



**STRATEGIC PARTNERSHIP
between
Dick Anderson Construction
and
The Occupational Safety and Health Administration,
Billings Area Office
for the
Coca-Cola Distribution Center Construction Project,
Billings, Montana**

I. PARTNERS

- a. U.S. Department of Labor Occupational Safety and Health Administration (OSHA), Billings Area Office (BAO).
- b. Dick Anderson Construction (DAC)

II. PURPOSE AND SCOPE

OSHA and DAC jointly developed this partnership agreement. The common objective and goal of the agreement is to provide a safe and healthful work environment for employees involved in the construction industry and to help prevent serious accidents and fatalities within the industry through increased training, implementation of best work practices, enhanced safety and health programs, and compliance with applicable OSHA standards and regulations.

DAC is a general contractor in the commercial building industry founded in 1975. Dick Anderson Construction, Inc. has grown from a small, private client company to a corporation experienced in handling large, complex heavy civil projects. Dick Anderson Construction was incorporated on October 19, 1978. They are a Montana based company with their main office in Helena, and offices in Great Falls, Bozeman, Billings, Missoula, as well as Sheridan, Wyoming. DAC employs approximately 400 people making them one of the largest employers of construction personnel operating in the State of Montana. The Coca-Cola Distribution Center Construction Project is located in Billings, Montana, and involves constructing a Coca Cola Distribution center with warehousing, bottling and independent fleet vehicle service buildings. The project site will include a 180,000 square foot primary building. Multiple subcontractors will work at the site to complete multiple phases of site preparation, precast concrete, structural steel, HVAC, electrical and roof work through project completion. The start date is anticipated to be in April of 2022 and the projected completion date is scheduled for early 2024.

III. ROLES AND RESPONSIBILITIES

Employees are responsible for following company safe work practices. They have the authority to stop work if they identify an unsafe condition without the fear of retaliation and to ask questions regarding training. Employees are expected to participate in a job hazard analysis (JHA) for their respective jobs, and they have the ability to request any documentation covered under 29 CFR 1926 for authorized or affected employees.

DAC serves as the onsite general contractor. It has the authority to correct or require the correction of hazards to which employees of sub-contractors may be exposed; assist sub-contractors in their safety program development when they identify short comings; request technical assistance from BAO regarding interpretation of standards and training; and ensure that sub-contractors effectively evaluate job hazards by phase, day, and job as needed.

OSHA will provide technical assistance as requested by DAC; conduct spot inspections to monitor compliance; and assist in specific training areas as agreed to by all parties.

IV. SAFETY AND HEALTH MANAGEMENT SYSTEMS

Employers participating in an OSHA Strategic Partnership (OSP) must have or agree to implement an effective site-based Safety and Health Management System (SHMS).

The goals of implementing a SHMS are preventing worker fatalities, injuries, and illnesses through the ongoing planning, implementation, integration, and control of four interdependent elements: Management Leadership and Worker Involvement; Worksite Analysis; Hazard Prevention and Control; and Safety and Health Training.

This partnering agreement provides a method to improve sub-contractors' safety and health performance. DAC will evaluate subcontractor's written safety and health management systems to ensure appropriateness for their scope of work. If a subcontractor's system does not provide equivalent protection to DAC's system, DAC will require subcontractors to follow the components of its safety and health management system.

V. WORKER INVOLVEMENT

This partnering agreement recognizes that workers bring valuable skills and perspective to the successful implementation of any SHMS. Employees will be involved in the site SHMS by methods including safety meeting/committee participation, participation in the site audits, providing feedback and follow up on employee suggestions, and participating in the development of JHA's or JSA's.

VI. GOALS/STRATEGIES & PERFORMANCE MEASURES

<u>Goals</u>	<u>Strategies</u>	<u>Measures</u>
1. Provides a partnership that will encourage involvement of all sub-contractors in the improvement of safety and health performance	a. DAC will evaluate subcontractor's written safety and health programs to ensure appropriateness for their scope of work. If a subcontractor's safety and health program does not provide equivalent protection, DAC will require subcontractors to follow the components of their safety and health program. b. DAC will review contractor's written safety and health programs and recognize those companies with exemplary programs. c. DAC will conduct audits on the job site to reinforce good behavior safety models. d. DAC will conduct weekly field audits of the sub-contractors to verify the SHMS is effective.	a. DAC will require 100% of sub-contractors to have an effective written safety and health management system specific to their scope of work. b. DAC will determine the number of field audits conducted. c. DAC will determine the % (or number) of employers recognized for exemplary programs.

<u>Goals</u>	<u>Strategies</u>	<u>Measures</u>
2. Implement innovative strategies to eliminate serious accidents caused by the four primary construction hazards (falls, struck by, caught in, and electrical)	a. DAC implements a daily site safety audit by a competent person. b. DAC implements a near miss reporting protocol for all sub-contractors and as part of the daily site surveys. c. DAC shares the near miss reports and identified trends with all sub-contractors in weekly safety meetings. d. DAC ensures that all sub-contractors perform pre-job briefings and JHA's daily. e. DAC audits daily JHA's to ensure accurate hazard identification and adequate controls.	a. DAC will track the number and type of training provided to sub-contractors and submit quarterly reports to BAO. b. DAC will track the number of near miss reports.

<u>Goals</u>	<u>Strategies</u>	<u>Measures</u>
3. Proactively work to reduce the TCIR and DART rate to 20% below the current national average for North American Industry Classification System (NAICS) Code 236, Construction of Buildings, based upon the Bureau of Labor Statistics (BLS) data available for the most current year. The 2018 Bureau of Labor Statistics (BLS) TCIR and DART rates for NAICS Code 236 are 2.7 and 1.6, respectively.	a. DAC will evaluate sub-contractor OSHA 300 log data for the previous three years to identify trends. b. DAC will review identified trends and require sub-contractors completion of training for those affected employees on their job site.	a. DART rates for all site employers will be compared to industry averages. b. DAC will determine the number of trainings conducted in response to trend identifications.
4. Ensure that all serious health hazards are eliminated or reduced through appropriate controls, safe processes/procedures, and/or personal protective equipment (PPE). Exposure assessments will be conducted for common health hazards like noise and silica, when potential exposures are present. The number of exposure assessments conducted will exceed those conducted at similar projects, and will aid in providing a future exposure database.	a. DAC will conduct sampling for applicable work areas for noise, silica, and other environmental hazards. DAC will use the hierarchy of controls to mitigate identified, hazards. b. DAC will review and provide revisions of sub-contractor's programs, PPE, and training when health hazards are identified from auditing activities.	a. DAC will determine the number of health samples taken during the duration of the project. b. DAC will determine the number of exposures found above an OSHA PEL and the number (or %) of those hazards that were mitigated. (This should be 100%)

VII. FINAL EVALUATION

The partners will prepare a joint project evaluation of the partnership once the project is completed. The evaluation will review the success of the partnership, lessons learned, and changes made to meet the goals. This report will be prepared using Appendix C of the OSHA Strategic Partnership Program (OSPP) Directive CSP-03-02-003, OSHA Strategic Partnership Program for Worker Safety and Health Directive.

DAC will provide to OSHA the following information during the on-site enforcement verification visit, if requested for review or collection by OSHA:

1. OSHA 300/300A and 301 Logs of Injuries and Illnesses.
2. Number of employee training sessions held, number of employees and supervisors/managers trained.
3. Number of and results of safety /health audits and inspections, which may include hazards identified and corrected.
4. Any documentation relating to employee involvement or participation, in the OSP and Safety and Health Management System including minutes of safety meeting.
5. Any documentation of communication between management and employees (may include computer memos, feedback on each suggestion, or other appropriate documentation).
6. Any documentation relating to any partners participation in health or safety seminars (i.e. 10 and 30-Hour Construction Safety and Health Courses, Safety and Health Fair, Trade Shows, etc.).

VIII. OSPP INCENTIVES

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

1. Outreach, information, training and technical assistance by Billings Area Office OSHA.
2. Special recognition, which may include but is not limited to, press releases issued by OSHA and recognition on OSHA's web page designating DAC as a participant in the OSHA Strategic Partnership Program.

IX. VERIFICATION PROCEDURES

The BAO will conduct three enforcement verification inspections for this partnership. The first inspection will occur within 90 days of the signing of the agreement. The second inspection will occur within 1 year of signing the agreement and a final inspection will occur within 14 days of project completion. Citations and penalties may be issued, when appropriate, following these inspections. DAC and their subcontractors are encouraged to participate in these inspections as a means and method of learning how BAO conducts and evaluates construction workplaces.

X. OSPP MANAGEMENT AND OPERATION

An implementation team will be comprised of DAC's Project Superintendent, Safety Manager, Senior Project Manager, Safety Director, and the Area Director from the Billings Area Office.

XI. WORKER RIGHTS

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

XII. OPS TERM

This partnership will expire at the completion of this project unless one of the following conditions are met:

1. Termination if BAO or DAC unilaterally withdraws.
2. Closure when the goals of the OSP have been met.
3. Termination when the OSP is failing to meet requirements -- for example, failing to provide required annual evaluation data.

XIII. SIGNATURES

Signed this 18th day of April 2022

Kevin Hintt,
Vice President
Dick Anderson Construction

Art Hazen
Area Director
DOL-OSHA
Billings Area Office

Skyler Willard, CSP, CMSP,
Vice President of Safety
Dick Anderson Construction

Riley Bennett,
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Dick Anderson Construction