



Mustang Project (New Albany NBY)

STRATEGIC PARTNERSHIP

Between

Occupational Safety and Health Administration

Columbus Area Office

And

Ohio Bureau of Workers' Compensation

And

Holder Construction

I. Identification of Partners

The Partnership will include:

- Occupational Safety and Health Administration (Columbus Area Office)
- Ohio Bureau of Workers' Compensation, Loss Prevention Services, Division of Safety & Hygiene
- Holder Construction

Labor Unions

Employees are represented by the labor unions listed below; and they agree to be signatories to this OSP or indicate their willingness for this OSP to proceed but waive the opportunity to be signatory.

- Local 24 Sheet Metal Workers
- IBEW Local 683 Electricians
- IBEW Local 1105 Electricians
- Local 189 Pipe Fitters
- District 3, Local 18 International Union of Operating Engineers
- Local 200 Carpenters
- Local 423 Laborers' International Union of North America

II. Purpose/Scope

This Partnership was developed jointly by the Occupational Safety and Health Administration (OSHA), Ohio Bureau of Workers' Compensation, Loss Prevention Services, Division of Safety & Hygiene (Ohio BWC) and Holder Construction (Holder). This Partnership was implemented to collaborate with employers and employees to address all the hazards or especially the most commonly known such as excavation and trenching during construction at the Mustang Project work-site, in an attempt to reduce injuries, illnesses and fatalities through the long – term development of effective Safety and Health Management Systems.

III. Goals/Strategies

Goals	Strategies	Measures
<p>1) Maintain a project-wide injury and illness rate of 10% below the 2021 BLS Total Recordable Case (TCIR) rate 1.9 and Days Away from Work, Restricted or Transfer (DART) rate of 1.1 for the construction industry NAICS 2362 as the baseline</p>	<p>Require the employers to report all injuries and illnesses, hospitalization or amputation to OSHA within 24 hour of occurrence.</p> <p>Require the employer to conduct site walk around safety inspections prior to start of work each day.</p> <p>Require the employer to issue proper protective equipment (PPE) to employees for the task to be performed.</p>	<p>OSHA and the employer will analyze the injury & illness data to identify emerging hazards and evaluate the effectiveness of the OSP and refer to Ohio On-Site Safety and Health for consultation. This goal will be measured by the number of injuries and illnesses reported by the employers and number of hazards identified and abated during the daily walk around inspections and the number of employees receiving proper PPE.</p>
<p>2) Ensure all employers, supervisors and employees whose job duties require them to be in or around trenching and excavation work receive excavation and trenching training</p>	<p>To ensure they will be able to address identification and correction of hazards, soil testing methods, trench protection systems, and general safety requirements.</p>	<p>Measure the number of employers that OSHA provided training materials, distributed training grants or provide training through authorized education centers.</p>
<p>3) Increase the number of employees, employers and supervisors who are provided effective safety and health training, such as the OSHA 10-hour and 30 hour course</p>	<p>a) Evaluate implementation of the employers' safety and health training programs.</p> <p>b) Evaluate the employers that provide employees with OSHA 10-hour/ OSHA 30-hour training.</p>	<p>Measure the number of employers with effective safety and health training programs.</p> <p>Compare the number of managers, supervisors and employees provided with OSHA 10-hour/ OSHA 30-hour training with the baseline number managers, supervisors and employees that had completed OSHA 10-hour/ OSHA 30-hour training prior to OSP participation.</p>

Goals	Strategies	Measures
4) All participating employers implement a safety and health management system	Employers that implement safety and health management systems patterned after OSHA’s Recommended Practices for Safety and Health Programs in Construction to improve their safety culture and safety performance. The Safe and Sound Campaign is OSHA’s umbrella initiative to encourage employers to have a safety and health management system. Safe and Sound is a way employers can work with other employers within their industry who have achieved excellence in safety and health or have access to industry best practices.	Track the number of participating employers/contractors that implemented safety and health management systems also track the number of employers/contractors attended or participated in Safe + Sound Campaign.

IV. Safety and Health Management System

The Safety and Health Management System (SHMS) is a critical part of this partnership agreement in that it is an important aspect of collaboration between the project management team, supervisors, and the workers on site. This SHMS will include, but not be limited to, the following core elements:

Management Leadership Roles

Holder will implement a SHMS patterned after OSHA’s “Recommended Practices for Safety and Health Programs in Construction” that will encourage partnering employers to commit a high level of worker involvement to assist in monitoring and identifying jobsite hazards on a continual basis to prevent accidents. Printed copies will be available upon request in the project field office. The SHMS will be implemented at the initiation of the partnership and continue through the duration of the partnership.

https://www.osha.gov/shpguidelines/docs/8524_OSHA_Construction_Guidelines_R4.pdf

Holder 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 Holder implementing a comprehensive jobsite safety and health management system, which includes:

1. Holder - Task Hazard Analysis (THA) and Pre-Task Plan forms, Holder will complete a risk assessment prior to exposing any employee to potential safety and health hazards.

2. Working with OSHA, Ohio Bureau of Workers' Compensation, Loss Prevention Services, Division of Safety & Hygiene 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. Holder will endeavor to ensure that no work with these materials will occur, thus preventing any exposure. Holder will request periodic evaluation visits by its insurance company's Industrial Hygienist and Ohio Bureau of Workers' Compensation, Loss Prevention Services, Division of Safety & Hygiene.

3. All contractors on-site will 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. Holder 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. Holder will provide this material to each subcontractor 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. Holder 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. Holder will have primary responsibility for coordinating this training; however, as resources allow Ohio Bureau of Workers' Compensation, Loss Prevention Services, Division of Safety & Hygiene will also provide assistance. Holder plans to hold 10-hour Safety Training sessions as needed to help train all personnel.

6. Each subcontractor with written safety and health management systems must submit them to the Holder. Companies without safety and health management systems may adopt Holder's Incident Prevention Plan or develop an adequate safety and health management system with the assistance of Ohio Bureau of Workers' Compensation, Loss Prevention Services, Division of Safety & Hygiene.

7. Ensure Holder and/or the affected subcontractors adequately address health-related issues, which arise during the course of the Project, with the assistance of OSHA and Ohio Bureau of Workers' Compensation, Loss Prevention Services, Division of Safety & Hygiene Safety and as resources permit; all health-related issues will be discussed during the safety committee meetings.

a) An effective Hearing Protection Program, including noise monitoring and engineering controls, where possible, will be implemented by Holder.

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/tag out procedures to be followed.

9. Ensure all equipment capable of causing amputations is adequately guarded.

V. Workers Involvement

By being a signatory to this OSP all affected unions support this OSP or waive their opportunity to be a signatory; however, indicated their willingness for this OSP to proceed.

The Labor Unions shall be permitted to designate a Safety Representative if they desire. The Safety Representative will be permitted to attend all safety related meetings and onsite walkthroughs with the employer and OSHA representatives. The Safety Representative can be someone other than the job steward.

- Holder or the responsible contractor will ensure workers are involved with daily huddle meetings to discuss the activities for the day, potential exposures, and the control measures designed to address project hazards.

- Holder or the responsible contractor will ensure workers participate in weekly safety toolbox talk meetings.
- Holder or the responsible contractor requires reporting of any near miss, unsafe conditions, or incident.
- Holder or the responsible contractor will provide support to all workers and/or their representatives by providing feedback on risks and assisting them in eliminating hazards.

VI. Performance Measures

Performance measures as outlined in section III will be used to assess the effectiveness of the partnership. Holder will gather and track data for the performance measures and share the information with OSHA, as specified in Appendix B of the Strategic Partnership Program for Worker Safety and Health, OSHA Directive CSP 03-02-003.

VII. Annual Evaluation

The Partnership will be evaluated on an annual basis with 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.

Holder 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. Verification

Inspections conducted in response to reported accidents, complaints, Local Emphasis Programs, or referrals will qualify as an enforcement verification inspection. In addition to addressing the accident/complaint/referral item(s), the compliance officer will complete a focused inspection protocol for the worksite. These inspections include the potential for issuing citations and assessing penalties for violations.

Onsite non-enforcement verification consisting of worksite reviews will be conducted as part of the quarterly partnership meeting. A union representative can choose to be part of the inspection group. If non-compliant activity or hazards are discovered, immediate correction is required. Holder Construction will document the corrective action taken. A referral for an enforcement inspection will be made if management refuses to correct a serious hazard identified during the non-enforcement verification visit.

1. Complaint/Referral Investigations: This Partnership provides for the immediate response to each allegation of a safety or health hazard brought to its attention by any person. Upon a finding that an allegation is valid, the employer shall promptly abate the hazard.

2. OSHA agrees that a copy of each non-formal complaint/referral related to the work site and filed with OSHA will be forwarded by fax, or by CSHO, Holder's - Project Management office

on-site. In accordance with applicable law, the name of a complainant requesting confidentiality will not be revealed. Holder 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.

3. 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.

4. Onsite non-enforcement verification consisting of a worksite review will be conducted as part of the quarterly partnership meeting, as resources allow. In cases of Pandemics such as; COVID-19, off-site verification ‘visits’ may be performed.

IX. 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 02-00-160 (August 2, 2016).

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 Consultation program.

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 August 22, 1994 memo signed by then Deputy Assistant Secretary for OSHA James Stanley, which was revised on September 20, 1995.)

X. OSP Management and Operation

Holder and its contractors, in association with the U.S. Department of Labor/Occupational Safety and Health Administration – Columbus Area Office, Ohio On-Site Safety and Health Consultation, and all listed Labor Unions, will form a partnership committee to monitor the implementation of this Agreement. It will consist of a representative from each of the designated partners. Holder will serve as the chairperson and as OSHA’s primary contact. The committee will review contractor compliance and involvement in the partnership; analyze jobsite audits; initiate improvements; and evaluate modifications, achievements, and success of the partnership.

Holder will:

- Implement comprehensive safety and health programs, which include:

- management commitment and employee involvement,
 - hazard analysis,
 - hazard control, and
 - worker education and training.
- Mentor subcontractors who have not yet developed their own safety and health programs and, if necessary, refer them to OSHA-Columbus Area Office and/or the Ohio On-Site Consultation Program, for assistance.
 - Implement a six-foot fall protection requirement throughout the Project.
 - Participate in the National Safety Stand-Down to Prevent Falls in Construction, Trench Safety Stand Down Week, Ladder Safety Month, Safe + Sound Week, and NSC National Safety Month.
 - Share the responsibility for overseeing site safety, serving as a point of contact, and overseeing the partnership goals.
 - Ensure weekly safety observation is conducted.
 - Ensure that all subcontractors are invited and encouraged to participate in jobsite safety meetings/toolbox talks on a weekly basis and document all attendance and topics.
 - Review monthly incident summaries, including first aid, injury, and near-miss reports, with management and the safety committee.
 - Onsite non-enforcement verification reviews will be conducted as part of the quarterly partnership meeting. A union representative can choose to be part of the inspection group. If non-compliant activity or hazards are discovered, immediate correction is required. Holder will document the corrective action taken, and share this information during the quarterly update meetings. A referral for an enforcement inspection will be made if management refuses to correct a serious hazard identified during the non-enforcement verification visit.
 - Agree to allow OSHA representatives site access during inspection activities (monitoring and un-programmed activities such as fatalities and employee complaints).
 - Audit the Partnership and make recommendations for improvement.
 - Share and make available to all workers at the site jobsite observations and near-miss incident report summaries.
 - Require the use of appropriate personal protective equipment by all entering the worksite. Appropriate personal protective equipment, including ANSI-approved hardhats, eye protection and high-visibility reflective vests or high-visibility clothing as a minimum, will be worn at all times on the worksite.

OSHA will:

- Participate, to the extent resources permit, in the quarterly meeting with Partnership participants, but will not participate in the walk around inspection, except that the verification visits may be scheduled as part of the weekly walk around inspection.
- Designate a Columbus Area Office contact to be used as a resource for technical issues, and who will be available to assist with safety and health training/toolbox meetings.
- Give priority to the construction project when technical assistance is needed.
- Audit the monthly reports/documents and make recommendations for improvements in the meeting of Partnership goals.
- Conduct inspections in accordance with sections VII and VIII of this Partnership
- Conduct the annual Partnership evaluation report in accordance with section VII of this Partnership.

Ohio Bureau of Workers' Compensation, Loss Prevention Services, Division of Safety & Hygiene will:

- Appoint a representative to the committee.
- Participate in quarterly partnership meeting and site reviews, as resources permit.
- Provide/assist in training as resources permit.
- Give priority consideration to requests for services to small contractors who are engaged in work at the Project.
- Provide industrial hygiene, safety, and ergonomics consultation services upon request as resources permit.
- Perform quarterly jobsite inspections.

Labor Unions will:

- Represent all unions affiliated with the work trade scopes of this project.
- Assist in additional safety training to their respective union members.

XI. WORKER AND EMPLOYER RIGHTS

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

XII. PARTNERSHIP TERM

This agreement will terminate on December 31, 2025, or at completion of construction, whichever is sooner. If any signatory of this agreement wishes to terminate its participation prior to the established termination date, written notice of intent to withdraw must be provided to all other signatories.

XIII. SIGNATORIES

United States Department of Labor
Occupational Safety & Health Administration

Based upon a mutual interest to protect construction workers, the parties below agree to the above terms on the Holder Construction/OSHA Partnering Agreement for the Mustang Project in New Albany, OH.

Signed this _____ day of _____, 2023

Larry M. Johnson, Area Director
OSHA – Columbus Area Office

Mark Reams,
Director of Loss Prevention Operations
Ohio BWC Loss Prevention Services

Terry Mick, Vice President – Safety
Holder Construction

Union Representation

Dustin Gockenbach, Business Agent
IBEW Local 683 Electricians

Robert Hughes, District Representative
District 3, Local 18 International Union of
Operating Engineers

Bill Hamilton, Business Agent
IBEW Local 1105 Electricians

Joshua Rodriguez, Business Agent
Local 200 Carpenters

Tim Ely, Business Agent
Local 189 Plumbers & Pipefitters

Patrick McGovern, Business Agent
Local 243 Laborers’ International Union of
North America

Mark Heinmiller, Business Agent
Local 189 Plumbers & Pipefitters