



**Cooper Green Mercy Health
Strategic Partnership**

Between

**Occupational Safety and Health Administration
Birmingham, Alabama Area Office,**

**University of Alabama
SafeState,**

And

Brasfield & Gorrie, LLC.

I. PURPOSE/SCOPE

This Partnership was developed jointly by the Occupational Safety and Health Administration (OSHA), the University of Alabama - SafeState On-site Consultation Program (UA SafeState), and Brasfield & Gorrie, LLC (Brasfield & Gorrie). To facilitate the goal of reducing occupational-related fatalities and serious injuries within the construction industry, OSHA and Brasfield & Gorrie will implement a Partnership under the OSHA Strategic Partnership Program (OSPP). The common objective and goals of the Partnership include the following:

- A. Reduce injuries and illnesses;
- B. Increase safety and health training; and
- C. Increase the number employers with safety and health management systems.

This Partnership covers the **Cooper Green Mercy Health Construction Project in Birmingham, Alabama**. Cooper Green Mercy Health will be a new hospital and parking deck along 6th Avenue S in Birmingham, Alabama. The current scope of work includes a new five (5) story concrete structure, 211,000 SF Ambulatory Health Care Outpatient Facility, which includes Exam Rooms, Xray, CT, Pharmacy and Office Spaces.

By combining their efforts, skills, knowledge and resources, OSHA, Brasfield & Gorrie, and the UA SafeState expect to reduce exposure to hazards and thereby decrease the possibility of serious injuries and fatalities at the Cooper Green Mercy Health project. 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. It will also encourage more participation in the safety process from the construction industry.

II. IDENTIFICATION OF PARTNERS

The Partnership participants will include:

- Occupational Safety and Health Administration
- Brasfield & Gorrie, LLC.
- University of Alabama - SafeState On-site Consultation

III. GOALS/STRATEGIES/PERFORMANCE MEASURES

The primary objective of this Partnership is to create a working relationship that focuses on: 1) preventing work-related fatalities; 2) controlling, or eliminating

serious workplace hazards; and 3) establishing a foundation for the development of an effective safety and health program. The goals employed to achieve these results will include the following:

GOALS	STRATEGIES	MEASURES
Maintain an OSHA recordable injury frequency at or below the national average for the applicable SIC/NAICS code, thereby providing a safe and healthy work environment for construction industry workers employed at this project.	<p>a) Review the OSHA 300 Log data of the Partnership participants and their contractors, excluding OSHA.</p> <p>b) Calculate Total Case Incident Rate (TCIR) and Days Away From Work, Restricted, Or Job Transferred (DART) ¹ rates.</p> <p>c) Compare this data with the baseline rates for the Partnership.</p>	<p>a) This goal will be measured by the number of companies participating in the Partnership, which reduce their TCIR and DART rates below the baseline for the Partnership.</p> <p>b) The baseline rate will be based on the 2020 BLS rates for Non-Residential Construction, NAICS 2362, which are 1.8 and 1.0.</p>
Develop or enhance the employer's safety and health program based on the Safe + Sound model (To include Management Leadership; Worker Participation; and Find & Fix Hazards).	<p>a) 1) Require all subcontractors to promote management systems</p> <p>b) 2) Review the number of the employers that establish safety and health programs, based on the Safe + Sound model. These items may include, but are not limited to, the following: safety and health policies statement; job hazard analyze; accident investigation; and hierarchy of controls.</p>	1) Measure the number of participants that develop and implement effective safety and health management systems, as a result of participating in the Partnership, compared to the (baseline) initial year of the Partnership.
Increase the number of employees that are provided effective safety and health training, such as the OSHA 10-hour course and relevant Competent Person and user level training.	Evaluate employers that provide employees with OSHA 10-hour/ OSHA 30-hour training and appropriate Competent Person and user training and establish baseline.	<p>Provide or assist in providing necessary training.</p> <p>Compare the number of employees provided safety and health training, as a result of participating in the Partnership, to the number of employees provided training during the baseline (initial) year of the Partnership.</p>

¹Days Away from work, Restricted, or job Transferred (DART) rate: This includes cases involving days away from work, restricted work activity, and transfers to another job. It is calculated based on (N / EH) x (200,000) where N is the number

of cases involving days away, and/or restricted work activity, and/or job transfer; EH is the total number of hours worked by all employees during the calendar year; and 200,000 is the base number of hours worked for 100 full-time equivalent employees. For example: Employees of an establishment including management, temporary, and leased workers worked 645,089 hours at this worksite. There were 22 injury and illness cases involving days away and/or restricted work activity and/or job transfer from the OSHA 300 Log (total of column H plus column I). The DART rate would be $(22 / 645,089) \times (200,000) = 6.8$

IV. MANAGEMENT AND OPERATION

A. Brasfield & Gorrie:

1. Establish a jobsite safety team, consisting of a representative of all primary contractors on site, to develop an understanding and awareness that all accidents are preventable and unnecessary, and 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. The term “subcontractors” shall include all multi-tiered subcontractors that arrive on the site.
3. Where the potential for airborne silica exposure exists, require the use of wet-cutting, or soft-cutting techniques and/or a dust collection system in compliance with Table 1 of 29 CFR Part 1926.1153 and when employee exposure levels require, mandatory use of approved respiratory protection. Where the potential for air borne silica exposure exists, personal air monitoring will be conducted to assess employee exposure levels. Where the potential for exposure to other health hazards exist (i.e., carbon monoxide, lead, or large-scale use of chemicals in the building interior during floor finishing), Brasfield & Gorrie will coordinate with the subcontractor responsible for creating the hazard and ensure that air monitoring is accomplished to assess employee exposure levels. Brasfield & Gorrie will compile and track sampling results.
4. Have the authority to enforce safety rules and regulations. This authority will include provisions to hold contractors, subcontractors, and employees accountable for following safety rules and regulations and the ability to remove a contractor’s employees and supervisors from the job site, if necessary.

5. Ensure that a competent person performs a risk assessment of all fall hazards. The probability and severity of occurrence for each identified hazard will be evaluated to eliminate or reduce the risk through engineering or administrative controls to a level as low as possible. Regarding full hazard risk assessments:
 - a. Critical risks will not be tolerated. A critical risk is defined by work that contains high probability in occurrence and high severity in consequence. No work will be performed until action is taken to reduce the level of risk to as low as reasonably feasible.
 - b. All personnel exposed to a fall greater than 6 feet shall conform to Brasfield & Gorrie's 100 percent tie-off for all employees with fall exposure at heights at six feet or greater (see Site-Specific Safety and Health Plan (SSSP)).
6. To the extent feasible, 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 used for work. All contractors will ensure that employees are protected by using GFCIs at all times.
8. Ensure that the Brasfield & Gorrie's Superintendent and on-site Safety Manager serve as a point of contact, monitoring safety and health at the site and its progress toward achievement of the Partnership goals.
9. Ensure that the Brasfield & Gorrie's Superintendent and onsite Safety Manager will ensure that daily Safety Audits are conducted. Brasfield & Gorrie will review subcontractor's daily logbooks, note any hazards found, and then review them at the weekly coordination/subcontractor meeting.
10. Conduct and document job site safety meetings/toolbox talks with subcontractors and their employees on a weekly basis.
11. Brasfield & Gorrie's Superintendent and Project Manager will lead, coordinate, and conduct a comprehensive site audit on a weekly basis. Safety Committee and subcontractor representatives will participate in the site safety audit. If non-compliant activity or hazards are discovered, immediate correction is required. Brasfield & Gorrie will document the corrective action taken and share this information with OSHA during the monthly update meetings.

12. Brasfield & Gorrie's Superintendent, Project Manager and onsite Safety Manager will audit the Partnership and make recommendations for improvement.
13. Share the results of jobsite inspections and information concerning near misses with all workers. Near misses and daily safety audits will be discussed during toolbox talks.
14. Ensure that no employees are allowed to work directly below a suspended load except for situations where no other safe alternative may exist. In these rare cases, the following criteria must be met:
 - a. Materials being hoisted shall be rigged to prevent unintentional displacement.
 - b. Hooks with self-closing safety latches or their equivalent shall be used to prevent components from slipping out of the hook.
 - c. A qualified rigger shall rig all loads.
 - d. Appropriate use of tag lines will be utilized to minimize work below suspended loads.
15. Require the use of appropriate personal protective equipment. Hard hats are mandatory. Employees on-site shall wear high-visibility reflective clothing. A 100 percent eye protection program will be implemented. Gloves must be worn when hand injuries are likely to occur.
16. Ensure that all signs and warnings are posted in English and Spanish, as well as any other languages spoken frequently by workers on-site.
17. Implement an effective Heat Illness Prevention Program (Heat Program) to educate workers about the hazards of working outdoors in the heat and steps needed to prevent heat-related illnesses. This Heat Program should utilize tools such as OSHA's Heat Safety Tool Smartphone App and the National Weather Service Alerts and Advisories.
18. Provide all data to OSHA that is needed for the annual OSHA Strategic Partnership Program (OSPP) report.

B. Subcontractors:

1. Appoint a representative to the site Safety Committee who will be responsible for resolving job safety matters and serving as a liaison to Brasfield & Gorrie's Superintendent. Every subcontractor will have a person available to participate in the Safety Committee. Participation in this committee will consist of, but will not be limited to, participation in the Project Team Safety walkthroughs and monthly safety update meetings.
2. Participate in the monthly Safety Committee/subcontractor meeting and safety audits. If non-compliant activity or hazards are discovered, immediate correction is required. Abatement methods and verification must be submitted to Brasfield & Gorrie's on-site Safety Manager, who will document the correction taken and share this information during the monthly update meetings.
3. Conduct jobsite safety inspections for employees under their supervision. These jobsite safety inspections will be in addition to the general inspections that are to occur daily. If non-compliant activity or hazards are discovered, immediate correction is required. Documentation of abatement methods and verification must be submitted to Brasfield & Gorrie's on-site Safety Manager.
4. Share the results of jobsite inspections with all workers by posting them in the project office and notifying all workers of the location of the results.

C. OSHA:

1. Participate, to the extent resources permit, in the monthly Partnership Committee/subcontractor meetings, but will not participate in the walk around inspection, except that the verification visits (see Section VIII. OSHA Verification below) may be scheduled as part of the weekly walk around inspection.
2. Serve as a resource and liaison for Partnership participants and also assist with safety and health training, as resources permit.
3. Give priority to the construction project, as resources permit, 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 VIII of this Partnership.

6. Conduct the annual Partnership evaluation report in accordance with section VI of this Partnership.

D. UA Safe State

1. Quarterly Safety and Health audit will be performed at the partnership site. Priority will be given to scheduling these consultative visits. All sub-contractors will participate in these audits. These consultations will be performed in accordance with OSHA's Consultation Policies and Procedures Manual.
2. As resources permit, serve as a resource for safety and health training for Partnership participants.
3. Provide industrial hygiene monitoring and consultative services to Partnership participants.
4. Give priority to the construction project, as resources permit, when technical assistance is required.
5. Assign a representative to participate on the Partnership Committee.
6. Audit the monthly reports/documents and make recommendations for improvements in meeting Partnership goals.

V. SAFETY AND HEALTH MANAGEMENT SYSTEM

Brasfield & Gorrie will use its system to collect and analyze injury and illness trends (including near-miss incidents) by all contractors performing work at the site. This data will be used as a tool to ensure continual safety and health improvement at the site. Brasfield & Gorrie will manage this Partnership effectively by implementing a comprehensive jobsite safety and health management system, which will include the following components:

1. Brasfield & Gorrie will complete a risk assessment prior to exposing employees (including contractors' employees) to potential safety and health hazards. This will be accomplished by the use of a Crew Work Plan - Risk Assessment (CWP) form (see Appendix 1 for Crew Work Plan).
2. Work with OSHA and Safety Committee members to provide the resources to conduct initial monitoring for toxins, which are anticipated to be present during construction of this project (silica, etc.). Employee exposures during activities, which may produce these hazards, will be assumed and respiratory protection worn until the results of the initial monitoring studies are received and demonstrate no exposure problems or site-based prior surveys show

no hazard exists. Brasfield & Gorrie will endeavor to ensure that no work with these materials will occur, thus preventing any exposure.

3. Daily audits will be performed by all contractors on-site. In addition, on a weekly basis, a comprehensive audit of the jobsite will be performed, with the participation of a representative of each contractor currently working on-site. Any hazards found during the audits will be corrected promptly. Items noted on the audit will be annotated on a daily log. When hazards cannot be corrected immediately, they will be tracked until abatement is completed. Employees exposed to these hazardous conditions will be informed of the hazard and effective interim control measures will be implemented. A record will be kept of all hazards found during the weekly audits and the number of hazards corrected as a result of the weekly audits.
4. Implement an aggressive Fall Protection Plan to include fall protection in all cases where work is being performed 6 feet or more above lower surfaces.
5. Ensure employees receive training as follows:
 - a. Brasfield & Gorrie workers will have received OSHA 10-hour training and possess an OSHA 10-hour card, and all Brasfield & Gorrie supervisors will have received OSHA 30-hour training and possess an OSHA 30-hour card. Brasfield & Gorrie will work with all subcontractors to provide or assist in providing their safety designee with OSHA 10-hour training.
 - 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. In addition, employees shall receive training on the content of the Site-Specific Safety Action Plan for operations they will encounter. This may require periodic retraining of employees on the content of the Site-Specific Safety Action Plan as specific parts of the Plan become relevant at new phases of construction. This material will be provided by Brasfield & Gorrie to the subcontractors' designated safety representative for completion (see Appendix 2 for SSSAP).
 - c. Safety and health training, including the OSHA 10- and 30-hour courses, will be provided to all workers in a language they understand. Either effective translators or bi-lingual instructors will be utilized to perform this training.

- d. Additional hazard-specific training will be conducted on an as-needed basis.
 - e. Subcontractors utilizing other instructors for competent person, OSHA 10/30-hour, and equipment training must provide a valid certification card showing completion of the course. Subcontractors have primary responsibility for providing the safety and health training.
- 7. Subcontractors will be required to develop an adequate safety and health management system and must submit them to Brasfield & Gorrie for evaluation.
 - 8. Ensure Brasfield & Gorrie and/or the affected subcontractors adequately address health-related issues, which occur during the project, with the assistance of OSHA as its resources permit. All health-related issues will be discussed monthly during the Partnership update meetings.
 - a. An effective hearing conservation program, including noise monitoring and implementation of engineering controls, where possible, will be implemented by Brasfield & Gorrie's Safety Department.
 - b. 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.
 - 9. 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.
 - 9. Ensure all equipment is adequately guarded.

VI. ANNUAL EVALUATION

The Partnership will be evaluated on an annual basis through the use of the Strategic Partnership Annual Evaluation Format as specified in Appendix C of

OSHA Instruction CSP 03-02-003, OSHA Strategic Partnership Program for Worker Safety and Health.

Brasfield & Gorrie will be responsible for gathering required participant data to evaluate and track the overall results and success of the Partnership. This data will be shared with OSHA. OSHA will be responsible for writing and submitting the annual evaluation.

VII. INCENTIVES

Participant incentives from OSHA may include:

1. Maximum penalty reductions for good faith and history, to the extent allowed by the OSHA Field Operations Manual (FOM), OSHA Instruction CPL 02-00-164 (April 14, 2020).
3. In the event that a citation with penalties is issued, the Area Director has the authority to negotiate the amount of an additional penalty reduction as part of the informal conference settlement agreement, which is consistent with OSHA's current policy regarding this matter.
4. Priority consultation service and assistance for small employers working on the construction site from the MSU-CCE.
5. An OSHA focused inspection is available where the Partnership participant has an effective safety and health management system fully compliant with 29 CFR 1926.20 and 29 CFR 1926.21 (For additional details refer to the August 22, 1994, memo signed and issued by former Deputy Assistant Secretary for OSHA James Stanley, which was revised in September 20, 1995.)

VIII. OSHA VERIFICATION

1. Verification Enforcement Inspections: OSHA will conduct the initial verification enforcement inspection no sooner than two months, but within three months after Partnership participants formally enter into this agreement. During this period, participants should develop and implement the safety and health management systems required under this Agreement. After this period, OSHA will conduct the verification enforcement inspection annually thereafter. Compliance Safety and Health Officers (CSHOs) who are familiar with the Cooper Green Mercy Health Project Strategic Partnership will conduct the verification inspections. Employee rights under the OSH Act will be afforded. If during the verification enforcement inspections OSHA personnel identify serious hazards, the scope of the inspection may be expanded.

2. Complaint/Referral Investigations: This Partnership provides for the immediate response to each allegation of a safety or health hazard brought to its attention by any person. Upon a finding that an allegation is valid, the employer shall promptly abate the hazard.
3. OSHA agrees that a copy of each non-formal complaint/referral related to the work site and filed with OSHA will be delivered to the Cooper Green Mercy Health Project office by a CSHO or forwarded by fax. In accordance with applicable law, the name and any identifying information of a complainant requesting confidentiality will not be revealed. Brasfield & Gorrie agrees to investigate these complaints, regardless of the employer involved and provide OSHA with a written response within 5 working days of receiving the non-formal complaint/referral.
4. Accident Investigations: Employers engaged in this Partnership recognize that OSHA fully investigates accidents involving a fatality or serious physical harm. If during the course of the investigation OSHA determines that the incident resulted from violations of OSHA standards, the Partnership may be terminated.

IX. WORKER INVOLVEMENT/ WORKER AND EMPLOYER RIGHTS

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

Brasfield & Gorrie, LLC will ensure employee involvement by establishing an employee Safety Committee that will meet monthly to share the results of jobsite inspections, information concerning accidents and near misses, suggestions for improvement and recommendations for training for the general workforce. The Partnership members' management and supervisors will also continue to discuss near misses and daily safety audits during toolbox talks.

X. TERM OF PARTNERSHIP

It is understood that this Partnership shall be in effect until completion of construction activities at the Cooper Green Mercy Health site, but in no case longer than three years from the date the Partnership is signed. If any signatory of this Partnership wishes to terminate their participation prior to the established

termination date, a written notice of the intent to withdraw must be provided to all other party(s), which provides a 30-day notice.

If OSHA chooses to withdraw its participation in the Partnership, the entire Partnership is terminated. Any party may also propose modification or amendment of the agreement. Changes may be implemented, if all parties are in agreement that such changes are in the best interest of the Partnership.

XI. Cooper Green Mercy Health STRATEGIC PARTNERSHIP

Partnership Signing Date: _____

Lisa Strunk
Acting Area Director
Occupational Safety & Health
Administration (OSHA)

Steven Sawyer
Safety Operations Director
Brasfield & Gorrie, LLC

Jacob Waits
Safety Manager
Brasfield & Gorrie, LLC

Zach Munro
Safety Manager
Brasfield & Gorrie, LLC

Mark Moreland
Senior Superintendent
Brasfield & Gorrie, LLC

Mitch Jones
Senior Project Manager
Brasfield & Gorrie, LLC

Susan Stabler
Division Manager
Brasfield & Gorrie, LLC

Jackson Veasey
Assistant Regional Safety Director
Brasfield & Gorrie, LLC

Stephen Franklin
Operations Manager
Brasfield & Gorrie, LLC

Kennith Brown
General Superintendent
Brasfield & Gorrie, LLC