors on the Project from or lessen their safety and health responsibilities, nor change any contractual obligations between McCarthy Building Companies, Inc., and subcontractors, nor does it lessen any/all affirmative defenses, legal rights, or due process afforded contractors with respect to agency enforcement action. In addition, nothing in this Agreement shall modify terms or conditions, or relieve McCarthy of any responsibility or liability, that McCarthy, any contractor, subcontractor, or material supplier, may otherwise contractually be obligated whether directly with BJC HealthCare, any BJC HealthCare affiliate, or otherwise, or as may be governed by applicable federal or state law.

III. Goals/Strategies and Performance Measures

OSHA has identified the top four (4) causes of fatalities in construction. These are falls, struck by equipment or machinery, electrocution, and caught-in or between equipment or materials. The overall goal for this Partnership Agreement is to minimize mishaps, injuries and illnesses on the Project and experience zero fatalities.

| Goals | Strategies | Performance Measures |
|--|---|---|
| <p>Minimize accidents, injuries, and illnesses on the project; zero fatalities; and maintain the project injury/illness data below the current Bureau of Labor Statistics (BLS) National Average for NAICS 23 (all of construction).</p> <p>Reduce the total number of injuries and illness cases by 10 percent, thereby providing a safe and healthy work environment for employees at the Project.</p> | <p>Implementation of comprehensive safety and health management system for the site.</p> <p>a) Review the OSHA 300 data of all project contractors; reviewing injury and illness trends and implementing effective corrective action(s).</p> <p>b) Calculate the employers' Total Case Incident Rate (TCIR), Days Away From Work, Restricted, or Job Transferred (DART) rates, and Days Away From Work (DAFW) rates.</p> <p>c) Compare this data with the baseline rates and most current BLS data.</p> <p>Partners will meet quarterly to review injury and illness statistics and work together to resolve workplace safety and health issues to reduce injuries and illnesses.</p> | <p>The partnership will compare site:</p> <p>Total Case Incident Rate (TCIR).</p> <p>Days Away, Restricted or Transferred (DART) Rate.</p> <p>Days Away From Work (DAFW) Rate.</p> <p>A comparison of actual project injury and illness data to the baseline, and most current published BLS Data, for NAICS 23 will occur annually.</p> <p><i>Note: The 2021 BLS published TCIR, DART, and DAFW Rates for NAICS 23 are 2.5, 1.6, and 1.1, respectively, and will be utilized as the baseline for the partnership.</i></p> |

| Goals | Strategies | Performance Measures |
|--|--|--|
| <p>Provide for Management Commitment and Employee Participation.</p> <p>Develop a construction management / contractor / OSHA relationship that will encourage involvement of all jobsite contractors to improve safety and health performance.</p> <p>Effectively control workplace hazards by increasing the number of construction companies with safety and health management systems.</p> | <p>Require all contractors to develop and implement a written safety and health program that is specific to Phase 3 of the BJC HealthCare Campus Renewal Project.</p> <p>a) Review the number of employers that receive comprehensive consultation visits.</p> | <p>Track and verify the number of contractors who have created safety plans that are specific to the contractor's work on the Phase 3 of the BJC HealthCare Campus Renewal Project.</p> |
| <p>Conduct Job-Site Analyses.</p> | <p>Identify hazards in a timely manner.</p> <p>Perform initial task hazard analyses, and update these analyses as project advances.</p> | <p>Track the total number of hazards identified vs those identified by workers to measure employee involvement in hazard recognition and correction.</p> <p>Track the number of jobsite task hazard analyses, and the employee involvement in the analyses.</p> |
| <p>Hazard Prevention and Control – Implement innovative strategies to eliminate serious accidents, including the four primary construction hazards (falls, struck-by, caught in, and electrical).</p> | <p>Implement and enforce an ongoing site safety audit program (including daily observations and weekly group site walks).</p> | <p>Document the number of site safety audits.</p> <p>Document the number of hazards identified during site safety audits.</p> <p>Document the number of hazards and abated during site safety audits.</p> <p>Document and track all injuries and illnesses, including near misses.</p> |

| Goals | Strategies | Performance Measures |
|---|--|--|
| Provide for general safety and health, and job task specific hazard training. | Provide all employees site specific safety orientation. Support the goal that all employees have OSHA 10-Hour training. Support the goal that all Superintendents have OSHA 30-Hour training. Provide all employees with weekly toolbox talks. | Document the number of employees and supervisors trained and the number of training hours received. <i>Note: Include orientation, toolbox talks, and 10 & 30-Hour courses.</i> |
| Provide for worker involvement. | Provide worker involvement/participation in: Weekly site safety meetings Site safety audits Task Hazard Analyses OSHA initiatives, including the National Fall Prevention Stand-down and Safe and Sound Week. | Document the number of: Weekly site safety meetings Site safety audits Task Hazard Analysis Employees and employers participating in the OSHA initiatives such as but not limited to the Fall prevention Stand-down and Safe and Sound Week event. |

Program Implementation Strategies:

McCarthy Building Companies, Inc. requires all contractors on Phase 3 of the BJC HealthCare Campus Renewal Project to comply with Items A through Q below:

- A. Develop and maintain rigorous project safety specifications for use in all contracts.
- B. Require that all contractors develop pre-construction hazard assessments on all projects and document existing conditions and proposed control measures.
- C. Conduct initial (safety kick-off) meeting with McCarthy project management, McCarthy project safety manager, and McCarthy project superintendent(s). McCarthy will require all contractors to develop a project specific safety management plan prior to the start of their work on Phase 3 of the BJC HealthCare Campus Renewal Project that is based on OSHA's "Recommended Practices for Safety and Health Programs in Construction," dated October 2016. This document may be found at <https://www.osha.gov/shpguidelines/>. The foregoing OSHA's "Recommended Practices" contain seven (7) 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.

- D. Support the goal that all McCarthy Building Companies, Inc. field managers working on Phase 3 of the BJC HealthCare Campus Renewal Project will have completed an OSHA 30-Hour Construction training course.
- E. Each of the weekly contractor coordination meetings will dedicate the first portion of the meeting to discussing project safety and will be documented.
- F. Require that all tiered contractors provide an annual, quarterly, weekly, or daily inspection of equipment as appropriate. Record(s) of inspections will be documented and maintained at the project sites. Require that all equipment capable of amputations be adequately guarded.
- G. Require that all workers on the project are provided a site-specific safety orientation prior to starting work. The orientation will include providing information on employee workplace rights and responsibilities. Ensure that a competent person will be provided for all tasks required by OSHA standards and regulations.
- H. Require that trench plans, fall protection plans, emergency response plans, lift plans, and daily job hazard analysis be developed, reviewed, and documented prior to starting work as it relates to the contractor's scope of work.
- I. Require that daily site safety inspections are conducted by McCarthy's project management team or other designated individuals. All inspection findings and corrective actions will be documented, tracked, and communicated to all levels of workers on the project
- J. Provide resources to conduct OSHA 10 and 30-Hour Outreach training, Task Hazard Analysis (THA) development, incident investigation, and other general construction safety training. Training will be provided periodically to project workers, and management. Safety and health training will be conducted in a language that the workers understand.
- K. Require and ensure that all tiered contractors have effective drug/alcohol testing and return to work programs.
- L. Project safety performance will be tracked and evaluated. "Lessons Learned" information will be developed and distributed to other McCarthy managed projects throughout Region VII.
- M. Require that health-related issues arising while the construction project are adequately addressed by the creating contractor with participation by Project Safety Manager. An effective monitoring program will be implemented to assess exposures to health hazards. Control measures will be implemented when exposures exceed permissible exposure limits.

- N. Provide recognition to contractors that demonstrate the ability to provide a safe working environment.
- O. Require any contractor using tower or mobile cranes to demonstrate proper working conditions through inspections conducted by qualified crane inspectors prior to use. Documentation of inspections will be maintained at the project.
- P. Require that all crane operators are certified and trained to operate the specific crane in use. Documentation to demonstrate competency will be provided and maintained at the project site.
- Q. Require that all critical lifts be identified and a plan to safely perform be developed and implemented prior to the lift.

IV. OSPP MANAGEMENT AND OPERATION

The McCarthy Building Companies Team will:

1. Establish a jobsite safety walk-around team and safety committee, consisting of a representative from each of the primary subcontractors on-site. McCarthy Building Companies Team will also develop and implement the Safety Works Philosophy on the jobsite, based on a belief that all accidents are preventable and unnecessary. Additionally, McCarthy Building Companies Team will implement a comprehensive safety and health management system, which includes:
 - a. Management commitment and employee involvement.
 - b. Hazard analysis.
 - c. Hazard control; and
 - d. Arrangement of training assistance for other stakeholders on-site.
2. Mentor subcontractors in safety and health management systems. Subcontractors shall include all multi-tiered subcontractors that arrive for work on the site.
3. Ensure that the jobsite complies with the OSHA silica standard, where the potential for airborne silica exposure exists. To the extent feasible, personal air monitoring will be conducted to assess employee exposure levels. Where the potential for other health issues exists (i.e., carbon monoxide, lead, or large-scale use of chemicals in the building interior during floor finishing), the McCarthy Building Companies Team will coordinate with the subcontractor responsible for creating the hazard and ensure that air monitoring is conducted to assess employee exposure levels. Sampling results will be compiled and tracked by the McCarthy Building Companies Team.
4. Enforce safety rules and regulations. This enforcement authority includes holding contractors and employees accountable for following safety rules and regulations and,

if necessary, removing contractor's employees and supervisors from the job site, following proper disciplinary procedures.

5. Ensure that a competent person completes a Task Hazard Analysis (THA) for all fall, struck-by, caught-between, and electrocution hazards. The probability and severity of occurrence for each identified hazard will be evaluated to eliminate or reduce the risk through conventional protection, engineering, or administrative controls to as low a level as possible.
6. Serious ergonomic hazards will be identified and corrected.
7. Ensure that ground fault circuit interrupters (GFCI) are used to protect all electrical circuits that are installed for work. All contractors will ensure that employees are protected using a GFCI at all times.
8. The Superintendents, Senior Safety Manager, and Safety Director for the McCarthy Building Companies Team will serve as points of contact, monitor safety and health at the site and evaluate progress toward achievement of the Partnership goals.
9. The McCarthy Building Companies Superintendents and Project Managers will ensure that daily safety audits are conducted.
10. Conduct and document jobsite safety meetings/toolbox talks on a weekly basis.
11. Coordinate and conduct comprehensive site audits led by Project Team representatives. The Safety Committee and subcontractors will participate in the site safety audits as required. Non-compliant activity or hazards will be corrected immediately. The McCarthy Building Companies Team will document the corrective action taken and share this information with OSHA during the quarterly update meetings.
12. Continually evaluate the Partnership's effectiveness and make recommendation for improvement.
13. Ensure that no employees are allowed to work directly below a suspended load except for: employees engaged in the initial connection of steel; employees necessary for hooking or unhooking the load. The following criteria must be met when employees are allowed to work under the load: materials being hoisted shall be rigged to prevent unintentional displacement; hooks with self-closing safety latches or their equivalent shall be used to prevent components from slipping out of the hook; a qualified rigger shall rig all loads. Tag lines will be used appropriately to prevent work below suspended loads.
14. Require the use of appropriate personal protective equipment. Standard PPE includes hardhats, high-visibility clothing, task appropriate gloves, and eye protection.
15. Ensure that all signs and warnings will be posted in appropriate languages.

16. Implement a 100 percent Fall Protection Plan for all work performed 6 feet or more above lower surfaces.
17. Implement an effective Heat Illness Prevention Program to educate workers about the hazards of working outdoors in the heat and steps needed to prevent heat-related illnesses. This should utilize tools such as OSHA's Heat Safety Tool Smartphone App and the Employer Guide to Using the Heat Index.

Subcontractors will:

1. Appoint a representative to the site Safety Committee who will be responsible for resolving job safety matters and serving as a liaison to McCarthy Building Companies Superintendents. Every prime subcontractor will have a person available to participate in the Safety Committee. Participation on this committee will consist of, but will not be limited to, participation in the project safety walk-around and monthly safety meetings.
2. Conduct jobsite safety inspections for those employees under their supervision and authority. These jobsite safety inspections will be in addition to the daily general inspections. If non-compliant activities or hazards are discovered, immediately corrective action is required. Documentation of abatement methods and verification will be made available upon request.
3. Share the results of jobsite inspections with all workers.
4. Submit accident reports to the McCarthy Building Companies Team, including first aid, injury, property damage and near miss reports.

OSHA will:

1. Participate, to the extent resources permit, in the quarterly Partnership Committee/Subcontractor meetings, but will not participate in the walk-around inspection, except that the verification visits may be scheduled as part of the weekly walk-around inspection.
2. Serve as a resource and liaison for Partnership participants and assist with safety and health training, as resources permit.
3. Give priority to the construction project when technical assistance is needed.
4. Audit the monthly reports/documents and make recommendations for improvements in meeting Partnership goals.
5. Conduct inspections in accordance with Section IX, OSHA Verification, of this Partnership.

6. Conduct the annual Partnership evaluation report in accordance with Section VI, Annual Evaluation, of this Partnership.

V. Safety and Health Management System

McCarthy Building Companies will use their safety and health management system to collect and analyze injury and illness trends (including near-miss incidents) for all contractors performing work at the site. This data will be used as a tool to ensure the site's continual safety and health improvement. McCarthy Building Companies will manage this portion of the Partnership agreement by implementing a comprehensive jobsite safety and health management system, which includes the following:

1. McCarthy Building Companies will complete a risk assessment prior to exposing employees to potential safety and health hazards. This will be accomplished using the McCarthy Building Companies Task Hazard Analysis (THA) form or a form that is equivalent.
2. Work with OSHA, and Safety Committee members to provide the resources to conduct initial monitoring for toxins, carcinogens, or hazardous substances currently emphasized by OSHA and which present inhalation hazards, such as silica, lead, cadmium, and/or isocyanates. Employee exposures will be assumed, and respiratory protection worn until the results of the initial monitoring studies are received and demonstrate no exposure problems or prior surveys show no hazard exists. The McCarthy Building Companies will endeavor to ensure that no work with these materials will occur, thus preventing any exposure. The McCarthy Building Companies will request periodic evaluation visits by its insurance company's Industrial Hygienist. McCarthy Building Companies and/or the affected subcontractors will adequately address health-related issues that occur while the project, with the assistance of OSHA, as its resources permit. All health-related issues will be discussed monthly during the Partnership meetings. An effective environmental monitoring program will be implemented to control airborne hazards, such as silica, and will include personal monitoring, employee training, implementation of engineering controls where possible, and the use of respiratory protection when necessary. Previous site-based data will be considered acceptable.
3. Ensure employees receive the OSHA 10-hour safety and health-training course for the construction industry as follows:
 - a. Supervisory personnel should possess an OSHA 10-hour card or its equivalent. McCarthy Building Companies will work with all subcontractors to provide their safety designee with an OSHA 10-hour card, or its equivalent.
 - b. All employees will receive a site-specific construction safety orientation covering jobsite safety and health issues, procedures relative to the work being performed, as well as the requirements outlined in the Partnership Agreement. In addition, employees shall receive training on the content of the risk assessment for operations they will encounter. This may require

periodic retraining of employees on the content of the risk assessments as they become relevant due to entering new phases of construction. This material will be provided by the McCarthy Building Companies to the subcontractor's designated safety representative for completion.

- c. Safety and health training will be provided to all workers in a language they understand. Bi-lingual Instructors will be contracted to perform this training. A list of instructors will be provided by McCarthy Building Companies to all subcontractors to ensure that all workers are effectively trained.
 - d. Other hazard-specific training will be conducted on an as-needed basis.
 - e. Subcontractors can utilize other instructors if they can show a valid certification card showing completion of the OSHA 10-hour course. McCarthy Building Companies will have primary responsibility for coordinating this training. McCarthy Building Companies plans to hold OSHA 10-hour safety sessions periodically, as needed to help train all personnel as schedules allows.
- 4. An effective hearing conservation program, including noise monitoring and engineering controls, where possible, will be implemented by McCarthy Building Companies.
 - 5. Ensure compliance with the NFPA 70E when working on live electrical equipment, including training and the availability and use of personal protective equipment. A permit system will be implemented whenever work around live electrical systems will be done to ensure the implementation of appropriate protective measures prior to exposure. The permit form includes requirements for pre-task review and lock out/tag out procedures to be followed.
 - 6. Ensure all equipment capable of amputations is adequately guarded.
 - 7. McCarthy Building Companies will explore the possibilities of extending training opportunities to project subcontractors based on relevance of the topics and availability of space.
 - 8. Ensure effective programs are employed, consisting of policies and procedures that comply with OSHA's Process Safety Management (PSM) standards as equipment and processes are brought live and on-line at the BJC HealthCare Project.
 - 9. Ensure effective programs are employed, consisting of policies and procedures that comply with OSHA's Lockout/Tagout standards, as equipment and processes are brought live and on-line at BJC HealthCare Project.

McCarthy Building Companies, Inc. will implement a comprehensive safety and health program that includes **management leadership and worker involvement, worksite analysis, hazard prevention and control, and safety and health training** (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/>. The 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.

Management Leadership

- a. State clearly a worksite policy on safe and healthful work and working conditions, so that all personnel with responsibility at the site fully understand the priority and importance of safety and health protection in the organization.
- b. Establish and communicate a clear goal for the safety and health program and define objectives for meeting that goal so that all members of the organization understand the results desired, and measures planned for achieving them.
- c. Provide visible top management involvement in implementing the program so that all employees understand that management's commitment is serious.
- d. Assign and communicate responsibility for all aspects of the program so that managers, supervisors, and employees in all parts of the organization know what performance is expected of them.
- e. Have the authority to enforce safety rules and regulations. This authority will include provisions to hold subcontractors and employees accountable and, if necessary, remove contractor employees from the job site.
- f. Provide adequate authority and resources to responsible parties so that assigned responsibilities can be met.
- g. Hold managers, supervisors, and employees accountable for meeting their responsibilities so that essential tasks will be performed.
- h. Review program operations at least annually to evaluate their success in meeting the goals and objectives so that deficiencies can be identified and the program and/or the objectives can be revised when they do not meet the goal of effective safety and health protection.

Worksite Analysis

- a. Conduct and document periodic workplace inspections/audits for the purpose of identifying and correcting safety and health hazards.
- b. Inspections/audits will be conducted as frequently as deemed necessary by the company, but in no case less than once every month.
- c. Analyze any new task, processes, materials, and equipment.
- d. Perform routine Job Hazard Analysis.
- e. Provide a reliable system for employees to notify management personnel about conditions that appear hazardous and to receive timely and appropriate responses and encourage employees to use the system without fear of reprisal. This system utilizes employee insight and experience in safety and health protection and allows employee concerns to be addressed.
- f. Investigate accidents and "near miss" incidents so that their causes and means of prevention can be identified.
- g. Maintain records of recordable injuries and illnesses as required by OSHA.
- h. Analyze injury and illness trends to identify work practice improvements or material modifications necessary to prevent accidents.

Hazard Prevention and Control

- a. Establish, at the earliest time, safe work practices and procedures that are understood and followed by all affected parties. Understanding and compliance are a result of training, positive reinforcement, correction of unsafe performance, and if necessary, enforcement through a clearly communicated disciplinary system.
- b. Provide personal protective equipment
- c. Maintain the facility and equipment to prevent equipment breakdowns.
- d. Plan and prepare for emergencies, and conduct training and emergency drills, as needed, to ensure that proper responses to emergencies will be "second nature" for all persons involved.
- e. Establish a medical program that includes first aid onsite as well as nearby physician and emergency medical care to reduce the severity any injury or illness that occurs.

Safety and Health Training

- a. Instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.
- b. Train workers on fall protection, prevention of electrocutions, caught-between and struck-by accidents.
- c. Ensure select personnel are trained in basic first aid and CPR.
- d. Train personnel in hazard communications.
- e. Make safety data sheets (SDSs) available to any requesting employee.
- f. Train workers in any other aspects that will enable them to do their jobs safely.

Worker Involvement

Worker involvement is an essential component of an effective safety and health program.

- a. Arrange for and encourage employee involvement in the structure and operation of the program and in decisions that affect their safety and health so that they will commit their insight and energy to achieving the safety and health program's goal and objectives.
- b. Ensure workers are involved in the safety and health program through participation in activities such as safety walkthroughs, weekly site safety meetings, site safety audits, task hazard analyses, incident investigations (as appropriate) and OSHA initiatives, including the National Fall Stand-down and Safe and Sound Week.

VI. Performance Measures

The effectiveness of this partnership agreement will be assessed quarterly, annually, and at the end of the project through the following performance measurements.

- a. Review of OSHA recordable injuries and illnesses to determine the total case incident rate (TCIR), the days away, restricted, transferred (DART), and days away from work rates (DAFW) for the project site and compare to the most recently published BLS rate for NAICS 23.
- b. The applicable number of employers, supervisors, and employees trained. Records will also be maintained for those that receive OSHA 10 and 30-Hour training. All contractors will be required to conduct and document weekly safety toolbox talks.

- c. The number of safety and health programs instituted.
- d. Outcome measures will be gathered monthly and will incorporate data to analyze the number of hours worked, number of injuries, illnesses, fatalities, and serious hazards found as a result of onsite audits, job site inspections, and OSHA inspection activity.
- e. Job site inspections will indicate the number of hazards observed and corrected by McCarthy Building Companies, Inc., and each affected contractor.
- f. Near miss incidents and first aid cases will be tracked.

VI. Annual Evaluation

The partnership will be evaluated on an annual basis using the Strategic Partnership Annual Evaluation Format measurement system as specified in Appendix C of CSP 03-02-003, OSHA Strategic Partnership Program for Worker Safety and Health Directive.

McCarthy Building Companies, Inc. is responsible for gathering the data to evaluate and track the overall results and success of the partnership program.

The OSHA Strategic Partnership (OSP) evaluation committee is responsible for writing and submitting the annual evaluation report. See section IX for committee identification.

VII. OSHA Verifications

OSHA will verify compliance with this agreement through the following types of activity.

- a. Off-site verifications may be performed by the Compliance Assistance Specialist or other designated OSHA personnel as desired by either party to this agreement. The off-site verifications will assist with maintaining the effectiveness of the partnership without entering the partner's worksite and typically will include review of injury and illness data, jobsite inspections, and other data and reports.
- b. Quarterly on-site non-enforcement verifications are conducted by the OSHA Compliance Assistance Specialist or other designated OSHA personnel to review and discuss the progress of the partnership. The review will typically include a presentation of site safety and health program status and activities by McCarthy Building Companies, Inc. followed by a walkthrough of the worksite. During these visits, serious hazards will be identified, and the implementation of safety and health management systems will be discussed. All serious hazards identified

will be corrected immediately. If management refuses to correct the hazards a referral will be made for an enforcement inspection.

- c. A minimum of one on-site enforcement inspection shall be performed annually for the term of the partnership and 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 equipment or machinery, caught-in or between, 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.

McCarthy Building Companies, Inc. will allow OSHA access to the worksite during inspection activities without requiring a warrant.

OSHA will continue to investigate fatalities and catastrophes should they occur at the jobsite as well as alleged "imminent" danger situations. Any complaints, referrals, or hospitalizations received will be handled in accordance with OSHA Instruction CPL 02-00-164, Field Operations Manual, dated April 14, 2020, or the most current revision. If deemed appropriate by the area office complaints, referrals, and hospitalizations will be handled via phone and e-mail.

VIII. Incentives

- a. Citations issued to site contractors shall include maximum penalty reduction for good faith as prescribed by CPL 02-00-164, Field Operations Manual (FOM), dated April 14, 2020, or the most current revision.
- b. Priority utilization of "phone and fax" for safety and health complaints in lieu of on-site inspections. The scope of the phone & fax investigation process may not be expanded beyond what is allowed by reference in the Field Operations Manual (FOM).
- c. Other-than-serious violations observed, and immediately abated during an OSHA visit shall not be cited.
- d. McCarthy Building Companies, Inc. and contractors may contact the St. Louis Area OSHA Office for clarification of safety and health related issues.
- e. Create a working relationship between OSHA, McCarthy Building Companies, Inc., and contractors that enhances employee safety and health specific to this project, and nationally through education, and the sharing of best practices.

IX. Worker and Employer Rights

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

X. OSP Term

This Agreement shall be in effect until completion of Phase 3 of the BJC Campus Renewal Project. Should OSHA or McCarthy Building Companies, Inc. elect to withdraw from participation in the Partnership, prior notification in writing of the intent to terminate shall be provided to the other participant. 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 McCarthy Building Companies, Inc. are the only entities that can terminate this Partnership.

OSHA Strategic Partnerships (OSPs) are part of OSHA's available voluntary cooperative programs. As per the Paperwork Reduction Act of 1995 (PRA OMB CONTROL NO. 1218-0244, expires August 31, 2025), the public reporting burden for this partnership's collection of information is estimated at 11 hours per participant, per year. If you have any comments regarding this collection of information, including suggestions for reducing the burden or revising the burden estimate, please direct them to:

Occupational Safety and Health Administration
Attention: Director, Office of Partnerships and Recognition
Directorate of Cooperative and State Programs
200 Constitution Avenue, NW - Room N3700
Washington, DC 20210

Primary Partnership Contacts:

McCarthy Building Companies, Inc.: Trey Patterson, Regional Safety Director,
12851 Manchester Road, St. Louis, MO 63131, (314) 968-3300. TPatterson@mccarthy.com

OSHA – St. Louis Area Office: Maryanne Heuer Martin, Compliance Assistance Specialist, 1222 Spruce Street, Rm 9.104, St. Louis, MO 63103, (314) 425-5259. martin.maryanne.t@dol.gov

XI. Signatures

Based upon a mutual interest to protect construction workers, the parties below agree to the above terms on the McCarthy Building Companies, Inc. / OSHA Partnering Agreement for Phase 3 of the BJC HealthCare Campus Renewal Project in St. Louis, MO.

The date of this OSHA St. Louis Area Office/McCarthy Building Companies, Inc. Partnership Agreement is February 27, 2023.

Principal Participants:

William D. McDonald, CSP
Area Director
Occupational Safety and Health
Administration
St. Louis Area Office

Joe Lewandowski
Project Director
McCarthy Building Companies, Inc.

Travis Dearmont
Project Manager
McCarthy Building Companies, Inc.

Corey Black
Project Manager
McCarthy Building Companies, Inc.

Kyle Pfundt
Project Safety Manager
McCarthy Building Companies, Inc.

Trey Patterson
Regional Safety Director
McCarthy Building Companies, Inc.

Steve Masuch
Sr. Project Manager
McCarthy Building Companies, Inc.

Supporting Participants:

John Stiffler

Executive Secretary-Treasurer
St. Louis Building & Construction
Trades Council

Brandon Flinn

Business Manager
Missouri and Kansas Laborers' District
Council

Berry Stelzer

Assistant Safety Director
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Greg Mohler

Project Executive, Campus Renewal
Phase 3
BJC HealthCare