



**Project Rainforest
STRATEGIC PARTNERSHIP**

Between

**Occupational Safety and Health Administration
Tampa Area Office,**

Clayco Construction Company Inc

And

The University of South Florida On-Site Consultation Program

I. PURPOSE/SCOPE

This Partnership was developed jointly by the Occupational Safety and Health Administration (OSHA), Clayco Construction Company Inc (Clayco), and the University of South Florida (USF) SafetyFlorida Consultation Program. USF was invited to this Partnership for the benefit of small employers engaged as subcontractors on the jobsite. To facilitate the goal of reducing occupational related fatalities and serious injuries within the construction industry, OSHA, Clayco, and USF will implement a Partnership under the OSHA Strategic Partnership Program (OSPP). The common objectives and goals of the Partnership will include the following:

- A. Reduced injuries and illnesses;
- B. Increased safety and health training;
- C. Reduction in the overexposure of workers to health hazards; and
- D. Increased numbers of employers with comprehensive safety and health management systems.

This Partnership will cover the construction of the Project Rainforest, located at 7140 Arawak Drive, Fort Myers, Florida 33908 (the Project). The Project is a 5-story, state-of-the-art, logistics hub and distribution facility. The Project will feature advanced operational infrastructure, a wide range of employee amenities, and it will span approximately 3.2 million square feet.

By combining their efforts, skills, knowledge and resources, OSHA, Clayco, and USF expects to reduce exposure to hazards and thereby decrease the possibility of serious injuries and fatalities at the construction site. 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 also encourages more participation in the safety process from the construction community.

II. IDENTIFICATION OF PARTNERS

The Partnership will include:

- Occupational Safety and Health Administration, Tampa Area Office (OSHA);
- Clayco Construction Company Inc (Clayco); and
- University of South Florida On-Site Consultation Program.

III. GOALS/STRATEGIES/PERFORMANCE MEASURES

The primary objective of this Partnership is to create a working relationship that focuses on preventing work-related fatalities, controlling or eliminating serious workplace hazards, and 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
Reduce the injury and illness rates 10 percent below the 2023 BLS national average for the specific SIC/NAICS code, thereby providing a safe and healthy work environment for employees at the Project.	1) Review the OSHA 300 log data of the Partnership participants. Review injury and illness trends and implement effective corrective action(s). 1) Calculate the Project's Total Case Incident Rate (TCIR) and Days away from work, restricted, or job transferred (DART)¹ rates.	a) This goal will be measured by comparing the Project's TRC and DART rates to the established 2023 BLS Rates for Non-Residential Construction NAICS 2362, which is 1.6 (TCIR) and 0.9 (DART).
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).	1) Review the number of employers that receive comprehensive consultation visits. 2) Review the number of employers establishing 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 analysis; accident investigation; and hierarchy of controls. 3) Hold comprehensive Site-Specific Safety Plan (SSSP) reviews with subcontractors to promote management systems 4) Hold detailed planning meetings for tasks including confined space entry, excavations greater than 5', crane work, and public interface work.	a) 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. b) Review the planning meetings held and their effectiveness, as well as the engagement in full planning meetings.

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 $(N / EH) \times (200,000)$ 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 $(22 / 645,089) \times (200,000) = 6.8$.

GOALS	STRATEGIES	MEASURES
Increase the number of employees, employers and supervisors who are provided effective safety and health training, such as the OSHA 10-hour course.	1) Review the number of the employers that establish effective safety and health training programs. 2) Review the number of the employers that provide employees with OSHA 10-hour/ OSHA 30-hour training.	a) Measure the number of employers with effective safety and health training programs. b) Measure the number of managers, supervisors and employees provided with OSHA 10-hour/ OSHA 30-hour training compared to the (baseline) initial year of the Partnership.
Conduct effective self-inspections, sampling, monitoring, training and consultative activities in areas where employees might be exposed to health hazards such as the following: hazardous noise levels; lead; silica; asbestos; ergonomic stressors; and other health-related hazards. The overall outcome of this goal should be the reduced overexposure of workers to health hazards, as well as a reduced injury and illness rate.	1) Track health hazard related program improvements, as well as training focused on the prevention of health hazards. 2) Clayco will track the number of self-inspections and site audits, as well as the number of health hazards identified during these activities.	A comparison will be made between the number of health hazards identified during self-inspections and audits conducted during the (baseline) initial year of the Partnership.

IV. OSPP MANAGEMENT AND OPERATION

A. Clayco will:

1. Establish a jobsite safety walk team, consisting of a representative of all primary trade's active on site, to develop an understanding and awareness that all accidents are preventable. This action will be accomplished by implementing Clayco's Safety Vision, 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 for work on the site.
3. Where the potential for airborne silica exposure exists, require the use of wet cutting, or soft cutting techniques and/or 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 airborne silica exposure exists, personal air monitoring will be conducted to assess employee exposure levels. Where the potential for other health issues exists (i.e., carbon monoxide, lead, or large-scale use of chemicals in the building interior during floor finishing), Clayco will coordinate with the subcontractor responsible for creating the hazard and ensure that air monitoring is accomplished to assess employee exposure levels. Clayco and USF will compile and track sampling results.
4. Have the authority to enforce safety rules and regulations. This enforcement authority will include provisions to hold contractors and employees accountable for safety rules and regulations, and, if necessary, remove contractors’ employees and supervisors from the job site, following proper disciplinary procedures.
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 risks through conventional fall protection, engineering, or administrative controls to as low a level as possible. Regarding fall hazard risk assessment:
 - 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. Bricklayers performing overhand bricklaying and related work above lower levels must be adequately protected. No fall protection safety monitoring system will be allowed.
 - c. Workers on the face of formwork or reinforcing steel must be protected from falling by personal fall arrest systems, with the use of a positioning device, and/or lanyards.
6. Identify and correct serious ergonomic hazards.
7. Ensure that ground fault circuit interrupters (GFCI) are used to protect all electrical circuits that are installed for work. All contractors will ensure that employees are protected by the use of a GFCI at all times.

8. Ensure that Clayco Project Managers and Safety Directors serve as points of contact, monitoring safety and health at the site and its progress toward achievement of the Partnership goals.
9. Confirm that all leaders of Clayco, to include Superintendents, Construction Managers, and Project Managers, verify that weekly Safety Audits are conducted (since this is a multi-employer worksite and all workers are to work together on safety issues). Upon request, Clayco will review subcontractors' daily reports and audits, note any hazards found, and then review the results with all Safety Committee members at the weekly coordination/subcontractor meeting.
10. Conduct and document weekly jobsite safety meetings/toolbox talks.
11. Collect and submit monthly accident reports to the Clayco Safety Committee, including first aid, injury, property damage and near miss reports.
12. Continually audit the Partnership's effectiveness and recommend improvements.
13. 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. Employees engaged in the initial connection of steel and employees necessary for hooking or unhooking the load.
 - b. Materials being hoisted shall be rigged to prevent unintentional displacement.
 - c. Hooks with self-closing safety latches or their equivalent shall be used to prevent components from slipping off the hook.
 - d. All loads shall be rigged by a qualified rigger.
 - e. Appropriate use of tag lines will be utilized to prevent work below suspended loads
14. Require the use of appropriate personal protective equipment. Hardhats are always mandatory, on the worksite. Employees exposed to heavy equipment and working with moving equipment, as well as all flagmen on site shall wear high-visibility reflective clothing. A 100 percent eye protection and glove program will be implemented.
15. Ensure that all safety signs and warnings will be posted in English and Spanish, as well as in any other languages spoken by limited English proficient workers.
16. Implement a 100 percent Fall Protection Plan for all work performed 6 feet or more above lower surfaces.
17. Implement an effective Heat Illness Prevention Program (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 the

OSHA-NIOSH Heat Safety Tool Smartphone App and the National Weather Service Alerts and Advisories.

B. Subcontractors will:

1. Appoint a representative to the site Safety Committee responsible for resolving job safety matters and serving as a liaison to Clayco. Every prime trade contractor 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 Clayco safety walkthroughs and monthly Safety Committee meetings.
2. Conduct jobsite safety inspections for those employees under their control. These jobsite safety inspections will be in addition to the daily general inspections. If non-compliant activity or hazards are discovered, immediate correction is required. Documentation of abatement methods and verification must be submitted to the appropriate Clayco Safety Director.
3. Participate in the weekly Safety Committee/subcontractor meetings and safety audits. If non-compliant activity or hazards are discovered, immediate correction is required. Abatement methods and verification must be submitted to the appropriate Clayco Safety Director who will document the correction taken and share this information during the monthly update meetings.
4. Share the results of jobsite inspections with all workers by posting them in the Project office or on the jobsite bulletin board, to ensure all workers are notified of the results.

C. OSHA will:

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

D. USF will:

1. Give priority consideration to requests for services to small contractors who are engaged in work at the project.
2. Appoint a representative to the Safety Committee and participate in meetings to the extent resources allow.
3. To the extent feasible, conduct quarterly safety and health surveys of the project, which may include performing personal air monitoring to assess employee exposure levels to chemicals (such as silica, carbon monoxide, heavy metals, isocyanates, hexavalent chromium, and other noted chemical hazards).
4. To the extent feasible, conduct personal noise monitoring to assess employee exposure.
5. Support, perform, and monitor activities related to safety focus areas not limited to, falls, confined space, trenching, excavation, and noise generating activities.

V. SAFETY AND HEALTH MANAGEMENT SYSTEM

Clayco will use their systems 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. The management of this agreement will be accomplished by Clayco implementing a comprehensive jobsite safety and health management system, which includes:

1. Using Clayco's Task Hazard Analysis (THA) and Pre-Task Plan forms, Clayco will complete a risk assessment prior to exposing any employee to potential safety and health hazards.
2. Working with OSHA, USF, and Safety Committee members to provide the resources to conduct initial monitoring for ALL toxins, carcinogens, or hazardous substances currently emphasized by OSHA and which present inhalation hazards, such as silica, lead, cadmium, and/or isocyanates. Employee exposures will be assumed, and respiratory protection worn until the results of the initial monitoring studies are received and demonstrate no exposure problems or prior surveys show no hazard exists. Clayco will endeavor to ensure that no work with these materials will occur, thus preventing any exposure. Clayco will request periodic evaluation visits by its insurance company's Industrial Hygienist and USF.
3. Ensure all contractors on-site perform daily audits. In addition, once each month, a comprehensive audit of the jobsite will be performed. A representative of the subcontractors will be a safety audit participant in the jobsite areas where their employees may be exposed to hazards. Any hazards found during the audits will be corrected promptly. Items identified during the audits 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 comprehensive site safety audits and the number of hazards corrected as a result of the weekly audits.

4. Implement an effective 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. Supervisory personnel should possess an OSHA 30-hour card or its equivalent. Clayco will work with all subcontractors to provide each subcontractor's safety designee with an OSHA 10-hour training, or its equivalent through available on-site training options.
 - b. All employees will receive a site-specific construction safety orientation covering jobsite safety and health issues, procedures related to the work being performed, as well as the requirements outlined in the Partnership Agreement. In addition, employees shall receive training on the content of the risk assessment for operations they will encounter. This may require periodic retraining of employees on the content of the risk assessment as they become relevant due to entering new phases of construction. The Clayco Team will provide this material to each subcontractor has designated safety representative for completion.
 - c. Safety and health training will be provided to all workers in a language they understand. Bilingual instructors will perform this training. Clayco will provide a list of instructors to all subcontractors to ensure that all workers are effectively trained.
 - d. Other hazard-specific training will be conducted on an as-needed basis.
 - e. Subcontractors can utilize other instructors as long as these instructors can provide a valid certification card showing completion of the OSHA 30-hour course. Clayco Team will have primary responsibility for coordinating this training; however, as resources allow University of South Florida On-Site Consultation will also provide assistance. Clayco Team plans to hold 10-hour Safety Training sessions as needed to help train all personnel as the schedule allows.
6. Each subcontractor with written safety and health management systems must submit them to the Project Construction Team for evaluation. Companies without safety and health management systems may adopt Clayco Incident Prevention Plan or develop an adequate safety and health management system with the assistance of USF.

7. Ensure Clayco and/or the affected subcontractors adequately address health-related issues, which arise during the course of the Project, with the assistance of OSHA, as its resources permit, and USF. All health-related issues will be discussed monthly during the Partnership meetings. In addition:
 - a. An effective Hearing Conservation Program, including noise monitoring and engineering controls, where possible, will be implemented by Clayco 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.
8. 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 working in close proximity to or on live electrical systems to ensure the implementation of appropriate protective measures prior to exposure. The permit form includes requirements for pre-task review and lockout/tagout procedures to be followed.
9. Ensure all equipment capable of causing amputations is adequately guarded.
10. Ensure effective programs are employed, consisting of policies and procedures that comply with OSHA's Process Safety Management (PSM) standards as equipment and processes are brought live and on-line at the Project.
11. Ensure effective programs are employed, consisting of policies and procedures that comply with OSHA's Lockout/Tagout standards, as equipment and processes are brought live and on-line at the Project.

VI. WORKER INVOLVEMENT

The site will establish an employee Safety Committee consisting of one member per subcontractor that will meet on a monthly basis to share the results of jobsite inspections, information concerning accidents and near misses, suggestions for improvement and recommendations for training of the general workforce. Near misses and daily safety audits will be discussed during Toolbox Talks.

VII. 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.

Clayco 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.

VIII. INCENTIVES

Participant benefits 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).
2. 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.
3. Priority consultation service and assistance for small employers working on the construction site from the USF.
4. An OSHA focused inspection is available where the Partnership participant has an effective safety and health management system fully compliant with 29 CFR Part 1926.20 and 29 CFR Part 1926.21 (For additional details refer to the Focused Inspection in Construction August 22, 1994, memo signed by then Deputy Assistant Secretary for OSHA James Stanley, which was revised on September 20, 1995).

IX. OSHA VERIFICATION

1. Verification Enforcement Inspections: OSHA will conduct the initial verification enforcement inspection no sooner than three months, but within four months after Partnership participants formally enter into this Agreement. During this period, Partnership participants should develop and implement the safety and health management systems required under this Agreement. After this period, OSHA will conduct the verification enforcement inspections annually thereafter. Verification enforcement inspections will be conducted as a focused inspection, per the appropriate OSHA guidelines. Compliance Safety and Health Officers (CSHOs) who are familiar with the Project will do verification enforcement inspections. Employee rights under the Occupational Safety and Health Act (OSH Act) will be afforded. During the verification enforcement inspections, if OSHA personnel identify serious hazards that site management refuses to correct, 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 any party's

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 forwarded by email to Clayco - Project Management office on-site. In accordance with applicable law, the name and identifying information of a complainant requesting confidentiality will not be revealed. Clayco 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 the OSHA standards, the employer will not be afforded Partnership incentives.

X. WORKER AND EMPLOYER RIGHTS

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

XI. TERM OF PARTNERSHIP

It is understood that this Agreement shall be in effect until completion of construction activities at the Project, but in no case longer than three years from the Partnership Signing Date. Should any “signatory” stakeholder choose to withdraw prior to project completion, a written notice shall be given stating the reason(s) and providing 30 days notice to the other party(s).

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 they are in the best interest of the Partnership.

XII. THE PROGRAM - OSPP SIGNATURE PAGE

Partnership Signing Date: _____

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