

**NCSE MEETING MINUTES  
MARRIOTT COURTYARD  
SAN DIEGO, CA  
SEPTEMBER 29-30, 2010**

The chairman, Andy Peters, convened the fall 2010 meeting of the National Construction Safety Executives at 8:00 AM on September 29th, 2010. Andy initiated the meeting with a welcome to Joe Barton, an emeritus member as well as others such as the newest emeritus member, Brian Murphy. After all the members introduced themselves, Andy reviewed the agenda and the evacuation instructions.

Andy presented a safety moment entitled “Off the Job Safety.” Andy pointed out that workers are 11 times safer at work than they are at home. Parsons is adding friends and families to an off the job safety effort. Andy pointed out that their workers’ compensation costs are but a miniscule fraction of employee insurance costs. To date there have been 38 workplace recordable injuries and over 8,000 medical claims from off the job insurance claims for Parsons employees and their families. Andy continued by identifying the traumatic injuries that occur off the job.

Andy asked us all to review the charter, especially the “Objective” that is explicit about facilitating member discussion, rather than strictly regimented agendas.

Members attending were:

Peters, Andy, Chairperson	Parsons	andy.peters@parsons.com
O’Dea, Tony, Vice Chair	Gilbane Building Company	todea@gilbaneco.com
Tim Palmer, Treasurer	TIC Holdings	tdpalmer@ticus.com
Robert Saiz, Mtg. Coordinator	PCL Construction	rbsaiz@pcl.com
Gary Amsinger , Mbr at Large	McCarthy	gamsinger@mccarthy.com
Baldwin, Rich, Secretary	PCL Construction	rsbaldwin@pcl.com
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Barton, Joe	Honorary	joebarton@aol.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
DePrater, Cindy	Turner	cdeprater@tcco.com
Frey, PD	Austin Industries	pfrey@austin-ind.com
Giles, Brad	Washington Division, URS	brad.giles@wgint.com
Grundke, Eric	Kiewit	
Handley, Chris	Performance Contractors	chris.handley@pcg.com
Hornauer, Bob	NCCCO	bhornauer@nccco.org
Hurley, Don	Zachry	don.hurley@zachrycorp.com
Jackson, Bill	Granite	William.jackson@gcinc.com
Kliwinski, David	Jacobs	david.kliwinski@jacobs.com
Maguire, Michael	Herzog Contracting	mmaguire@herzogcompanies.com
Murphy, Brian	Sundt	bhmurphy@sundt.com

Peck, Chris	CH2MHill	chris.peck@ch2mhill.com
Richardson, Carl	Zachry	<a href="mailto:richardsonc@zhi.com">richardsonc@zhi.com</a>
Sirofchuck, Tim	Clark Group	tim.sirofchuck@clarkconstruction.com
Softich, Tony	SNC-Lavalin	tony.softich@snclavalin.com
Van Brenk, Hendrick	Skanska	hendrik.vanbrenk@skanska.com
Dave Webber	Fluor	
Yancey, Wilson	Quanta Services	wyancey@quantaservices.com

The following discussion items were presented:

**CHARLIE DARNELL ROUNDTABLE – WHAT’S WORKING?**

Andy established that this session would be on the agenda at all future meetings.

Crane and Derrick Standard

Tony O’Dea discussed their actions to comply with the new Crane and Derrick Standard and others in the group identified their initiatives. Considerable discussion ensued about local jurisdictional requirements. Bob Hornauer and Brian Murphy provided “inside information” and interpretations of the new standard.

David Kliwinski stated that they use Crosby rigging trainers to ensure their rigging supervisors are trained. P.D. stated that sometimes it is difficult to verify the training of subcontractors. Brian said that suppliers are not covered under the requirement for rigging training.

Kevin said that they will require the subs or delivery vendors to provide training documentation for qualified competent persons.

Tony asked members of the group to share their best practices regarding compliance with the Standard.

VPP

Several members expressed that emphasis on the VPP had indeed been diminished in the new administration. Approvals are slow and participation by Washington is reduced... applications for VPP are languishing.

New Sheriff in Town?

The group agreed that there seems to be minimal effect of the “New Sherriff” other than the publicized cases that OSHA is using as examples of their strong enforcement efforts. It was also expressed that some companies are doing more OSHA recordkeeping audits than before to guard against citations. In some instances, OSHA has been more relaxed than expected.

Contractor Pre-qualifications.

Tony stated that pre-qualifications requested by clients are becoming more intrusive. Business development departments are also asking for more safety involvement in their efforts. Conversely, we are asking for more information from our prospective subcontractors and many are also required to join the dreaded ISNetWorlds to provide data to us and to our clients.

### Construction Leadership and Training.

Andy asked what we are doing to orient and train our leadership. He is using case studies to train executives. They work through the development and mobilization of a model project. Tony has a system in Gilbane to identify those senior leaders that fulfill their responsibilities for training. Granite has a responsibility matrix... five core responsibilities that cannot be changed. They post the status of participations and responsibilities in the wash rooms and the status is covered in executive meetings. Granite also has a program of visits by their board of directors where they interface with new workers and ask a series of questions. PCL uses their Safety Management System to track and assess managers' performance. It is especially valuable when bonuses are being considered. Brad uses a learning lab on projects to train employees but has found that managers and executives have benefited from "touching" the displays and other features of the lab.

### Dual Language Capability

Don Hurley is using dual language trainers and a mobile training facility. He has vendors that donate tools and equipment. Carl said that one of their safety managers attended the Hispanic conference sponsored by OSHA and it was mostly a venue for complaints against management. Carl said that mass safety meetings are a challenge when a bi-lingual presentation is to be made. Tim Palmer said he is aware of a translation device that will instantly translate English for a crew member who is wearing a headset. And Bill Jackson said that one must not forget the literacy issue on projects. Chris Peck said that in a morning meeting on an Exxon-Mobil project, interaction was necessary to ensure understanding of the work to be done.

## **WASHINGTON/OSHA UPDATE**

Jim Lastowka from McDermott, Will and Emory discussed the "New Sheriff's Enforcement and Regulatory Priorities.

Jim stated that OSHA is dominated by organized labor. (He flew from the east coast to tell us that.) OSHA is trying to make up for 40 years of not getting much done to protect workers, in their eyes. Jim's unsolicited feedback from very responsible companies is that OSHA is now doing very irresponsible things and disrespecting good companies' efforts to protect workers. The alliances and partnerships have no value because they believe they do not need to leverage the good work that some companies exhibit.

Jim discussed the Crane and Derrick Standard again and he stated that there could be some lawsuits to change the Standard. Wilson believed it was a group from his electrical power construction industry.

Jim reminded the group to examine the all our various records and especially the content of training to anticipate an OSHA investigation into the effectiveness of worker training.

Considerable discussion ensued about the Goodman Manufacturing recordkeeping citations where OSHA fined the company \$1.2 million for 82 alleged violations. Jim said that some of the violations resulted from differences of opinion about the job relationships and the decision to not record some cases that were reported late or were reported among temporary workers who were intermittently at the work location.

Other subjects were:

- A focus on the culture of companies.

- Alleged engagement in intentional unsafe actions.
- A “Catch Me If You Can” mentality among employers is perceived by Michaels.
- Increasingly, OSHA Area Directors are passing the buck to Region or DC on reduced severity or penalties.
- Higher penalties are being proposed and the time period considered for “history of violations” will be increased from 3 to 5 years.
- The Severe Violator Enforcement Program was briefly discussed.
- State Plan reviews. There have been highly critical reviews of California and Nevada State Plans.
- OSHA Reform Legislation. Chances of passing are dim.
- Whistleblowers.
- Rulemaking activity.

### CDAC REVIEW

Bob Hornauer of NCCCO presented information about OSHA’s new Crane and Derrick Standard and the best approach to compliance.

OSHA defines the scope in 1926.1400 and describes in the functional description that “power operated equipment used in construction is defined as equipment that can hoist, lower and horizontally move a load. There is some confusion about the equipment that is excluded and when that exclusion applies. Bob thought that an interpretation or compliance directive would straighten that out.

Forklifts are included in the list and when the forks are used to lift with manufacturer’s equipment (attachments) it is included in the Crane and Derrick Standard. If a synthetic strap is used to lift from the forks, it may not be included, but we are not sure yet. Some manufacturers are not recommending the use of forklifts for lifting from devices. A front-end loader or excavator with a hook is specifically excluded.

Bob explained that a “crane” is not well-defined in the Standard. Further, it is obvious in the Standard that the controlling entity is responsible for ground conditions requirements. There is a dedicated section on assembly/disassembly that allows a firm to use the manufacturers’ procedures or follow guidance of a qualified person. Brian said that it was recognized that the manufacturer outlined their procedures for ideal conditions which may not always be present on jobsites.

Power line safety has changed significantly. There are three options. First, de-energize and ground, Two, use a 20 foot clearance and Three, use the clearances in Table A.

Signal persons must be evaluated by either a 3<sup>rd</sup> party qualified evaluator or an employer’s qualified evaluator. Signal persons must meet the requirements through an oral or written test and a practical test. Documentation is, of course, critical.

Riggers are qualified rather than certified. The requirements are not as stringent as for signal persons.

Bob said that there are three letters of interpretation as to what is construction. He can forward them to us upon request.

Tony asked who the other certifying organizations are and the members responded that NCCER and NCB are recognized as certifying organizations. Bob really knew but he didn’t want to tell us about the other two.

## **PROSPECTIVE NEW MEMBER INTRODUCTIONS**

Paul Levin of Sundt is nominated to replace Brian Murphy as a regular member. Paul introduced himself to the group via a power point presentation and explained his background, experience and the organization of his company.

Dan Helman of Babcock and Wilcox is nominated as a regular member. Dan described his experience and the organization of his company and used a power point presentation to show the mission of Babcock and Wilcox.

## **RIGGER I AND II RIGGER CERTIFICATION**

Bob Hornauer introduced the on-line NCCCO Level I Rigging Course to the group. It has a hands-on component in addition to the presentation. The course must be attended by the examiner who will certify the student after the hands-on portion.

Bob handed out a signal person candidate handbook.

The NCCCO Level II Rigging Course was explained by Bob to the group. The course cannot be taken until the Rigging Level I course is complete. It was obvious that experience as a rigger was necessary to attain this certification. Bob reviewed the contents of the written test; most of the material comes from ASME and ANSI Standards.

## **SCAFFOLDING LEGAL AND REGULATORY ISSUES**

Stephen Smith, President of the Scaffold Industry Association discussed changes in the industry. He emphasized that “access” is now the byword, not just scaffolding. They are the “scaffolding and access industry.” Stephen said that they are “committed to put forth initiatives that increase awareness of best practices, clarify responsibilities and address the safe use of equipment. “

Tony asked about the organization of SIA and the relationship with A10. Stephen stated that they are trying to prevent multiple standards. They will work with other associations.

Stephen showed slides of access situations and asked if they were scaffolds. Scaffolds are a temporary elevated platform and its supporting structure or both. Suspended scaffolds are also included.

An OSHA fatality study showed that 19% of all construction fatal injuries are from scaffold use. Within the scaffold category, 70% are from falls. Two point suspension scaffolds account for 31% of the fatalities and tubular welded frame scaffolds are involved in 23% of fatalities with mobile scaffolds at 18%. Lack of fall protection on scaffolds (where required by conditions) contributes to 28% of fatal injuries. Collapse and failure result in 23% and no guardrails result in 12% of the fatalities.

Scaffold erectors have a relative few fatal injuries while laborers and painters have the most.

Tim and Tony indicated that it would be beneficial for SIA to gather incident information as is done in the UK.

Cindy reviewed a study on ladders that was completed in Turner. By gathering the data, they were able to persuade management to use other devices to attain work heights. Their program was called “Ladders Last” as in the last resort to attain the height.

Stephen said that the five most serious hazards of scaffolds are falls, unsafe access, struck by falling objects, electrocutions and scaffold collapses.

Stephen said that they always cover the General Duty Clause in their training programs. He then discussed the scaffold competent person responsibilities and training. A qualified person was also discussed.

Stephen explained some of the conflicts in the regulations. One was the plank spacing that in California is a maximum of one inch, but California also states that it can be greater to fit around some posts, yet compliance officers often cite the wider opening around posts. Stephen also identified several allowable guardrail heights depending on the jurisdictional authority. Supported scaffold guardrail heights are 38 to 45 inches whereas suspended scaffolds have a height allowance of 36 to 45 inches. There are also inconsistencies where metric measurements are used.

### **AERIAL WORK PLATFORM TRAINING STANDARDS: WHAT YOU NEED TO KNOW**

Jeff Stachowiak from Sunbelt Rentals reviewed the background of his company and his involvement with the scaffolding industry. Jeff stated that there is no standard for aerial lift training and as a result, their group took it upon themselves to define the necessary training. He also stated that 80% of aerial lifts are owned by rental companies and that the largest companies have good equipment. Mom and pop outfits may have older equipment that has been sold to them by the larger firms.

Jeff talked about current issues with aerial lifts, two recent incidents and the fact that the insurance industry states that aerial lift incidents account for 8% of injury costs. Operator errors are a significant cause of incidents.

Jeff referred to the Best Practices of General Training document that he passed out to us. ANSI requires that the manufacturer’s manual and the ANSI instructions for use be on each lift. Tony stated that most manuals are never opened.

Sunbelt recommends general training in aerial lifts and then familiarization training on the individual lift that the worker will be operating. Training is mostly in the classroom, even on projects where they are called in to do training.

Jeff stated that many contractors require verification of training of operators, but not all. When the Sunbelt driver delivers an aerial lift he always points out the location of the manual and reviews the control functions.

There are many benefits to providing the training, one of which is less down-time because the operators understand the controls and operation and tend to not mistakenly report defective equipment as frequently as operators who have not been trained in manual content.

## **PREVENTING A CATAPULTING EVENT IN A BOOM LIFT AND USE OF HARNES/LANYARD**

The one reason that you wear a harness and lanyard in a boom lift is to keep you from being catapulted. A boom lift basket is stated not to be an anchorage because it does not meet the definition of a 5,000 pound anchorage point.

Jeff emphasized that the wear of a harness and lanyard does not permit a person to stand on the midrail or to stand on other objects. The harness and lanyard is the last line of defense.

**The meeting was ended for the day at 4:35 PM by the chairperson, Andy Peters.**

## **WEDNESDAY, SEPTEMBER 30<sup>TH</sup>, 2010**

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

### **SAFETY MOMENTS**

Dave Bray presented a safety moment that he had gleaned from ExxonMobil. Dave discussed a revised Heinrich Triangle that has been promoted by ORC and BST. The plan is to gather as many “total hurt” data points as possible and sort it to identify potential fatalities. Dave thinks that our clients will force this technique on contractors even though it is unproven and may not be valid for construction operations. Dave thinks that construction should have a voice in the program that ORC and BST are promoting to our clients as we will be forced to participate. Andy will coordinate with ORC to schedule a talk at our next meeting.

Dave Kliwinski presented a safety moment concerning fatigue management. Key to the discussion was departing work after long shift work and having a fatal crash.

## **OSHA UPDATE, KEN ATHA, SAN FRANCISCO, REGION IX ADMINISTRATOR**

Ken discussed the several catastrophic accidents that resulted in significant loss of life. He expressed that there is significant impact in all the fatal accidents. BLS data for 2009 was released and there were 4,340 fatalities in the U.S. Ken said that this was a reduction from previous years, but considering the economy and the less populated workforce, we should not feel good about the statistic.

Ken believes that workers need to have a voice to express concerns and improvements in safety that are needed. Ken discussed the individuals in positions of responsibility in the Washington DC headquarters.

Secretary Solis has a campaign to ensure “Good Jobs for Everyone.” She has a plan to implement the campaign that has just been finalized. (Two years to go!)

Securing safe and healthy workplaces and ensuring a voice on safety and health are two of OSHA’s goals. They will measure those outcome goals in many ways. Deterrence will be the primary focus and that means “enforcement.” An emphasis item will be establishing safety and health programs in smaller firms. The members agreed that this is essential to everyone’s success in safety. Ken said that the strength of state plans needs improvement. OSHA is trying to be more transparent and open to everyone.

In FY 2011, OSHA has proposed a \$14 million increase. The most important focus area is enforcement. Also on the focus list is state plan oversight, a regulatory agenda and cooperative programs. OSHA will increase their presence in the workplace. The most egregious and persistent violators will be targeted. OSHA intends to protect vulnerable and hard-to-reach worker populations and those in high-hazard occupations. And finally, they will review and restructure penalties.

OSHA is giving attention to “Green Jobs” to ensure that they are safe. An example is the wind generation industry that is not using adequate fall protection in some situations and OSHA is involved with the needed improvements.

There are national emphasis programs in:

- Chemical Plants/PSM
- Amputations
- Trenching
- Crystalline Silica
- Lead
- Combustible Dust
- Federal Agencies
- Air Traffic Control Towers
- Flavorings
- Recordkeeping

OSHA will compare state plan states’ injury and illness incident prevention programs and determine if there should be a standard for worksite programs, and if so, what will it be. Generally, the companies in state plan states that are required to have programs are positive about their existing standards.

The restructuring of penalties will impact small businesses. There is a cap of \$70,000 for repeat citations but if new rules are instituted, there will be no cap. Adjustments will be made for positive or negative histories, size of the company, good faith and gravity-based penalties.

Ken said that recently the solicitors stated that they want more settlements to be made within the region. P.D. asked if area directors were given the latitude to reduce penalties. Ken said that reclassification or deletion of a citation can only be based on realization that the facts are different than when the citation was proposed. Penalties can be adjusted downward by 30% at the discretion of the area directors. The minimum fine for a serious violation is now \$500 vs. \$100. Ken stated that he anticipates about a 300% increase in the penalty value. Serious violations will probably go up from an average of \$1,100 to \$3,300 which may deter non-compliance, but that won’t make any difference in the companies that are our size.

OSHA’s regulatory agenda includes pre-rules:

- Infectious diseases
- Methylene chloride
- Bloodborne pathogens
- Occupational exposure to beryllium
- Occupational exposure to diacetyl and food flavorings containing diacetyl
- Occupational injury and illness recording and reporting
- Injury and illness prevention programs

Proposed rules include:

- Standards improvement
- Walking and working surfaces
- Occupational injury and illness reporting
- Confined spaces in construction
- Cooperative agreements
- Occupational exposure to crystalline silica
- Hazard communication and the global harmonized system

Final rules include:

- Crane and derricks
- General working conditions for shipyard employment
- Electrical power transmission and distribution
- Occupational injury and illness recording and reporting – MSD column
- Nationally recognized testing labs fee schedules

OSHA is striving to improve the length of time it takes to promulgate a standard, yet there is a systematic path that is required and Ken stated that the best rules are collaborative with industry. Ultimately, a rule can make it through the process and be struck down, such as happened to ergonomics.

Ken said that funding the VPP program is a problem. There are well over 2,300 VPP sites that require considerable funding for re-certifications. As the number of VPP sites increases, alternate funding is needed. Hendrik said it is clear that there is a lot of new funding for OSHA yet all has gone to enforcement and none to VPP. The perception is that Michaels does not support VPP. Ken could provide no argument. This year there will be 200 new VPP sites. Ken thinks all the regional administrators support VPP. Ken thinks that Michaels now knows the value of VPP where previously he was not a proponent. Brad said that it is hard to keep our VPP jobsites motivated because of the delays in OSHA approval visits. Tony stated that the Army Corps of Engineers has about 60 billion in projects outlined and their intention is to make each a VPP site, but without the funding for approval visits, the projects will probably never be awarded VPP status.

Ken stated that we should continue to vocally support VPP to be successful in continuing the funding, however, OSHA has to embrace the enforcement initiative so VPP funding will probably not improve. Alliances will continue and are active.

Ken admitted that they need to concentrate during enforcement visits on the most serious potential accident causes. During a review of statistics, it was mentioned that there will be 148 significant cases reported this year. Citations will increase to 88,000 this year. Ken said that they can't be wasting their time with other-than-serious cases.

## **BUSINESS MEETING**

### **Membership**

Chris Peck will be changed from Emeritus status to an Honorary member. Brian Murphy is now designated as an Emeritus member. There was no discussion from the membership.

Paul Levin and Dan Helman from Babcock and Wilcox were approved as regular members. Brad Giles will invite ABB's Corporate Safety Director, Darryl Hill to the next meeting.

Andy mentioned that Bovis has not participated in quite some time and membership is now tenuous. Hendrick said that they are in some state of flux and Andy stated that he will check with Bovis to get an update.

Hendrick stated that Jim Dixon with Jacobs is their safety director. Brian Murphy stated that Dave Kliwinski should be a member and should have a full seat at the table in the absence of the primary Jacobs member according to Brad since Dave is the alternate. Everyone concurred that David provides valuable inputs in is a highly respected safety professional.

P.D. asked what the procedure was for bringing guests. Tony and Andy stated that anyone who invites a guest should first get clearance from them.

The guest fees of \$400 should be placed in the Charter.

### **Treasurer's Report**

The last meeting in Washington DC cost over \$14,000. Currently, the balance in our account is \$17,000 and the NCSE expenses for this meeting will be approximately \$10,000.

Hendrick asked that invoices for dues need to be presented to members so check requests can be prepared for reimbursement.

### **Member-at-Large**

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

### **Next Meetings**

Our next meeting will be at the Palomar Hotel in Washington DC on April 6-7, 2011. The fall 2011 meeting will be held at the Driskill Hotel in Austin, TX on September 21 and 22, 2011.

It was determined by voting that Charleston, SC will be the site of the spring, 2012 meeting. Fluor will be the host and be responsible for the hospitality suite and golf. As a reminder, hospitality expenses are reimbursed to the host. We will determine the date of the meeting in the next few weeks and report to the members for their planning.

Brian Murphy, Chris Peck, Bill Jackson, Brad Giles and Rich Baldwin received recognition for their service to NCSE.

### **SKANSKA AND ISO 14001/OHSAS 18001**

Hendrick explained their journey to their ISO and OHSAS certifications. Starting in 2003 during the journey, they noticed some improvement in their performance, but in 2008 it was widely noticed that they had stagnated and improvement was flat. Hendrick said that they discovered many inconsistencies across the projects.

Hendrick displayed the JMJ model that shows personal, behavioral, cultural and system factors that influence safety and behavior. There are elements that you can touch and others that you cannot.

Hendrick continued by explaining that they needed a way to delve into the health of their safety process. They de-emphasized lagging indicators and concentrated on standardization of safety elements on their projects between districts. As a result, Skanska targeted OHSAS which has alignment with ISO 14001, other Skanska business units and partners inside and outside of the construction industry.

The critical components of success were CEO commitment and engagement. Hendrick commented that the process can't succeed without the upper level support. Additionally, they had resources committed to ensure technical competency, connect to existing processes and procedures and to communicate both strategy and tactics. Also of value was selection of a competent third party consultant.

The lessons learned were that they need to communicate early and always over-communicate the effort. Also it is important to involve internal and external auditors in building the system. They also learned to avoid re-inventing... to capitalize on current processes. Think of the process as a continuation of your initiative... it is not a new thing. The more that they see it as a safety initiative, it goes awry... keep it as an operational initiative.

The value that is apparent is that it changes the culture from results to performance based and creates a huge array of leading metrics. There is also a better opportunity for benchmarking because there is a common platform. Another strong advantage is the singular system that simplifies transitions to the projects for workers, managers and subcontractors. This creates a seamless process.

### **NEW EMPLOYEE SCREENING TOOL**

Dave Duden of Deloitte and Todd Hohn from PureSafety presented their talk entitled "*Cost Reduction through Improved Safety and Injury Management.*"

The analysis of millions of data points can be used to determine the propensity of a potential employee to sustain an injury and for an injured employee to take lengthy recovery time after an injury.

Publicly available data includes claim information, demographic data, claimant information, behavioral characteristics and injury information. The data comes from credit agencies, police departments and other sources. Clients using "Advanced Analytics" save up to 14% on their losses.

This has not been proven in the construction industry.

The employer has the workforce data including salary history, education, OJT, tenure, performance assessments, absence history and etc. From the employee's address, much information is available. Neighborhood demographics provide much information. How quick the bills are paid, lifestyle data, spending and financial data combine to create a picture of the anticipated behavior.

The analysis is called predictive modeling. A score is assigned to indicate the propensity to have an accident.

If a potential worker has a shaky score, perhaps we would hire him but give him special handling with additional observations and more frequent coaching under a more attentive foreman. There is a correlation between the score and fraud potential. Another aspect is focusing the adjusters on a case that has higher likelihood for fraud.

The system can be used for hiring because on the application we have an address. Several members questioned the sustainability of the system because of legal issues and union concerns. Todd stressed that you need to go into this process with the idea that openness with the workforce and unions is essential. He also said it does not work for small companies because it does not work with such a small sample.

Kevin added that the greater the population that is included in the data the higher the likelihood that the data is accurate. There were many questions about the application of this process.

### **SAFETY AND A LIFE CYCLE APPROACH TO A CAPITAL PROJECT**

Ed Aschoff, a consultant, discussed the Los Angeles Community College District (LACCD) capital project which was developed to upgrade the facilities to a higher standard similar to a university rather than a high school. The projects were design-bid-build.

Thirty percent of the workforce is mandated to be from the local area. The low bidder wins the work. The maximum EMR is 1.24 but a contractor can be hired if they exceed that value if certain actions are taken. Andy questioned why any responsible developer would hire a company with an EMR above the average. Ed responded that it was intended to include as many local area contractors as feasible.

The projects are being run under an OCIP. Ed stated that the enforcement of safety on the project is aggressive. Safety is considered during the subcontractor hiring process. The average EMR for contractors stands at 0.79. Safety accounts for 10% of the decision on selecting a contractor.

EMR accounts for 4 points, TRIR for 2 points, fatalities 2 points and OSHA citations 2 points. Hendrick commented that the selection criteria was a backward look, not based on most companies' current selection criteria. At this point, it became apparent from other commenters that the qualification criteria are "watered down" and somewhat archaic. Ed responded that cost considerations made it mandatory that criteria be somewhat "loose".

Safety professionals must have suitable qualifications. Subcontractors must have a safety person when more than 50 people are on the project.

Ed explained that the safety staff is trained in BIM tools. P.D. asked how long it takes for a safety pro to learn the minimum necessary to navigate BIM and Ed stated that not that many safety pros were qualified so far so he couldn't give us an answer.

### **THE CENTER FOR CONSTRUCTION RESEARCH AND TRAINING**

Pete Stafford, Executive Director of the Center discussed current research undertaken by their organization. The Center has been doing research for NIOSH for several years. From 2005 to date they have been involved in 21 multi-year projects and 20 small studies. Until 2014, there are an additional 17 multi-year projects. Pete said that NIOSH is spending 6 cents per work hour on construction research.

Pete reviewed several of their research projects. Pete stressed that although their organization is allied with organized labor, their research is funded by the U.S. Government so it is available to any entity.

The site [www.elcosh.com](http://www.elcosh.com) has considerable hazard information. Another site that has additional guidance is [www.cpwrconstructionsolutions.com](http://www.cpwrconstructionsolutions.com).

## LEADING INDICATORS DISCUSSION

Andy led the discussion through reference to slides that outlined the ORC incident prevention model and the factors that prevent incidents (root causes). Andy stated that once they set a target for near misses (one per 20,000 man hours) the reports started flooding in. Although a target for near misses might be objectionable in some groups, it seems to have been successful in Parsons.

On a project in the Middle East, Parsons drove the minor incident rate down by targeting leading indicators such as housekeeping, confined space/excavations, lockout, etc.

In Parsons, leading metrics and lagging metrics are reported to the board. It is their SH&E Core Value Metric. It is best to refer to the presentation on the website to appreciate the details of this system. Andy and Kevin use an upper control limit to indicate performance rather than “targets”. This trains management to stop reacting to minor variations in the rates. As there is less and less deviation, the upper and lower control limits move closer together.

There was considerable discussion about the designation of leading indicators and relationship of those selected to the lagging indicator results.

Andy mentioned that the CII is beginning leading indicator research.

Andy mentioned that it might benefit the membership if each company would, over time, provide the same information to the NCSE group that is provided to the company boards.

**Andy dismissed the meeting at 4:20 PM.**

We will see you in Washington DC for the spring 2011 NCSE meeting on April 6-7.

You have until March 7<sup>th</sup> to secure your reservations directly with Palomar Hotel. Don't wait until then, as the room block may fill up. Call the hotel directly at 800-992-2694 to make your reservations and make sure you get the reduced rate of \$249 per night. The website is <http://www.hotelpalomar-dc.com/>. Let's shoot for full attendance.

Remember to refer to the NCSE website for copies of the numerous presentations from the recent meeting.

Respectfully,

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