

## I. General

The Charleston Area Office of the Occupational Safety and Health Administration (hereafter referred to as "OSHA") and Trumbull Corporation (hereafter referred to as "Trumbull"), have agreed to implement an OSHA Strategic Partnership (hereafter referred to as "Partnership") during construction of the West Virginia Department of Transportation, Division of Highways Berkeley Springs Bypass Morgan County NFA 2317(005) (hereafter referred to as "Project").

This Partnership aims to encourage joint cooperation between OSHA, Trumbull, and trade contractors to foster a safe work environment for all project employees.

The Partnership calls for the Project to be managed consistent with OSHA's [Recommended Practices for Safety and Health Programs in Construction](#) or its equivalent. OSHA will provide timely responses to requests for information, requests for clarification of OSHA standards and will assist as resources and/or OSHA Policy allow. To show their commitment to the Partnership, participating trade contractors ("participating contractors") will voluntarily sign a pledge (Appendix B).

This Partnership will not relieve any trade contractors from, lessen their safety responsibilities, nor change any contractual obligations between Trumbull, Project Owner/Developer, or trade contractor, nor does it lessen any/all affirmative defenses, legal rights or due process afforded with respect to OSHA enforcement actions.

This Partnership will not in any way affect employees' ability to exercise rights under the Occupational Safety and Health Act (hereafter referred to as "OSH Act") and OSHA regulations. The Partnership is consistent with OSHA's long-term effort to develop a contractor/government partnership approach to safety management. It allows for better use of OSHA resources, for innovation in safety management, and encourages more participation in the safety process by each stakeholder.

## II. Identification of Partners

The following organizations are considered Partners:

- Occupational Safety and Health Administration, Charleston Area Office (OSHA)
- Trumbull Corporation

The following organizations pledge to support the Partnership:

- West Virginia Department of Transportation, Division of Highways
- Constructors' Labor Council of West Virginia, Inc.
- Participating Contractors

## III. Project Overview

Project construction started in the Spring of 2022 with completion set for Fall of 2024. It is expected that 20 - 25 trade contractors will employ approximately 50-75 workers at peak construction.

Project details include:

Owner:

West Virginia Department of Transportation, Division of Highways (District 5)  
2120 RR 50  
Burlington, WV 26710

Project highlights:

- New Roadway Bypass
- Construction cost \$60,000,000
- 3 million cubic yards of excavation
- Construction of 3.1mile, four lane highway
- Building of 3 bridges
- Installation of 3 box culverts
- Erection of a soldier pile and lagging wall
- Stream relocation, wetland construction, and pipe installation

Major components of the work will include site construction, excavation work, caisson installation, rebar installation, concrete work, cast-in-place concrete, precast concrete and metal work, roadway work, and electrical work.

## IV. Partnership Goals, Strategies, and Measures

The primary objective of this Partnership is to prevent work-related injuries and fatalities, control or eliminate serious workplace hazards, and establish a foundation for the development of an effective safety and health program. The goals employed to achieve these results will include the following:

Goal	Strategy	Measures/Products
1. Reduce the total number of Days Away from Work injury and illness cases by 3 percent annually, thereby providing a safer and healthier work environment for workers during the Project.	a. Partners will meet quarterly to review injury and illness statistics from all project contractors and work together to resolve workplace safety and health issues and reduce injury and illnesses.	a. The Partnership baseline DART rate is established at 5. b. Reduce the DART rate by 3 percent annually.
2. Control workplace hazards by assisting contractors with the implementation of an effective safety and health management system.	a. Trumbull will conduct evaluations of each trade contractor's safety and health management system in accordance with Appendix C and make suggestions for improvement.	a. The number of trade contractors that have completed Trumbull's safety and health management system evaluation and have pledged both support and cooperation to the Partnership.

Goal	Strategy	Measures/Products
3. Conduct effective self-inspections and assist trade contractors with training resources and technical assistance in areas where workers might be exposed to hazards.	<ul style="list-style-type: none"> <li>a. Trumbull will document all self-inspections, the number of hazards identified and corrected, and safety training conducted by trade contractors for workers on the Project.</li> <li>b. Trumbull will conduct Safe Construction training for trade contractor supervision.</li> <li>c. Trumbull and the OSHA Compliance Assistance Specialist (CAS) when available, will conduct a comprehensive safety walkthrough throughout the site prior to the quarterly Partnership meeting. Trumbull agrees to work with each trade contractor to ensure all identified hazards are corrected in a timely manner. If during the walkthrough, the CAS identifies serious hazards that the trade contractor refuses to correct, the CAS can make a referral for an onsite enforcement inspection.</li> </ul>	<p>The Partners will meet quarterly to review:</p> <ul style="list-style-type: none"> <li>a. The number of self-inspections performed in the previous quarter, and the number of hazards identified and corrected.</li> <li>b. The number of training sessions conducted, and the number of training hours provided for workers and supervision.</li> <li>c. The number of trade contractor supervisors who have participated in Safe Construction training.</li> <li>d. The results of the quarterly comprehensive safety walkthrough.</li> </ul>

Goal	Strategy	Measures/Products
4. Maintain a continuing dialogue that supports various safety and health campaigns/initiatives.	<ul style="list-style-type: none"> <li>a. Trumbull and all on-site participating contractors will participate in the OSHA Region III Focus Four Campaign.</li> <li>b. Trumbull and all on-site participating contractors will hold an annual event to support the OSHA National Fall Prevention Safety Stand-Down until the Project is completed. Trumbull and all participating on-site contractors will display a stand-down poster and stickers (available on OSHA webpage) on site.</li> <li>c. Trumbull and all on-site participating trade contractors will participate in the NIOSH/OSHA annual Heat Illness Prevention campaign until the Project is completed. Trumbull and all participating trade contractors will use the OSHA/NIOSH Heat Safety Tool App and display new Heat Illness Prevention infographics in both English and Spanish (available on OSHA webpage) on site.</li> <li>d. Trumbull and all on-site participating trade contractors will hold an annual event to support the NUCA Trench Safety Stand-Down until the Project is completed. Trumbull and all participating trade contractors will display the stand-down poster and stickers (available on OSHA and NUCA webpages) on the site</li> <li>e. Trumbull and all on-site participating contractors will register and hold an annual event to support the OSHA Safe + Sound Week until the Project is completed. Trumbull and all participating trade contractors will display campaign information (available on OSHA webpage) on site.</li> <li>f. Trumbull and all on-site participating contractors will hold an annual event to support the prevention of Suicide and Opioid deaths in construction until the Project is completed. Trumbull and all participating trade contractors will display information (available on OSHA and NIOSH webpages) on site.</li> </ul>	<p>The Partners will meet as needed to verify and/or review:</p> <ul style="list-style-type: none"> <li>a. The number of workers trained in each safety talk that is associated with the Region III Focus Four Campaign.</li> <li>b. The use OSHA's "National Fall Safety Stand-Down" webpage to log their event, provide information about their stand down activity, complete the survey and print participation certificate.</li> <li>c. The implementation of Trumbull's heat illness prevention plan. The number of workers trained on the annual Heat Illness Prevention "Water, Rest, Shade" campaign.</li> <li>d. The use NUCA's "National Trench Safety Stand-Down" webpage to log the event(s), provide information about their stand down activity, complete the survey and print participation certificate.</li> <li>e. The use OSHA's Safe + Sound Week Campaign webpage to register the event(s), provide information about their activity, complete the survey and print participation certificate.</li> <li>f. The number of workers trained in each safety talk that is associated with the prevention of suicide and opioid deaths in construction.</li> </ul>

### V. Partnership Management and Operation

Trumbull and OSHA will form a committee to monitor the implementation of this Partnership. It will consist of a representative from each of the Partners. The CAS will serve 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 successes.

### *Partnership Roles and Responsibilities*

#### *OSHA agrees to:*

1. Evaluate Trumbull's Project Safety Plan (Attachment 1) prior to and during the OSHA enforcement verification inspections using Appendix C (or equivalent) and determine whether effective safety and health management systems are in place.
2. Designate an OSHA CAS to serve as a resource and liaison person for the Partnership.
3. Meet with Trumbull quarterly to review project safety performance. Safety performance will be evaluated through review of trade contractors' OSHA 300 logs for the Project and related accident reports.
4. Participate in the quarterly comprehensive safety walkthrough, when available and at OSHA's discretion. If during the walkthrough, the CAS identifies serious hazards that a trade contractor refuses to correct, the CAS can make a referral for an onsite enforcement inspection.
5. Provide timely response to requests for information and clarification of OSHA standards, as resources permit.
6. Provide information on OSHA training resources available.

#### *Trumbull agrees to:*

1. Provide a designated Site Safety Manager to serve as a safety resource and liaison person for the Partnership and to assist trade contractors with safety issues/concerns.
2. Provide notice to all trade contractors that the Project is subject to this Partnership and include the Partnership Fact Sheet (Appendix A) in the Project New Worker Safety Orientation.
3. Develop and implement the Project Safety Plan (Attachment 1).
4. Evaluate trade contractors' safety and health management systems utilizing Trumbull's Safety and Health Management System Evaluation (Attachment 2).
5. Notify OSHA of trade contractors that have completed Trumbull's Safety and Health Management System Evaluation and have pledged both support and cooperation to the Partnership (Appendix B).
6. Offer trade contractors safety and health information (i.e., toolbox safety meetings) especially on the focused four construction hazards (which are Falls; Caught-In or Between; Struck-By and Electrocutions).
7. Maintain Project safety performance report. Require all active trade contractors to submit an updated OSHA 300 Log for the Project.
8. Meet with OSHA quarterly to review the safety performance of Trumbull and trade contractors and provide feedback on noted incident trends or patterns.
9. Perform a quarterly comprehensive safety walkthrough and work with each trade contractor to ensure all identified hazards are corrected in a timely manner. Trumbull acknowledges that if serious hazards are identified and trade contractors refuse to correct, the CAS can make a referral for an onsite enforcement inspection.

10. Coordinate safety related matters that pertain to site general conditions such as hazard communications, emergency response, and housekeeping.

### **VI. On-Site Enforcement Verification Inspections**

To measure the success of this Partnership, an initial enforcement verification inspection will be conducted after signing, and annually thereafter. The enforcement verification inspections may be conducted as focused inspections if the site meets OSHA's enforcement guidelines. In addition to traditional enforcement issues, the inspection will assess Trumbull's and participating trade contractors' progress in meeting the requirements of the Partnership.

### **VII. OSHA Inspections**

This Partnership provides for the timely response to each allegation of a safety or health hazard brought to each contractor's attention by any person. Upon a finding that an allegation is valid, the responsible trade contractor(s) shall promptly abate the hazard.

OSHA agrees that a copy of each non-formal complaint not resulting in an inspection, related to the Project and filed with OSHA will be forwarded by fax or mail to the Project office. In accordance with applicable law, the identity of a complainant requesting confidentiality will not be revealed. Trumbull agrees to investigate these complaints regardless of the contractor involved and provide OSHA with a written response within five working days of receiving the non-formal complaint/referral.

OSHA personnel will continue to conduct investigations and inspections in any event or circumstance that may warrant the opening of an OSHA inspection, pursuant to the policy set forth in the Field Operations Manual (FOM). These may include but are not limited to formal complaints, referrals, fatalities, catastrophes, or other accidents or significant events. OSHA will also investigate contractors whose employees are exposed to or are creating plain view hazards at the Project. OSHA reserves the right to issue citations and penalties for violations including but not limited to regulatory violations for which mandatory penalties are established.

### **VIII. Incentives**

OSHA's FOM details opportunities available during citation/case settlement for all employers who undergo onsite enforcement inspections. These opportunities are also available for participating trade contractors.

Trumbull and participating contractors will receive the following benefits from OSHA:

1. Special recognition, which may include but is not limited to, press releases issued by OSHA and recognition on OSHA's web page.
2. Informational materials such as safety and health publications and electronic educational resources.
3. Participating trade contractors will be provided special priority consideration for free, confidential On-Site Consultation services from the West Virginia OSHA Consultation Program. Small subcontractors may request a no-cost, confidential consultation visit by telephone at (304) 558-7890 or on-line at [https://labor.wv.gov/Safety/Occupational\\_Safety/Federal\\_OSHA\\_consultation/Pages/default.aspx](https://labor.wv.gov/Safety/Occupational_Safety/Federal_OSHA_consultation/Pages/default.aspx).

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### **IX. Worker and Employer Rights – Employee Involvement**

This Partnership does not preclude employees and/or employers from exercising any right provided under the OSH Act (or, for federal employees, 29 CFR 1960), nor does it abrogate any responsibility to comply with rules and regulations adopted pursuant to the OSH Act. This Partnership recognizes employees bring valuable skills and perspectives to the implementation of an effective site safety and health system. Employees on site will be encouraged and given opportunities to be involved in the site safety and health system. Employee involvement will include, but is not limited to, participation in self-audits, site inspections, job hazard analyses, safety and health management system reviews, and safety training and accident/near miss reporting. Employee involvement will be included in the Safety and Health Management System Evaluation (Appendix C.)

### **X. Safety and Health Management Systems**

OSHA and Trumbull support the implementation of Safety and Health Management Systems (SHMS), including the main elements of management commitment/employee involvement, hazard identification, hazard correction/control, and employee training. Trumbull commits to implementing a SHMS at this Partnership site as detailed in Appendix C.

### **XI. Annual Evaluation**

The Partners will jointly prepare and annual evaluation of the Partnership using Appendix D. The evaluation will review successes, lessons learned, and changes that will be made to meet the goals of the Partnership. Annual evaluations will be submitted by the Partners to OSHA's Philadelphia Regional Office no later than 45 days after the signing anniversary date each year.

### **XII. Termination**

This Partnership will terminate three years from the date of the signing or upon completion of the Project, whichever is earlier. If either Partner wishes to withdraw its participation prior to the above termination date, the Partnership will terminate upon receiving a written notice of the intent to withdraw from either signatory.

### **XIII. Paperwork Reduction Act**

OSHA Strategic Partnerships are part of OSHA's available voluntary cooperative programs. As per the Paperwork Reduction Act of 1995 (PRA OMB CONTROL NO. 1218-0244, expires July 31, 2022), 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

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**XIV. Signatures**

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

**Based on a mutual interest to protect construction workers, the below parties agree to the terms of the Partnership for the construction of the West Virginia Department of Transportation, Division of Highways Berkeley Springs Bypass Morgan County NFA 2317(005) Project.**

**Signed \_\_\_\_\_ day of \_\_\_\_\_, 2022**

**Partners:**

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**Prentice Cline  
Area Director  
Charleston Area Office  
USDOL/OSHA**

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**Jake D. Ploeger  
Co-Chief Executive Officer  
Trumbull Corporation**

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**Timothy B. O'Brien  
Co-Chief Executive Officer  
Trumbull Corporation**

**In Support of:**

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**Mary Prim  
Constructors' Labor Council of West Virginia, Inc.**



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### PARTNERSHIP FACT SHEET – APPENDIX A

Charleston Area Office, Region III, of the Occupational Safety and Health Administration (hereafter referred to as “OSHA”) and Trumbull Corporation (hereafter referred to as “Trumbull”), have agreed to implement an OSHA Strategic Partnership (hereafter referred to as “Partnership”) during construction of the West Virginia Department of Transportation, Division of Highways Berkeley Springs Bypass Morgan County NFA 2317(005) (hereafter referred to as “Project”).

The goal of this Partnership is to foster a safe work environment for all Project employees as described in this Partnership.

The Partnership between Trumbull and OSHA calls for the Project to be managed consistent with OSHA’s [Recommended Practices for Safety and Health Programs in Construction](#) or its equivalent.

OSHA will provide timely responses to requests for information, requests for clarification of OSHA standards and other assistance as resources and/or OSHA Policy allow. To show their commitment to the Partnership, contractors will voluntarily sign a pledge (Appendix B).

This Partnership will not relieve any trade contractors from or lessen their safety responsibilities nor change any contractual obligations between Trumbull, Project Owner/Developer, or trade contractor, nor does it lessen any/all affirmative defenses, legal rights or due process afforded with respect to OSHA enforcement action.

This Partnership will not in any way affect employees’ ability to exercise rights under the OSH Act and OSHA regulations.

This Partnership is consistent with OSHA’s long-range effort to develop a contractor/government partnership approach to safety management. It allows for better use of OSHA resources and for innovation in safety management, and it encourages more participation in the safety process by each stakeholder.

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### PLEDGE – APPENDIX B

Charleston Area Office, Region III, of the Occupational Safety and Health Administration (hereafter referred to as “OSHA”) and Trumbull Corporation (hereafter referred to as “Trumbull”), have agreed to implement an OSHA Strategic Partnership (hereafter referred to as “Partnership”) during construction of the West Virginia Department of Transportation, Division of Highways Berkeley Springs Bypass Morgan County NFA 2317(005) (hereafter referred to as “Project”).

The goal of this Partnership is to foster a safe work environment for all Project employees as described in this Partnership.

The Partnership between Trumbull and OSHA calls for the project to be managed consistent with OSHA’s [Recommended Practices for Safety and Health Programs in Construction](#) or its equivalent.

Under the Partnership, OSHA will provide timely responses to requests for information, requests for clarification of OSHA standards and other assistance as resources and/or OSHA Policy allow. To show their commitment to the Partnership, contractors will voluntarily sign this pledge.

This Partnership will not relieve any trade contractors from or lessen their safety responsibilities nor change any contractual obligations between Trumbull, Project Owner/Developer, or trade contractor, nor does it lessen any/all affirmative defenses, legal rights or due process afforded with respect to OSHA enforcement action.

This Partnership will not in any way affect employees’ ability to exercise rights under the OSH Act and OSHA regulations.

This Partnership is consistent with OSHA’s long-range effort to develop a contractor/government partnership approach to safety management. It allows for better use of OSHA resources and for innovation in safety management, and it encourages more participation in the safety process by each stakeholder.

**Based on mutual interest to protect construction workers, the below party pledges both support and cooperation to the OSHA / Trumbull Partnership by following the Trumbull Project Safety Plan.**

\_\_\_\_\_  
Authorized Representative (print / type)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title (print / type)

\_\_\_\_\_  
Company / Organization (print / type)

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### SAFETY AND HEALTH MANAGEMENT SYSTEM EVALUATION – APPENDIX C

1. Trumbull and trade contractors have implemented a comprehensive written Project Safety Plan.
2. Trumbull will have copies of trade contractors' safety and health plans, hazard communication plans, and fall protection plans (where applicable) or Trumbull requires trade contractor to follow its safety plan.
3. Trumbull and trade contractors will have a full-time or designated safety representative at the site to conduct and document safety inspections of work, and who through training and experience, can recognize hazards, and has authority to take prompt corrective action. Minimum training required for a site safety representative is either the OSHA 10-Hour or 30-Hour Construction Safety Outreach Course, as specified in the Project Safety Plan.
4. Trumbull and trade contractors have or will have trained field supervisory personnel and has provided additional training for competent persons in such areas as scaffolding, excavation, fall protection, crane operations, etc. (Additional training will be dictated by the type and scope of the work the trade contractor routinely conducts).
5. Trumbull will have a safety and health management system orientation for all new workers, including hazard recognition specific to the work sites.
6. Trumbull and trade contractors will have employee involvement in the Partnership. Examples including, but not limited to, participation in self-audits, site inspections, job hazard analysis, safety and health management system reviews, safety training and accident/near-miss investigations.
7. Trumbull and trade contractors will conduct and document weekly employee safety meetings.
8. Trumbull will conduct and document self-audits.
9. Trumbull and trade contractors will follow a six-foot fall protection policy.
10. Trumbull and trade contractors have a written enforcement program.