



High Plains Processing Plant

**STRATEGIC PARTNERSHIP
BETWEEN**

**UNITED STATES DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)
SIOUX FALLS AREA OFFICE**



AND

HIGH PLAINS PROCESSING, L.L.C.



High Plains

—PROCESSING—

AND

SOUTH DAKOTA STATE UNIVERSITY OSHA CONSULTATION



**SOUTH DAKOTA
STATE UNIVERSITY**

I. IDENTIFICATION OF PARTNERS

The Sioux Falls Area Office of the Occupational Safety and Health Administration (OSHA), High Plains Processing, LLC (HPP), and South Dakota OSHA Consultation Program (SDSU), recognize the importance of providing a safe and healthful work environment for workers engaged in the construction industry. This OSHA Strategic Partnership Agreement (hereafter referred to as “OSP” or “the partnership”) at the High Plains Processing project, in Mitchell, SD will facilitate the goals of OSHA to reduce work-related fatalities, injuries, and illnesses within the construction industry.

All contractors and subcontractors working at this site will be required to participate in the partnership agreement.

II. PURPOSE/SCOPE

The purpose of this partnership is to provide a safe and healthful work environment for workers involved in the construction industry. HPP is committed to preventing serious accidents and fatalities during the construction of High Plains Processing Plant in Mitchell, SD, through increased training, implementation of best work practices, enhanced safety, and health management system (SHMS), and compliance with applicable OSHA standards and regulations.

The High Plains Processing (HPP) project is the construction of a multi-seed processing facility and vegetable oil refinery which is located on 296 acres of land approximately 2 miles south of Mitchell, SD. The construction project will potentially employ an average of 220 and a peak of 400 tradespersons on the site at one time. Construction activities are anticipated to be completed at year end 2025.

GOALS/STRATEGIES

GOALS	STRATEGIES	MEASURES
1) Maintain a project-wide injury and illness rate, which is 25% below the 2022 BLS Total Recordable Case (TRC) rate for nonresidential construction of 1.7 and Days Away from Work, Restricted or Transfer (DART) rate of .9 for the nonresidential construction industry (NAICS 2362).	a. Establish a system for all site workers to report injuries, illnesses and near misses. b. HPP will collect and analyze injury and illness trends (including first aid, near miss and property damage reports) for all contractors working at the site. c. HPP will track all man hours worked at the site by all contractors to accurately	a. Maintain OSHA 300 injury and illness data for the project and compare to national TCIR and DART rates: - 25% below the Total Recordable Case rate (<1.43) - 25% below the Days Away, Restricted or Transfer rate (0.75) b. Track incident reports (including injury/illness, first aid, near miss and

GOALS	STRATEGIES	MEASURES
	<p>calculate site TCIR and DART rates</p> <p>d. Maintaining authority to enforce safety rules and regulations at the site. This authority will include provisions to hold contractors and employees accountable and, if necessary, remove contractor employees from the job site.</p>	<p>property damage reports) on a monthly basis to identify trends and share information with the safety committee, site contractors and partners.</p>
<p>2) All (100%) of contractors will be required to provide a copy of their comprehensive safety and health management program to HPP and OSHA and be actively involved in improving site safety and health performance</p>	<p>a. Provide contractors/subcontractors resources available to enhance the program.</p> <p>b. All contractors/subcontractors will participate in monthly site audits.</p> <p>c. Provide a comprehensive Job Site Safety Orientation for all workers prior to allowing them to work on site.</p> <p>d. All subcontractors and employees will be encouraged to adopt a zero-tolerance policy for safety and health including implementing “stop work” authority when needed.</p>	<p>a. HPP will review contractors/subcontractors’ safety programs and recognize those that are exemplary.</p> <p>b. If HPP provides contractors with additional information to enhance their programs, it will be tracked and provided to partners</p> <p>c. HPP will facilitate the delivery of the site Safety Orientation training and track the number of employees who receive the training.</p> <p>d. Any initiation of stop work will be investigated and shared with all site workers.</p>
<p>3) Identify and prevent the most common causes of workplace injuries and fatalities in the construction industry, including, but not limited to, falls, trenching, electrical safety, struck-by, caught in/between, silica, heat stress, material handling, and noise hazards. This will include monitoring of exposure to health hazards such as heat, noise, and air contaminants.</p>	<p>a. Conduct daily site safety audits to identify and abate hazards and ensure availability and use of proper clothing and PPE.</p> <p>b. Conduct weekly toolbox meetings with all workers at the site. Ensure participation in weekly toolbox meetings by contractors/subcontractors</p> <p>c. Maintain an open-door safety policy for the site that encourages hazard reporting.</p>	<p>The following measures will be shared with safety committee, site contractors and reported to signatory partners on a quarterly basis:</p> <p>a. The number of hazards identified by daily site audits and corrective actions taken to eliminate hazards.</p> <p>b. The number of pre-task safety meetings held by contractors/subcontractors.</p>

GOALS	STRATEGIES	MEASURES
	<p>d. Establish a safety committee for the site which will conduct hazard analysis during pre-task safety planning.</p> <p>e. Implement and require 100% fall protection for all fall hazards over six (6) feet at the site.</p> <p>f. Ground-fault circuit interrupters will be used throughout the entire site.</p> <p>g. Use protective systems for any excavation over 5 feet in depth that will be entered by employees.</p> <p>h. No employees will be allowed to work directly below any suspended load. Materials being hoisted shall be rigged to prevent unintentional displacement. Hooks with self-closing safety latches shall be used to prevent components from slipping out of the hook. All loads will be rigged by a qualified rigger.</p> <p>i. Hard hats and eye protection will be worn at all times on the worksite. All employees working at the job shall wear high-visibility reflective clothing at all times.</p> <p>j. Wet cutting techniques and/or dust collection systems in addition to the mandatory use of respiratory protection will be used where there is the potential for airborne silica.</p> <p>k. Verify and document that tasks conducted in accordance with silica Table 1 fully follow the control measure requirements. Ensure that contractors conduct silica exposure monitoring or</p>	<p>c. The number of incident investigations conducted by contractors/subcontractors when hazards are reported.</p> <p>d. The number of industrial hygiene exposure assessments, types of assessments and results of sampling.</p> <p>e. Attendance at toolbox meetings.</p>

GOALS	STRATEGIES	MEASURES
	<p>other exposure assessment for tasks which are not covered by Table 1.</p> <p>1. When other potential health hazards exist, such as heat, noise, or air contaminants including as silica, CO, lead or other chemicals, HPP will coordinate and ensure completion of monitoring to determine employee exposure levels and will provide results to each partnership signatory.</p>	
<p>4) 100% Participation in Safety Stand-Downs and similar events.</p>	<p>a. OSHA and HPP will provide site contractors with information about upcoming stand-down campaigns.</p> <ul style="list-style-type: none"> • Fall Prevention • Trench Safety • Safe+Sound • Suicide Prevention • Heat Illness <p>b. HPP will schedule site events to support each campaign and encourage subcontractors to participate. Events will be conducted in English and Spanish when possible.</p> <p>c. OSHA and SDSU will support site campaign events.</p>	<p>a. Track the number and % of site participants in each campaign event and provide data to partners.</p>

III. SAFETY AND HEALTH MANAGEMENT SYSTEMS

The Safety and Health Management System (SHMS) is a critical part of this OSP 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

HPP will implement a SHMS patterned after OSHA’s “Recommended Practices for Safety and Health Programs in Construction” that will encourage site employers to commit a high level of worker involvement to assist in monitoring and identifying jobsite hazards on a continual basis to prevent accidents.

The SHMS will be implemented at the initiation of the partnership and continue to be implemented during the entire duration of the partnership.

[https://www.osha.gov/shpguidelines/docs/8524 OSHA Construction Guidelines R4.pdf](https://www.osha.gov/shpguidelines/docs/8524%20OSHA%20Construction%20Guidelines%20R4.pdf)

Worker Participation

Any worker at the site will be encouraged to report jobsite hazards and bring all potential hazards to the attention of HPP and/or supervisors when discovered for immediate response and correction. This will be encouraged in the following ways:

- A designated representative of the contracted employer will hold a Job Site Safety Orientation on HPP rules and regulations with each of their workers prior to starting work on site.
- HPP will work with all contractors to provide a system to allow workers to report potential jobsite hazards to their employers or HPP upon discovery and stop work if necessary. HPP will ultimately track this information.
- HPP will require contractor representatives to attend weekly stand-down meetings. All identified hazards and resolutions will be tracked.
- A Safety Committee will be formed and meet on a monthly basis and will consist of at least three (3) labor-level employees from trades currently working on the site.
- Workers will be involved in pre task safety planning and/or Job Hazard Analysis (JHA) for high-risk work activities.

Hazard Identification and Assessment

This project will focus on safety at all times and HPP will enforce jobsite safety compliance to OSHA standards including, but not limited to, the following ways:

- HPP will ensure that daily JHA's and/or safety audits are being conducted. A schedule of daily JHA's/site-safety audits may be adjusted by each company/supervisor, HPP, and/or the safety committee.
- HPP and/or contractor supervisors will take immediate action to correct any unsafe conditions, track all unsafe observations, and provide final statistics to all parties in this agreement.
- On-site contractor supervisors will continually monitor all workers, visitors, and others entering the worksite to ensure safe conditions throughout the worksite. In addition, all visitors will be informed with site signage that they need to sign in at the office.

Hazard Prevention and Control

HPP considers Hazard Prevention and Control a process requiring continual efforts of monitoring and identifying jobsite hazards and taking corrective actions to maintain a safe and healthy jobsite at all times.

- HPP, contractors and subcontractors will ensure that hazard correction procedures are in place and identified for their workers and others that could be exposed to hazards created.
- Employees will be given proper PPE as a last defense against identified hazards.
- HPP and contractors and subcontractors will ensure that everyone knows how to use and maintain personal protective equipment.

- HPP, contractors and subcontractors will make sure that everyone understands and follows safe work procedures established. This will be accomplished in several ways, including signage, training, documents, software, and/or discussion. Hazards identified during inspections will be documented and assigned to the responsible party and competent person. This individual must report back to HPP with corrective action(s) by a given due date.

Education and Training

HPP understands that providing workers with an understanding of hazard recognition and control, and actively involving them in the process, can help to eliminate hazards before an incident occurs. Training is given as necessary in English and Spanish or translated into Spanish.

- HPP and contractors/subcontractors will ensure work tasks are assigned to workers who are trained and authorized.
- HPP and contractors/subcontractors will ensure workers are not performing work tasks that appear to be unsafe.
- HPP and contractors/subcontractors will ensure that supervisors are trained to recognize hazards and understand their responsibilities.
- HPP and contractors/subcontractors will ensure that training addresses diversity, equity, inclusion and accessibility.
- Site orientation training will be conducted prior to starting work at the site.
- Weekly toolbox meetings will be held with all workers at the site.

Program Evaluation and Improvement

HPP understands that once a safety and health management system is established, it should be evaluated to verify that it is being implemented as intended. After that, employers should periodically, step back and assess what is working and what is not, and whether the program is on track to achieve its goals.

- HPP will work with contractors/subcontractors to ensure control measures are periodically evaluated for effectiveness.
- HPP will ensure processes are established to monitor program performance, verify program implementation, and identify program shortcomings and opportunities for improvement.
- HPP will ensure necessary actions are taken by contractors/subcontractors to improve their overall program and overall safety and health performance.

Communication and Coordination for Employers on Multi-employer Worksites

HPP considers effective communication and coordination among contractors and their workers critical to a safe workplace.

- General contractors, contractors, subcontractors, and staffing agencies must commit to providing the same level of safety and health protection to all workers.
- General contractors, contractors, subcontractors, and staffing agencies must communicate the hazards present at the worksite and the hazards that contract workers may create on site.

- General contractors establish specifications and qualifications for contractors, subcontractors, and staffing agencies.
- Prior to beginning work, general contractors, contractors, subcontractors, and staffing agencies will coordinate on work planning and scheduling to identify and resolve any conflicts that could impact safety or health.

IV. WORKER INVOLVEMENT

- HPP and non-signatory trades will ensure workers, and/or their representatives participate in monthly safety meetings as well as report any near miss or unsafe conditions.
- HPP and non-signatory trades will ensure workers and/or their representatives are involved with the site safety committee, daily and monthly site inspections and weekly toolbox talks.
- HPP will provide support to all workers and/or their representatives by providing feedback on risks and assisting them in eliminating hazards. The weekly stand down meeting is the vehicle for open dialogue and feedback.
- A designated representative of the contracted employer will hold a Job Site Safety Orientation on HPP rules and regulations with each of their workers prior to starting work on site. HPP will work with all contractors to provide a system to allow workers to report potential jobsite hazards to their employers or HPP upon discovery and stop work if necessary. HPP will ultimately track this information.
- HPP will require contractor representatives to attend weekly stand-down meetings. All identified hazards and resolutions will be tracked.
- A Safety Committee will be formed and meet on a monthly basis and will consist of at least three (3) labor-level employees from trades currently working on the site.

V. PERFORMANCE MEASURES

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

VI. EVALUATION

The program will be evaluated on an annual basis and at the conclusion of the partnership through the use of the Strategic Partnership Annual Evaluation Format measurement system, as specified in Appendix C of the Strategic Partnership Program for Worker Safety and Health, OSHA Directive CSP 03-02-003.

It will be the responsibility of HPP to gather required data to evaluate and track the overall results and successes of the partnership program. This data will be shared with OSHA and SDSU.

HPP will write and submit the annual evaluation to the Partners for input and concluding the evaluation. The Sioux Falls Area Office of OSHA will submit the annual evaluation.

VII. VERIFICATION PROCEDURES

Both offsite and onsite verification methods will be used by OSHA to monitor the partnership. Offsite verification methods will include reviewing reports and data identified in Section III. HPP will provide OSHA with quarterly reports for each measure identified in Section III at least two (2) weeks prior to the scheduled quarterly onsite non-enforcement visit.

Onsite non-enforcement verification reviews will include partner presentations and site walkthroughs and will be conducted as part of the quarterly partnership meeting. Union representatives and workers will participate in the verification process. If non-compliant activity or hazards are discovered, immediate correction is required. HPP will document the corrective action taken and share with all contractors. A referral for an enforcement inspection will be made if management refuses to correct a serious hazard identified during the non-enforcement verification visit. Onsite non-enforcement verifications will include the entire jobsite and all contractors/subcontractors actively working onsite.

HPP and its contractors and subcontractors will remain subject to OSHA inspections and investigations in accordance with agency procedures.

VIII. INCENTIVES

OSHA's Field Operations Manual details opportunities available during citation/case settlement for all employers who undergo onsite enforcement inspections. These opportunities are also available for partnering companies participating in the partnership program.

IX. OSP MANAGEMENT AND OPERATION

HPP and its contractors, in association with OSHA and SDSU, will form a partnership committee to monitor the implementation of this Agreement. It will consist of a representative from each of the designated Partners. HPP 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; make partnership improvements; and evaluate partnership modifications, achievements, and success of the partnership.

HPP will:

- Coordinate the collection and distribution of all job site data required by this agreement (see Goals/Measures/Strategies in Section II). Prepare quarterly summaries for OSHA offsite verification purposes.
- Implement or assist site contractors with implementation of all hazard control strategies identified by this agreement.

- Coordinate and communicate partnership commitments and expectations with all contractors and subcontractors.
- Share the responsibility for overseeing site safety, serving as a point of contact, and overseeing the partnership goals.
- Allow OSHA representation on the site for inspection activities (un-programmed activities such as fatalities and employee complaints).
- Audit the partnership and make recommendations for improvement.

OSHA will:

- Participate in the quarterly partnership meeting and site verification audit.
- Designate a Sioux Falls Area Office contact to be used as a resource for technical issues.
- Conduct quarterly offsite verification. Review the site safety and health self-audits, accident reports, and industrial hygiene monitoring on a quarterly basis.
- Periodically provide an OSHA representative at monthly site safety committee meeting and activities as resources permit.

SDSU will:

- Provide a SDSU representative at the monthly safety committee meetings and site audit activities as resources permit.
- Participate in the quarterly partnership meeting.
- Assist in planning and implementation of all safety and health management systems.
- Provide/assist in training as resources permit.

X. 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.

XI. OSP TERM

This OSP Agreement will terminate at the completion of construction activities. If any signatory of this agreement wishes to terminate its participation prior to the established termination date, written notice of the intent to terminate must be provided to all other signatories.

If OSHA chooses to terminate its participation in the partnership, the entire agreement is terminated.




Changes to the OSP Agreement may be implemented in writing if all parties are in agreement that it is in the best interest of all members involved.

XII. 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 of the OSHA / HPP Construction Partnership

Signed this 2 day of February , 2024

	OSHA, Sioux Falls Area Office Signature: _____ Printed Name: Sheila Stanley, Area Director
	High Plains Processing, L.L.C Signature: _____ Printed Name: John Prohaska, Vice President of Operations
	South Dakota State University OSHA Consultation Signature: _____ Printed Name: Gregory DeRynck, Consultation Program Manager