



I. General

The Charleston Area Office of the Occupational Safety and Health Administration (hereafter referred to as “OSHA”) and Brayman Construction Corporation (hereafter referred to as “BCC”), have agreed to implement an OSHA Strategic Partnership (hereafter referred to as “Partnership”) during construction of the Bluestone Dam Phase 5 Safety Assurance Project (hereafter referred to as “Project”).

This Partnership aims to encourage cooperation amongst and between OSHA, BCC, and subcontractors to foster a safe work environment for all Project employees. The common objectives and goals of the Partnership will include the following: reducing injuries and illnesses; increasing safety and health training; effective monitoring of health hazards; and ensuring that employers have appropriate safety and health management systems (SHMS).

The Partnership calls for the Project to be managed consistent with OSHA’s [Recommended Practices for Safety and Health Programs in Construction](#) or its equivalent. OSHA will provide timely responses to requests for information and requests for clarification of OSHA standards and will assist as OSHA resources and/or OSHA policy allow. To show their commitment to the Partnership, participating subcontractors (“participating subcontractors”) will voluntarily sign the pledge set forth in Appendix B.

This Partnership will not relieve any subcontractors from, lessen their safety responsibilities for, or change any contractual obligations between BCC, Project Owner/Developer, or subcontractor. This Partnership does not lessen any/all affirmative defenses, legal rights or due process afforded with respect to OSHA enforcement actions.

This Partnership will not in any way affect employees’ ability to exercise rights under the Occupational Safety and Health Act (hereafter referred to as “OSH Act”) and OSHA regulations. The Partnership is consistent with OSHA’s long-term effort to develop a contractor/government partnership approach to safety management. It allows for better use of OSHA resources, for innovation in safety management, and encourages more participation in the safety process by each stakeholder.

II. Identification of Partners

The following organizations are considered Partners:

- Occupational Safety and Health Administration, Charleston Area Office (OSHA)
- Brayman Construction Corporation (BCC)

The following organizations pledge to support the Partnership:

- Army Corps of Engineers
- West Virginia State Building and Construction Trades Council – Charleston, WV
- Participating Subcontractors



III. Project Overview

Project construction started in June 2020 with a completion date set for December 2029. It is expected that BCC and its subcontractors will employ approximately 100 workers at peak construction.

Project details include:

Owner:

Army Corps of Engineers

Project highlights:

- Reconstruction of the stilling basin at Bluestone Dam in Hinton, WV.
- Onsite batching and placement of over 100,000-CY of mass concrete.
- Rock excavation of over 70,000-CY of 30,000-PSI sandstone.
- Processing and placing of over 250,000-CY of embankment.
- Installation of over 9,611,000 pounds of reinforcing steel.
- Drilling and installation of 1,150 high-capacity anchors to depths of 220-LF below the dam.
- Installation of permanent instrumentation of the various dam features.
- Construction of a new maintenance building at the Project site.
- Construction of park and recreation features at the Project site.

IV. Partnership Goals, Strategies, and Measures

The primary objective of this Partnership is to prevent work-related injuries and fatalities, control or eliminate serious workplace hazards, and establish a foundation for the development of an effective safety and health program. The goals employed to achieve these results will include the following:

Goal	Strategy	Measures/Products
1. Reduce the total number of Days Away from Work injury and illness cases by 3 percent annually, thereby providing a safer and healthier work environment for workers during the Project.	Partners will meet quarterly to review injury and illness statistics from all project contractors and work together to resolve workplace safety and health issues to reduce injury and illnesses.	a. The Partnership baseline DART rate is established at 4.3. b. Reduce the DART rate by 3 percent annually.
2. Control workplace hazards by assisting contractors with the implementation of an effective safety and health management system.	a. BCC will conduct evaluations of each subcontractor's safety and health management system in accordance with Appendix C and make suggestions for improvement.	The number of subcontractors that have: a. completed BCC safety and health management system evaluation and b. pledged both support and cooperation to the Partnership.
3. Conduct effective weekly self-inspections. The overall outcome of this goal should be the reduced exposure of workers to safety and health hazards, as well as a reduced injury and illness rate.	Track safety and health hazards identification and corrections, and the number of self-inspections.	The Partners will meet quarterly to review: a. The number of self-inspections performed, and the number of hazards identified and corrected. b. The number of training sessions conducted, and the number of training hours provided for workers and supervisors.

Goal	Strategy	Measures/Products
<p>4. Maintain continued dialogue that supports various safety and health campaigns/initiatives.</p>	<p>a. BCC and all on-site participating subcontractors will participate in the OSHA Region III Focus Four Campaign.</p> <p>b. BCC and all on-site participating subcontractors will hold an annual event to support the OSHA National Fall Prevention Safety Stand-Down until the Project is completed. BCC and all participating on-site subcontractors will display the associated stand-down poster and stickers (available on OSHA webpage) on site.</p> <p>c. BCC and all on-site participating subcontractors will participate in the NIOSH/OSHA annual Heat Illness Prevention campaign until the Project is completed. BCC and all participating subcontractors will use the OSHA/NIOSH Heat Safety Tool App and display new Heat Illness Prevention infographics in both English and Spanish (available on OSHA webpage) on site.</p> <p>d. BCC and all on-site participating subcontractors will hold an annual event to support the NUCA Trench Safety Stand-Down until the Project is completed. BCC and all participating subcontractors will display the associated stand-down poster and stickers (available on OSHA and NUCA webpages) on the site.</p> <p>e. BCC and all on-site participating subcontractors will register and hold an annual event to support the OSHA Safe + Sound Week until the Project is completed. BCC and all participating subcontractors will display campaign information (available on OSHA webpage) on site.</p> <p>f. BCC and all on-site participating subcontractors will hold an annual event to support the prevention of Suicide and Opioid deaths in construction until the Project is completed. BCC and all participating subcontractors will display information (available on OSHA and NIOSH webpages) on site.</p>	<p>The Partners will meet as needed to verify and/or review:</p> <p>a. The number of workers trained in each safety talk that is associated with the Region III Focus Four Campaign.</p> <p>b. The use of OSHA's "National Fall Safety Stand-Down" webpage to log their event(s), provide information about their stand down activity, complete the survey and print participation certificate.</p> <p>c. The implementation of the BCC heat illness prevention plan. The number of workers trained on the annual Heat Illness Prevention "Water, Rest, Shade" campaign.</p> <p>d. The use of NUCA's "National Trench Safety Stand-Down" webpage to log the event(s), provide information about their stand down activity, complete the survey and print participation certificate.</p> <p>e. The use OSHA's Safe + Sound Week Campaign webpage to register the event(s), provide information about their activity, complete the survey and print participation certificate.</p> <p>f. The number of workers trained in each safety talk that is associated with the prevention of suicide and opioid deaths in construction.</p>

V. Partnership Management and Operation

BCC and OSHA will form a committee to monitor the implementation of this Partnership. It will consist of a representative from each of the Partners. The Compliance Assistance Specialist (CAS) will serve as OSHA's primary contact. The Committee will review contractor compliance and involvement in the Partnership, analyze job site audits, make Partnership improvements, and evaluate Partnership modifications, achievements, and successes.

Partnership Roles and Responsibilities

OSHA agrees to:

1. Evaluate the BCC Project Safety Plan (Attachment 1) prior to and during the OSHA enforcement verification inspections using Appendix C (or equivalent) and determine whether effective safety and health management systems are in place.
2. Designate an OSHA CAS to serve as a resource and liaison person for the Partnership.
3. Meet with BCC quarterly to review project safety performance. Safety performance will be evaluated through review of subcontractors' OSHA 300 logs for the Project and related accident reports.
4. Participate in the quarterly comprehensive safety walkthrough, as OSHA's resources permit and at OSHA's discretion. If during the walkthrough, the CAS identifies serious hazards that a subcontractor refuses to correct, the CAS will make a referral for an onsite enforcement inspection pursuant to OSHA policy.
5. Provide timely response to requests for information and clarification of OSHA standards, as OSHA's resources permit.
6. Provide information on OSHA training resources available.

BCC agrees to:

1. Provide a designated Site Safety Manager to serve as a safety resource and liaison person for the Partnership and to assist subcontractors with safety issues/concerns.
2. Provide notice to all subcontractors that the Project is subject to this Partnership and include the Partnership Fact Sheet (Appendix A) in the Project New Worker Safety Orientation.
3. Develop and implement the Project Safety Plan (Attachment 1).
4. Evaluate subcontractors' safety and health management systems utilizing BCC's Safety and Health Management System Evaluation (Attachment 2).
5. Notify OSHA of subcontractors that have completed BCC's Safety and Health Management System Evaluation and have pledged both support and cooperation to the Partnership (Appendix B).
6. Offer subcontractors safety and health information (*i.e.*, toolbox safety meetings) on safety and health topics, including but not limited to, the following focused four construction hazards: (1) Falls; (2) Caught-In or Between; (3) Struck-By and (4) Electrocutions.
7. Maintain Project safety performance report(s). Require all active subcontractors to submit an updated OSHA 300 Log each year of the Project.
8. Meet with OSHA quarterly to review the safety performance of BCC and subcontractors and provide feedback on noted incident trends or patterns. Perform a quarterly comprehensive safety walkthrough and work with each subcontractor to ensure all identified hazards are corrected in a timely manner. BCC acknowledges that if serious hazards are identified and subcontractors refuse to correct them, the CAS will make a referral for an onsite enforcement inspection in

accordance with OSHA policy.

9. Coordinate safety related matters that pertain to site general conditions such as hazard communications, emergency response, and housekeeping.

VI. On-Site Enforcement Verification Inspections

To measure the success of this Partnership, an initial enforcement verification inspection will be conducted after signing, and annually thereafter. The enforcement verification inspections may be conducted as focused inspections if the site meets OSHA's enforcement guidelines. In addition to traditional enforcement issues, the inspection will assess BCC's and participating subcontractors' progress in meeting the requirements of the Partnership.

VII. OSHA Inspections

This Partnership provides for the timely response to each allegation of a safety or health hazard brought to each subcontractor's attention by any person. Upon a finding that an allegation is valid, the responsible subcontractor(s) shall promptly abate the hazard.

OSHA agrees that a copy of each non-formal complaint not resulting in an inspection, related to the Project and filed with OSHA will be forwarded by fax or mail to the Project office. In accordance with applicable law, the identity of a complainant requesting confidentiality will not be revealed. BCC agrees to investigate these complaints regardless of the subcontractor involved and provide OSHA with a written response within five working days of receiving the non-formal complaint/referral.

OSHA personnel will continue to conduct investigations and inspections in any event or circumstance that may warrant the opening of an OSHA inspection, pursuant to the policy set forth in the Field Operations Manual (FOM). These may include but are not limited to formal complaints, referrals, fatalities, catastrophes, or other accidents or significant events. OSHA will also investigate contractors whose employees are exposed to or are creating plain view hazards at the Project. OSHA reserves the right to issue citations and penalties for violations including but not limited to regulatory violations for which mandatory penalties are established.

VIII. Incentives

OSHA's FOM details opportunities available during citation/case settlement for all employers who undergo onsite enforcement inspections. These opportunities are also available for participating subcontractors.

BCC and participating contractors will receive the following benefits from OSHA:

1. Special recognition, which may include but is not limited to, press releases issued by OSHA and recognition on OSHA's web page.
2. Informational materials such as safety and health publications and electronic educational resources.
3. Participating subcontractors will be provided special priority consideration for free, confidential On-Site Consultation services from the West Virginia OSHA Consultation Program. Small subcontractors may request a no-cost, confidential consultation visit by telephone at (304) 558-7890 or on-line at https://labor.wv.gov/Safety/Occupational_Safety/Federal_OSHA_consultation/Pages/default.aspx.

IX. Worker and Employer Rights – Employee Involvement

This Partnership 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 OSH Act. This Partnership recognizes employees bring valuable skills and perspectives to the implementation of an effective site safety and health system. Employees on site will be encouraged and given opportunities to be involved in the site safety and health system. Employee involvement will include, but is not limited to, participation in self-audits, site inspections, job hazard analyses, safety and health management system reviews, and safety training and accident/near miss reporting. Employee involvement will be included in the Safety and Health Management System Evaluation (Appendix C.)

X. Safety and Health Management Systems

OSHA and BCC support the implementation of Safety and Health Management Systems (SHMS), including the main elements of management commitment/employee involvement, hazard identification, hazard correction/control, and employee training. B C C commits to implementing a SHMS at this Partnership site as detailed in Appendix C.

XI. Annual Evaluation

The Partners will jointly prepare an annual evaluation of the Partnership using Appendix D. The evaluation will review successes, lessons learned, and changes that will be made to meet the goals of the Partnership. Annual evaluations will be submitted by the Partners to OSHA's Philadelphia Regional Office no later than 45 days after the signing anniversary date each year.

XII. Termination

This Partnership will terminate three years from the date of the signing or upon completion of the Project, whichever is earlier. If any Partner wishes to withdraw its participation prior to the above termination date, the Partnership will terminate upon receiving a written notice of the intent to withdraw from either signatory.

XIII. Paperwork Reduction Act

OSHA Strategic Partnerships are part of OSHA's available voluntary cooperative programs. As per the Paperwork Reduction Act of 1995 (PRA OMB CONTROL NO. 1218-0244, expires August 31, 2025), the public reporting burden for this Partnership's collection of information is estimated at 11 hours per participant, per year. If you have any comments regarding this collection of information, including suggestions for reducing the burden or revising the burden estimate, please direct them to:

Occupational Safety and Health Administration
Attention: Director, Office of Partnerships and Recognition
Directorate of Cooperative and State Programs
200 Constitution Avenue, NW – Room N3700
Washington, DC 20210

XIV. Signatures

**United States Department of Labor
Occupational Safety & Health
Administration**

Based on a mutual interest to protect construction workers, the below parties agree to the terms of the Partnership for the construction of Bluestone Dam Phase 5 Safety Assurance Project.

Signed day of _____, 2023

Partners:

**Blake McEnany
Area Director
Charleston Area Office
USDOL/OSHA**

**Frank Piedimonte
President
Brayman Construction Corporation**

**Logan Hamilton
Project Manager
Brayman Construction Corporation**

PARTNERSHIP FACT SHEET – APPENDIX A

Charleston Area Office, Region III, of the Occupational Safety and Health Administration (hereafter referred to as “OSHA”) and Brayman Construction Corporation (hereafter referred to as “BCC”), have agreed to implement an OSHA Strategic Partnership (hereafter referred to as “Partnership”) during construction of the Bluestone Dam Phase 5 Safety Assurance Project (hereafter referred to as “Project”).

The main objective of this Partnership is to foster a safe work environment for all Project employees as described in this Partnership.

The Partnership between BCC and OSHA calls for the Project to be managed consistent with OSHA’s [Recommended Practices for Safety and Health Programs in Construction](#) or its equivalent.

OSHA will provide timely responses to requests for information, requests for clarification of OSHA standards and other assistance as resources and/or OSHA policy allow. To show their commitment to the Partnership, contractors will voluntarily sign the pledge located at Appendix B.

This Partnership will not relieve any subcontractors from, lessen their safety responsibilities for, or change any contractual obligations between BCC, Project Owner/Developer, or subcontractor. This Partnership does not lessen any/all affirmative defenses, legal rights or due process afforded with respect to an OSHA enforcement action.

This Partnership will not in any way affect employees’ ability to exercise rights under the OSH Act and OSHA regulations.

This Partnership is consistent with OSHA’s long-range effort to develop a contractor/government partnership approach to safety management. It allows for better use of OSHA’s resources and for innovation in safety management. It also encourages more participation in the safety process by each stakeholder.

PLEDGE – APPENDIX B

Charleston Area Office, Region III, of the Occupational Safety and Health Administration (hereafter referred to as “OSHA”) and Brayman Construction Corporation (hereafter referred to as “BCC”), have agreed to implement an OSHA Strategic Partnership (hereafter referred to as “Partnership”) during construction of the Bluestone Dam Phase 5 Safety Assurance Project (hereafter referred to as “Project”).

The main objective of this Partnership is to foster a safe work environment for all Project employees as described in this Partnership.

The Partnership between BCC and OSHA calls for the project to be managed consistent with OSHA’s [Recommended Practices for Safety and Health Programs in Construction](#) or its equivalent.

Under the Partnership, OSHA will provide timely responses to requests for information, requests for clarification of OSHA standards and other assistance as resources and/or OSHA policy allow. To show their commitment to the Partnership, participating subcontractors will voluntarily sign this pledge.

This Partnership will not relieve any subcontractors from, lessen their safety responsibilities for, or change any contractual obligations between BCC, Project Owner/Developer, or subcontractor. This Partnership does not lessen any/all affirmative defenses, legal rights or due process afforded with respect to an OSHA enforcement action.

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Based on mutual interest to protect construction workers, the below party pledges both support and cooperation to the OSHA/BCC Partnership by following the BCC Project Safety Plan.

Authorized Representative (print / type)

Signature

Title (print / type)

Company / Organization (print / type)

SAFETY AND HEALTH MANAGEMENT SYSTEM EVALUATION – APPENDIX C

1. BCC and subcontractors have implemented a comprehensive written Project Safety Plan.
2. BCC will either (1) have copies of subcontractors' safety and health plans, hazard communication plans, and fall protection plans (where applicable) or (2) BCC requires subcontractor to follow its safety plan.
3. BCC will have a full-time or designated safety representative at the site to conduct and document safety inspections of work, who through training and experience can recognize hazards, and who has authority to take prompt corrective action. Minimum training required for a site safety representative is either the OSHA 10-Hour or 30-Hour Construction Safety Outreach Course, as specified in the Project Safety Plan.
4. BCC and subcontractors have or will have trained field supervisory personnel and has provided additional training for competent persons in such areas as scaffolding, excavation, fall protection, crane operations, etc. (Additional training will be dictated by the type and scope of the work the subcontractor routinely conducts).
5. BCC will have a safety and health management system orientation for all new workers, including hazard recognition specific to the work sites.
6. BCC and subcontractors will have employee involvement in the Partnership. Examples including, but not limited to, participation in self-audits, site inspections, job hazard analysis, safety and health management system reviews, safety training and accident/near-miss investigations.
7. BCC and subcontractors will conduct and document weekly employee safety meetings.
8. BCC will conduct and document self-audits.
9. BCC and subcontractors will follow a six-foot fall protection policy.