



STRATEGIC PARTNERSHIP BETWEEN

The OCCUPATIONAL SAFETY and HEALTH
ADMINISTRATION

KANSAS CITY & WICHITA AREA OFFICES

And

The Builders' Association

for the

Build Safe Partnership Program

(BSP)



I. Identification of Partners

The partners in this agreement will include the Occupational Safety and Health Administration's Kansas City, and Wichita Area Offices (OSHA KCAO, and WAO, respectively) and the Builders' Association with the KCAO being the point of contact for the partnership. The Builders' Association is a not-for-profit commercial contractor association and represents more than 685 union and non-union companies throughout Missouri and eastern Kansas. Participation in the partnership is strictly voluntary and is available to any member of The Builders' Association who meets the qualification requirements of this program (specified in this agreement). All participants apply and are accepted on an annual basis; however, participants may leave partnership at will. Please see Appendix A for the list of participating partners.

II. Purpose/Scope

The Builders' Association and the Occupational Safety and Health Administration of the United States Department of Labor (OSHA), mutually recognize the significance of promoting a safe and healthful work environment in the construction industry including general industry support facilities. To advance this mutual goal, the Build Safe Partnership Program (BSPP) has been established to formalize a new relationship between these entities committed to encouraging contractors to reduce injury and illness rates using methods referenced in this document.

III. Goals/Strategies and Performance Measures

The overall goal of this partnership is to reduce the number of accidents, injuries, and illnesses, with zero fatalities, among participating employers. The partnership focuses on safety and health topics as follows:

- A. At construction worksites, reduce the number of injuries, illnesses, and fatalities affecting participant employers, with an emphasis on reducing injuries and fatalities resulting from:
 1. Falls
 2. Struck-By
 3. Caught-In/Between
 4. Electrocutions

- B. In addition to the construction hazards, the work performed by these employers can also include hazards associated with general industry-type operations, such as etc..
 6. Amputations
 7. Cuts, Lacerations or Punctures
 8. Lockout/Tagout hazards
 9. Machine Guarding

C. Raise the level of awareness toward suicide prevention by all participating employers and their workers as well as by employers and workers outside the partnership who participate in Builders Association Suicide Prevention Campaign events, and who utilize the resources on the [Builders Association Suicide Prevention Website](#).

Goals	Strategies	Measures /Products
1. Develop an employer/government relationship encouraging involvement of the owners, construction managers, subcontractors, and their workers in the improvement of safety and health performance.	Require the employer/contractor and all subcontractors to develop and implement written safety and health systems (SHMS) and work on continuous improvement of existing SHMS.	The Safety Director of the Builders Association in conjunction with the steering committee safety professional will verify by reviewing the number of employer/contractors/subcontractors that implemented and/or improved written safety and health programs from year to year.
2. Reduce participants injury and illness rates and fatalities.	Implementation of comprehensive safety and health management system for worksites of covered employers	<p>OSHA will evaluate the following: Achievement of a aggregate rate of accidents, injuries and illnesses below the most current year published BLS National Average for the individual participating employers' primary NAICS and Zero fatalities.</p> <p>BLS baseline data: OSHA will look for rates below the most current published BLS National Average for NAICS 23 (all of construction) is TCIR– 2.8 and DART – 1.7. NAICS 236000 TCIR – 1.9 and DART – 1.1, 237000 TCIR – 2.4 and DART – 1.5, and 238000 TCIR – 3.1 and DART – 1.8.</p>
3.	Implementing innovative strategies to eliminate serious accidents, including the four primary construction hazards (falls, struck-by, caught in, and electrical), and the four general industry hazards (amputations, cuts/lacerations/punctures, lockout/tagout & machine guarding) Including:	<p>Document the number of managers and employees trained and the training hours received (including orientation and 10 & 30-hour courses); document the number of hazards identified and abated during the safety audits; track the number of innovative strategies or approaches to training.</p> <p>Additionally, promote and track innovative strategies to identify near misses and methods used to abate observed hazards.</p>

Goals	Strategies	Measures /Products
3. Continued	1. Conduct 30-hour and 10-hour OSHA training courses (see Section VII); 2. Provide all employees site specific safety training/orientation; 3. Implement and enforce an ongoing site safety audit program (to include at least daily site walk through) 4. Actively promote the immediate abatement of observed hazards	Document jobsite inspections and total number of hazards identified and corrected.
4.	Encourage worker involvement in weekly site safety meetings, site safety walkarounds, near miss reporting, reporting observed hazards, and the performance of Job Hazard Analyses (JHAs)	Document the number of workers involved in weekly site safety meetings, site safety walkarounds, and JHAs from year to year.

Additional anticipated outcomes include:

- A. Increase the number of employers who developed, implemented, and/or improved effective safety and health management systems, including training programs for management, supervisors, and employees, as reference in Section VII. OSP Management and Operation/Implementation, under Safety and Health Management Systems (Program) Criteria.
- B. Develop criteria for a model contractor safety and health systems.
- C. Allow OSHA to focus resources on companies that require assistance from OSHA, rather than companies that have demonstrated existence of effective safety and health programs.
- D. Create a mentoring program for The Builders' Association members by members who are actively involved with the partnership program.
- E. Make safety and health resources including new guidance, National Emphasis Program/Local Emphasis Program (NEP/LEP), Letters of Interpretation (LOI), and emerging issues to all members of The Builders' Association and the construction industry.

IV. Safety and Health Management System

The Builders' Association will be responsible for collecting employers' written safety and health programs and training records. Information gathered will be forwarded to the Partnership Steering Committee for review and verification. Employers wishing to participate will implement a Safety and Health Program patterned after OSHA's 'Recommended Practices for Safety and Health Programs in Construction' dated October 2016, this may be found at:

<https://www.osha.gov/Publications/OSHA3886.pdf>

OSHA's "Recommended Practices contain seven core elements---Management Leadership, worker participation, hazard identification and assessment, hazard prevention and control, education and training, program evaluation and improvement, and communication and coordination for employers on multiemployer worksites.

The recommended practices will encourage partnering employers to commit a high level of worker involvement to assist in monitoring and identifying job site hazards on a continual basis to prevent accidents. Safety programs will be implemented at the initiation of the BSP with the implementation continuing throughout the duration of the BSP.

The Builders' Association and/or BSP Steering Committee

The Builders' Association will be responsible for conducting onsite visits to evaluate and verify employer's performance. Information gathered from employers will be forwarded to the Partnership Steering Committee and will:

- A. Be part of the initial application process for participation in the BSP, and an on-site visit to the applying employer's place of business will be conducted.
- B. Include interviews with the employer's principals, supervisors and employees, as well as a visit to at least one active job site.
- C. Be evaluated as part of the employer's annual renewal process and on a random basis to ensure BSPP guidelines is being met. These visits will include:
 - 1. An inspection of the employer's place of business.
 - 2. Safety and health program documentation.
 - 3. Interviews with employees.

The Builders' Association will provide the OSHA Kansas City and Wichita Area Office Compliance Assistance Specialist a list of active program partners, which will also be updated in the annual OSP evaluation, whenever a change has been made or requested.

V. Worker Involvement

Encourage worker involvement in weekly site safety meetings, site safety walkarounds, near miss reporting, reporting observed hazards, and the performance of Job Hazard Analyses (JHAs)

VI. Performance Measures

Quantitative and qualitative performance measures enumerated in the table above relate to the current DOL strategic plan.

VII. Evaluation

The partnership shall be evaluated annually utilizing Appendix C of the OSHA Strategic Partnership Program (OSPP) Directive CSP 03-02-003, dated November 6, 2013. Participating contractors will submit the data used to conduct the annual evaluation to the Builders' Association Safety, Health, and Environmental Services Director on an anniversary date basis. Data will cover the period between the signing date and the annual one-year anniversary date; with the exception of OSHA 300 data that will continue to be collected on a calendar year basis and will be compared to previous calendar year data. The annual evaluation will be prepared by the Builders Association, OSHA Kansas City and Wichita Area Offices and sent to OSHA National Office within two months of the anniversary date of the OSP. A copy of the annual evaluation will also be provided to the Builders' Association Safety, Health, and Environmental Services Director, who will share the evaluation with the Partnership Steering Committee. The Partnership Steering Committee shall review the annual evaluation, determine overall progress of the partnership, make adjustments if necessary, and address opportunities for continual improvement.

In preparation for the annual evaluation, the Builders Association Safety, Health, and Environmental Services Director will request all the information required by the annual evaluation to include but not limited to the following information from the participating employers:

- A. OSHA Form 300s and 300As and hours worked for each employers' work sites (including construction sites, associated general industry sites and corporate/home offices) operating within the jurisdiction of the Kansas City and Wichita Area Offices. Additionally, participants will provide the number of active workers, as well as, the names, phone numbers, and emails of the responsible correspondents of the partners within the OSPP.
- B. Training activities, including number of employees, supervisors, and managers trained, hours of training provided, and training subjects/topics. Subjects should include: OSHA 10- and 30-Hour, CPR, First Aid, safety and health specific courses, and additional OSHA courses.
- C. Number of self-inspections performed, including the number of hazards identified and abated/corrected. Additionally, the number of near-misses identified and recorded should be listed. A near miss is defined as an unplanned event that has the potential to cause, but does not actually result in human injury, environmental or equipment damage, or an interruption to normal operation
- D. Other relevant safety and health activities, such as success stories, safety awards, and challenges and opportunities for improvement in their safety and health management systems. Special accomplishments, achievements, and opportunities

displaying excellence that were given by the Builders' Association and/or any other organization in the field of safety and health should be listed.

- E. Any enforcement actions taken by OSHA in the past year.

As a result of the information provided for the evaluation the steering committee will compare results from previous years to evaluate the success of the ongoing partnership.

VIII. Verification

- A. Will continue to investigate fatalities and catastrophes should they occur at the jobsite, as well as alleged "imminent" danger situations per the FOM. **Note: In the event that the FOM is revised, the most current FOM will be utilized.**
- B. Partnering contractors are not exempt from programmed inspections.
- C. OSHA will continue to investigate complaints and referrals received in accordance with OSHA Instruction CPL 02-00-140, Complaint Policies and Procedures and the FOM. **Note: In the event that the FOM is revised, the most current FOM will be utilized.**
- D. **Off-site verifications**, performed by the Builders' Association, the BSPP Steering Committee and/or the OSHA Kansas City and Wichita Area Office Compliance Assistance Specialist, may be performed to ensure participating employers are meeting the requirements of the partnership agreement. The off-site verifications will generally be performed during the application/renewal process which also serves as the writing format for documenting off-site verifications, during the annual evaluation and review of participating employers' submitted injury/illness data and safety activities. To ensure participating employers are continuing to meet the requirements of the partnership agreement, any or all of the following entities may also perform additional off-site verifications: The Builders' Association, Partnership Executive Steering Committee, and OSHA's Kansas City and Wichita Area Offices.
- E. **On-site non-enforcement verification**, performed by OSHA and Builders' Association and/or one or more members of the BSP Steering Committee. The scope of these worksite observations should be sufficient to confirm that the partner's worksite is operating a safety and health management system that adequately ensures the protection of employees. In the event that conditions preclude onsite activity this verifications will be conducted virtually.
- F. **On-site enforcement verification** of the participating employers will be performed when a jobsite of the respective worksite receives an OSHA enforcement inspection for any reason, programmed or un-programmed. Note that OSHA will not implement any scheduling of a participating contractor partner for an on-site enforcement verification inspection over and above that which would be experienced by a non-partnership site.

The scope of the on-site enforcement verification inspection will be in accordance with the Field Operations Manual (FOM) and the focused inspection policy. These inspections will use “Focused Inspection” initiative policy {Memorandum from James W. Stanley, “Guidance to Compliance Officers for Focused Inspections in the Construction Industry”, dated August 22, 1994 (Revision 2 issued September 20, 1995 and incorporated herein)} addressing hazards related to falls, struck by, caught-in/between and electrical shock.

1. Inspections conducted in response to complaints, Local and/or National Emphasis Programs (LEP/NEP), or referrals will qualify as the verification inspection if, in addition to addressing the complaint/LEP/NEP/referral item(s), the compliance officer completes the focused inspection protocol for the worksite in accordance with OSHA Standards Interpretation and Compliance Letter, August 22, 1994, Guidance to Compliance Officers for Focused Inspections in the Construction Industry. The General Industry operations of the partners’ companies not covered by OSHA’s Focused Inspection policies are subject to traditional enforcement inspections based on scope.

IX. Incentives

- A. Partnering contractors will receive the benefits allowed to all employers by OSHA CPL 02-00-159; Field Operations Manual (FOM) dated October 1, 2015. Note: In the event that the FOM is revised, the most current FOM will be utilized.
- B. Special recognition from The Builders’ Association designating the employer as a participant in the BSP. The employer may receive incentives from owners and respective insurance companies/contractors/unions and recognition from affiliates of the partnership program, including the use of the partnership logo and/or signage.
- C. One of the core benefits of the Partnership Program will be to develop employers’ safety and health systems that can serve as models for others to emulate. The Steering Committee will develop criteria for a robust safety and health system so that larger more experienced companies can mentor smaller companies or employers with less effective safety and health systems. The Builders’ Association can also provide mentoring services. This mentoring may take several forms as follows:
 1. Structured programs created within the scope of ongoing contractor association/apprenticeship safety and health education;
 2. Programs developed for presentation at the Builders’ Association meetings; and
 3. Instruction offered in conjunction with apprentice/journeyman training programs, and other training programs.

X. OSP Management and Operation Partnership Implementation

- A. The Partnership shall have a Partnership Steering Committee consisting of members of The Builders' Association, the Associations Safety, Health, and Environmental Director, and the Compliance Assistance Specialists from the Kansas City and Wichita Area Offices. The Kansas City Area Office will be the lead office and will coordinate and monitor Partnership activities. Each committee member will be entitled to one vote with the exception of the OSHA representatives who are non-voting members. Term limits for committee members (with the exception of OSHA) will be for three years, with reappointment possible.
- B. All employers interested in participating in the program must submit a completed BSP application form to the Partnership Steering Committee for review. The Steering Committee will inform the partners which applicants have successfully completed the application process and are eligible for participation in the program. The applications and other supporting documents will be maintained in the OSP files.
- C. Contractors who qualify and accept the established requirements of the BSP must reapply by February 1st of each year, and provide all required documentation to The Builders' Association verifying that they still meet current established guidelines.

Qualification Criteria

Company seeking participation in the partnership program agrees to:

- A. Be engaged in the construction industry and be a member of The Builders' Association.
- B. To provide written safety and health programs, training records, and injury/illness records to the Partnership Steering Committee.
- C. Fatalities or other reportable incidents that have resulted in serious citations becoming a Final Order of the Occupational Safety and Health Administration Review Commission within the last five years.
- D. To have no willful or repeat violations that have become a Final Order of the Occupational Safety and Health Administration Review Commission in the last five years.
- E. Have read this partnership agreement in full and signify agreement to all of the requirements herein by signing a copy of the "Build Safe Program Program (BSPP) Application Form".
- F. Partners identified in Appendix A will have the following:
 - 1. A written safety and health program.

2. Weekly documented safety training at all worksite(s).
3. Will comply with all provisions of this OSP

Participant Terms

- A. An employer's participation in the Partnership program can be terminated by The Builders' Association and/or OSHA if one or more of the following occurs:
 1. The partner may be asked to withdraw if they fail to actively participate in the OSP. For example. Failures to adhere to the combination of specific requirements outlined within this program
 2. The partners experiences fatalities or other reportable incidents that have resulted in serious citations becoming a Final Order of the Occupational Safety and Health Administration Review Commission within the last five years.
- B. Within 30 days of termination a partner's participation, the following will occur:
 1. The employer will be notified in writing of the intent to terminate.
 2. The written notice will include an explanation of the reasons for termination.
 3. The employer will have an opportunity to reply to the written notice within thirty days; and will have the right to appear before the Partnership Steering Committee and represented by counsel.
- C. The employer will be able to submit a new formal application after a year. All signatories of the Partnership or their representatives will review this application and come to an agreement on whether the applicant will be accepted back into the Partnership.
- D. Any employer may withdraw from the program at any time by providing thirty days written notification of intent to the Partnership Steering Committee.

XI. Worker and Employer Rights

This partnership does not preclude workers and/or employers from exercising any right 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. OSP TERM

- A. This Agreement will remain in effect for a period of five years. 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.

- B. If OSHA chooses to terminate its participation in the Partnership, the entire agreement is terminated.
- C. Changes to the OSP may be implemented in writing if all parties agree that it is in best interest of all members involved.
- D. Should either of the principal participants (OSHA or The Builders' Association) elect to withdraw from participation in the Partnership, prior notification in writing will be given to the other party. A thirty (30) day written notice is required prior to termination, during which the parties have an opportunity to resolve any issues and therefore, avoid termination. Termination by either Party shall constitute a cancellation of the Partnership. In the event of a termination, each party agrees that it shall not, directly or indirectly, contact the media regarding the termination, and it shall not discuss with the media any issues or matters regarding the termination. OSHA and The Builders' Association are the only entities that can terminate this Partnership.

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 7/31/2022), 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

**THE BUILDERS' ASSOCIATION - OSHA
Build Safe Partnership Program (BSPP)**

Signature Page

This Build Safe Partnership Program (BSPP) agreement revised and entered into this _____ day of _____, 2021, by The Builders' Association, and the Kansas City, and Wichita Area OSHA Offices, will be for a period of three years. Any party can cancel this agreement by written notice in accordance with Section IX of this program.

Approved by:

Karena Lorek
Area Director
Kansas City Area Office

Don Greenwell
President
The Builders' Association

Todd Underwood
Area Director
Wichita Area Office

Matt Dierking
Safety, Health & Environmental
Services Director
The Builders' Association

Appendix A- List of the BSPP Partners

As of August, 2021

Company Name	NAICS Code	Construction
1. A.L. Huber	236220	Nonresidential Building Construction
2. Barnes and Dodge	238220	Plumbing, Heating, and Air Conditioning Contractors
3. Clarkson Construction	237310	Highway, Street,
4. Faith Technologies	238210	Electrical Contractors and Other Wiring Installation Contractors
5. HarenLaughlin	236226	Nonresidential Building Construction
6. J.E. Dunn	236220	Nonresidential Building Construction
7. MarkOne Electric	238210	Electrical Contractors and Other Wiring Installation Contractors
8. McCarthy Building	236220	Nonresidential Building Construction
9. McCownGordon	236220	Nonresidential Building Construction
10. P1 Group	238920	Site Preparation Contractors
11. Performance Contracting	238310	Drywall and Insulation Contractors
12. RAU Construction	236220	Nonresidential Building Construction
13. Universal Construction	236220	Nonresidential Building Construction
14. U.S. Engineering	238220	Plumbing, Heating, and Air Conditioning Contractors
15. Delta Innovative Services	238160	Nonresidential Roofing Contractor