



**OSHA Strategic Partnership Program for the
Calendar Years of 2023-2025**





Agreed to for the Calendar Years of 2023-2025 on This Date of January XXX 2023

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I. Program Summary/Overview – Statement of Purpose

The Greater Houston Chapter of Associated Builders and Contractors (ABC) and its member companies and the Houston North Area and Houston South Area Offices of the Occupational Safety and Health Administration of the United States Department of Labor (OSHA), mutually recognize the importance of ensuring a safe and healthful work environment in the construction industry. To advance this mutual goal, this OSHA Strategic Partnership Program (OSPP) has been established to formalize a cooperative effort between these entities committed to encouraging companies to voluntarily improve their safety and health performance, providing methods to assist them in their efforts, and recognizing companies with exemplary safety and health programs.

The cooperative effort will provide benefits to participating companies who voluntarily improve their safety and health performance and demonstrate the implementation of an effective safety and health program. Benefits will include special recognition from OSHA, applicable penalty reductions, and more benefits fully described in Section IV.

The cooperative effort will be conducted within the jurisdictional areas of the OSHA Area Offices. Participation is strictly voluntary and is available to any member company of ABC that meets the qualification requirements of this program.

Participating member companies retain all rights guaranteed under the Occupational Safety and Health Act (OSH Act), including the right to appeal or contest citations issued by OSHA.

This agreement will not in any way affect employees' exercise of rights under the OSH Act and OSHA regulations, including walk-around rights. As an integral part of an effective safety and health program, the opportunity for employees to exercise their rights guaranteed under the OSH Act and regulations, such as, but not limited to, the right to file a safety and health complaint, and the right to information collected pursuant to OSHA requirements, e.g., the OSHA-300 log, and medical exposure records will not be infringed. It is anticipated that routine employee involvement in daily implementation of worksite safety and health programs will be assured, including employee participation in employer self-audits, site inspections, job hazard analysis, safety and health program reviews, and mishap investigations.

II. Participants in Program

The following are identified as participants in the Cooperative Safety Program:

A. OSHA

The Local Area Offices of Occupational Safety and Health Administration of the United States Department of Labor (OSHA) shall:

- (1) Upon annual notification by ABC, OSHA will visit a jobsite of each nominated member company to verify that the member company's program requirements are in place and then proceed to a focused construction inspection. The inspection focus will address hazards related to the four major causes of fatalities and serious injuries in Texas (*falls, struck-by, caught-in/between mishaps, and electrocution*).
- (2) Once the evaluation inspection is successfully completed, the member company will be placed on a members list in participating OSHA area offices.
- (3) If citations are issued, OSHA will give the maximum good faith and size penalty reductions available under current OSHA policy.
- (4) Give special recognition designating the member company as a participant in this program.
- (5) After such verification inspections, OSHA will conduct unscheduled inspections as follows:



- (a) If OSHA receives a report of an imminent danger situation or observes exposure to hazards listed in II.A. 1, or hazards covered by a Local or National Emphasis Program.
 - (b) If OSHA receives a report of a fatality or catastrophe as defined in OSHA Instruction CPL 02-00-160 (Field Operations Manual).
 - (c) If OSHA receives a complaint or referral, it will be handled according to Chapter 9 of the FOM.
- (6) Notify safety personnel representing the Greater Houston Chapter of the inspection and the Greater Houston Chapter's safety personnel can accompany OSHA personnel on the site visit along with the project superintendent or other member company representative.
 - (7) Cite any apparent violations in accordance with OSHA interpretation as stated in the Guidance to Compliance Officers for Focused Inspections in the Construction Industry. If cited, OSHA will give full consideration in evaluating maximum good faith in giving penalty reductions available in current OSHA policy.
 - (8) Give priority status to member companies and their participating specialty or trade contractors for compliance assistance and outreach activities.

B. Associated Builders and Contractors shall:

- (1) Evaluate applicant companies to ensure they meet the requirements to participate in the OSPP.
- (2) Perform periodic reviews of participating companies to ensure program requirements are continuing to be met (ie. quarterly reports).
- (3) Recommend termination of OSPP membership if findings indicate unacceptable performance or submission of falsified documentation.
- (4) Provide OSHA with a list of qualifying member companies and results of verification inspections conducted by the sponsoring organization.
- (5) Participate in the collection, review and transmitting of documentation to OSHA required of the member company to qualify for participation in the OSPP. Examples: Audits, Hazards, Corrections (reflected on quarterly reports), Training (Supervisor, Manager, Craft), OSHA Stats.
- (6) Have safety personnel representing the Greater Houston Chapter conduct a minimum of one site program verification inspection annually to one of the projects being performed by each member company.
- (7) Offer, or provide access to, regular sessions of behavior-based safety, safety ethics and safety coaching training in addition to ongoing CSST Courses and OSHA 10- and 30-hour Construction Safety and Health course to make it easier for member companies to adhere to terms of this program.
- (8) Have safety personnel representing ABC model the best in "safety coaching" practices with an emphasis on reinforcing positive safety practices and behaviors.
- (9) Offer member companies methods in safety management, including actions in identifying and mitigating hazards and collecting jobsite data to create baseline(s) for safety performance.

C. Member Companies of ABC:

A member company that meets the qualifications laid out by its parent sponsoring organization and in this agreement shall:

- (1) Meet and continue to meet the requirements set forth by ABC to qualify for this OSPP in addition to the



requirements set forth within the OSPP itself.

- (2) Attend 75% of monthly meetings.
- (3) Set a positive example for desired safety behavior and establish goals and accountability for safety excellence.
- (4) Be engaged in the construction industry and be a member in good standing of Associated Builders and Contractors, Inc. (ABC).
- (5) Have a continual employee involvement program in place (e.g. field safety suggestions, participation in safety audits, participation in safety observations).

III. Goals

- A. Minimize injury/illness rates from a 5-year average that are 25% below the current national average of injuries, illnesses, and fatalities, with an emphasis on reducing injuries and fatalities resulting from falls, struck-by, caught-in/between mishaps, and electrocution (focused four construction hazards).
- B. Increase the number of construction companies that implement effective safety programs through mentoring.
- C. Decrease worker compensation costs and OSHA penalties for participating companies.
- D. Allow OSHA to focus resources on companies that require attention from OSHA, rather than companies that have demonstrated existence of effective safety programs.
- E. Ensure that each site has an effective site-based safety and health management system that includes Worker Involvement.
- F. It is anticipated with minimal use of OSHA resources, this OSPP will result in improved safety and health programs, a higher level of employee safety and health training, and as a secondary benefit, improved job site safety and health program commitments by other companies working with/for the OSPP participants.
- G. Foster open and continued communication.
- H. Share knowledge of the best practices through the Partnership Committee.
- I. Cooperation in contractor and compliance officer training.
- J. Inform and educate small construction companies of the resources available from the Texas Occupational Safety and Health Consultation Program (OSHCON).

IV. Benefits

Participants in good standing will receive the following benefits:

- A. Maximum penalty reduction for ABC/OSHA Partners as allowed in the OSHA Field Operations Manual (FOM) for good faith and history.
- B. Priority consideration for compliance and offsite technical assistance (phone calls/emails) by OSHA as resources allow.
- C. At the commencement signing and each significant event or success story, a press release will be issued by OSHA to highlight partnership members.
- D. Partner companies will have an opportunity to meet and interact directly with area OSHA representatives with



the goal of building a mutually beneficial relationship based on providing a safe workplace for all employees.

- E. Partner companies will be able to display the OSHA/ABC Partnership Banner at their jobsites and can market the Partnership as a benefit to safety-conscious clients.
- F. Having top company executives sign a partnership with OSHA representatives sends a clear message to all employees that safety is valued at the highest levels of the company.
- G. Partner company representatives will have the opportunity to attend monthly Partnership Committee meetings where partners discuss recent lessons learned, best practices, and industry insights to improve safety. OSHA representatives will provide current, relevant statistical information from local Area offices and discuss current OSHA initiatives, changes in safety regulations, and any other available information to improve workplace safety.
- H. Partner companies can utilize the Partnership to raise safety awareness at all levels of the workforce, positively impacting behaviors and building a stronger safety culture in the workplace.

V. ABC Requirements for Acceptance into Program

- A. Submit to the Greater Houston Chapter a list of all active construction projects within the jurisdiction of the Chapter where the OSPP was signed.
- B. Have a total case injury/illness incidence rate from a 5-year average that is 25% less than the rate for its NAICS code, as published by the most current Bureau of Labor Statistics Report.

An incidence rate of occupational injuries and illnesses can be calculated quickly and easily. The formula requires:

(1) *Determine the number of nonfatal injuries and illnesses.*

- a) Count the number of OSHA recordable cases for the year from the Log and Summary of Occupational Injuries and Illnesses (Log) OSHA 300; or;
- b) TOTALS line for the yearly total on the Log for nonfatal injuries and illnesses with lost workdays, and injuries and illnesses without lost workdays.
- c) The number of injuries and illnesses can also be obtained from the BLS Survey of Occupational Injuries and Illnesses form, if your company was surveyed for the calendar year for which incidence rates are desired.

(2) *Determine the number of hours all employees actually worked:*

- a) Use payroll or other time records. "Hours worked" should not include any non-work time, even though paid, such as vacation, sick leave, holidays, etc.
- b) If actual hours worked are not available for employees paid on commission, by salary, or by the mile, etc., hours worked may be estimated on the basis of scheduled hours or 8 hours per workday.

Calculate the rate using the following formula:

$(\text{Number of injuries and illnesses} \times 200,000) / \text{Employee hours worked} = \text{Incidence rate}$

(The 200,000 hours in the formula represents the equivalent of 100 employees working 40 hours per week, 50 weeks per year, and provides the standard base for the incidence rates.)

- C. The member company must be a participant in the STEP program.
- D. Member companies shall have no construction-related fatalities or catastrophes resulting in OSHA citations in the



last year that occurred at a site under their control.

- E. Have no repeat OSHA citations for the previous year and no willful citations for the past 3 years.
- F. Provide OSHA and ABC the OSHA 300 Logs for the five previous years plus the current year. This information will assist in measuring the impact on safety and health during this agreement.
- G. Submit to the Greater Houston Chapter, within 15 days after the end of each quarter, a summary of the number of inspections made by the member company's Safety Director (or their designee) and any third party. The report shall be broken down into the four major categories of fatality hazards. The report shall show the number of items within the four categories that were corrected. The report should reflect ALL active jobsites in the state of Texas. **First quarterly report is due to Greater Houston Chapter by April 15. Second quarterly report is due to Greater Houston Chapter by July 15. Third quarterly report is due to Greater Houston Chapter by October 15. Fourth quarterly report is due to Greater Houston Chapter by January 15.
- H. Have designated safety personnel to conduct documented safety inspections. Personnel will have a minimum of one year's experience managing a construction safety and health program and have sufficient training to be able to recognize existing and predictable hazards in the workplace. Safety personnel shall have the authority to take prompt corrective action.
- I. Agree to permit a visit by an OSHA or ABC representative to a construction site.
- J. Each member company and any participating specialty or trade contractors at each construction site must agree to develop and implement a comprehensive safety and health program that adheres to, or exceeds, the OSHA Safety and Health Program Management Guidelines. All trades on-site will work toward implementing a "zero tolerance" safety practice in order to help achieve the desired reduction of worksite incidents.
- K. The member company must make each of its construction projects available for OSPP verification by OSPP volunteer or designees of the Greater Houston Chapter.
 - (1) These program verification inspections are independent from any other site inspections and are not meant to replace the frequent and regular inspections of work areas required of each employer by both OSHA standards and the Safety and Health Program Management Guidelines.
 - (2) All hazards identified by these inspections shall be documented, dated, and communicated to all applicable contractors via the member company, and resolved by documented corrective actions.
 - (3) At any time the designated representative performing the verification inspection concludes that the member company is apparently not fulfilling the agreed upon stipulations of the agreement, the member company may be referred to the Greater Houston Chapter. If the Greater Houston Chapter finds just cause for termination of the member company's participation in the program, written notice shall be provided by the parent sponsoring organization to the corresponding local OSHA Area Office.
- L. Member companies will have the following:
 - (1) A comprehensive written safety and health program, which will:
 - Include employee involvement;
 - Include Effective Employee training for a avoidance of hazards specific to the member company's work site(s);
 - Provide construction site supervisors with training equivalent to OSHA's 30-hour Construction Safety and Health course; and
 - Have designated competent person who, through training and experience, are able to recognize work hazards and have the authority to take prompt corrective action. Training curriculum equivalent to the OSHA 30-hour Construction Safety and Health course will be deemed to be satisfactory.



- (2) A designated competent person at all worksite(s).
- (3) Weekly documented safety training at all worksite(s).

M. See section XI for the application.

VI. Implementation

All companies interested in participating in the OSPP must submit a formal request to its Greater Houston Chapter for review and consideration for participation in the OSPP.

Member companies that qualify and accept the established requirements of the OSPP will be enrolled for a period of twelve months. To maintain membership in the partnership, a member company must provide the documentation required by the Greater Houston Chapter indicating the member company still meets the current established criteria.

VII. Cooperative Safety Program Evaluation

- A. The partnership will be evaluated annually to determine whether the annual goals have been met. ABC is responsible for collating baseline and annual performance data upon which the OSPP will be measured. This aggregated data will be managed by the Greater Houston Chapter and submitted to the Houston OSHA Area Offices.
- B. Member company aggregate injury/illness incidence rates (total case rates) and fatality rates will be compared with the most current BLS published data to determine whether goals have been met.
- C. If all signatory partners agree, member company criteria may be revised annually based on recommendation for continuous improvement.

VIII. Termination and Suspension

- A. This agreement will terminate on December 31 of the final calendar year of the agreement. If any signatory of this agreement wishes to terminate their participation prior to the established termination date, written notice of the intent to withdraw must be provided to all other signatories.
- B. If OSHA chooses to withdraw its participation in the partnership, the entire agreement is terminated.
- C. Any signatory may also propose modification or amendment of the agreement.
- D. Any of “the participants” to this Agreement may terminate participation by providing thirty (30) days written notice to the Greater Houston Chapter or the local OSHA area office.
- E. If any of “the participants” to this Agreement are not participating in “good faith” according to the requirements spelled out for each party in this Agreement, they may be terminated within thirty (30) days with written notice from the Greater Houston Chapter or the local OSHA area office.
- F. A member company’s participation, including all sites, can be terminated, or put on hold depending on the circumstances surrounding the member’s case. Each case is unique and will be reviewed on a case-by-case basis by the Greater Houston Chapter. The Greater Houston Chapter following review by the current OSHA Partners and OSHA will be informed if one or more of the following occurs:
 - (1) An inspection by OSHA or ABC representatives reveals a significant deviation from program criteria.



- (2) The member company has falsified information on the application or supporting documentation.
 - (3) The member company's total case injury/illness incidence rate rises above the established criteria.
 - (4) A fatality or catastrophic event (defined as two or more employees admitted to the hospital due to exposure to the same event) occurs at their worksite arising from the work or operations of the partner or any subcontractor, supplier or vendor of the partner of any tier as determined by OSHA to be a workplace related fatality or catastrophe.
 - (5) Any member company requires a warrant of OSHA prior to commencement of an on-site program verification or other inspection activity.
 - (6) Any member company falls below 75% yearly attendance.
 - (7) Or any other reasons showing the member company is not participating in "good faith."
- G. Prior to the final termination of a member company's status, the following will occur:
- (1) The member company will be notified in writing of the intent to terminate.
 - (2) The written notice will include an explanation of the reason for termination.
 - (3) The member company will have an opportunity to reply to the written notice within thirty days; and will have the right to make an appearance before the Greater Houston Chapter.
- H. The Greater Houston Chapter can request from OSHA the reinstatement of a member company if it determines the member company's experience was unusual and consistent with a sound safety and health program.

IX. Employee/employer Rights and Responsibilities

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

X. Term and Location of Partnership

- A. The OSPP will cover the territorial jurisdictions of the Houston North and South Area Offices and will be for a period of three years. At the end of the three years, the Houston North and South Area Offices and the Greater Houston Chapter will make a joint determination of whether to continue the partnership program.
- B. Any participant to this OSPP may withdraw from the agreement at any time after submitting written notification of intent to the Greater Houston Chapter by providing a thirty-day written notice. Any participant may also propose modifications or amendments to the program subject to concurrence by the other participants to the agreement.



XI. OSHA Strategic Partnership Program Application Form

Directions: Please complete the following questions by typing or printing legibly.

Company Name: _____

Address: _____

Construction SIC Code: _____

Company Safety Contact: _____

Title: _____

Phone: _____

Trades Employed: _____

Average Number of Employees: _____

Average Number of Supervisors: _____

SAFETY PERFORMANCE

1. List your company's Experience Modification Rating (EMR) for the five (5) most recent years.

Year: _____ EMR: _____

Year: _____ EMR: _____

Year: _____ EMR: _____

Year: _____ EMR: _____

Year: _____ EMR: _____

2. List your company's number of injuries/illnesses from your OSHA 300 Logs for the five (5) most recent years.

Year: _____ Year: _____ Year: _____ Year: _____ Year: _____

Lost Work Days _____

Fatalities _____

Restricted Work Days _____

Medical Only Cases _____

Total Hours Worked _____



3. Does your company maintain a total case injury/illness incidence rate from a five (5)-year average that is 25% less than the most current Bureau of Labor Statistics National Rate for its NAICS?

Yes No

If yes, what is it? _____

4. Please submit the following information:

- a. OSHA 300 logs for the most recent five (5) years and current year-to-date.
- b. Experience Modification Rating (EMR) verification letter from your insurance carrier.
- c. Complete company written safety program manual.
- d. Listing of projects to be active in the next 30 days with notation of owner approved* locations

* Jobsite that will allow OSHA on-site for inspection. This site may be different from the ABC on-site inspection for the Partnership.



I HEREBY CERTIFY THAT ALL INFORMATION IS ACCURATE.

Person Completing Application Form (please print)

Signature

Title (please print)

Date

Phone Number:

Corporate Officer of Company (please print)

Signature

Title (please print)

Date

Phone Number:



Please submit completed application and ALL required items outlined in the application to your local ABC

Chapter:

ABC Greater Houston
4910 Dacoma St.
Houston, TX 77092

OFFICE USE ONLY

Safety Program submitted to & reviewed by safety association representative:

Association Representative (please print)

I have received and reviewed the Safety Program submitted by and it meets or exceeds the requirements of the Program.

Association Representative Signature

Agency

Date



OSHA Strategic Partnership Program Self-Evaluation Form

Eligibility: To determine if a contractor can qualify as an OSHA Strategic Partnership Program (OSPP) participant, the applicant must provide the Partnership Steering Committee with evidence of meeting each requirement below.

OSPP Requirements	YES	NO
Contractor has implemented a comprehensive written safety and health program based on ANSI A10.38-1991 or the OSHA 2016 Safety and Health Program Management Guidelines, and has site specific safety plans for all of the contractor's worksites.	NA	NA
Contractor maintains a copy of its specialty contractor's safety and health plan, hazard communication plan, and fall protection plan (where applicable) or contractor requires specialty contractor to follow participant's plan.	NA	NA
Contractor has an employee who administers the firm's safety and health program and conduct's documented safety inspections. The employee has completed the OSHA 30-hour Construction Safety and Health course or equivalent.	NA	NA
Contractor has designated safety personnel at each site who conduct documented safety inspections of all work on the contractors' projects and through training and experience, can recognize hazards and have authority to take prompt corrective action. Training equivalent to the OSHA 10-hour Construction Safety and Health course is satisfactory.	NA	NA
Contractor has trained all field supervisory personnel to the equivalent of at least OSHA 10-hour Construction Safety and Health course and has provided additional training for competent persons in such areas as scaffolding, excavation, fall protection, crane operations, etc. (This additional training will be predicted by the type and scope of the work the contractor routinely conducts.)	NA	NA
Contractor provides a safety and health program orientation for all new employees and trains employees for hazard recognition specific to the contractor's work sites.	NA	NA
Contractor has evidence of employee involvement such as, but not limited to, participation in self-audits, site inspections, job hazard analyses, safety and health program reviews, safety training and mishap investigations.	NA	NA
Contractor maintains a substance abuse program.	NA	NA
Contractor conducts and documents weekly employee safety meetings.	NA	NA
Contractor conducts and documents self-audits.	NA	NA
Contractor has a six-foot fall protection policy.	NA	NA
Contractor maintains a total case injury/illness incidence rate that is 25% less the most current Bureau of Labor Statistics national Rate for its NAICS.	NA	NA
Contractor has not had any willful violations in the last three years.	NA	NA
Contractor has not had any repeated serious violations in the last year.	NA	NA
Contractor has not had any fatalities within the last year.	NA	NA
Contractor has not had any catastrophes resulting in citations within the last year.	NA	NA
Senior leadership is involved in safety programs.	NA	NA
Contractor has behavior based safety program.	NA	NA
Holds company/corporate safety meetings covering best practices, trending topics, and accident review.	NA	NA

If the applicant has answered "no" to any of the questions listed above, then the applicant *may* not be eligible to become a partnership participant. If the applicant has answered "yes" to all of the questions, then the applicant is eligible to apply for the Cooperative Agreement for one year. ABC & OSHA must complete an inspection of at least one representative job site before the applicant is accepted into the program.