

**National Association of Tower Erectors: The Communications Infrastructure
Contractors Association (NATE) and
Occupational Safety and Health Administration (OSHA)
Strategic Partnership for the Wireless Industry Agreement
December 7, 2023**

I. Partners and Supporting Agency

A. Partners – the Partners to this Agreement are as follows:

1. *Government Entities*

- United States Department of Labor, Occupational Safety and Health Administration (OSHA)

2. *Private Sector Entities*

- NATE and its Member Organizations
This group is open to all NATE member companies, which encompasses Carriers, General Contractors, and Engineering firms

B. Supporting Agency – the Supporting Agency to this Agreement is as follows:

- Federal Communications Commission (FCC)

II. Purpose/Scope

Through a common vision, the Partners and the Supporting Agency are committed to providing a safe and healthful work environment for employees and contractors involved in the wireless broadcast communication tower erection, repair, and maintenance industries including all associated entities involved in the transmission of radio frequency (RF) energy. The overarching goal of this Partnership is to eliminate fatalities and reduce injuries and illnesses across the wireless and telecommunications, tower erection and maintenance industries. Leadership, responsibility, and accountability will be driving forces to further employee health and safety at the tower sites.

To achieve Partnership goals, all Partners commit to focus their efforts, skills, knowledge, and resources in support of occupational safety and health efforts of tower erection and maintenance industry employers and their employees. This OSHA Strategic Partnership (OSP) will be based on mutual trust where all parties will be involved in, and accountable for the identification, evaluation, and control of industry safety and health hazards; and determination of the root causes of accidents/incidents. Increased communication and respect between Partners are additional benefits expected to be realized through this Partnership. In executing this Agreement, OSHA does not forfeit any of its responsibilities or obligations to administer and enforce the Occupational Safety and Health (OSH) Act. It is understood that all Partner companies will contribute their own resources and efforts toward achieving and exceeding the OSP goals. Lastly, the Partners commit to encourage other non-partner members in the industry to eliminate fatalities and serious injuries.

III. Background

Erecting and maintaining communications towers is hazardous work. Tower Technicians are regularly exposed to a variety of occupational hazards particularly falls from heights. Advances in telecommunications and an increasing dependence on wireless communication and broadcast services have fueled the new construction and upgrading of communication towers throughout the country. With this growth, the tower erection and maintenance industries and the safety and health community have expressed concerns about work practices and the health and safety of tower workers. Additionally, traditional OSHA inspection and enforcement activity has resulted only in a limited number of tower sites being identified for interventions.

The ability to impact the safety of these employees extends beyond traditional regulatory authority. As witnessed by the variety of entities participating in this Partnership, protection of these employees is a cumulative responsibility and commitment of all facets of the communications industry.

IV. Partnership Goals

The overarching goal of this OSP is to eliminate fatalities and reduce injuries and illnesses across the wireless and telecommunications, tower erection, and maintenance industries and to provide a safer and more healthful work environment for partner employees. This OSP is consistent with OSHA's efforts to develop employer/labor/government partnership approaches to further the commitment to and to strengthen the occupational safety and health management throughout the industries represented by this OSP.

Mechanisms to accomplish the goals of this OSP will include hazard identification; Partner training; development and implementation of best practices; and enhancement of safety and health management programs (SHMP); and compliance with all applicable OSHA standards and regulations. The Partners also commit to incorporating into the outlined strategies the use of the NATE Climber/Rescuer Training Standard (CRTS), the ANSI/ASSP Z359 Fall Protection and Fall Restraint Standards; the updated ANSI/ASSP A10.48 Criteria for Safety Practices with the Construction, Demolition, Modification and Maintenance of Communications Structures, Effective January 1, 2024; the NATE (STAR) Initiative¹ Quarterly Audits and other applicable elements of national industry consensus standards. Specific goals, strategies, and performance measures for the OSP, are detailed in Appendix A.

V. OSP Management and Operation

The specific impetus behind this Partnership is to provide a safer and more healthful work environment for employees in the wireless communications industry. To that end, the Industry Partners agree to focus on the reduction of injuries and fatalities in the wireless communications industry as a whole.

¹ “The NATE STAR Initiative was designed to help companies operate safely while recognizing tower erectors who voluntarily adhere to higher standards. The NATE STAR Initiative emphasizes Safety, Training, Accountability and Reliability by asking participants to commit to requisite levels of training, site safety audits and the implementation of safety programs while adhering to industry best practices.” There are currently 154 companies belonging to the Nate STAR Initiative. (natehome.com)

The OSP will develop a multi-tiered approach, organized by a series of operational teams, to collect and analyze partnership and industry data and develop findings and recommendations that will then be adopted by consensus and implemented by the partners. All Partnership decisions will be made with consideration of the goals and performance measures of the OSP.

- *Executive Team (ET)*: The Executive Team will meet in person at least annually and will hold video/conference calls more frequently as necessary to address issues that arise with respect to the Partnership, to consider findings and recommendations, and to adopt consensus solutions which then may be implemented by the relevant Industry Partners. The ET will have authority to resolve any issues that arise at the Steering Team or Task Team levels and actions on behalf of the Partnership will not be undertaken absent consensus resolution of the ET. The members of the ET will hold their designated positions through the duration of the five-year term of the OSP regardless of their positions within their respective organizations. The Federal Communications Commission (FCC) will have a non-voting representative on the ET solely to offer technical advice and serve as a liaison to the FCC. The ET will be comprised specifically of the Chief Executive Officer/President or designated top official of each Critical Industry Representative as follows:
 - NATE OSHA Relations Committee Member to be Appointed by NATE Chairman (Non-Voting)
 - OSHA – Regional Administrator OSHA Region V (Non-Voting)
 - FCC – (Non-Voting)
 - NATE Member Tower Contractor – Broadcast (Voting)
 - NATE Member Tower Contractor – Wireless Personal Communications Service (PCS/Wireless) (Voting)
 - Vertical Real Estate Owner (Voting)
 - Telecommunications Carrier (Voting)
 - Construction Management Company (Voting)
 - NATE STAR Small Contractor (Voting)
 - NATE STAR Large Contractor (Voting)

- ⊖ *Steering Team (ST)*: The ST will be comprised of one member from each Critical Industry Representative’s organization who is principally responsible for employee safety and health for that organization. The NATE and OSHA representatives from the ET will act as non-voting participants of the ST; their role will be to offer consultation and advice to the ST, as appropriate. The FCC, as the Supporting Agency, will have a representative on the ST who will act as a non-voting participant solely to offer technical advice and serve as a liaison to the FCC. The purpose of the ST is to perform activities to manage the OSP, including, but not limited to developing an implementation plan; assisting in collecting and reviewing data, preparing reports and incident trend analysis; developing and tracking training initiatives; clarifying compliance strategies; approving goals and timetables; evaluating the Partnership; and establishing and coordinating the activities of the Task Teams. In the beginning, the ST will meet in person at least bi-annually and will hold video/conference calls more frequently as necessary, to address issues that arise with respect to the Partnership. The ST may find it necessary to increase the frequency of the in-person meetings as required. In addition, the ST members designated by the Critical Industry Representatives will review and revise findings and recommendations received from Task Teams, and when appropriate, will forward findings and recommendations to the ET for consideration as Partnership consensus solutions.

- ☉ **Task Teams (To be developed at a later date):** Task Teams will be given assignments by the ST to focus on one or more discrete topics. The Task Teams will be given a set of goals and a timetable for reporting back to the ST their findings and recommendations. These working groups shall be relatively small and efficient in reviewing all available private and public-sector data. These working groups may identify outside resources to assist in their efforts. Task Team members possessing task-specific awareness and abilities will be selected for participation. The OSHA representatives will act as non-voting liaisons to the Task Teams.

One representative from OSHA will be a member of each Task Team and will possess the job responsibilities and/or skill sets outlined for each team. The OSHA representative's role will be to serve as a technical resource, to offer consultation and advice to the respective teams and to provide input on agency policy issues. The OSHA representative will ensure that the teams engage in discussions, projects, and decisions in line with the Partnership Agreement and goals. Decisions made by the Partnership teams will align with the goals of the Partnership.

VI. Employee Involvement

Employee involvement is key to the successful implementation and conduct of an OSP. The OSP will demonstrate its level of employee involvement in many ways and will include a dedication and commitment to worker safety and health from the top level of leadership. The task teams will employ methods to ensure that Partner company employees are engaged in their activities as applicable. It is expected that information about this Partnership, its goals, and its achievements will be widely distributed to individual companies and their employees. It is also expected and required that all committee and Task Team members are actively involved and engaged. This will at a minimum include attendance at committee and team meetings.

VII. Safety and Health Management Programs

Each of the participating telecommunications tower erection and maintenance entities will be NATE STAR Initiative participant companies and will represent that they have a systems-based, written, and implemented safety and health management program (SHMP). In agreeing to participate in the OSP, all participants further represent that these SHMPs include all the elements described in "Recommended Practices for Safety and Health Management Programs," OSHA Publication 3885, published in 2016. NATE leadership recognizes the need to continuously improve in health and safety efforts.

VIII. Information and Data Sharing

OSHA, NATE, and other representatives from the wireless communications industry have conducted health and safety research regarding the root causes of incidents and fatalities in the industry. Data collection efforts will be undertaken on a non-judgmental basis and all information shall be submitted without company identifiers. OSHA pledges to use its available databases to develop data on incidents involving death or serious injuries for the purpose of analyzing potential causes of serious incidents and fatalities and preventing similar incidents from happening in the future. The NATE Partner employers will make available information on any incidents occurring in their organization during the term of the partnership agreement.²

² See also Section XI.C.

Incident information will be provided in a manner that can be used effectively to identify the cause(s) of the incident and to prevent future incidents but shall not include company or other individual identifiers. With respect to data sharing, nothing in this Agreement will require Partners to disclose information related to open investigations, open cases (i.e., those not subject to a Final Order of the Occupational Safety and Health Review Commission or the relevant court of competent jurisdiction), or information subject to privilege. However, this Agreement does not affect OSHA's ability to seek and obtain information from Industry Partners.

IX. Annual Evaluation

An annual written partnership evaluation will be developed by OSHA that, at a minimum, complies with Appendix C of OSHA's Strategic Partnership Program Directive.

The goals, strategies, and measures to assess the progress of this OSP are identified in Appendix A of this Agreement and may be subject to review and modification by the ET, with OSHA input, as appropriate. The Partners will be responsible for the OSP's Annual Evaluation Report each calendar year pursuant to established evaluation format and will include recommendations for improvement for the following year. The evaluation will be based on calendar year data and will be due every year on or about December 31st for each year of the OSP. Additional information related to the OSP Goals, Strategies, and Measures will be included in the annual evaluation and will include a comparative analysis each year of the partnership. The strategies and measures may be reviewed and modified as necessary by the Partners.

The Partners agree to provide data needed to address individual OSP goals that will be used for the evaluation. Additionally, data will be provided for the performance measures identified by the OSP and will address trends noted in the injury and illness data based on a calendar year. *Note: The data presented in the annual evaluation will not contain the names of specific partner companies.*

X. OSHA Verifications

OSHA will verify that OSP participants are upholding their responsibilities under this Agreement. As a part of each annual evaluation, the Partners agree to conduct self-audit verifications utilizing the quarterly reports submitted to the NATE STAR Initiative program or verification template developed by the ST. Reports from the verifications will be in writing and will be a collaborative effort of all Partners. The verification will help assess the progress of the Partners in meeting or exceeding the Partnership goals.

XI. Partner Assurances

In addition to their responsibilities as part of the OSP functional teams, the Partners commit to the following individual roles:

A. OSHA

- 1. Outreach** - Provide outreach and information through a variety of media, including OSHA's, NATE's, and other partnership-related websites, targeted information and outreach campaigns, publications, social media, and guidance materials.

2. **Information** – Assist in developing educational materials, including hazard and industry-specific materials to ensure a safe workplace, and in support of OSP-developed best practices. Any OSP-developed product containing OSHA’s input, logo, or approval, will be vetted by the Solicitor of Labor-Occupational Safety and Health Division (SOL-OSH) prior to final issuance.
3. **Training** – Provide training that supports the OSP goals. The need for OSP-related training will be determined and agreed upon by the OSP Steering and Executive Teams. OSHA Regional Subject Matter Experts and OSHA’s Directorate of Training and Education (DTE) will assist in training other OSHA (and industry) personnel.
4. **Technical assistance** – Assist in injury and illness (or other) data and trend analysis to support OSP efforts, including additional subject matter expertise related to industry hazards and health and safety. At OSHA’s request, NATE Subject Matter Experts may be available to assist in training other OSHA (and industry) personnel.
5. **Enforcement:** This Partnership does not preclude OSHA inspections to investigate compliance with the OSH Act in accordance with OSHA enforcement procedures. In addition, this OSP does not affect the manner in which OSHA will respond to complaints regarding workplace safety and health hazards. OSHA’s inspection and investigation practices are detailed in the OSHA Field Operations Manual (FOM). Programmed inspections will be conducted as detailed in any applicable National, Regional, or Local Emphasis Program instructions.

Where an employer demonstrates full implementation of a comprehensive SHMP, OSHA’s FOM and OSHA policy also allow for application of the following enforcement-related policies and procedures:

- Penalties generally will not be assessed for other-than-serious violations which are abated within 24 hours of the inspection.
- Construction inspections of limited scope may be conducted in accordance with OSHA policy and shall reflect all significant hazards in the industry. OSHA’s focused inspection platform will be used for these investigations, where applicable.
- OSHA inspections will normally result in Compliance Officers recommending a good faith penalty reduction of up to a maximum of 25 percent based on current FOM guidelines, where the employer has fully implemented a written SHMP.

B. OSHA Region V - Designate a safety and health specialist(s) experienced in working with the tower industry to serve as a resource and liaison for Partnership participants as resources allow.

Additionally, the Region will:

1. Provide information on available training resources, including through OSHA’s Office of Training and Education (OTE) and OSHA Training Institute Education Center (OTIEC) courses;
2. Assist partners in accessing interpretations and clarifications as to the meaning and application of OSHA standards and policy; and
3. Participate in safety and health events.

C. NATE Member Organization Participants: Ensure full participation with Partnership requirements, and:

1. Provide notification to OSHA’s National Office Partnership representative of fatal incident occurrence. (This notification will not abrogate the employer’s requirements to officially notify OSHA of fatal incidents and/or other reportable incidents.)

2. Track and report data for participant companies to OSHA; the numbers of hours worked for the participants will be provided for the purposes of injury and illness rate calculations each year.
3. Help identify programmatic needs of this Partnership by reviewing the documented SHMPs of participating members and communicating any observed need for modification to the OSP through OSHA.
4. Assist in facilitating the training of OSHA Compliance Officers on a regional basis.

D. State Plans: NATE and OSHA recognize that certain worksites within North American Industry Classification System (NAICS) code 237130- Power and Communication Line and Related Structures Construction- are and will be located in states which have assumed authority for the enforcement of OSHA standards pursuant to Section 18 of the OSH Act. State agencies that enforce OSHA standards in states with approved State Plans will be encouraged to participate in the OSP in a manner that will further the goals established in this Agreement.

XII. OSP Term

This Agreement will end five years from the date of signing. If any signatory to this Agreement wishes to modify, amend, or terminate its participation prior to the established termination date, written notice of at least 30 days shall be provided of the intent to withdraw to all other signatories and this Agreement will terminate as to the party withdrawing on that date. If OSHA withdraws its support, the OSP will be terminated.

Continued participation in the OSP is contingent on a Partner's continued ability and willingness to act in a manner designed to achieve the goals established in the OSP and to comply with the terms of the Partnership. A partner company may be asked to withdraw from the Partnership if these conditions are not met. Such determinations shall be made by consensus of the ET, and any modifications or changes to the OSP Agreement shall also be subject to the consensus approval of the ET.

The provisions of this Agreement shall not modify any legal or contractual rights, obligations, or remedies. This OSP 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 Act.

Neither the facts of this Agreement, nor the adoption of any consensus solutions pursuant to this Agreement, may be used by any Partner (or entity related to a Partner) to advance its interests in any litigation (criminal or civil) that is pending on the date that the OSP is executed, or at any time while the employer is an active OSP participant.

Signature Page

Based upon a mutual interest to eliminate fatalities, and reduce injuries and illnesses, the Partners below, on behalf of their respective organizations, agree to the above terms of an OSHA Strategic Partnership Agreement. The Supporting Agency, although not a Partner hereunder, signs this Agreement to reflect its concurrence to the terms hereof specified as applicable to the Supporting Agency.

Signed this 7th day of December 2023

PARTNERS

Douglas L. Parker

Assistant Secretary of Labor for Occupational Safety and Health

Victor Drouin

Chairman of NATE: The Communications Infrastructure Contractors Association

SUPPORTING AGENCY

Jessica Rosenworcel

Federal Communications Commission Chairwoman

APPENDIX A
Data Collection and Analysis

Data Collection and Analysis Goals	Strategies	Performance Measures
<p>Eliminate fatalities and reduce serious injuries and illnesses experienced by tower technicians.</p> <p>Establish root causes of fatalities, injuries, and illnesses for the wireless communication and broadcast tower erection and maintenance industry (<i>the Industry</i>, NAICS 27130).</p>	<p>Through OSHA:</p> <ul style="list-style-type: none"> • The established NAICS Code for the Partner industries may not identify all applicable activities. OSHA will help establish base line measures utilizing Bureau of Labor Statistics (BLS) and OSHA data and NIOSH assistance. <p>Through a specific Task Team (Data Analysis):</p> <ul style="list-style-type: none"> • Obtain industry-specific Days Away from Work, Restricted Work Activity, or Job Transfer (DART) and Total Case Incident Rate (TCIR) Rates based upon Partner recordable injuries and illnesses per man hour worked annually. • Develop a concise database of incidents involving fatalities and serious injuries. • Analyze incident data to identify common causes for fatalities, injuries, and illnesses suffered by tower technicians (wireless and broadcast communication employees), apprentices, and other appropriate job classifications. (The ST will determine the manner in which data will be collected and reported.) • Data sources used may include OSHA 36 and OSHA 170 data, NATE STAR Quarterly Application Initiative data, and NIOSH data. <p>Through the ST:</p> <ul style="list-style-type: none"> • Based on collected data, and utilizing data analysis results, prioritize the target areas that are causing serious injuries and fatalities. Areas covered may include fall protection, PPE requirements, tower access, lifting and rigging, radiation safety, and tower stability. The designated areas will be assigned to specific TT to develop strategies for addressing these causes, including, but not limited to: consensus best practices, training and outreach and communication. 	<p>Develop Metrics, including but not limited to:</p> <ul style="list-style-type: none"> • Baseline DART and TCIR Rates for Partners compared to published BLS averages for the industry, and any other metrics identified by the ST. • Baseline fatality rate for partners and the Industry utilizing CFOI method.

Identification and Implementation of Best Practices

Goals	Strategies	Performance Measures
<p>Develop and implement Best Practices to eliminate the number of fatalities, injuries and illnesses directly corresponding to identified root causes, as well as any other significant hazards identified by the Partnership.</p>	<p>Through a specific Task Team:</p> <ul style="list-style-type: none"> • Develop consensus Best Practices for each identified cause. These causes will relate to the maintenance, repair, and construction of <i>wireless communication and broadcast systems</i>. (Procedures should be appropriate under both normal and emergency situations.) • Develop implementation strategies for each Best Practice. Implementation strategies should include all major milestones, projected timelines, and means of verification. • Implement Best Practices <ul style="list-style-type: none"> ○ Sources for this information may include the updated <i>ANSI A10.48; Criteria for Safety Practices with the Construction, Demolition, Modification and Maintenance of Communication Structures; January 1, 2024; TIA-322 Loading, Design Criteria related to the Installation, Alteration and Maintenance of Communications Structures; August 22, 2016; and other recognized and accepted industry standards.</i> • Evaluate the implementation of Best Practices throughout Partner companies. • Follow the guidelines set forth by the National Wireless Safety Alliance (NWSA) and Telecommunications Industry Registered Apprenticeship Program (TIRAP) to establish the minimum qualifications for Telecommunication Tower Technician Level I and II as well as all future certification levels and endorsements developed by such. • Recognize implementation of Best Practices and post results on a common Partnership website and/or mobile application. 	<p>Develop Metrics related to required work practices, including but not limited to:</p> <ul style="list-style-type: none"> • Number of consensus Best Practices developed. • Number of Best Practices effectively implemented by Partners. • Number of consensus Best Practices posted on common website or through other electronic tools.

Development and Delivery of Training

Goals	Strategies	Metrics
<p>Ensure that the Industry Partners' employees are trained to utilize established Best Practices, including:</p> <ul style="list-style-type: none"> • minimum qualifications of wireless communication and broadcast tower construction employees; • standards for quality and consistency of training for all Tower Technicians; • minimum skill set qualifications for Wireless construction foremen, and supervisors; and • retraining/refresher training of tower technicians, foremen, and supervisors. 	<p>Through a specific Task Team (in addition to training required pursuant to the OSH Act):</p> <ul style="list-style-type: none"> • Identify training criteria to promote industry culture change by placing value on safety and health. Implement job-specific established training criteria to: <ul style="list-style-type: none"> ○ Forepersons and supervisors ○ Telecommunications Tower Technicians ○ Project Managers ○ Project Supervisors • Develop a procedure for uniform evaluation and communication of skill levels (i.e., Smart Card or like database system). • Review the recommendations of NWSA and TIRAP regarding their respective procedures for certification/documentation and tracking of training and credentialing. • Explore methods to ensure competency achieved by training; track percentage of those trained who pass each level of training. • Review re-training/refresher standards for tower technicians, foremen, supervisors, and any other relevant job classifications. • NATE will facilitate training sessions for OSHA to familiarize CSHOs with the industry. 	<p>Develop Metrics related to required training/retraining and refresher training requirements, including but not limited to:</p> <ul style="list-style-type: none"> • Number or percentage of supervisors receiving the minimum training and/or re-training. • Number or percentage of tower technicians receiving the minimum training and/or re-training. • Number or percentage of tower apprentices receiving the minimum training and/or re-training. • Number or percentage of tower technicians and supervisors receiving certification, when developed. • Number or percentage of employees who have successfully mastered skills and procedures established in Best Practices.

Outreach and Communication

Goals	Strategies	Performance Measures
<p>Communicate safety and health Best Practices, and other useful safety and health information, within the Wireless Communication and Broadcast Tower Erection and Maintenance industry.</p>	<p>Establish a clear, strong means of communication to promote a cooperative approach between employers, employees and government, including, but not limited to:</p> <ul style="list-style-type: none"> • Create a centralized Partnership database or web page that includes the established Best Practices. <p>Share information with FCC and OSHA compliance personnel regarding the Wireless Communication and Broadcast industry in general and the tower erection and maintenance segments in particular.</p> <p>When requested (and pending available resources), communications employers and/or associations will provide training to OSHA personnel on industry-specific processes and equipment.</p> <p>When requested (and pending available resources), OSHA and FCC will provide training and outreach to Partners and the wireless communication industry.</p> <p>Explore opportunities to create a Career Pathway for Tower Technicians (Climber Certification) in vocational schools.</p>	<p>Develop Metrics, including but not limited to:</p> <ul style="list-style-type: none"> • Number of Partner-led meetings held to communicate industry information to OSHA compliance personnel. • Number of OSHA personnel attending training sessions conducted by the Partners. • Number of database/web hits to centralized Best Practices site; and mobile application downloads. • Number of Tower companies implementing comprehensive safety and health management programs.

Program Evaluation

Goals	Strategies	Performance Measures
<p>Establish an effective evaluation strategy to ensure that the goals of the OSP are met.</p>	<ul style="list-style-type: none"> • The ST is to regularly review collected data against the goals laid out in the OSP. • Both the ST and the ET, with assistance from OSHA, are to track the Partnership’s progress against the agreed upon BLS national averages in regard to fatalities, injuries, and illnesses. • Via the Annual Evaluation Report, OSHA and its Partners will determine if goals are being met and strategies properly implemented based on the analysis of collected data. 	<p>Develop metrics, including but not limited to:</p> <ul style="list-style-type: none"> • Number of injuries and illnesses experienced by Partnership employees compared to the Partnership’s employees’ past frequency rate as measured per 100 man-hours worked annually. Whereas: $N \times 200,000 / \text{total hours worked}$. • Other types of data collection, such as employee surveys and employee interviews during inspections, will be considered to measure intangible improvements, such as work safety culture evolvments. • Number of systems-based safety and health management programs implemented and improved.