VOLUME 8 ISSUE NO. 6 — NOVEMBER/DECEMBER 2023

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CONTRACTOR

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FROM OUR PRESIDENT

STEP is more than just another awards program

WHEN SOME OF OUR MEMBERS HEAR ABOUT STEP, OR THE SAFETY MANAGEMENT SYSTEM FROM ABC, THEY MAY THINK OF IT AS JUST ANOTHER AWARDS PROGRAM. While the program certainly provides some deserving recognition, it's more than simply an awards program.

STEP is a world-class safety benchmarking and improvement tool useful for assessing how a company is doing with safety management. The self-assessment tool helps participants identify real opportunities for scalable growth in their respective safety programs to lower their total recordable incident rates.

Established in 1989, the program was developed and written by contractors, for contractors of all sizes in an organized approach for continuous improvement in safety and loss prevention programs. This means it's very relevant for our industry, which is always in need of safety improvement.

STEP provides contractors and suppliers with a robust, no-cost framework for measuring safety data and benchmarking with peers in the industry. The program incorporates OSHA-required safety data with self-assessment requirements to give a full report on the entire nature of a company's safety program. It provides a 20-point key component guide for enhancing a company-wide safety program.

STEP is essentially a safety audit used to strengthen and expand best practices and build a stronger safety culture. Once areas for safety growth are identified, your team can have conversations for developing a plan of action to implement new safety best practices tailored to your company.

In addition to preventing injury and saving lives in the future, STEP is likely to save you money. ABC STEP participants are 130% safer than the industry average and experience a 23% reduction in TRIR rates. That could mean big savings for you in the bidding and negotiating of insurance rates. It also makes you eligible to explore the ABC of Wisconsin Sentry Insurance group dividend program for non-workers' compensation insurance lines, which has experienced steady growth in its first six years.

> “STEP IS A WORLD-CLASS SAFETY BENCHMARKING AND IMPROVEMENT TOOL USEFUL FOR ASSESSING HOW A COMPANY IS DOING WITH SAFETY MANAGEMENT.

When you participate in STEP, you may receive some recognition for your achievement; although you can opt out of that part if you choose. But instead of thinking about STEP as an awards program, think of it as an important tool from ABC that could help you prevent injury and save money. Those are two things that are more important than any kind of recognition.

EVENT REMINDERS

ABC Wisconsin
Associated Builders and Contractors

- **READING CONSTRUCTION DOCUMENTS**
  November 27, Live-online
- **NETWORKING SOCIAL**
  November 30, Green Bay
- **MSHA PART 46 REFRESHER**
  December 4, Appleton
- **30HR OSHA TRAINING**
  December 7 & 8, January 4 & 5, Madison
- **FOREMAN FUNDAMENTALS**
  December 1, Pewaukee
- **WORDS OF WISDOM WEB SERIES**
  December 7, Live Online
- **TRANSITION TO TRAINER**
  December 12, Madison
- **SOCIAL & HOLIDAY PARTY**
  December 13, Madison
- **QUALIFIED RIGGER & CRANE SIGNAL PERSON TRAINING**
  December 22, Milwaukee

THE LATES

By Tasha Heaton – Wisconsin Safety and Health Consultation Program

CRYSTALLINE SILICA IS A MINERAL NATURALLY FOUND IN OUR ENVIRONMENT MADE FROM SILICON AND OXYGEN. CONCRETE, MORTAR, STONE, AND SAND CONTAIN SILICA. ONCE THE CRYSTALLINE SILICA BECOMES RESPIRABLE, WE HAVE AN EXPOSURE PROBLEM.

LIST REGARDING SILICA

Let's start off with a few facts. In this industry, we all know that respirable crystalline silica is hazardous. Dr. Alice Hamilton, a pioneer in occupational safety and health, and Dr. Bernardino Ramazzini, who we consider as the founder of occupational medicine, both identified evidence of silica related illnesses among workers. On June 23, 2016, after almost 20 years of rule making, the Occupational Safety and Health Administration's (OSHA's) Respirable Crystalline Silica (RCS) standard for the Construction industry (1926.1153), became effective. OSHA started to enforce the majority of the standard a year later and implemented an updated National Emphasis Program (NEP) – Crystalline Silica (CPL 03-00-007) in October 2017. The entirety of the RCS standard became enforceable two years after its effective date.

In 2020, a new NEP for RCS (CPL 03-00-023) was introduced and is still effective today. Additionally, OSHA released a memorandum September 2023 establishing a new initiative to inspect workplaces where workers are expected to be exposed to high levels of RCS, such as in the Engineered Stone Fabrication and Installation industries.

Looking at readily available OSHA inspection information, the RCS standard was the 14th most frequently cited standard for the North American Industry Classification System (NAICS) code: 23 Construction issued within the Federal Fiscal Year of 2023. During the fiscal year, OSHA conducted 167 inspections at construction worksites of all sizes and issued 384 citations related to RCS hazards. This provides proof that while some in the industry have gotten the hang of complying with the "new" silica standard over the last seven years, others haven't – yet.

What is crystalline silica?

Crystalline silica is a mineral naturally found in our environment made from silicon and oxygen. Material such as concrete, mortar, stone, and sand contain silica. It's normally used to create bricks, artificial stone, ceramics, pottery, and glass. As long as the chunks of crystalline silica remain large, we don't have to worry much about exposure since the particles aren't going to get into our lungs. However, once the crystalline silica becomes respirable, then we have an exposure problem. When the silica becomes respirable, it can reach and be deposited in our alveoli, the gas-exchange region of the lungs. Respirable dust is generally accepted as being particles that are under 10 microns in diameter. Crystalline silica can become RCS through sawing, sanding, drilling, grinding, cutting, crushing, or otherwise manipulating crystalline silica containing material into fine dust.

What are the health effects of RCS exposure?

Exposure to RCS can lead to multiple diseases including the following:

• **Silicosis** – A formation of scar tissue within the lungs that makes it difficult for them to take in oxygen. There is no cure for silicosis and severe cases significantly reduce a person's quality of life and can be fatal. Silicosis typically develops over years or decades of exposure. At first, employees may experience no symptoms, but as the disease progresses, he/she may experience shortness of breath during physical exertion and so on from there, up to respiratory failure. While the majority of those who develop silicosis due so after chronic exposure, there have been infrequent occurrences of workers developing the illness after acute exposures to very high concentrations of RCS. People suffering from silicosis are also at an increased risk of developing lung infections, cancer, and chronic bronchitis.

• **Lung Cancer** – A disease where cells mutate, change, or otherwise become abnormal, grow uncontrollably into tumors, and interfere with the natural function of the lung. These cancer cells, although originating in the lung, can also metastasize (move, travel, spread) to other areas of the body. Statically, the American Society of Clinical Oncology (ASCO) estimates that the five-year relative survival rate for all types of lung cancers within the United States is 23% (https://www.cancer.net/cancer-types/lung-cancer-non-small-cell/statistics).

• **Chronic Obstructive Pulmonary Disease** (COPD) – A group of diseases that make breathing hard through airflow blockages or breathing-related problems, like emphysema or chronic bronchitis. Studies have suggested that RCS exposure can lead to COPD without first having silicosis (https://pubmed.ncbi.nlm.nih.gov/12660371/). Symptoms of COPD include frequent coughing or wheezing, excess phlegm, shortness of breath, and trouble taking deep breaths.

• Kidney Disease – A gradual loss of kidney function over time. Signs and symptoms of chronic kidney disease are regularly nonspecific.

As with many diseases, personal life or health factors can add or synergistically affect a person's individual outcomes.

WHAT ARE THE HEALTH EFFECTS OF RCS EXPOSURE?

SILICOSIS

A formation of scar tissue within the lungs that makes it difficult for them to take in oxygen.

LUNG CANCER

A disease where cells mutate, change, or otherwise become abnormal, grow uncontrollably into tumors, and interfere with the natural function of the lung.

CHRONIC OBSTRUCTIVE PULMONARY DISEASE (COPD)

A group of diseases that make breathing hard through airflow blockages or breathing-related problems, like emphysema or chronic bronchitis.

KIDNEY DISEASE

A gradual loss of kidney function over time.

Does the RCS standard apply to my work?

Chances are, if you've made it this far down the article it does. 29 CFR 1926.1153 (https://www.osha.gov/laws-regs/regulations/standardnumber/1926) applies to all occupational exposures to RCS in construction work, with the exception of where exposure remains below the OSHA action level of 25 micrograms per cubic meter of air (µg/m3) as an 8-hour time-weighted average under any foreseeable condition. Keep in mind that OSHA's inspection procedures for the RCS standards (https://www.osha.gov/sites/default/files/enforcement/directives/CPL_02-02-080.pdf) state that OSHA considers the potential failure of controls to be a foreseeable condition, so this exception only applies to work where exposures are expected to be below 25 µg/m3 as an 8-hour TWA without the use of control methods.

Something that the RCS Construction standard has that is a bit different from the General Industry and Maritime -- whether it seems like a great relief or a big pain to you -- is Table 1, which is Specified Exposure Control Methods When Working With Materials Containing Crystalline Silica. This table identifies 18 common construction tasks, outlines engineering and work practice control methods to reduce employee exposure, and determines any required respiratory protection for the task depending on the duration of performance. Employers who follow Table 1 correctly are not required to measure employee exposures to RCS from those tasks. However, if the employer is not fully implementing the required control methods, they are not following Table 1 and must either completely follow Table 1 or resort to alternative exposure control methods.

In some cases, employers can't follow Table 1 because their task isn't listed in the table. These employers have to rely on alternative exposure control methods. Where this occurs, employers have to ensure that no employee is exposed to RCS above the OSHA permissible exposure limit (PEL) of 50 µg/m3 as an 8-hour TWA. Employers do this by performing an exposure assessment for each employee who may reasonably be expected to experience a RCS 8-hour TWA exposure at or above the action level, either by using a combination of air monitoring or objective industry data (the performance option) or performing employee exposure monitoring that reflects the 8-hour TWA exposure of employees on each shift, job classification, and each work area (the scheduled monitoring option). When relying on representative sampling, employers are required to monitor the employee or employees expected to have the highest TWA exposure.

When the monitoring results come back, the employer should compare the results to the action level and PEL. If the results are:

• Below 25 µg/m3 – the employer can stop monitoring employees represented by that sample,

• Between 25-50 µg/m3 – the employer must re-monitor within 6 months, or

• Above 50 µg/m3– the employer must re-monitor within 3 months and implement engineering and work practice controls to reduce employee exposures to or below 50 µg/m3. Where controls are infeasible, employers are required to reduce exposure to the lowest feasible level before relying on required use of respiratory protection to control exposures.

Keep in mind that exposure records are not medical records and employees represented by

the monitoring are entitled to access the monitoring data. The RCS standard also outlines that affected employees must be notified of the assessment results within five working days.

Regardless of the exposure control method used, all employers covered by the RCS standard have to have a written exposure control plan tailored to their operations. This plan must include a description of:

- Each task that involves exposure to RCS,
- The controls (engineering and work practice) and respiratory protection used to reduce employee exposure to RCS during each task,
- The housekeeping measures used to limit RCS exposures, and
- The procedures to restrict access to work areas in order to minimize the number of employees exposed to RCS, where necessary, including from exposures generated by others on the worksite.

Once a written exposure control plan is in place the employer is responsible for reviewing, evaluating, and updating it annually or as needed, whichever is first. A competent person must also be designated to implement the plan as it pertains to the jobsite(s). Within the RCS standard, a competent person is defined as an individual who is capable of identifying existing and foreseeable respirable crystalline silica hazards in the workplace and who has authorization to take prompt corrective measures to eliminate or minimize them.

All employers must include RCS in their hazard communication program and train employees so that they can understand the health effects of RCS exposure, those items covered within the written exposure control plan, the RCS standard, who their designated competent person is, and the purpose/description of the medical surveillance program when it is needed. In addition, all employers must maintain employee exposure assessment and any medical examination records.

A medical surveillance program is mandatory for those employees required to wear a respirator under the RCS standard for 30 days or more per year. Employers must make a baseline exam available within 30 days of the employee's assignment. Follow-up examinations should be completed at least every three years or more frequently if recommended by the examining physician or other licensed health care professional (PLHCP).

This has been a high-level overview of the RCS standard. It's a lot of information to digest. If you're a small- or medium-sized business and you find yourself needing guidance or help obtaining employee exposure monitoring data, reach out to your On-Site Consultation Program. Each state and some territories have one. It's a free, confidential service provided by consultants within state agencies or universities, depending on which state you're in. In Wisconsin, the program is called the Wisconsin Safety and Health Consultation Program and we're UW-Madison employees housed within the Wisconsin State Laboratory of Hygiene. We'd be happy to help you at your worksite or main office location.

Tasha Heaton, MPH, CSP, is a Consultant/Program Administrator with the Wisconsin Safety and Health Consultation Program. She can be reached at 608-226-5239 or tasha.heaton@slh.wisc.edu.

THIS RULE WILL LIKELY HAVE A SIGNIFICANT IMPACT ON CONSTRUCTION INDUSTRY EMPLOYERS. AS 2024 APPROACHES, EMPLOYERS SHOULD CONTINUE TO MONITOR FOR ANY FORTHCOMING OSHA GU

By Charles B. Palmer – Michael Best & Friedrich LLP

NEW RULE FOR INJURY DATA

OSHA WORK INJURY REPORTING RULE WILL SUBJECT EMPLOYERS TO PUBLIC SCRUTINY

Many employers will be required to comply with a new reporting and recordkeeping requirement set forth by the Occupational Safety and Health Administration (OSHA) in its recently published final rule. The rule will result in publication of 2023 workplace injury data that certain employers are required to submit in March of 2024. This rule impacts a majority of employers who have workplaces (establishments) with more than 100 employees.

This requirement applies to employers in the construction industry that have more than 100 employees. It also applies to employers in other specific industries listed in Appendix B to the new rule. The Administration's rule revives an Obama-era regulation.

OSHA specifically sets a deadline for submitting 2023 data by March 2, 2024, into an electronic reporting system. OSHA has created what it says will be a secure website, the Injury Tracking Application (ITA), for this purpose. During the Obama Administration's launch of this rule (which was later halted by the Trump administration) the website was hacked.

What must be reported?

The regulation will require establishments with 100 or more employees in certain "high hazard" industries (Appendix A and B to the rule) to electronically submit information from their OSHA Forms 300 and 301 to OSHA once a year. Employers will also have to include their legal names on any submission. As a reminder, the Form 300 refers to the Log of Work-Related Injuries and Illnesses, while the Form 301 refers to the Injury and Illness Incident Report. According to OSHA, construction is among the "high hazard" industries.

How is the 100-employee count measured?

The size criterion of 100 or more employees is based on the total number of employees at an "establishment" during the previous calendar year. An establishment is defined under the OSH Act as "a single physical location where business is conducted or where services or industrial operations are performed." This definition of "establishment" is easily understood when it comes to a factory, or warehouse, because there is a fixed property location where workers go to work each day. In certain industries, and especially construction, this is less well-defined.

If an employer, for example, is engaged in excavation work in multiple locations every year, the employer cannot define each job site as a separate establishment. OSHA will require the establishment to be the location of the construction company, not the jobsites were employees go to work. All the excavation workers will have to be combined. However, the following rules may provide some opportunity to separate business units for diversified companies if the employer has created separate recordkeeping for each business.

❶ An employer may divide one location into two or more establishments only when:

(i) Each of the establishments represents a distinctly separate business;

(ii) Each business is engaged in a different economic activity;

(iii) No one industry description in the North

IDANCE OR UPDATES ON THE RULE.

American Industry Classification System (2007) codes applies to the joint activities of the establishments; and

(iv) Separate reports are routinely prepared for each establishment on the number of employees, their wages and salaries, sales or receipts, and other business information.

For example, if an employer operates a construction company at the same location as a lumber yard, the employer may consider each business to be a separate establishment.

❷ Employers must keep a separate OSHA 300 log for each establishment that is expected to be in operation for one year or longer. (So, a long-term construction project that lasts more than a year could be considered its own establishment).

❸ For activities where employees do not work at a single physical location, such as construction; transportation; communications, electric, gas and sanitary services; and similar operations, the establishment is represented by main or branch offices, terminals, stations, etc. that either supervise such activities or are the base from which personnel carry out these activities.

❹ Employers may include short-term establishment records in logs that cover individual company divisions or geographic regions.

❺ All individuals who are "employees" under the OSH Act are counted in the total. The count includes all full-time, part-time, temporary, and seasonal employees.

What other reporting is required besides 300 and 301 data?

In addition, establishments must still abide by the existing Form 300A (Summary of Work-Related Injuries and Illnesses) submission requirement. Specifically, the Form 300A must be submitted to OSHA by establishments with 20 to 249 employees in the certain high-hazard industries listed in Appendix A and B to the rule. Establishments with 250 or more employees in industries that must routinely keep OSHA injury and illness records were already required to submit the 300A data into OSHA's recordkeeping system, and this continues to be required. Again, construction is included in these "high hazard" industries. So, this results in the following requirement:

- Employers with less than 20 employees – exempt.
- High hazard industries (including construction) with over 20 employees – submit 300A.
- High hazard industries (including construction) with over 100 employees – submit 300A, 300, and 301.
- Non-high hazard industries with over 250 employees – submit 300A.

Will my data be published?

Importantly, OSHA also intends to publish data from employers' submissions on a public website, after removing any information that could identify individual employees. However, it does not specify what information it plans to publish. OSHA posits that the new rule would "provide systematic access for OSHA to the establishment-specific, case-specific injury and illness information" and provide greater public access to "establishment-specific, case-specific injury and illness data."

How is OSHA defining covered construction industry?

As part of this rule, OSHA will also update the North American Industry Classification System (NAICS) codes used in Appendix A, which designates the industries required to submit their Form 300A data, and will add Appendix B, which designates the industries that will now be required to submit Form 300 and Form 301 data. NAICS codes that will be covered by both Appendices A and B include:

- 23 – Construction.
- 3331 – Agriculture, Construction, and Mining Machinery Manufacturing.
- 4233 – Lumber and Other Construction Materials Merchant Wholesalers.

What information should not be submitted from Employer data?

OSHA clarifies that it will not collect the following information from employers' Forms 300 and 301: employee names or addresses, names of health care professionals, or names and addresses of facilities where treatment was provided if treatment was provided away from the worksite.

Will this rule be challenged in court?

So far, it does not appear that any party has filed a lawsuit to enjoin the regulation. However, it may still happen: In 2019, attorneys general from several states filed suit challenging the Trump-era OSHA rule (the most recent rule), which required only the submission of the Form 300A.

The rule takes effect on January 1. Parties will have 60 days from the effective date to challenge it, but if a challenge comes, it will likely be in the form of an injunction request shortly before or shortly after January 1.

What should employers do to prepare now?

With some weeks left before the rule takes effect, now is a good time for companies to review their current reporting and recordkeeping procedures. Employers should review their 300 logs both to verify that any recorded items are indeed recordable and to ensure that all recordable items are properly documented.

Employers should also decide now whether there is an opportunity to keep records for separate establishments, which may bring one or more establishments below the 100 employee (or 20 employee) thresholds.

As a reminder, OSHA requires that a company executive sign and certify that the information contained in the recordkeeping is true and accurate. OSHA has defined such an individual to include, in the case of corporations: (1) an officer of the corporation; (2) the highest-ranking company official working at the establishment; or (3) the immediate supervisor of the highest-ranking company official working at the establishment. Consequently, it is imperative that an employer does not task a lower-level employee with this responsibility. This is especially true given the heightened scrutiny this rule promotes.

Employers should also check with their worker's compensation insurance administrator to determine the status of outstanding cases, and to assess whether they are indeed reportable. If there are updates or changes to cases, employers should evaluate whether their status will be finalized ahead of the deadline for the executive to sign the forms and before the March 2, 2024, submission deadline.

This is important because once these forms are electronically submitted to OSHA, they cannot be updated. Accordingly, the status of any reported cases as of the deadline will remain static in OSHA's database. This means that employers may run the risk of under-reporting or overreporting, with the attendant consequences, if they do not closely monitor case developments as the submission deadline approaches.

Reported cases can impact businesses in profound ways. The obvious result of over-reporting is the increased likelihood of future regulatory scrutiny or inspection. And when OSHA does perform an inspection, they will have studied your data and will be looking to determine whether violations are ongoing, which may be considered a willful violation.

Considering OSHA's announcement that employers' data submissions will be made public online, there is also now a major reputational risk associated with overinclusive reporting. Federal contractors, especially, should bear in mind the impact of a high injury incidence rate on their business. Accordingly, ensuring the accuracy and reportability of cases is key.

As employers' injury and illness data becomes subject to greater scrutiny, employers can also help themselves by not providing unnecessary detail that OSHA does not require. Many employers rely on worker's compensation claims forms as a substitute for the OSHA Form 301. However, OSHA's online Form 301 requires only a succinct description; in contrast, worker's compensation claims include extensive detail. Employers should consider whether the expediency of using such claims descriptions justifies the risk of over-disclosure.

This rule will likely have a significant impact on construction industry employers. As 2024 approaches, employers should continue to monitor for any forthcoming OSHA guidance or updates on the rule. For any questions, please contact the Workplace Safety & Health Group at Michael Best & Friedrich LLP: https://www.michaelbest.com/Practices/Labor-Employment-Relations/Workplace-Safety-Health.

Charles B. Palmer is a Partner & Sub-Practice Group Leader, Workplace Safety & Health at Michael Best. Emily P. Figura is an Associate Attorney at Michael Best. They can be reached at 414-581-2784.

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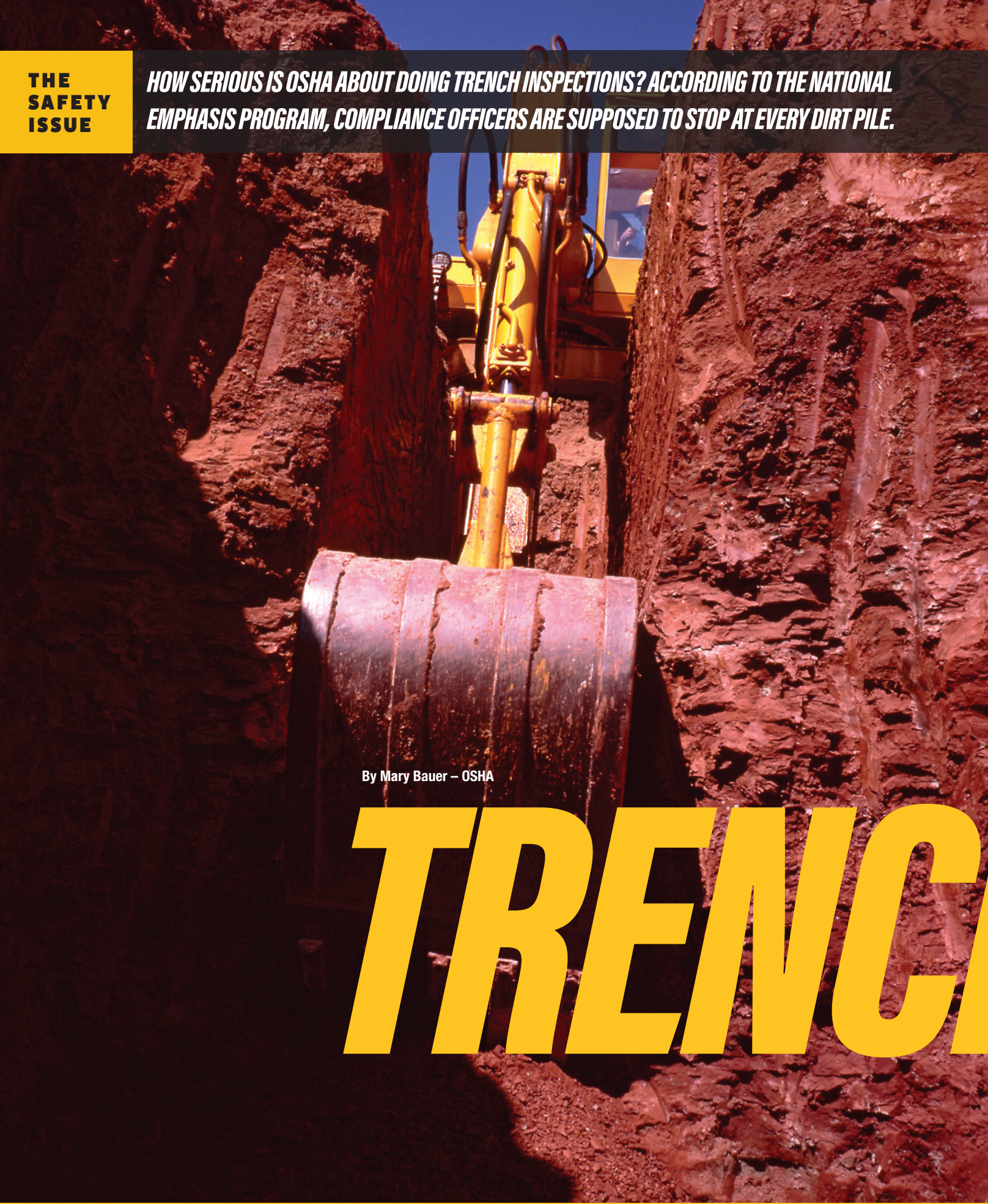
THE SAFETY ISSUE

HOW SERIOUS IS OSHA ABOUT DOING TRENCH INSPECTIONS? ACCORDING TO THE NATIONAL EMPHASIS PROGRAM, COMPLIANCE OFFICERS ARE SUPPOSED TO STOP AT EVERY DIRT PILE.



By Mary Bauer – OSHA

TRENC

Cutline Cutline

H SAFETY

DON'T GET CAUGHT!

"Caught in Between" accidents occur when trench walls fail and the soil engulfs the worker. Nearly 40 workers per year die from trench collapses in the U.S. The Occupational Health & Safety Administration (OSHA) implemented a National Emphasis Program (NEP) for Trenching that includes outreach and enforcement components.

Don't wait to get 'caught' by OSHA enforcement and more importantly; Don't let you or your worker suffer from being "caught in" soil from a failed trench wall. Remember the "Five Things" in trenching:

❶ Ensure safe entry and exit

❷ Trenches must have cave-In protection

❸ Keep materials away from the edge

❹ Look for standing water or other atmospheric hazards

❺ Never enter a trench unless properly inspected!

How serious is OSHA about doing trench inspections? According to the National Emphasis Program, compliance officers are supposed to stop at every dirt pile:

Compliance Safety and Health Officers (CSHOs) shall initiate inspections under this NEP whenever they observe an open trench or an open excavation, regardless of whether a violation is readily observed. These observations may occur during the course of their normal work-day travel or while engaged in programmed or un-programmed inspections. Trenching and excavation operations will also be assigned for inspection as the result of incidents, referrals, and complaints.

January 26, 2023, OSHA announced an 'Instance-by-Instance' citation policy that allows OSHA to issue individual citations High Gravity Serious Citations specific to falls, TRENCHING, machine guarding, respiratory protection, permit required confined spaces, lockout tagout, and other-than-serious violations of OSHA standards specific to recordkeeping. The purpose is to make its penalties more effective in stopping employers from repeatedly exposing workers to life-threatening hazards or failing to comply with certain workplace safety and health requirements. Area offices are also directed to do less "grouping" of citations into one penalty- each stands alone with separate penalties.

Several trench fatality cases have been referred for criminal prosecution. March 2023; a small excavating company owner AND excavator operator were both charged with first-degree manslaughter and first-degree reckless endangerment after a trench collapsed and killed a worker. The trench had collapsed two previous times the same day as it was being dug to install piping for a housing development. Although the company had "trench boxes" for preventing collapses, it did not use them on July 22, 2022.

The key to any safe trench is the competent person. OSHA defines a competent person as "one who is capable of identifying existing and predictable hazards in the surroundings

Hydraulic Shoring works by the shores (cylinders) pushing against the trench face using hydraulic (fluid) pressure. The pressure created between the two cylinders creates an arching effect that will hold back the side walls of the trench. The workers must work between the cylinders.

or working conditions which are unsanitary, hazardous or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them."

This individual ensures that the area has been surveyed and marked for any utilities by Diggers Hotline or private locates before the excavator bucket hits the ground! Often 'potholing' or hand digging is required when near utilities to prevent damages. Vacuum trucks becoming more commonly used to exposure utilities and reduce the need to hand dig.

The competent person's primary responsibility is to choose the correct protective system. In Wisconsin, Class C soil is the most common type of soil. Any previously disturbed soil qualifies as Class C regardless of the soil make-up. This makes sloping nearly impossible due to the amount of soil that needs to be moved. Traditional trench boxes or hydraulic speed shoring units are the best option.

OSHA's website lists a number of publications to assist in building awareness and perform training. OSHA videos explain, in English and Spanish, the hazards and corrective actions for trenching. OSHA collaborates with NUCA and NAXSA to hold a "Safety Stand Down Week" during June.

So don't be surprised to see an OSHA inspector if you're moving dirt! It is a commitment by OSHA to do these inspections and to do outreach to educate employers and employees on the hazards and acceptable methods to safe trenching! ABC Wisconsin

SELF-RETRACTING LIFELINE STANDARDS UPDATE

A SUMMARY OF THE NEW ANSI/ASSP Z359.14-2021 STANDARD FOR PERSONAL FALL ARREST AND RESCUE SYSTEMS.

On August 01, 2023, the American National Standard for the Safety Requirements for Self-Retracting Devices (SRDs) became effective. As of this date, manufacturers were required to conform to this latest revision of the ANSI/ASSP Z359.14-2021 standard document. The requirements of this revised standard supersede any corresponding requirements in ANSI/ASSP Z359.14-2014, ANSI/ASSP Z359.1, ANSI/ASSP Z359.3 and ANSI/ASSP Z359.4 American National Standards.

The information contained in this summary is derived from 3M Fall Protection's review and interpretation and is not intended to be a substitute for reading the official ANSI/ASSP Z359.14-2021 document in its entirety. Our intention is to help educate employers, safety personnel, system designers and equipment users with the most current product performance requirements applicable to their personal fall arrest systems and equipment.

This standard applies to all SRDs used in occupations requiring personal protection against falls from heights and, if required, shall allow for the specialized functions of travel restraint, rescue and or retrieval.

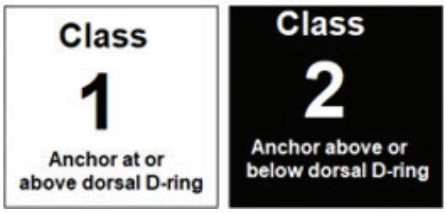
Let's take a look at the historical timeline of the product standards and regulatory requirements addressing SRDs used in personal fall protection systems.

- ANSI Z359.1 first provided performance guidance on fall protection equipment in May 1992. This document included language on self-retracting devices.
- ANSI Z359.1 was reaffirmed in 1999
- January 2012, ANSI/ASSE Z359.14 was published defining the Safety Requirements for Self-Retracting Devices becoming effective August 20, 2012. Leading Edge and Class A and B devices were first established.
- September 17, 2014, ANSI/ASSE Z359.14-2012 was revised and published in February 2015 defining the Safety Requirements for Self-Retracting Devices under ANSI/ASSP Z359.14-2014. Additional information regarding leading edge devices was included.
- June 17, 2021, a revision of ANSI/ASSP Z359.14 was published defining the Safety Requirements for Self-Retracting Devices with an effective date of August 01, 2022 for manufacturers to comply. New effectivity date was established as February 01, 2023.
- November 2022, the ANSI/ASSP Z359 committee approved a second effectivity date extension.
- New effectivity date established by ANSI/ASSP Z359 is now August 01, 2023

The following information is provided as an overview of notable changes between the previous 2014 and new 2021 revisions within ANSI/ASSP Z359.14-2021 standard —

1 New: ANSI/ASSP Z359.14-2021 test mass has increased to 310 pounds (140kg). Previous Revision: 282 pounds (128kg).

2 Updated: SRL categories have been designated a. SRL b. SRL-P (New) for Personal SRL c. SRL-R (Carry over from previous revision) d. SRL-LE has been removed and will now be designated under Class 2

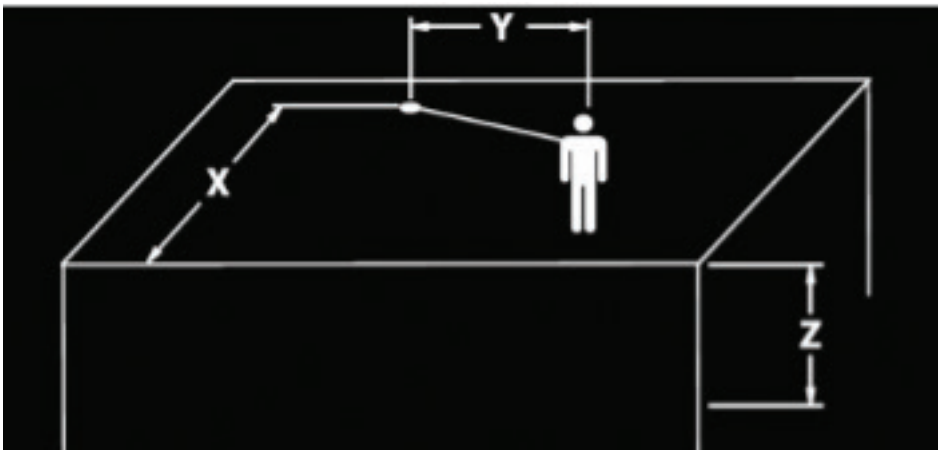


Class Designation Icons

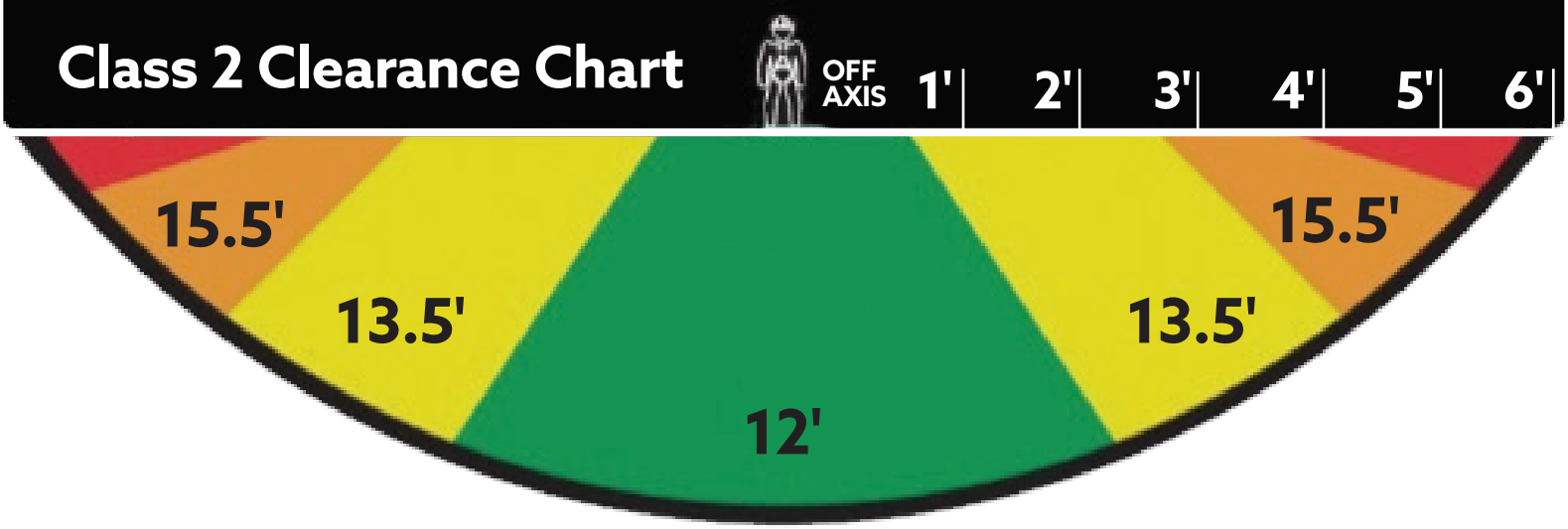
3 Updated: SRD Classifications revised a. Class 1 SRD – For use with anchorages AT or ABOVE the dorsal D-ring. Maximum allowable freefall not to exceed 2 feet b. Class 2 SRD – For use with anchorages AT or BELOW the dorsal D-ring. Maximum allowable freefall not to exceed 6 feet (1.8m) Previous Revision: 2014 revision designated Class A and B devices.

4. Updated: Webbing and Synthetic Rope used in Class 2 devices must now have a minimum tensile breaking strength of 5,000 pounds (22.2kN). Previous Revision: 2014 revision this was 4,500 pounds (20kN).

5. New: Class 2 devices are now required to have an integral energy absorber on the lifeline. This energy absorber must meet all of the



CLASS 2 Integral Clearance Chart Example



ANSI/ASSP Z359.14-2021 testing requirements or independently meet the ANSI/ASSP Z359.13 requirements. For SRL-P devices where the device attaches to the users dorsal D-ring instead of the anchorage, no energy absorber is required on the lifeline. The SRD must provide some means to dissipate the arresting forces.

6. New: Class 2 devices shall include labels illustrating a fall clearance table and diagram of the axes shown in the table. These labels shall be affixed to the product, preferably at or near the point of attachment to the full body harness.

7. Updated: Static Strength Test – All SRDs must be capable of withstanding a 3,600 pound (16kN) static load for one minute with the lifeline constituent fully extracted. Previous Revision: 2014 revision was a 3,000 pound (13.3kN) static test.

8. New: SRDs that do not incorporate an internal braking system must hold a minimum 1,800 pound (8kN) static load while the brake pawls or other brake activation system is engaged and locked with at least 75% of the lifeline constituent remaining on the drum assembly.

9. New: SRL-P devices with twin or dual legs must hold a 3,600-pound (16kN) load applied from leg to leg.

10. New: SRL-P devices designed to wrap around an anchorage or tie back onto themselves must hold a load of 3,600 pounds (16kN) applied after completion of 2,500 cycles of abrasion testing with the lifeline constituent wrapped around a testing I-beam fixture.

11. New: SRL-P and Class 2 devices DO NOT need to retract after the overhead dynamic performance tests.

12. New: Class 2 SRL-P devices shall include a clearance requirement label.

13. Updated: During ambient dynamic performance testing utilizing a 310-pound (140kg) test mass, the average arresting force (AAF) allowed has been increased from 900 (4kN) to 1350 (6kN) pounds and the arrest distance (AD) has been shortened to 42 inches (1,067mm). For the conditioning tests, AAF remains at 1575 pounds (7kN), but the AD is now 42 inches (1,067mm). Previous Revision: Both Ads are down from 54 inches (1,372mm) with conditioning temperatures and times remaining same as previous.

14. New: SRL-P devices must pass a dynamic performance test with a 310-pound (140kg) weight and a 6 foot (1.8m) free fall and keep the MAF at 1800 pounds (8kN) or less. (lifeline does not get pinned or restrained to prevent retraction)

15. New: Class 2 SRD must pass a dynamic test over an edge with a 310 (140kg) pound weight and the AAF must not exceed 1350 pounds (6kN) and MAF not exceed 1800 pounds (8kN) ambient and AAF 1575 pounds (7kN) conditioned.

16. New: SRL-R function tests are the same but static testing when in retrieval mode is now 3600 pounds (16kN).

17. New: SRLs with internal brakes must pass a test with the lifeline shortened to 42 inches (1,067mm), then have 36 inches (914mm) +/- 1.0-inch (25mm) clipped out, then have a 310-pound (140kg) weight free falling 2 feet (.6m) and must maintain MAF at 1800 pounds (8kN) or less.

18. Updated: SRL-P and Class 2 devices can only have up to 48 inches (1,219mm) of line outside the SRL housing when fully retracted. Previous Revision: 60 inches (1.5m).

19. New: Warning card is required to be provided as a separate card insert with each SRD.

CLASS 2 CLEARANCE CHART - READ INSTRUCTIONS FOR COMPLETE DETAILS

DISTANCE OFF AXIS OF ANCHORAGE (Y)

SET-BACK DISTANCE (X)	0 FEET	3 FEET	6 FEET	9 FEET	12 FEET	15 FEET	17 FEET	20 FEET	23 FEET
5 FEET	XX.X	XX.X							
10 FEET	XX.X	XX.X	XX.X						
15 FEET	XX.X	XX.X	XX.X	XX.X					
20 FEET	XX.X	XX.X	XX.X	XX.X	XX.X				
25 FEET	XX.X	XX.X	XX.X	XX.X	XX.X	XX.X			
30 FEET	XX.X	XX.X	XX.X	XX.X	XX.X	XX.X	XX.X		
35 FEET	XX.X	XX.X	XX.X	XX.X	XX.X	XX.X	XX.X	XX.X	
40 FEET	XX.X	XX.X	XX.X	XX.X	XX.X	XX.X	XX.X	XX.X	XX.X

WARNING: WORKING IN THIS ZONE MAY RESULT IN SERIOUS INJURY OR DEATH.

CLEARANCE REQUIRED (2) - *INCLUDES 2 FOOT SAFETY MARGIN*

Class Designation Icons

IMPROVE SAFETY

MEASURES YOUR COMPANY CAN TAKE TO PREVENT WORKPLACE INJURIES

By Don Moen – ABC of WI HR & Safety Director

Every year, more than 1,000 construction workers are killed on the job (average of three deaths per day), and more than two million suffer serious job-related injuries or illnesses. Even one serious workplace injury or illness can have a devastating impact on a small business, including costs associated with higher workers' compensation premiums, medical expenses, legal fees, replacement worker training, lost productivity, equipment repairs, and lower worker morale – to say nothing of the overwhelming personal impacts.

Utilizing ABC of WI Safety helps businesses:

- **Prevent** workplace injuries and illnesses.
- **Improve** compliance with laws and regulations.
- **Reduce** costs, including significant reductions in workers' compensation premiums.
- **Engage** workers.
- **Enhance social** responsibility goals.
- **Increase** productivity and enhance overall business operation.

Small employers place a high value on the well-being of their employees. Many small businesses may employ family members and personal acquaintances. And, if you don't know your workers before they are hired, the size of your workplace will promote the closeness and concern for one another as "that small business value."

ABC of WI Safety provides helpful resources and is in existence to work with members to promote a safe and healthful workplace. Employers that make job safety and health a real part of their everyday operations will benefit in the long run. Investing in safety and health now will help you avoid possible losses in the future. A safe business is a sound business.

The main goal of ABC of WI Safety program is to prevent workplace injuries, illnesses, and deaths, as well as the suffering and financial hardship these events can cause for workers, their families, and employers. Traditional approaches are often reactive; that is, problems are addressed only after a worker is injured or becomes sick, a new standard or regulation is published, or an outside inspection finds a problem.

ABC of WI Safety encourages every workplace to have a safety and health program (system). Through these systems, ABC of WI Safety will provide resources to help member companies develop safety and health programs and to recognize the successes of these programs through STEP's Safety Management System, a benchmarking and continuous improvement tool.

This is all part of a proactive approach for managing workplace safety and health; recognizing that finding and fixing hazards before they cause injury or illness is a far more effective approach. The recommended practices present a step-by-step approach to implementing a successful safety and health program, built around seven core elements:

- management leadership
- worker participation
- hazard identification and assessment
- hazard prevention and control
- education and training
- program evaluation and improvement
- communication and coordination for host employers, and contractors

If you are just launching a program, ABC of WI Safety can begin with a basic set-up, with simple goals to achieve. If you focus on achieving goals, monitoring performance, and evaluating outcomes, your workplace can progress to higher levels of safety and health achievement.

By developing and implementing a total safety and health program through ABC of WI Safety, members are expressing and documenting good faith and commitment to pro-

THE KEY TO A SUCCESSFUL SAFETY AND HEALTH PROGRAM IS TO VIEW IT AS A PART OF YOUR DAY-TO-DAY BUSINESS OPERATIONS.

tecting their workers' health and safety. Doing so does not usually require additional workers or high costs. You can integrate safety and health into your other business functions through ABC of WI Safety with modest effort.

The key to a successful safety and health program is to view it as a part of your day-to-day business operations. As members incorporate it into their business cultures, safety and health awareness becomes second nature to you and your workers, leading to a safe and sound business. Every workplace should have a safety and health program that includes management leadership, worker participation, and a systematic approach to finding and fixing hazards.

Regular workplace inspections are an important tool for identifying hazards and fixing them. ABC of WI offers no-cost to low-cost and confidential safety and health services to member companies. Four highly educated construction safety and health professionals from ABC of WI Safety work with employers to identify safety and health hazards in workplaces and how to fix them. ABC of WI Safety also advises members on how to comply with OSHA standards, train and educate workers, and assist with establishing and improving safety and health programs along with defending members against OSHA citations.

To take advantage of this resource, members just call ABC of WI and ABC of WI Safety will determine the scope of the visit. The visit may focus on a single concern of the member, or it may involve a thorough hazard assessment of the entire company and its operations. Once we have developed an essential safety-program, we can take the next step focusing on developing a world-class safety program to ensure your company stays on the continuous path to safety excellence.

Until recently, relatively few studies have been conducted on the correlation between the use of measures companies can take to keep workers safe on jobsites - leading indicators and the number of incidents/accidents and injuries that occur – lagging indicators. Thus, to quantify the positive impact of proactive injury and hazard elimination programs on the jobsite, ABC has gathered data from STEP participants in construction and analyzed the aggregated data to determine how safety measures actually improve lagging indicator performance.

From this data we found STEP to be a great safety benchmarking and improvement tool, which you as a member can use to measure your safety programs and policies. STEP is a key component detailed questionnaire to help you meet your goal of implementing and or enhancing safety programs that reduce jobsite incident rates. /with the help of STEP, you can apply these ABC's world-class processes to improve safety performance regardless of company size or type of work and you have the ultimate in safety programs.

The model for a world-class safety program utilizes STEP and contains the following elements:

Leadership commitment

Top management engagement and commitment matters. Employer involvement at the top level of company management produces a 63% reduction in total accidents.

Cultural transformation - new hire safety orientation

New-hire orientations are standard practice throughout the construction industry and are designed to onboard new employees into the culture and sharing policies and procedures of their new employer. This process is normally conducted before an employee sets foot on a jobsite or enters a training program. The onboarding process can take many forms and vary in length, but the most important aspect is introducing a new employee to the culture and norms of the company to indoctrinate each individual and help him/her understand the hows and whys of what a company does and expects of the new employee. Here, senior leadership delivers the introduction of the respective company's safety culture and core values. This process experiences nearly 50% lower incident rates than companies that limit their orientations to basic safety and health compliance topics.

Best practices and core leading indicators

A leading indicator is a system or process used to identify hazards and eliminate or minimize the condition to prevent injury. ABC STEP focuses on eight best practices/core leading indicators that have the most dramatic impact on safety performance.

❶ **Toolbox safety talks** – Can you brief employees on safety too much? No matter what you may have heard, there is no negative effect to conducting daily toolbox safety talks – brief, single topic training session of 15 to 30 minutes held on the jobsite for all employees. The less frequently this type of training is conducted, the fewer safety topics are covered and the higher the training indica-

tors. Companies that conduct daily toolbox talks reduce total accidents by a whopping 85% compared to companies that hold them monthly.

❷ **Substance abuse programs** – One-third of all incidents on construction jobsites are drug or alcohol-related. Companies having substance abuse programs/policies drug and alcohol testing provisions (as permitted) are 60% safer than those without such a program. In addition, substance abuse testing can be an effective method of incident prevention if used properly.

❸ **Safety program performance review** – A biannual review of safety program performance by executive leadership – evaluating whether the program is producing expected results and identifying opportunities for improvement – leads to a 59% reduction in total accidents and a 60% reduction in days away from work.

❹ **Taking action on trailing indicators** – Training personnel to know the meaning and relevance of key safety rates and numbers such as EMR (Experience Modification Rate), TRIR (Total Recordable Incident Rate), and DART (Days Away, Restricted or Transferred), leads to a 57% reduction in TRIR and a 62% reduction in DART rates.

❺ **Employer supervisory safety meetings** – Conduction weekly safety meetings with supervisors and distributing minutes for review leads to a 56% reduction in TRIR and a 59% reduction in DART rates.

❻ **Use of personal protective equipment** – Having a written PPE Policy that is consistently and universally enforced, conducting an annual needs assessment, and continually investing in new equipment leads to a 55% reduction in total accidents.

❼ **Pre-planning for jobsite safety** – Integrating safety pre-planning into the estimating, bid and pre-mobilization phases of a project leads to a 53% reduction in TRIR and a 54% reduction in DART rates.

❽ **Safety program goal setting** – Implementing a formal process to annually assess safety program needs and establishing safety goals lead to a 48% reduction in TRIR and a 50% reduction in DART rates.

The STEP Safety Management System provides a clear picture of what world-class safety looks like. Analysis of each of the key components' scores against lagging indicator performance will continue to provide statistical evidence of how individual elements of a safety program contribute to performance. If you combine this program with the resources developed by ABC, you will be able to identify and develop singular elements of your safety program to take the next step to world-class safety.

As construction industry professionals, we all have a moral obligation to protect ourselves and each other and ensure that anyone who sets foot on our jobsites does so in the safest manner possible. By identifying the elements that lead to improved safety performance, we can achieve our ultimate goal, which is to send every single construction employee home in the same – or better – condition than they arrived, every day.

If you wish to learn more about STEP and the STEP Management System, just call ABC of WI and ask for me or one of our safety managers.

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NEW MEMBERS

For membership information contact Bill Stranberg, Membership Director
Associated Builders and Contractors of Wisconsin – 608-244-5883

SEPTEMBER 2023

• Gallitz Grading Inc.
Thomas Gallitz
N6131 Cty Rd Y
Johnson Creek, WI 53038
920-699-9347
Description: Contractor Member
Sponsor: Mike Kartechner, Kartechner Brothers, LLC
Beam Club Members-to-Date: 1

• Godfrey & Kahn, S.C.
Maggie Cook
833 East Michigan Street, Suite 1800
Milwaukee, WI 53202
414-287-9569
Description: Associate Member
Sponsor: Jessica Cannizzaro, Milestone Plumbing, Inc.
Beam Club Members-to-Date: 14

• Kwik Trip
Patrick George
PO Box 2107
La Crosse, WI 54602
608-501-7846
Description: Associate Member
Sponsor: Kristin Chose, Ideal Crane Rental, Inc.
Beam Club Members-to-Date: 1

• M&M Electrical Ent, LLC
Michael Berg
S473 Sand Road
Mondovi, WI 54755
715-577-0257
Description: Contractor Member
Sponsor: Jim Bunkelman, Royal Construction, Inc.
Beam Club Members-to-Date: 16

• PEC Electrical Services
Kathy Cox
4308 N 66th Street
Milwaukee, WI 53216
414-461-9351
Description: Contractor Member
Sponsor: Jerry West, Compass Benefits Specialists, Inc.
Beam Club Members-to-Date: 1

• Precision Plumbing Solutions
Charles Williams
PO Box 148
Winnecone, WI 54986
920-267-0880
Description: Contractor Member
Sponsor: Troy Carlson, Risk Strategies
Beam Club Members-to-Date: 30

OCTOBER 2023

• Construction Ahead Exteriors, Inc.
J. Elliot Kowalksi
251 O'Connor Dr, Unit A
Elkhorn, WI 53121
847-697-2224
Description: Contractor Member
Sponsor: JR Reesman, Reesman Company
Beam Club Members-to-Date: 31

• Corcoran Glass and Paint
Keli Vorwald
N1000 Craftsmen Drive
Greenville, WI 54942
920-757-9900
Description: Contractor Member
Sponsor: Andy Spaeth, Vizance, Inc.
Beam Club Members-to-Date: 1

• Fireball Fab & Metal Sales
John Bodine
26605 Fallbrook Ave
Wyoming, MN 55092
651-785-4489
Description: Supplier Member
Sponsor: Jim Bunkelman, Royal Construction, Inc.
Beam Club Members-to-Date: 17

• JP Tank, Inc.
John Thompson
317 Kohlman Road
Fond du Lac, WI 54937
443-827-8667
Description: Contractor Member
Sponsor: Mark Dudzinski, Northcentral Construction
Beam Club Members-to-Date: 3

• Kundert Construction
Chad Kundert
1500 6th Avenue
Monroe, WI 53566
608-329-3966
Description: Contractor Member
Sponsor: Phil Mazahreh, Maz Electric, LLC
Beam Club Members-to-Date: 1

• MJM Plumbing
Mark McKay
PO Box 11
Alma, WI 54610
608-863-1651
Description: Contractor Member
Sponsor: Brian Wieser, Wieser Brothers General Contractor, Inc.
Beam Club Members-to-Date: 56.5

• Pure Electric
Shaun O'Connell
N74W27380 Howard's Pass
Sussex, WI 53089
262-492-4355
Description: Contractor Member
Sponsor: Jay Zahn, Hausmann Group
Beam Club Members-to-Date: 60

• Ruder Ware
John Jacobson
500 N First St, Ste 8000
Wausau, WI 54403
715-845-4336
Description: Associate Member
Sponsor: JR Reesman, Reesman Company
Beam Club Members-to-Date: 32

• Seider Heating & Air Conditioning, Inc.
Mike Reichhart
N22 W22967 Nancy's Ct.
Waukesha, WI 53186
262-436-0505
Description: Contractor Member
Sponsor: Jerry West, Compass Benefits Specialists, Inc.
Beam Club Members-to-Date: 2

• Tingalls Graphic Design, LLC
Tara Ingalls
2939 South Fish Hatchery Road
Madison, WI 53711
608-268-5525
Description: Associate Member
Sponsor: Bernie Lange, JG Development
Beam Club Members-to-Date: 1

• Turtle Creek Electric
Nate Tilley
1737 Arrowhead Dr.
Beloit, WI 53511
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Description: Contractor Member
Sponsor: Mitch Gustafson, Gustafson Electric, Inc.
Beam Club Members-to-Date: 4

• UHP Marketing
Adam Rollin
1111 Deming Way Ste 207
Madison, WI 53717
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Description: Associate Member
Sponsor: Jenna Oliver, Daniels Construction
Beam Club Members-to-Date: 1

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Wednesday, Feb 7, 2024	Breakout Sessions + Casino Night
Thursday, Feb 8, 2024	Keynote + Breakout Sessions

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