



***AGC of WISCONSIN***

**1999 Construction Safety Days**

**Site Safety  
Relationships**

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## **Include Safety as Part of the Pre-bid**

If you will have safety requirements more stringent than the CFR 1926 Standards for Construction they should be noted in the Construction Documents.

And know what the contract says.

## **Controlling Contractor**

The Controlling Contractor is one who **is** responsible for overall site coordination, scheduling, etc. It may be a general contractor, a construction manager and in some multiple prime contracts it may be the owner.

## **Before Construction Begins The Controlling Contractor Should**

Know each contractor's Safety contact is and communicate with them.

Assure that each contractor has a Hazcom program & MSDS inventory.

Consider employee orientation requirements to work on your site.

Hold a pre-construction meeting about safety coordination.

Establish requirements for regular safety meetings.

Establish who is responsible for primary safety issues.

## **During Construction**

Overall site safety issues are the responsibility of all contractors but must be coordinated through the controlling contractor. Even if the controlling contractor assigns certain safety responsibilities to another contractor, they must still exercise some level of control. However, the controlling contractor cannot supervise the other contractor's employee's safety.

Examples of overall site safety issues are:

- Perimeter protection and holes
- Lighting & temporary electrical
- Housekeeping
- Multi-use scaffolds
- Access ladders and stairs
- Site Access
- Site Security

Examples of safety issues controlled by individual contractors may include:

- Excavations
- Heavy Machinery Cranes/Lifting
- Single-use Scaffolds such as masonry or painter's scaffolds
- Roofing work
- Hot Work
- Confined Spaces
- Hazardous Materials such as solvents of paints

## Overall Responsibilities of a Controlling Contractor

Safety is the responsibility of each and every individual contractor working on the site. But, the Controlling Contractor has the responsibility to coordinate safety.

Responsibilities should be assigned to all contractors working on the site.. Procedures to assure compliance with OSHA standards and a safe work site for all employees should be stated. Some duties and responsibilities of the Controlling Contractor include:

1. Pre-job safety surveys prior to the commencement of the job and determine major hazards that will be present. Keep all contractors advised on pertinent safety matters.
2. Assure that all required signs are posted and bulletin boards are maintained in clear and legible condition. Some of these include:

The OSHA Poster	Hard Hat Signs
Emergency Telephone Numbers	Utility Telephone Numbers
3. Assure access to Material Safety Data Sheets of all contractors.
4. Assign housekeeping responsibilities to all contractors.
5. Conduct periodic safety evaluations at the job site to ensure that safety is being properly addressed. Make spot checks for items such as:

Fall Protection	Electrical
Excavations	Heavy Equipment
Fire Protection	Housekeeping
Traffic	PPE
6. Assist in the investigation of serious accidents and assure that notification is directed to the proper authorities. Obtain reports from other contractors concerning any serious accidents to either their employees or property.
7. Assure that each subcontractor provides properly trained employees and that each subcontractor holds weekly employee safety meetings.
8. Promote cooperation on matters pertaining to safety and **health** between contractors, architects/engineers, the owner, electrical utilities, etc.
9. Determine the necessity for action against a contractor who fails to comply with the safety requirements of the job site.
10. Stop any operation or action which is judged an imminent hazard until the hazardous condition or procedure can be remedied. The Superintendent and/or Project Manager must be immediately informed when this type of action has been taken.

## **Responsibilities of Subcontractors**

All subcontractors are responsible for maintaining their own Construction Safety and Health Program.

1. Training of their own employees, including holding weekly site safety meetings, and assuring that all employees follow all of the safety requirements of the job site.
2. Maintain a Hazcom program and have Material Safety Data Sheets available for all materials they bring onto the job site.
3. Provide the competent person for work they are performing that requires such supervision such as excavating & scaffold erection.
4. Advising the controlling contractor of unsafe site conditions.
5. Report any accident to the controlling contractor.
6. Maintain their own housekeeping and work specific safety.



# PROJECT SAFETY CHECKLIST GUIDE

PROJECT: \_\_\_\_\_ PAGE 1

LOCATION: \_\_\_\_\_

INSPECTOR \_\_\_\_\_ TIME: \_\_\_\_\_ DATE: \_\_\_\_\_

WEATHER: \_\_\_\_\_

	ITEM	N		ITEM	N
<b>HAZCOM</b>	MSDS onsite and accessible.		<b>POSTING</b>	OSHA Poster readily visible	
	Containers properly labeled			Emergency Numbers readily accessible	
	Personnel are adequately trained.			Utility Numbers readily accessible	
<b>MATERIAL</b>	Materials stored according to their fire characteristics.		<b>PPE</b>	Hard hats & Hearing protection	
	Proper lifting procedures are practiced.			Eye and face protection.	
	Enclosed chutes to the exterior of a building over 20 feet.			Foot protection & Gloves	
	Material drop areas are barricaded and posted.			Over water U.S. Coast Guard approved life vests	
<b>HOUSEKEEPING</b>	Storage areas, aisles and walkways clear.		<b>TRAFFIC</b>	All signs in place	
	Materials neatly piled and stacked.			Barricades up	
	Nails removed from lumber or bent over..			Workers in orange traffic vests where needed	
	Refuse piles removed		<b>F/A</b>	Trained first aid available	
	Spills cleaned up			First aid kits	
<b>ELECTRICAL</b>	Lights are sufficient to provide proper illumination.		<b>ENV</b>	Silt fences and settling ponds in good shape	
	Lights are protected from breakage.			Dust monitored, controlled and/or protected against	
	Temporary lights not suspended by cords		<b>TOOLS</b>	Air line connections are secured..	
	Extension cords are grounded and hard or extra-hard use.			Trained employees operating powder-actuated tools.	
	Damaged cords are removed.			Penetration checks for powder-actuated and air gun tools.	
	Extension cords properly hung.			Damaged hand tools are removed from service.	
	Energized electrical panels are guarded.			Electrical tools properly grounded or double insulated type.	
	Ground-fault circuit interrupters (GFCIs) are in use.			Wood working equipment has point of operation guards.	
	Assured equipment grounding conductor program in place			Radial arm and table saws have disconnect switches.	
	Electrical cords are properly grounded			Belt driven equipment has full enclosure guards.	
				Grinding wheels are guarded and eye protection used	

COMMENTS:

(OVER)

<b>LADDERS &amp; SCAFFOLDS</b>	Damaged ladders are removed or tagged.			<b>FALL PROTECTION</b>	Deck construction following fall plan		
	Access ladders reach 3 feet above and are secure.				Guardrails installed and properly set.		
	Straight ladders are set at 1:4				Perimeter cables are flagged at least every 6 feet.		
	The platform of a stepladder is not used as a step.				Safety nets are installed and properly set.		
	Job-made ladders properly constructed.				Fall arrest systems are installed and properly set.		
	Scaffolds on sound, rigid footing.				Warning lines around roof work areas.		
	Scaffolds secured every 30 feet H.& 26 feet V.				Holes are properly covered and marked.		
	Scaffold heights less than 4:1.				Ladder ways are protected by gates or offsets		
	Scaffolds not overloaded.				Wall openings are properly protected.		
	Guardrails, midrails and toe boards installed as required.				Work over dangerous equipment is protected		
	Screens installed where the persons pass under the scaffold.				Excavations are barricaded or marked.		
	All planking is scaffold grade.				Employees working on forms are protected		
	Scaffold planking overlapped 12" or secured.				Steel erectors utilizing fall protection		
	Scaffold planks extend over end supports 6 to 12" or secured.				Employees climbing reinforcing steel are protected.		
	Access ladders provided.				Employees in lifts using fall protection		
Fall protection on suspended scaffolds and aerial lifts.			Lower levels are protected from falling objects.				
Scaffold platforms free of debris.			Employees are properly trained				
<b>TORCH &amp; WELD</b>	Cylinders are stored upright, with caps secured.			<b>FIRE &amp; LF</b>	Fuels in properly labeled containers		
	Cylinders away from electrical contact.				"NO SMOKING" rules observed.		
	Gas regulators inspected and working properly.				Fire extinguishers provided.		
	Different gas cylinders stored 20 feet apart or have a fire wall.				Liquids properly stored.		
	Fire watches are set up in areas of potential ignition.				LPG containers properly stored.		
	Damaged welding cables, regulators or gauges are removed.				Storage locations have fire extinguishers.		
	Welding screens are in place.				LPG Safety relief valves in place		
<b>MASONRY</b>	Reinforcing steel is capped.			<b>EXCAVAT.</b>	Underground utility installations are located.		
	LAZ's established on masonry.				Excavations are guarded, shored or sloped.		
	Masonry walls over eight feet are braced.				Material is retained 2 feet from the edge of the excavation.		
	Personal Protection around used around masonry saw.				Daily inspections of excavations are made and documented.		
	Precautions for silica are taken				Trenches have means of exit.		

COMMENTS:

## Competent Persons

The OSHA standards do not specifically state that a competent person must be present at all times on a construction site. But CFR 1926.20 does state that “frequent and regular inspections of the job sites, materials and equipment are to be made by a competent person.’

Several specific construction standards do require that work or inspections of work be accomplished under the supervision of a competent person. Most notable of these include:

- Scaffold erection, dismantling or alteration
- Excavation which must be performed under the supervision of a competent person who is trained to evaluate and classify soil. - Any excavation must also be inspected daily by that competent person.
- Use and supervision of fall protection plans such as for wood frame work or roofing work under the residential section of the fall protection standards.
- Sections of steel erection dealing with fitting up, bolting and riveting etc.
- Inspection of cranes and hoisting equipment prior to each use.

There are several other standards which also require use of a competent person.

The training and expertise of that competent person will vary with the work being done. That is why, it is usually appropriate to require a subcontractor to supply the competent person for work which they perform, especially if it is a specialty that you do not perform.

An example of this is excavation. The excavation contractor should provide the competent person to evaluate soil conditions and determine the proper protection of employees who will work in the excavation. This is the only way it should be done if only the excavation contractor’s employees will work in the excavation. But, it gets cloudier if other employees such as a plumbing contractor or your people setting forms will work in the excavation. Then there should be discussion of who is supplying the competent person. You should try to rely on the excavator since he should be the expert and your supervisor may not be trained in excavation safety. This can be a scheduling problem if the excavator digs a hole and then leaves the site while others work in the hole.

A different case would exist if you have a subcontractor erecting or dismantling scaffolding. While I would still require the subcontractor to supply his own competent person, your obligation may be greater because scaffolding is more widely used by all and there is a perception that a general contractor’s supervision should know enough about scaffolding to know when there is a problem.

## Multi-employer Job Sites

Some contractors may not have a contract directly with the controlling contractor. Therefore, the controlling contractor should have an agreement with the all contractors on how to handle safety issues.

If the owner holds several contracts and acts as a Construction Manager, the owner may be considered the site controlling contractor and could then be held to a higher standard of liability.

### OSHA's Multi-employer Citation Policy

OSHA has stepped up its practice of issuing more multi-employer citations. A multi-employer citation is one that is issued to a contractor usually the controlling contractor, for actions of another contractor due to exposure of another contractor's employees.

**OSHA' Field Inspection Reference Manual.** states:

*"On multi-employer worksites, both construction and non-construction, citations normally shall be issued to employers whose employees are exposed to hazards (the exposing employer).*

- a. *Additionally, the following employers normally shall be cited, whether or not their own employees are expose:*
  - (1) *The employer who actually creates the hazard (the creating employer);*
  - (2) *The employer who is responsible, by contract or through actual practice, for safety and health conditions on the worksite; i.e., the employer who has the authority for ensuring that the hazardous condition is corrected (the controlling employer);*
  - (3) *The employer who has the responsibility for actually correcting the hazard (the correcting employer).*
  
- b. *Prior to issuing citations to an exposing employer, it must first be determined whether the available facts indicate that employer has a legitimate defense to the citation, as set forth below:*
  - (1) *The employer did not create the hazard;*
  - (2) *The employer did not have the responsibility or the authority to have the hazard corrected;*
  - (3) *The employer did not have the ability to correct or remove the hazard;*
  - (4) *The employer can demonstrate that the creating, the controlling and/or the correcting employers, as appropriate, have been specifically notified of the hazards to which his/her employees are exposed;*
  - (5) *The employer has instructed his/her employees to recognize the hazard and where necessary, informed them how to avoid the dangers associated with it.*
    - (a) *Where feasible, an exposing employer must have taken appropriate alternative means of protecting employees from the hazard.*
    - (b) *When extreme circumstances justify it, the exposing employer shall have removed his/her employees from the job to avoid citation.*

- c. ***If an exposing employer meets all these defenses, that employer shall not be cited. If all employers on a worksite with employees exposed to a hazard, meet these conditions, then the citation shall be issued only to the employers who are responsible for creating the hazard and/or who are in the best position to correct the hazard or to ensure its correction. In such circumstances the controlling employer and/or the hazard-creating employer shall be cited even though no employee of those employers are exposed to the violative condition. Penalties for such citations shall be appropriately calculated, using the exposed employees of all employers as the number of employees for probability assessment.***

AGC does not agree with OSHA's multi-employer policy and actively defends contractors against multi-employer and any other citations. We take the position that a contractor should not be cited for hazards which it did not create, none of its employees were exposed to and no other contractor's employees beyond the actual creating contractor's employees were exposed to.

The best defense to assure that you do not receive a multi-employer citation is to be sure that all contractors working for you are in compliance., It is also good practice, to eliminate the risk of third party liability claims in the event of an accident.

## **SAFETY ENFORCEMENT**

The controlling contractor has enforcement responsibility over ***other*** contractors for safety violations. The controlling contractor is ultimately responsible for checking to see that the enforcement procedures are being followed in the field.

When safety violations are noted, the ***offending*** contractor should be notified in writing using a standard safety violation form. The superintendent should also make an entry in his daily log describing notification and send a copy of the notification to his office.

If, after due diligence, the offending contractor refuses to comply, management should exercise its authority under its contract to remove the offending contractor from the site.

# Sample Safety Violation Notice

**Project Name:** \_\_\_\_\_ **Proj. No:** \_\_\_\_\_

**Project Superintendent:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_

**Offending Company:** \_\_\_\_\_

**Offending Persons:** \_\_\_\_\_

**Nature of Violation:** \_\_\_\_\_

**Immediate Action Taken:** \_\_\_\_\_

**Final Action Required** \_\_\_\_\_

**Date Corrected** \_\_\_\_\_ **By** \_\_\_\_\_

**Reported By:** \_\_\_\_\_ **Accepted By:** \_\_\_\_\_  
(Print Name) (Print Name.)

\_\_\_\_\_  
(Company Name)

\_\_\_\_\_  
(Company Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signature)

Under your contract with Company Name, you are required to comply with all safety rules and all OSHA regulations. This Safety Violation Notice is to advise you that safety violations exist in your work area. These violations must be corrected immediately. If violations are not corrected in a timely manner, Company Name will correct the violations and bill your company. If violations persist, Company Name will exercise its rights under your contract which may include canceling of your contract.

## Handling OSHA Inspections

### Employers:

Employers have the right of representation during inspection. Therefore, the controlling contractor has an obligation to inform all contractors that OSHA is on the site. The representative may question acts and comments of the inspector and may also request clarifications where actions of the inspector appear to be contrary to the rules of inspection.

### Employees:

Employees have the right of representation during the inspection. Employees may answer questions regarding the inspection without fear of punitive actions by the employer.

### What to do When OSHA Inspects

The Compliance Officer will present identification and state the purpose of the visit. An opening conference will be held with representatives from all on-site contractors. Absent the need for a warrant, the Compliance Officer will begin the opening conference.

The function of the Compliance Officer is to identify, measure, and photograph conditions and/or acts which he/she considers unsafe and in violation of the construction safety regulations. In the pursuit of his/her duties, he/she may go wherever he wishes on the project within the scope of his inspection. He/she may take samples or measurements. He/she can request copies of literature, documents, or contracts which relate to the safety or industrial hygiene.

The Compliance Officer may not violate any known safety regulation and is responsible for providing and wearing the appropriate personal safety equipment. Failure to comply with the project safety program is cause for refusing to admit a compliance officer on your site or stopping an inspection already underway.

The Compliance Officer may consult with employees regarding matters of safety and health to the extent necessary for the conduct of an effective and thorough inspection.

The Compliance Officer will:

1. State the nature of the inspection: General Scheduled, Complaint, Special Emphasis, Other. He should also identify the scope or extent of the inspection.
2. State the approximate length of time the Compliance Officer will be on site.
3. Request copies of safety program, accident reports, and inspection surveys. The Compliance officer may not review any contractor documents other than General Conditions and similar front-end documents.

4. Approve members of the inspection party. Each employer has the right to representation.
5. Generally discuss the purpose of the OSHA Act, its sanctions, and the authority vested in the Compliance Officer by the Act.
6. Advise that at the conclusion of the inspection, a closing conference will be held to advise of any alleged violations noted, to determine corrective dates and answer questions.

During the inspection:

1. Do not permit unneeded contractor employees to linger near the inspection party.
2. Do not harass, threaten, or otherwise intimidate the Compliance Officer.
3. The employer has the right to protect trade secrets.
4. Do not volunteer necessary information.
5. Keep a chronological record of where the Compliance Officer goes, how long he/she talks to employees, and whether he/she returns to location previously inspected. When photographic documentation is made, ask the nature of the suspected violation and record.

At the completion of the inspection, the Compliance Officer will either hold a general meeting or meet with each individual contractor. The contractor representative should attempt to attend all meetings if held individually for the purpose of recording each contractor's alleged violations. At no time admit responsibility for a hazard or offer to correct hazards created by others.