

**NCSE MEETING MINUTES
WASHINGTON DOUBLETREE
WASHINGTON, DC
APRIL 6-8, 2010**

The chairman, Andy Peters, convened the spring 2010 meeting of the National Construction Safety Executives at 8:00 AM on April 6, 2010. Andy initiated the meeting with a review of the agenda and the evacuation instructions. Introductions safety talk about hydrating at altitude and precautions in the event of winter weather as we depart on the 8th and 9th. He explained the emergency evacuation routes and locations of facilities and asked for introductions and each member and guest.

Members attending were:

Peters, Andy, Chairperson	Parsons	andy.peters@parsons.com
O'Dea, Tony, Vice Chair	Gilbane Building Company	todea@gilbaneco.com
Baldwin, Rich, Secretary	PCL Construction	rsbaldwin@pcl.com
Amsinger, Gary	McCarthy	gamsinger@mccarthy.com
Bardin, Chris	The Layton Companies	cbardin@laytoncompanies.com
Berg, Kevin	Bechtel	kberg@bechtel.com
Beswick, Gary	AECOM Technology, Inc.	gary.beswick@aecom.com
Bray, David	McDermott	jdbray@mcdermott.com
Daly, Steve	Swinerton	sdaly@swinerton.com
Davis, Warren	Safe Step Enterprise	safestep@satx.rr.com
DePrater, Cindy	Turner	cdeprater@tcco.com
Frey, PD	Austin Industries	pfrey@austin-ind.com
Gale, Steve	ConocoPhillips	steve.h.gale@conocophillips.com
Giles, Brad	Washington Division, URS	brad.giles@wgint.com
Handley, Chris	Performance Contractors	chris.handley@pcg.com
Hurley, Don	Zachry	don.hurley@zachrycorp.com
Kliwinski, David	Jacobs	david.kliwinski@jacobs.com
Maguire, Michael	Herzog Contracting	mmaguire@herzogcompanies.com
Montes, Charlie	Kinetics	charles.montes@kinetics.net
Murphy, Brian	Sundt	bhmurphy@sundt.com
Palmer, Tim	TIC Holdings	tdpalmer@ticus.com
Peck, Chris	CH2MHill	chris.peck@ch2mhill.com
Richardson, Carl	Zachry	richardsonc@zhi.com
Russell, Brandon	Jacobs	brandon.russell@jacobs.com
Saiz, Robert	PCL	rbsaiz@pcl.com
Sellars, Bruce	Fluor	bruce.sellars@flour.com
Sirofchuck, Tim	Clark Group	tim.sirofchuck@clarkconstruction.com
Softich, Tony	SNC-Lavalin	tony.softich@snclavalin.com
Van Brenk, Hendrick	Skanska	hendrik.vanbrenk@skanska.com
Yancey, Wilson	Quanta Services	wyancey@quantaservices.com

The following discussion items were presented:

ORC WASHINGTON AND OSHA UPDATE

Scott Madar from Organizational Resource Counselors (ORC) Worldwide provided a “What’s New in Washington” update. To receive a copy of Scott’s presentation, send him an e-mail at scott.madar@orcww.com and reference “Washington Scene”. Scott covered the new administration, new legislation and other topics.

Dr. David Michaels truly means that he is the newest sheriff. Deborah Berkowitz is the new OSHA Chief of Staff with extensive union connections in her past. Rich Fairfax is the Deputy Assistant Secretary as a career OSHA staffer. Thomas Glassi is the acting director of the enforcement directorate. Bill Parsons is the acting director of the construction directorate.

Dr. Michaels has stated that regulation by shaming is very effective. He also stated that many employers don’t respect the lives of workers. He also stated that safe jobs exist only when employers have adequate incentives to comply with OSHA’s requirements. OSHA is aiming to inspect 6,500 more worksites.

A few of Dr. Michaels agenda items are:

- Enforcement
- Stepping Up Surveillance
- Protecting American Worker’s Act
- Standards
- Regulatory Agenda

There is strong emphasis on negative publicity for those who receive costly citations.

Lead, silica, trenching and recordkeeping are subjects of the National Emphasis Program that will affect us. Another NEP will be “Inspections by Industry Sector” that will surely involve construction.

Cranes and Derricks and Silica Standards will come out in July.

Effective January 1, 2011, a column will be added to the OSHA 300 form to gather information on MSDs. They are disorders of the muscles, nerves, tendons, ligaments, cartilage and spinal discs. MSDs do not include disorders caused by slips, trips and falls, motor vehicle accidents, etc.

Considerable discussion ensued concerning the criteria for recording MSDs under the assumed guidelines. Scott stated that the onset of ergonomics emphasis may be an indicator of renewed energy in OSHA to institute an ergonomics standard.

OSHA is reviewing the Field Operations Manual to revise discounts in the costs of citations in an effort to raise penalties.

Noise conservation in construction is an early stage project.

There is now a Severe Violator Enforcement Program (SVEP) that targets high emphasis hazards and creates a nationwide referral procedure.

VPP is under attack and although “supported” will not be funded in any degree once the 35 directly involved OSHA personnel are transferred to enforcement activities.

The PAWA – Protecting America’s Workers Act is being modified but is still alive and supported by liberals. Still a major aspect is prohibiting policies or practices that will discourage the reporting of work-related injuries. Another change is from “willfully” to “knowingly.” According to Scott, “knowingly” is a higher standard than “willfully.”

Scott stated that “Distracted Driving” is becoming an issue. An executive order was issued prohibiting texting while driving in government vehicles.

SUBCONTRACTOR SAFETY MANAGEMENT – BEST IN CLASS

David Kliwinski, Jacobs HSE Director discussed a successful initiative to improve subcontractor safety. He broke the session into five segments:

1. Subcontractor Selection
2. Contract Preparation
3. Contract Award
4. Orientation and Training
5. Managing the Work

Jacobs requires subcontractor screening... asking subs if there is a risk assessment plan, does the bid include money for safety and health and is it required for lower tier subcontractors?

In the contract, we need to make sure that the contract communicates the safety requirements. Subsequently, we need to make sure that the contract aligns the safety effort with client requirements. Pre-bid meetings are a necessity. Many subcontractors are unaware of some of the “above standard” requirements that the GC will expect.

There was additional discussion about qualifying subcontractors. Kevin stated that they are reducing the number of subcontractors and are doing more self-perform work, including asbestos abatement. Overall there is less liability and the work is safer. Tim Palmer stated that the best indicator of performance is to visit the site rather than just rely on reviewing their program.

Tony O’Dea invited all participants to present their subcontractor management techniques at the next NCSE meeting.

David said that the site manager must set expectations with subcontractor principles eye-to-eye to secure buy-in. The Group Vice President of Jacobs calls the CEO of the subcontractor to get alignment.

David stated that an important element is hands-on training with mock-ups is essential.

An extremely important practice is to ensure that senior project managers tour the site and interface with workers.

David reviewed several large Jacobs projects and identified the success factors. Namely, constant reinforcement and recognition are keys.

UPDATE ON CONSTRUCTION ACTIVITIES FOR THE NATIONAL CONSTRUCTION SAFETY EXECUTIVES

Dr. Christine Branch, Ph.D. of NIOSH discussed a variety of initiatives that are on-going in NIOSH to support construction safety. Christine emphasized that impact from NIOSH is not achieved by publishing their results in journals that are not read by construction workers.

There are many construction program researchers in many disciplines. There are 15 strategic goals addressing the top construction programs. Their goal is to capture the most important issues for the construction industry. The first goals are to reduce injuries from falls to a lower level, to reduce fatal and nonfatal injuries from electricity and the last is to reduce struck by injuries.

Another set of goals is to reduce hearing loss, silica exposures and welding fume illnesses.

They also are working to reduce the incidence, severity and consequences of musculoskeletal injuries.

Less pointed is the emphasis on understanding factors that comprise construction safety and health cultures and to improve the effectiveness of safety and health management programs. Also there is an initiative to improve understanding of how construction industry organizational factors relate to injury and illness outcomes and lastly, to increase the quality of construction safety training.

There are many opportunities for partnering with NIOSH for research on risks such as falls. For instance, they are interested in working to fill the top engineering gaps related to ladder engineering.

Christine discussed whether or not green jobs are safe for workers. There are many hazards presented by the installation of green equipment and materials.

Christine can be reached at cbranche@cdc.gov. Her phone number is 202-245-0625.

NCSE AND OSHA ALLIANCE

Tony O'Dea led a discussion about the NCSE – OSHA alliance. OSHA has specified that to renew the alliance, we must develop a model construction safety orientation program and participate in groups that will benefit the entire industry.

Chris Peck stated that perhaps there would be more benefit to partnering with NIOSH rather than our new sheriff. Warren said that there might have been wisdom in the original alliance that was established, but because of the militancy of the new administration, cooperation now may not be appropriate. Wilson echoed that opinion.

Andy stated that as a group, we have no charter to participate in alliances. Each member should benefit from the take-aways that result from meeting with guest speakers and if individual companies want to work on their alliances or participate in research with NIOSH, that is their choice.

Steve Gale is supportive of retaining the alliance and Tim Palmer agreed to an extent. Andy related the discussion in Jordan Barab's office when he questioned why we did not denounce a company that had poor safety performance. Several members commented on this issue and the consensus was that this would never be our mode of operation.

Brian Murphy stated that the original reason for NCSE was to get away from the political approach.

Tony asked for a motion to decline participation in an OSHA alliance; none was presented, however, it was decided that we would not decline nor would we request an alliance at this time.

WHAT IS IT GOING TO TAKE TO ACTUALLY NOT HAVE PEOPLE GET HURT AT WORK?

Jay Greenspan from JMJ Associates spoke to us about a new approach to preventing injuries. He used the recent multiple mine fatality in West Virginia as the lead-in to the discussion about attaining zero injuries. He also compared the three largest mining companies and focused on Anglo-American who had a new CEO that used JMJ's incident prevention methodology.

Aim is to transform management's relationship to their own ability (competency and ownership) to lead the elimination of worker injury. Jay stated that most senior managers do not lead... they support the safety effort. They just don't think that they know what to do, so they say something without really believing it. Company leaders need to position the safety executive to be able to make the difference they can and should in the journey to zero injuries.

What is an acceptable level of injury? Jay said no injuries, of course. But what do we accept?

We keep our jobs because everyone knows we are doing the best we can. Jay showed several project summaries that illustrated the cost-benefit ratio of safety. Other studies are on-going.

Jay talked about the progression of safety from "No Formal Interest" to the "Reactive Era" to the "Preventive Era" (process based). In the last two, unsafe conditions were effectively addressed. But everyone has virtually attained the plateau that seems not to go down. We are adept at case management, but as a "Fools Game" we can't stop. Our numbers need to look good.

Jay addressed "Beyond Zero." Nine of ten injuries occur in "Safe Conditions." To advance our safety we need to "cause something to happen, not prevent it from happening."

Most of our time is spent worshipping the systems where we first look to solve problems... if something bad happens... develop a procedure to prevent it.

There are four developmental levels.

1. Reactive
2. Conforming
3. Achieving
4. Integral

Jay discussed the Integral Analysis Worksheet and how it is completed. He handed out the worksheet for us to review later.

CPWR – THE CENTER FOR CONSTRUCTION RESEARCH AND TRAINING

Pete Stafford, Executive Director talked about his organization and the services that are provided. He distributed an informative handout to the group. All the information you need on this organization is contained in the handout.

The group has 19 different research projects ongoing at this time. They are entirely focused on union support but will make their research available to anyone. Their funding is from a variety of sources, including NIOSH.

CPWR does considerable OSHA training during the year. They trained 120,153 union members last year.

Connecticut, Rhode Island, New Hampshire, Nevada, New York, Missouri and Massachusetts require the 10-hour course.

The meeting was ended for the day at 4:25 PM by the chairperson, Andy Peters.

WEDNESDAY, APRIL 7, 2010

The meeting was reconvened at 8:00 AM by Andy Peters.

ERGONOMICS IN CONSTRUCTION

Dr. Laura Welch, MD from the CPWR – The Center for Construction Research and Training presented a new approach for the members to consider as we strive to control ergonomic-related injuries. First, Laura outlined the differences between construction and general industry applications of ergonomics. Because construction tasks are often at floor and ceiling level, awkward postures are frequent.

BLS data shows that about 40% of the days away from work cases are related to ergonomics. Risk factors for musculoskeletal disorders include overexertion at nearly 75%. The construction rate of days away from work due to musculoskeletal injuries is second next to the transportation industry. In construction, masonry and drywall tasks lead the way in ergonomic injuries. BLS reports that 75% of construction workers report back pain within the past 12 months.

Laura showed research results by craft among workers age 40-59 that indicated a high percentage of construction workers report visits to physicians for ergonomic related injuries. Laura also reviewed a small Parsons project that showed that the use of the rebar tying tool allowed rod busters to stand vs. stoop to do their jobs. The ergonomist that visited the Parsons project recommended the development of an ergonomics team to develop on-site expertise in hazard identification. She also specified ergo training for safety professionals and supervisors. Another discovery was that there is usually an available tool to help prevent strains and sprains but management rarely surveys the work to make that change.

Laura specified several solutions and identified the recent ANSI Standards and the CPWR website that identifies ergonomics solutions. For instance, for each common construction ergonomic risk, there is a specific remediation. The website includes an analysis of the productivity and cost associated with the recommended corrective action.

Laura discussed how our projects could help with CPWR research. There were many questions and points of discussion that related to the numerous ergonomic remedies that Laura presented. She talked about short term fixes such as knee pads, vs. more complex remedies like building design changes.

USACE UPDATE

Richard Wright and Helen Stewart provided a background in the Corps of Engineers work and discussed changes in EM385. Last year they did 46 billion dollars in construction execution.

One of the emphasis items by USACE is VPP and they are close to attaining their first Star site. They are also strengthening their safety systems.

Helen stated that they are updating UFGS 10 35 26 to eliminate duplication with EM385-1-1. There is ongoing coordination with NAVFAC to ensure consistency.

There was considerable discussion about the third party certifications of safety professionals. Helen said that NAVFAC in some areas is requiring a 40-hour training course which includes the OSHA 30-hour course and 10 hours of training in EM385. The Corps is not mandating that training.

There is some consternation in that the 50 Corps districts all want to be independent and tend to make different specifications in their RFPs.

Steve Gale asked if the OSHA 30-hour course had been proven to be effective. Helen has no viable answer. She did say that there may be an equivalent training course. It was clear from her presentation that there is significant confusion in the Corps as to what qualifications a SSHO must have to do the job.

For further information and clarification on the errata sheets for USACE safety information, go to <http://www.usace.army.mil/CESO/Pages/Home.aspx>.

OSHA UPDATE, DR. DAVID MICHAELS

The members and guests introduced themselves to Dr. Michaels. Although his speech writer gave him a script, he spoke off –the-cuff and discussed his background and the course he was charting for OSHA. He was candid and if you can allow the description from your conservative secretary... rather charming and humble.

He expressed that many of the standards, especially the PELs had not changed for more than 40 years. A silica standard has taken nearly 10 years and is not published yet. He hopes to bring OSHA to a point where they must have safety and health management standards, not just topical standards on specific types of work.

Objective is to have everyone move to a safety and health system and to make sure that everyone does the same thing. He also wants to change the way that we think about injury and illness rates. He gave an example of how BLS had estimated 170 traumatic amputations from occupational settings and when the statistic was verified by actual counts at hospitals, they found 800. Thus he wants to discourage safety programs that discourage reporting. He wants programs that encourage safe work and do not discourage reporting.

He is adamantly opposed to special benefits to workers who do not report injuries. He stated that that is a violation of OSHA. We must make it so workers are not afraid to report injuries.

Dr. Michaels also lamented that there was a two-year lag in the collection of injury data and the “action period” when they formulate plans to reduce those types of injuries.

Tony O’Dea expressed that each of the companies in the room have variably complex incident data gathering systems. Could we help OSHA by supplying that timely data?

Dr. Michaels said that he wants to hear from us about safety management systems, record management systems and other issues.

Kevin agreed that the specification approach is the right way to go. Safety management systems are essential. Kevin also said that the OSHA 10 and 30 hour courses are focused on the “what and not the why.”

Dr. Michaels said that we need to do a much better job of educating Hispanic workers and how to reach them to instill safety.

Tim Palmer said that the Alberta workers compensation board took the recordkeeping out of the employers hands and may result in better data. Dr. Michaels said he would look into it. Tim also stated that our clients sometimes drive us not to record properly by stating that workers would be fired if they were injured.

Bruce Sellars said that using an HSE Manual system must involve enforcement. Dr. Michaels said that’s where we need to go but he pointed out that in California the #1 citation is simply not having a program, never mind the compliance with individual elements.

Hendrik asked about VPP. Dr. Michaels said he likes the VPP and thinks that it works great, but they can’t pay for it (ed. too much emphasis on enforcement?). He suggested that with a VPP application there may be some fees.

Brad expressed several ideas around metrics and Dr. Michaels said they would help if requested. Tony O’Dea asked for Dr. Michaels opinions about partnerships.

Brian Murphy asked about the OSHA practice of visiting construction sites to fill a quota by inspecting the many subcontractors that are on the site. Sometimes, they can spend a couple of days on a project and, on paper, complete 50 or more “inspections.”

Steve Gale had three comments. First, VPP has been one of the best OSHA programs. Second, OSHA has had 40 years of using a very negative perception of regulatory enforcement, but the rate of return is diminishing. Steve has now heard three OSHA leaders say it is not working, but yet nothing changes. Steve sees no direction change. Steve sees workers’ comp insurance as a bigger issue than rates.

Cindy DePrater asked just how we can help you. Dr. Michaels said we need to participate in forums so OSHA understands our concerns. He does not want to establish just another system that doesn’t work.

Tony O’Dea invited Dr. Michaels to come back to us and/or establish liaison to work with us. Subsequently, the group discussed their impressions of Dr. Michaels. All comments were favorable.

CONTRACTOR SAFETY ASSESSMENT PROGRAM

Garrett Burke of Harvard University ES&H discussed Harvard’s experience with construction safety. Harvard has over 850 buildings on every continent. They were doing about 1 billion of construction per

year and Garrett feels they have a lot of influence. Prior to 2006 they wanted nothing to do with construction safety but that changed.

Garrett realized that everyone needed to be involved, especially the contractors and their employees. At any given moment, they are likely to have 3,000 contractors on the campuses. Their deductables on OCIPs are \$250,000. Often, quality, productivity and safety were deficient.

The majority of the contractors were small specialty firms, many of whom submitted a low bid and were not screened by Harvard, but by the CM. And the larger CMs were generally the low bidders and were not sufficiently screened or qualified.

Harvard found that EMR comparisons were not effective outside of the same size firm and craft. To do the assessment, they looked at lagging data and valued it as half the score. However, to do a thorough evaluation was too time-consuming. So Harvard automated the selection process using a vendor computer program. Garrett displayed the data that is collected by ConstructSecure, the Contractor Safety Assessment Program.

EMR, OSHA Citations, Lost Work Days, Recordables and Fatalities comprise 55% of the score.

The other elements are Safety Management Systems, Safety Program Elements and Special Elements.

Garrett reviewed the safety evaluation data entries that are used. There are separate scores for each trade. Scores in the various data categories are weighted.

Certificates are granted to registered contractors. You can look up the registered contractors by trade or company name. Intel uses this system and has their own specific criteria that are in the program. The registered contractors scores can change during the term of the project or while they are registered before the bid is awarded. Contractors have to re-do the data annually and they are re-scored.

Every tier of contractor has to be registered and scored. Every month, the data is updated by each registered contractor with work hours and recordable incidents.

The system can be purchased (rented?) by contractors so they can screen their subs. Tony O'Dea said that their BuildSafe Contractors group in New England may use this system to gather information and qualify subcontractors.

The system will be marketed to us but they will not chase us to sell it. Business cards were passed out. The contact is <http://www.constructsecure.com>.

SAFETY AND LEAN CONSTRUCTION

Mike Taubitz of FDR Safety spoke to the group about maintaining a safe operation in a lean construction environment. Mike is the former GM Safety Director.

Regrettably, the presentation by Mike was so fast paced that it was too difficult to record key parts of the content in these minutes. Further, it appeared that some members did not recognize the value of a tie-in to safety, other than adding injury/illness as a waste to the listed 7 types of waste specified in his talk.

OLMSTEAD DAM PROJECT SHOWCASE

Brad Giles briefed the Olmstead Dam project that was accomplished with URS and Alberici Constructors. After viewing a video of the Ohio River and Olmstead Dam background, Brad talked about the difficulties faced by the construction managers. The construction activities were the first of their kind.

The project had to deal with a number of regulatory agencies including Kentucky and Illinois OSHA, the EPA, Coast Guard, etc.

**Andy dismissed the meeting at 4:20 PM.
The group enjoyed fellowship and an evening meal at James Hoban's on DuPont Circle**

THURSDAY, APRIL 8, 2010

Andy Peters re-convened the meeting at 8:00 AM

SAFETY AND BIM BEST PRACTICES

Chris Barden of Layton Construction discussed the application of safety in 3-D modeling. The system certainly enhances constructability from a safety perspective. Features related to safety are punching holes in the beams for fall protection cables, placement of vertical supports, toe boards, crane placement and clearances, lay down yards, signage, parking, badging-in locations, pedestrian routes to the project from the parking lot, stairs and platform sequencing, and haul routes.

Chris also showed BIM depictions of excavations with sloping and clearances to nearby structures.

He pointed out that when the engineer and architect use BIM, we, the constructor, can review the drawings more thoroughly. He gave an example of incomplete shoring that was brought to the attention of the architect and he corrected the drawings to plan for additional shoring.

Robert Saiz added that a PCL project in Virginia includes the tie-off points on the BIM drawings.

The Layton emergency access and egress drawings come from the BIM drawings as does the placement of temporary lighting.

Hendrik added that waste management can be included in the BIM drawings.

Tony O'Dea said that you can add notes on the drawings and send them directly to the architect. Brian Murphy stated that often you have to drag the architect along kicking and screaming because we do much better looking at a design spatially. Brian said maybe we rely too much on BIM and the thought process is diminished. Hendrik also said that the system aids in "just-in-time" deliveries. Chris said that their off-site fabrication was easier because they could schedule the deliveries so the material would only have to be moved once.

Andy said that the look-ahead schedules and walk-throughs for orientation purposes could be aided. Steve Gale added that some versions of the program can depict the structures as they would actually look to ensure a more realistic look that would aid orientations. Chris said that the presentation quality can vary.

Hendrik said that overhead work can be minimized by planning with BIM.

Kevin Berg uses color coding to depict the hazards.

OPEN DISCUSSION

Carl Richardson said that he had a representative that would attend the Hispanic Safety meeting sponsored by OSHA in Houston. Carl will report back to the group at the next meeting. Mike McGuire thought it was a political effort... the next issue on the agenda for the administration.

Andy discussed off-the-job safety. The advantages of a strong OTJ safety program are reduced medical costs. Charles Montes said that they send a copy of the NSC Health and Wellness magazine with a letter from the CEO to all employees. They also do a calendar that is sent home to everyone along with sun screen in the summer.

Brandon Russell is engaged with JMJ and to make safety a value and that they include the family. Jacobs is very involved in family safety. Robert Saiz said that every district has a wellness committee that sponsors activities. Recently, a family safety book was prepared with pictures of families and distributed to everyone in the company.

Brandon added that on one project a long walkway to the project from the parking lot included large pictures of the employees families to drive the point home that they must take care of their families by working safely.

Dave Kliwinski added that during performance reviews they include goals for family safety.

Kevin Berg has a number of initiatives in Bechtel, but a year ago they contracted with a company called "Stay-Well" and a survey was completed by employees. For participating in the program, \$25 was added to each pay check. The issue is personal health management.

Andy added that there is value to linking safety with wellness.

BUSINESS MEETING

Membership

A motion was made by Brad Giles to invite ABB's Corporate Safety Director, Darryl Hill. It was seconded by Tim Sirofchuck.

Flatiron is being dropped from the membership list due to lack of interest in the group.

Wade Oberman of Swinerton was advised before the meeting by Andy Peters that he repeatedly had sent a replacement and was being considered for removal as a member. He replied that maybe someone "more worthy" should be given a chance. Brad moved to remove Wade and the motion was seconded by Robert Saiz. The motion passed.

McDermott is being divided and Babcock and Wilcox will split off into a separate company. The safety director from Babcock and Wilcox should be invited to present if the separation of companies is complete by September, 2010. It was moved by Andy Richardson and seconded by Charles Montes that Dan

Hellman, Safety Director in Babcock and Wilcox be invited to the next meeting and considered for membership. The motion passed.

Andy moved that Brian Murphy's membership status be changed to emeritus. The motion was seconded by Gary Beswick and it passed unanimously. At the fall 2010 meeting, we will consider Brian's replacement for membership.

Brad Giles mentioned that David Kliwinski is a great contributor to the group but he does not hold a position as safety director... that is held by Brandon Russell. Hendrik said that we should just leave it as is and he must pay for his meeting attendance. The members concurred.

Treasurer's Report

The expenses for the spring 2010 meeting, including dinner at James Hoban's were \$11,300. Currently there is a balance after paying for this meeting of \$15,300. There is a balance due by members of about \$4,000.

Member-at-Large

Gary Amsinger had nothing to report. We all expressed our appreciation to Gary for the excellent shirt that he chose for the meeting.

Next Meetings

Andy asked for nominations for the next two meetings. Brad mentioned that it is an advantage to meet in Washington and that we should schedule a meeting here frequently to meet with regulators and legislators. Wilson said he doesn't care about legislators and many agreed. Tim thought it would be good to meet annually in Washington. Tim Sirofchuck stated that they will also come to Baltimore so that is also an option.

The members decided that for the spring 2011 meeting, we will avoid Easter weekends and meet in Washington DC again. Clark will host the meeting in Washington; this includes arranging golf and preparing the hospitality room. Brad said we need to schedule the meeting immediately so Dr. Michaels can put it on his calendar. Tim proposed that we meet the first week of April... the 6th and 7th would be ideal. Robert Saiz so moved and the motion was seconded by Gary Amsinger. It passed without discussion.

A vote was taken and the members determined that in the fall of 2011 we will meet on September; the 21st and 22nd in Austin, TX. It will be hosted by Quanta Services who will be responsible for golf and the hospitality room.

SAFETY HEALTH AND ENVORINMENTAL INTEGRATION OF NEW FACILITIES AND BUSINESSES

Bob Krzywicki, Senior Operations Leader of DuPont Safety Resources spoke to the group about mergers and acquisitions and the safety impact thereof.

Bob is well aware of the large amount of activity in mergers and acquisitions. Tony O'Dea asked about the merger of cultures. Bob said he would take us through the numerous steps such as due diligence and the integration plan. The primary purpose is to successfully integrate the acquisition into our culture.

P.D. asked if the same type of approach includes joint ventures and Bob said yes.

Bob's agenda included:

- Safety Contact
- DuPont Today
- The SHE Integration Process
- Culture Change Model
- Day 1 and Beyond

Bob spoke about cell phone distractions while driving as the safety contact for the day.

DuPont today is a collection of 14 different businesses.

Top elements for successful integration:

- From day one... they put a strong DuPont leader at the helm of the acquired entity.
- Quickly understand via SHE due diligence
- Engage acquiring leadership
- Initiate tailored site and leadership training
- Prioritize key issues and needs
- Commit needed competent resources
- Establish coaching and mentoring relationships
- Recognize and reward milestones
- Fully integrate the company into the SHE process

Bob presented a SHE integration process map with timelines. Bob will provide the entire presentation if you gave him a business card and Tony will send the presentation with the others from the meeting as well.

Bob said that they usually see an increase in the incident rate of acquired companies due to adjustments to recordkeeping practices.

Due diligence is the diagnostics phase. This will feed the integration plan. We need to assess SHE values, management systems and operations excellence. From that we develop the integration plan that will take them to full compliance with our systems and culture within three years. Look at the implementation in phases.

Prior to day 1, we form an integration team that is multifunctional. They prepare a checklist that includes day 1 to day 365, etc. For each of the items, we assign "Responsible, Accountable, and Informed and Consulted" responsibilities. The communications plan is also very critical. This is run just like a project with scope of work and set tasks, schedule, cost, etc.

DuPont has a checklist that includes many SHE topics to aid in the integration. Keys are assessments of their SHE values and management systems.

DuPont has a culture measurement tool... a perception survey used in and outside of DuPont. The survey yields a "Relative Culture Strength" which is an accurate predictor of trailing indicators. It was created by DuPont, the former President of DuPont Canada.

SAFETY PERFORMANCE MANAGEMENT PROCESS

Mike Gentry, from Next Generation Safety talked to the group about the various challenges to establishing an effective safety culture. The safety challenge as he sees it is:

- Defining Employee Safety Performance
- Maintaining a Consistently High Level of Performance
- “Effective” Employee Participation
- Providing a Common Employee – Employer Antecedent
- Zero Incidents

Mike identified the process that they use to attain employee engagement. Carl Richardson reported that it has been very successful on a power plant in Illinois during shutdowns with 120 workers.

The power point presentation will be provided to all.... It will contain much more information than is in these minutes.

THE NEW OSHA ENVIRONMENT – STRATEGIES FOR SURVIVAL

Jim Lastowka again presented the OSHA and legal update to the group. His valuable input is much appreciated.

Jim asked for our perception of Dr. Michaels contact with us.

He commented that OSHA is determined to be tougher with us and there is evidence that they are fulfilling their intentions. The number of egregious cases with million dollar fines has increased. (But clearly, most deserved the unfavorable attention). Jim discussed the difference between “willful” and “knowingly” and he has concluded that knowingly requires a lesser burden of proof. Other provisions under PAWA include higher penalties and jail time.

Tony O’Dea stated that we should all consider taking an attorney to informal conferences to prevent us from saying something that could harm our companies later when the case goes to court. Jim agreed.

How do we prepare for OSHA?

- Educate your operations as to the new OSHA environment.
- Review and revisit all safety systems, safety staffing and our efforts.
- Renew emphasis on top-down commitment.
- Look at key risks and training programs.
- Can you answer questions about your process after a serious incident?
- Are you prepared to use your good reputation and VPP status as a defense?
- Consistently do things that enhance your safety reputation.

Managing Incidents and Inspections

- Review the inspection management plan
- Do key personnel really understand how to manage OSHA on the site?

- Put the right person in charge of managing them.
- Will be enough be done to impress OSHA?

Dealing with OSHA Citations

- What system is in place to address OSHA citations?
- Do project folks understand the impact of a citation?
- Does the citation have merit? Are facts correct and is the standard being properly interpreted?
- What are the goals for minimizing or eliminating citations?
- Can it be mitigated by promising safety improvements/changes?
- Should we attend the informal conference or contest the citation?
- How far do we litigate?
- What are the benefits of appealing? (Tie them in knots) The drawbacks?

WEBSITE

Tony mentioned that the attachments and minutes would be posted on the NCSE website. The website is on Google. If you log on to Google, try to get into the website and if you can't (of course if you can't you will not be able to read this guidance) then contact Tony. You must have a Google account. If your e-mail address is not listed you cannot get access.

SALARY AND INCIDENT RATE SURVEY

Participation in the surveys has been lax this year. Everyone who has not provided the information should do so and if you have a reason that the information is not provided, let us know. Andy said that maybe more time should be spent discussing the information at the spring meeting. Especially if you really have a desire to know which companies have certain rates or are paying specific salaries. Results may be put on the NCSE website.

TOPICS FOR THE NEXT MEETING WERE SUGGESTED.

Kevin can present on the color coding of safety features for on BIMS.
 Perhaps we can tour the airport project in San Diego that involves Turner, PCL and Flatiron.
 What is working in our organization.
 OSHA update.
 Jim Lastowka and ORC are always invited.
 CalOSHA presentation and their VPP process
 Solar project summaries
 Deloitte has a tool that uses a home address to assess risk and the likelihood of filing a claim

Andy closed the meeting at 3:15 PM.

We will see you in San Diego for the fall 2010 NCSE meeting on September 29th and 30th.

You have until September 7th to secure your reservations directly with the San Diego Marriott Courtyard Downtown. Don't wait until then, as the room block may fill up. Call the hotel directly at 800-321-2211

and give them the name of the group, PCL Construction - NCSE and the date you will arrive. Let's shoot for full attendance.

Andy Peters, Chairperson
Tony O'Dea, Vice Chair
Rich Baldwin, Secretary