

# Executive Safety Update

The Monthly News Bulletin of the Construction Safety Center

Vol. 18, Issue 2 – August 2010

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## Turner School of Construction Management Holds Graduation

Every now and then something comes along that makes this old construction guy happy to be a part of an industry that continually strives to improve. In this case, it was an invitation to attend the 22<sup>nd</sup> Annual Graduation of the Turner School of Construction Management in Chicago. It turns out that Turner Construction has been conducting this compressed construction management course nationally since 1969. And it just happens that one of my staff was one of 47 students to graduate in a ceremony held recently in Chicago. As I did a bit of digging, it turns out that over 15,000 construction folks have graduated from this program nationally.

This 7-week training course targets minority and women owned business owners and executives, as well as, “individuals and students in the disciplines practiced in the construction industry.” Turner further indicates that individuals graduating from the program have “gained insight and meaningful tools that will assist them in targeting their businesses for quality and growth to develop new, strategic business relationships.” Since Callie Caballero, the Construction Safety Council’s Operations Manager had enrolled in the program, we were able to get Turner’s take on safety. We are pleased to report that the students received a great deal of health and safety information from Mike Blackburn, a Turner Exec responsible for that critical element in Turner’s construction program. They also discussed some of the best practices utilized by Turner to ensure their projects go above and beyond the minimum safety standards required by OSHA.

In addition to safety, the curriculum included modules that covered these topics and more:

- Contract risk management
- Insurance and bonding
- Accounting basics
- Blueprint reading
- Management issues
- Estimating, bidding and procuring
- Scheduling
- Field Operations
- Marketing and sales

According to Callie Caballero, “This course provided an excellent opportunity to learn about the entire construction process from the ‘big picture perspective’ and it was really gratifying to see how important safety is in the whole construction process to one of our big contractor members. Getting to network with other students and work as a team on class projects was interesting – and fun! The class seemed to go by too quickly.”

If you would like more information about this program, contact:

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### Executive Safety Update

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## **US Department of Labor's OSHA publishes final rule on cranes and derricks in construction**

The U.S. Department of Labor's Occupational Safety and Health Administration today announced that it is issuing a new rule addressing the use of cranes and derricks in construction, which will replace a decades-old standard. Approximately 267,000 construction, crane rental and crane certification establishments employing about 4.8 million workers will be affected by the rule published today.

"The significant number of fatalities associated with the use of cranes in construction led the Labor Department to undertake this rulemaking," said Secretary of Labor Hilda L. Solis. "After years of extensive research, consultation and negotiation with industry experts, this long overdue rule will address the leading causes of fatalities related to cranes and derricks, including electrocution, boom collapse and overturning."

The previous rule, which dated back to 1971, was based on 40-year-old standards. Stakeholders from the construction industry recognized the need to update the safety requirements, methods and practices for cranes and derricks, and to incorporate technological advances in order to provide improved protection for those who work on and around cranes and derricks.

"The rule addresses critically important provisions for crane operator certification, and crane inspection, set-up and disassembly," said Assistant Secretary of Labor for OSHA Dr. David Michaels. "Compliance with the rule will prevent needless worker injuries and death, and provide protection for the public and property owners."

The new rule is designed to prevent the leading causes of fatalities, including electrocution, crushed-by/struck-by hazards during assembly/disassembly, collapse and overturn. It also sets requirements for ground conditions and crane operator assessment. In addition, the rule addresses tower crane hazards, addresses the use of synthetic slings for assembly/disassembly work, and clarifies the scope of the regulation by providing both a functional description and a list of examples for the equipment that is covered.

In 2003, the secretary of labor appointed 23 experienced Cranes and Derricks Advisory Committee members representing manufacturers and trade associations, who met 11 times until a consensus on the regulatory text was reached in July 2004. The proposed rule was published Oct. 9, 2008, and the public was invited to submit comments until Jan. 22, 2009. Public hearings were held in March 2009, and the public comment period on those proceedings closed in June 2009. OSHA staff incorporated input from the public comments and testimony to develop the final regulatory text.

The complete rule is available at [http://www.osha.gov/FedReg\\_oshapdf/FED20100809.pdf](http://www.osha.gov/FedReg_oshapdf/FED20100809.pdf). The regulation text is available at <http://www.osha.gov/cranes-derricks/index.html>. The new rule will take effect on Nov. 8, 2010.

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## Preventing Fatal Falls in Construction

Construction is a potentially high hazard industry for those who work in it, with falls at the top of the hazards list. In fact, falls are the most frequent cause of fatalities at construction sites and annually account for one of every three construction-related deaths. Although there are commonly available methods for preventing falls, the number of construction workers who fall to their deaths has increased in recent years. According to preliminary 2007 fatality data from the Bureau of Labor Statistics (BLS), there were at least 442 construction worker fatalities during 2007 as a result of falls from all causes.

Of this total falls from roofs are one specific concern at construction sites and the most frequent cause for fatal falls in construction in 2007. In fact, BLS reports that from 2003 to 2007, construction worker falls from roofs resulted in 686 fatalities.

OSHA has a list of resources to help those who work in the construction industry identify actions they should take to prevent construction-related falls.

The information listed below provides a variety of links related to construction falls and a variety of means to prevent them. QuickCards followed by an asterisk (\*) denote those QuickCards containing information specific to the prevention of falls relating to roofs.



- Aerial Lifts Safety Tips  
[\[PDF\]](#) [\[Español\]](#)
- Fall Protection Tips\*  
[\[PDF\]](#) [\[Español\]](#)
- Portable Ladder Safety Tips  
[\[PDF\]](#)
- Supported Scaffold Inspection Tips  
[\[PDF\]](#) [\[Español\]](#)
- Supported Scaffold Safety Tips  
[\[PDF\]](#) [\[Español\]](#)



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## Additional Resources:

- [Safety and Health Regulations for Construction](#)  
This site provides the details of the OSHA fall protection standard.
- [Interim Fall Protection Compliance Guidelines for Residential Construction](#).  
A plain language re-write of OSHA's interim enforcement policy on fall protection for certain residential construction activities.
- [OSHA Construction eTool](#). An eTool is a "stand-alone," interactive, Web-based training tool on an occupational safety and health topic.
- [Injuries, Illnesses, and Fatalities Data](#). A detailed look at fatal occupational injuries, including falls in construction.
- [Alliance Program Construction Roundtable](#). Formed by OSHA, the Alliance Program Construction Roundtable provides participants with an opportunity to share construction-related information about Alliance-related activities and successes and network with others in the program.
- [Fall Protection in Construction](#). [[PDF](#)] A generic, nonexhaustive overview of the OSHA fall standard. This publication does not itself alter or determine compliance responsibilities, which are set forth in OSHA standards themselves, and the Occupational Safety and Health Act.
- [Preventing Construction Falls](#). This site provides useful information concerning preventing construction falls.
- [Laborers' Health and Safety Fund of North America](#). Information concerning falls and safety as they relate to construction and construction laborers.
- [Fall Protection for Construction A Survival Guide](#). [[PPT](#)] A report on construction falls that was produced by Georgia Tech.
- [Fall Protection Training for Today's Construction Workforce](#). Links to guidance for fall protection training that was developed by the Safety and Health Extension Service of West Virginia University.
- [Construction Safety](#). A National Institute for Occupational Safety and Health (NIOSH) site that contains a number of links to studies relating to construction safety and health, including ladder and scaffold fall safety.

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## OSHA Administrative Penalty Information Bulletin

OSHA is implementing several changes to its administrative penalty calculation system. Many of the agency's current penalty adjustment factors have been in place since the early 1970's, resulting in penalties which are often too low to have an adequate deterrent effect. Administrative penalty adjustments will therefore be made to several factors which impact the final penalty issued to employers. These factors include:

1. History Reduction
2. History Increase
3. Repeat Violations
4. Severe Violator Enforcement Program
5. Gravity-Based Penalty
6. Size Reduction
7. Good Faith
8. Minimum Penalties
9. Additional Administrative Modifications to the Penalty Calculation Policy

A brief description of each penalty adjustment factor and planned changes are provided below:

### 1. **History Reduction**

The time frame for considering an employer's history of violations will expand from three years to five. An employer who has been inspected by OSHA within the previous five years and has not been issued any serious, willful, repeat, or failure-to-abate citations will receive a 10 percent reduction for history.

### 2. **History Increase**

An employer that has been cited by OSHA for any high gravity serious, willful, repeat, or failure-to-abate violation within the previous five years will receive a 10 percent increase in their penalty, up to the statutory maximum. Employers who have not been inspected and those who have received citations for serious violations that were not high gravity will receive neither a reduction nor an increase for history.

### 3. **Repeat Violations**

The time period for considering the classification of repeated violations will be increased from three to five years.

### 4. **Severe Violator Enforcement Program**

Where circumstances warrant, at the discretion of the Area Director, high gravity serious violations related to standards and hazards identified in the SVEP will not normally be grouped or combined, and may be cited as separate violations, with individual proposed penalties.

### 5. **Gravity-Based Penalty (GBP)**

The gravity of a violation is the primary consideration in calculating penalties and is established by assessing the severity of the injury/illness which could result from a hazard and the probability that an injury or illness could occur. OSHA is adopting a gravity-based penalty structure for serious citations which will range from \$3,000 to \$7,000.

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## 6. **Size Reduction**

OSHA will be amending its penalty reduction structure based on the size of employers, allowing for a penalty reduction between 10 and 40 percent for those with less than 250 employees. No size reduction will be applied for employers with 251 or more employees.

## 7. **Good Faith**

The current good faith procedures in the Field Operations Manual will be retained. A penalty reduction is permitted in recognition of an employer's effort to implement an effective workplace safety and health program. Employers must have a safety and health program in place to get any good faith reduction. Good faith reductions are not allowed in the cases of high gravity serious, willful, repeat, or failure-to-abate violations.

The 15% Quick-Fix reduction, which is currently allowed as an abatement incentive program to encourage employers to immediately abate hazards identified during inspections, remains unchanged. However, the 10% reduction for employers with a strategic partnership agreement will be eliminated.

## 8. **Minimum Penalties**

The minimum proposed penalty for a serious violation will be increased to \$500. When the proposed penalty for a serious violation would amount to less than \$500, a \$500 penalty will be proposed for that violation. The proposed minimum penalty for a posting violation will increase to \$250 if the company was previously provided a poster by OSHA.

## 9. **Additional Administrative Modifications to the Penalty Calculation Policy**

Final penalties will be calculated serially, unlike the current practice where all penalty reductions are added and the total percentage of reductions is then multiplied by the gravity-based penalty to arrive at the proposed penalty. All penalty adjustment factors will be applied serially.

These changes will establish general agency policy and do not preclude the agency from assessing a different penalty, where appropriate under the Act, in light of all circumstances in a particular case.