

Construction SEP Committee
Meeting Minutes
July 22, 2021
Via Lifesize

Attendees:

Compliance West – Ted Hendrix, Bob Tipton, Kay Knezevich, Grant Quiller, Paul Sullivan, Michael Greer, Denese Ballew, Chris Ray, Mike Hayward, Laura Crawford, Sarah Burns, Kevin Cosgrove, Rob Maedje, Ben Teal, Griselle Negron, Tracy Wolfe

Compliance East – Chris Jasion, Jerry Midyette, Donald Payne, Nicole Brown, Deanne Mills, Katie Perry, Lynn Stephenson, Frank Castillo, Madelyn Edwards

Consultative – Rod Wilce

ETTA – James Washington, Ed Hardy

PSIM – Karen Padgett

Director's Office – Scott Mabry

Admin – Natalie Bouchard

Consultative Services Update – Rod Wilce

- CSB is “getting busier all the time.” Rod stated that he was personally just getting back in the field but is worried what actions DOL will take if the new COVID variant (Delta) has an upsurge.

PSIM Update – Karen Bogner

- There have been 54 total fatalities in the first six months of FFY 2020-21; 12 in construction. Four of the 12 construction fatalities were in SEP counties.
- For the same time period last year, there were 45 fatalities; 18 in construction.
- Of the 54 fatalities, 17 of them are COVID-19 related. None of them were in construction.

Compliance Update – Ted Hendrix

- Compliance is slightly ahead of their inspection goals for the first six months of the FFY. West Compliance is averaging ~68 inspections per month; East Compliance is averaging ~22 inspections per month.

EAST STATS	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTAL	YTD GOAL
	20	19	8	15	26	42	45	31	24				230	315

WEST STATS	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTAL	YTD GOAL
	68	66	73	82	54	69	89	72	39				612	472

TOTAL	GOAL	REMAINING for FFY2021
842	1050	208

- The four fatalities in the previous quarter were as follows:
 - Wake County: EE fell from a two-story roof on a home under construction.
 - Lenoir County: While on a 4-foot high scaffold, EE was handed a bundle of shingles to pass to a co-worker on the roof. Fell from scaffold when it broke or collapsed.
 - Alexander County: Trench collapse.
 - Mecklenburg County: EE was operating a compactor when it rolled off an edge and flipped, pinning the EE underneath.

ETTA Update – James Washington

- ETTA has been inundated with COVID ETS information and training requests, and have most available resources concentrating on that.
- There are no OSHA-10 or OSHA-30 classes currently scheduled.
- There will be a Logging SEP webinar on September 9, with a Chainsaw Safety webinar to follow on September 10.

Partnership Updates – Griselle Negron, Buddy Amerson, and Ted Hendrix

- Sanders Utility Construction Company: Griselle Negron is the Team Leader. Team members include Lee Peacock, Nelson Edwards, Gary Thorpe, Lee McKinney, Joseph Davis, and Leaton Jones. The \$30 million, 18-month project is a sewer installation project in Charlotte. It involves over 14,300 feet of sewer lines. The project includes blasting, boring, and microtunneling, some of it under I-77 in uptown Charlotte. The project began in April 2020. The team's next walk-through will be on August 20; the employer is planning a traffic/roadway safety mock-up for the team. The project is scheduled to be complete in December.
- Holder-Edison Foard-Leeper: Buddy Amerson is the Team Leader. Team members include Marcus Bandy, Chris Ray, Nelson Edwards, and Altagracia Guzman. The project involves a \$110 million, 26,000-square-foot expansion of the Charlotte Convention Center. As the existing structure is landlocked, the majority of the expansion will be vertical. Also included is an over-street walkway to a local hotel and

light rail station. Chris Ray reported that the project is almost complete, with only first-aid cases and a few minor recordables. Project completion is scheduled for August 17.

- Barringer Construction: Ted Hendrix is the Team Leader. Team members include Jill Warren, Nelson Edwards, Lori Kees, and Andy Sterlen. The project is the \$325 million construction of a new facility for Charlotte Pipe and Foundry. The construction is approximately 600 acres in Oakboro (Stanly County); the facility will replace their current facility in uptown Charlotte. The team held a walk-through on June 1; included was a confined space demonstration, a concrete failure-testing demonstration, and rides in a 30-ton rockcrawler. The only issues noted were lack of eyewash stations at the concrete batch plant (truck washing chemicals) and at the concrete testing station (lime bath).
- Paul Sullivan reported that we have received a new partnership application from Holder-Edison Foard-Leeper. They have been contracted for the next phase of the Charlotte-Douglas International Airport expansion. Consultative Services will be taking the lead on the partnership.

General Discussion

- There was a lot of discussion about recent court cases with upper-tier contractors.
 - We recently received a favorable ruling from the OSHA Review Commission on the Meritage Homes case, of which they are appealing to Superior Court in Mecklenburg County. The OSHRC affirmed that the Meritage representatives could have been aware of the hazards at the site.
 - We recently received a favorable ruling from the ALJ in the Lennar case, of which they are appealing to the OSHRC.
 - We received an unfavorable ruling in the SteelFab case. In this case, the ALJ ruled that even though SteelFab had control on paper, they had no control in "real life." According to the ALJ, they were a provider of materials.
 - Smith Douglas Homes (in numerous cases) are claiming that they are an owner, not a controlling contractor. Several similar cases are in contestment.
 - Grant Quiller provided information from a recent case that we lost. Try to refrain from using the term "intermediate contractor", as it isn't used in the standard. We must prove the contractor is either a controlling contractor, a correcting employer, or a creating employer.

Next Meeting

- October 14, 2021 at 10:00am (tentative)

Construction SEP Committee
Meeting Minutes
April 8, 2021
Via Lifesize

Attendees:

Compliance West – Ted Hendrix, Bob Tipton, Kirby Atwood, Beverly Stone, Kay Knezevich, Grant Quiller, Paul Sullivan

Compliance East – Chris Jasion, Jerry Midyette, Wes Herron, Deanne Mills, Jim Zepede

Consultative – Rod Wilce, Buddy Amerson, Kevin O’Barr

ETTA – James Washington, Ed Hardy, Joe Long

PSIM – Karen Padgett

Director’s Office – Kevin Beauregard, Leaton Jones

Consultative Services Update – Rod Wilce

- CSB remains “really busy.” Fall Stand-Down week is approaching and CSB has sent out a lot of information to their clients. Rod asked everyone to please push the Fall Stand-Down.

PSIM Update – Karen Bogner

- There have been 35 total fatalities in the first six months of FFY 2020-21; eight in construction. Two of the eight construction fatalities were in SEP counties.
- For the same time period last year, there were 25 fatalities; 15 in construction.
- Of the 35 fatalities, 15 of them are COVID-19 related. None of them were in construction.

Compliance Update – Ted Hendrix

- Compliance is slightly ahead of their inspection goals for the first six months of the FFY. West Compliance is averaging ~68 inspections per month; East Compliance is averaging ~22 inspections per month.

EAST	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTAL
STATS	20	19	8	15	26	42							130

WEST	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTAL
STATS	68	66	73	82	50	66							405

TOTAL	GOAL	REMAINING for FFY2020
535	1050	515

- The eight fatalities in the first six months were as follows:
 - Davidson County: EE was struck by a tree being felled by a coworker
 - Surry County: EE was picking up cones on a roadside and was struck by a vehicle
 - Rockingham County: EE was installing/repairing gutters when the downspout contacted a power line. EE fell approximately 25 feet.
 - Person County: EE was on a ladder when struck by a 2x6; EE fell from ladder and struck his head on the concrete floor.
 - Rutherford County: Landscaping EE was unloading logs at a sawmill when he was struck by a falling log.
 - Henderson County: EE was working on a retaining wall when the wall collapsed.
 - Mecklenburg County: EE was in a boom truck working on a concrete wall (form work) and fell when he transferred from the basket to the wall.
 - Mecklenburg County: EE was replacing shingles on a residential roof when he fell from the roof and was impaled on a steel stair rail.

ETTA Update – James Washington

- All training is being conducted online.
- There will be an OSHA-10 class on April 27.
- There will be a fall protection / scaffolds class on May 3-4
- There will be a Spanish fall protection class on May 6
- There will be a Construction Forum on May 26 from 8:00 – 4:00. Andy Sterlen is facilitating the course, but there are multiple speakers.
- There will be an excavation class on June 14.
- The new training room at ORB is almost complete. James reported that it is very nice!

Partnership Updates – Griselle Negron, Buddy Amerson, and Ted Hendrix

- Sanders Utility Construction Company: Griselle Negron is the Team Leader. Team members include Lee Peacock, Nelson Edwards, Gary Thorpe, Lee McKinney, Joseph Davis, and Leaton Jones. The \$30 million, 18-month project is a sewer installation project in Charlotte. It involves over 14,300 feet of sewer lines. The project includes blasting, boring, and microtunneling, some of it under I-77 in uptown Charlotte. The project began in April 2020. The team conducted a walk-through on December 8, 2020 when the crew was boring under S. Tryon Street in Charlotte; minor findings included

lack of fall protection on large mobile equipment, electrical cabinet labels, and exposed rebar.

- Holder-Edison Foard-Leeper: Buddy Amerson is the Team Leader. Team members include Marcus Bandy, Chris Ray, Nelson Edwards, and Altagracia Guzman. The project involves a \$110 million, 26,000-square-foot expansion of the Charlotte Convention Center. As the existing structure is landlocked, the majority of the expansion will be vertical. Also included is an over-street walkway to a local hotel and light rail station. Due to technical issues with LifeSize, Buddy was unable to orally provide his report, so he submitted it at the conclusion of the meeting. The team conducted a walk-through in March; findings included a propane tank stored beneath some stairs, missing toeboards at elevator openings, an open edge that was guarded, but not substantially, an unprotected light fixture, electrical tape on a flexible electric cord, and lack of an exit sign.
- Barringer Construction: Ted Hendrix will be the Team Leader. Team members include Jill Warren, Jermaine Dennis, Lori Kees, and Andy Sterlen. The project is the \$325 million construction of a new facility for Charlotte Pipe and Foundry. The construction is approximately 600 acres in Oakboro (Stanly County); the facility will replace their current facility in uptown Charlotte. The first formal walk-through was conducted on March 9; minor findings included an employee “breaking the plane” of a confined space, an excavation with a 1.5:1 slope on one side but a 1:1 slope on the other, a trench box (not in use) that appeared to be damaged, an employee in a trench box with a pipe swung over his head, and lack of soap/towels in the restroom.

Next Meeting

- July 22, 2021 at 10:00am (tentative)

Construction SEP Committee
Meeting Minutes
January 14, 2021
via Lifesize

Attendees:

Compliance West – Ted Hendrix, Curt Hobson, Bob Tipton, Brian Kemppainen, Marcus Bandy, Griselle Negron, Kevin Cosgrove, Matthew Gruber, Michael Greer, Carl Burgette, Laura Crawford, George Calvery, Kristie Hall, Robin Ewart, Mike Hayward, Jill Warren, Kirby Atwood

Compliance East – Chris Moore, Chris Jasion, Lynn Stephenson, Nicole Brown, Neesia Hill, Lafayette Atkinson, Alex Lee

Consultative Services – Rod Wilce, Fleda Anderson, Buddy Amerson, Mark Taylor

ETTA – James Washington

PSIM – Karen Padgett

Admin – Natalie Bouchard

Director's Office – Kevin Beauregard, Scott Mabry

Consultative Services Update – Mark Taylor

- CSB remains pretty busy, although there have been a lot of changes due to COVID-19. Many General Contractors only want their employees and subcontractors on jobsites, so that has changed a number of surveys to virtual only. A lot of program reviews are ongoing.

PSIM Update – Karen Bogner

- There have been 21 total fatalities in the first three months of FFY 2020-21; five in construction. None of the five construction fatalities were in SEP counties.
- For the same time period last year, there were ten fatalities; five in construction.
- Of the 21 fatalities, eight of them are COVID-19 related. None of them were in construction.

Compliance Update – Ted Hendrix

- Compliance is behind on their inspection goals for the first three months of the FFY. Compliance West is averaging ~68 inspections per month; Compliance East is averaging ~15 inspections per month.

EAST	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTAL
STATS	20	19	8										47

WEST	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTAL
STATS	68	63	73										204

TOTAL	GOAL	REMAINING for FFY2020
251	1050	799

- The five fatalities in the first quarter were as follows:
 - Davidson County: Employee was struck by a tree being felled by a coworker
 - Surry County: Employee was picking up cones on a roadside and was struck by a vehicle
 - Rockingham County: Employee was installing/repairing gutters when the downspout contacted a power line. Employee fell approximately 25 feet.
 - Person County: Employee was on a ladder when struck by a 2x6; EE fell from ladder and struck his head on the concrete floor.
 - Rutherford County: Landscaping employee was unloading logs at a sawmill when he was struck by a falling log.
- If anyone doesn't have the list of SEP counties for FFY2020-21, please let Ted Hendrix know and he will send you a list.

ETTA Update – James Washington

- The majority of training is being conducted online.
- There will be an OSHA-10 class on February 2 (virtual)
- There will be a cranes/derricks class on January 21.
- There will be a scaffold class on January 29.

Partnership Updates – Griselle Negron, Buddy Amerson, and Ted Hendrix

- *Sanders Utility Construction Company*: Griselle Negron is the Team Leader. Team members include Lee Peacock, Nelson Edwards, Gary Thorpe, Lee McKinney, Joseph Davis, and Leaton Jones. The \$30 million, 18-month project is a sewer installation project in Charlotte. It involves over 14,300 feet of sewer lines. The project includes blasting, boring, and microtunneling, some of it under I-77 in uptown Charlotte. The project began in April 2020. The team conducted a walk-through on November 5, 2020; minor findings included non-slip ladder rungs and an unlabeled “non-potable” water tanker.
- *Holder-Edison Foard-Leeper*: Buddy Amerson is the Team Leader. Team members include Marcus Bandy, Chris Ray, Nelson Edwards, and Altagracia Guzman. The

project involves a \$110 million, 26,000-square-foot expansion of the Charlotte Convention Center. As the existing structure is landlocked, the majority of the expansion will be vertical. Also included is an over-street walkway to a local hotel and light rail station. The team conducted a walk-through in early December; minor findings included working near skylights and the relocation of a welding/cutting booth for improved ventilation. The next walk-through is scheduled for March 4.

- *Barringer Construction*: Ted Hendrix will be the Team Leader. Team members include Jill Warren, Jermaine Dennis, Mark Luniewski, and Andy Sterlen. The project is the \$325 million construction of a new facility for Charlotte Pipe and Foundry. The construction will begin on 425 acres in Oakboro (Stanly County); the facility will replace their current facility in uptown Charlotte. The first formal walk-through is being scheduled.

General Discussion

- Jill Warren provided a description of a recent inspection of Lennar that went to hearing. She described the rationale for many of the items we are required to put in a case file, along with the preparation required for the hearing. We won the case and kept all of the citations.

Next Meeting

- April 15, 2021 at 10:00am (tentative)

Construction SEP Committee
Meeting Minutes
October 15, 2020
Via Lifesize

Attendees:

Compliance West – Ted Hendrix, Curt Hobson, Bob Tipton, Brian Kemppainen, Rob Maedje, Marcus Bandy, Peggy Reme, Paul Sullivan, Griselle Negron, Grant Quiller, Lee Peacock, Kevin Cosgrove, Kay Knezevich, Matthew Gruber, Michael Greer, Carl Burgette

Compliance East – Chris Moore, Chris Jasion, Lynn Stephenson, Nicole Brown, Deane Mills, Jordan Atamaniuk, Howard Laurie

Consultative – Rod Wilce, Fleda Anderson, Gregory Greene

ETTA – James Washington

PSIM – Karen Bogner

Admin – Natalie Bouchard

Consultative Services Update – Rod Wilce

- CSB remains pretty busy. There have been a lot of employer cancellations due to COVID-19.

PSIM Update – Karen Bogner

- There were 76 total fatalities in FFY 2019-20; 26 in construction. Of the 26 construction fatalities, 13 of them were in SEP counties, 13 were not.
- Of the 76 fatalities, 15 of them are COVID-19 related. None of them were in construction
- This data (for FFY2019-20) is not yet complete. There are an additional four cases pending that could add to the total for the year.

Compliance Update – Ted Hendrix

- Compliance exceeded their inspection goal (of 1050 inspections) for the year with a total of 1239 SEP inspections.

EAST	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTAL
STATS	24	7	24	46	24	65	3	10	27	41	19	10	300

WEST	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTAL
STATS	36	76	75	73	75	141	9	69	129	72	101	83	939

TOTAL	GOAL	REMAINING for FFY2020
1239	1050	n/a

- SEP Counties for FFY2020-21 have been established. The changes are as follows:
 - Chatham County (East) was added as an HAC
 - Cumberland County (East) was added as an HAC
 - Jackson County (West) was added as an HAC
 - Henderson County (West) was removed
 - Iredell County (West) changed to a Fatality county from an HAC
- The complete list of SEP counties was emailed to Supervisors.
- There were 26 construction fatalities in FFY2019-20. Of those, 14 were falls and nine were struck-by.
 - 14 falls: 6 from ladders; 4 from scaffolds/manbaskets; 1 from a roof
 - 9 stuck-bys: 7 from vehicles in work zones

ETTA Update – James Washington

- The majority of training is being conducted online.
- There will be an OSHA-10 class on November 17 (virtual)
- There will be a beginner construction safety class on October 28.
- There will be a construction electrical safety class on October 28.

Partnership Updates – Griselle Negron and Ted Hendrix

- Sanders Utility Construction Company: Griselle Negron is the Team Leader. Team members include Lee Peacock, Nelson Edwards, Gary Thorpe, Lee McKinney, Joseph Davis, and Leaton Jones. The \$30 million, 18-month project is a sewer installation project in Charlotte. It involves over 14,300 feet of sewer lines. The project includes blasting, boring, and microtunneling, some of it under I-77 in uptown Charlotte. The project began in April 2020. The team conducted a walk-through on July 8, 2020; the next walk-through is scheduled for mid-November.
- Holder-Edison Foard-Leeper: The project involves a \$110 million, 26,000-square-foot expansion of the Charlotte Convention Center. As the existing structure is landlocked, the majority of the expansion will be vertical. Also included is an over-street walkway to a local hotel and light rail station. The partnership has not been formally signed, but will be soon.
- Barringer Construction: Ted Hendrix will be the Team Leader. The project is the \$325 million construction of a new facility for Charlotte Pipe and Foundry. The construction will begin on 425 acres in Oakboro (Stanly County); the facility will replace their current facility in uptown Charlotte. The partnership has not been formally signed, but will be soon.

General Discussion

- Ted Hendrix mentioned the Hispanic Contractors Association of the Carolinas (HCAC) and specifically, their Drive-Thru Construction Safety Expos. The Expos were held in Charlotte and Raleigh in September. While the OSH Division didn't learn of the events in time to participate in the Charlotte Expos, ETTA representatives attended the Raleigh Expo. We are now on the mailing list and should be able to fully participate next year.
- Rod Wilce asked several questions regarding first-tier contractors fulfilling their safety roles and if they were requiring their subcontractors to prove their (the subcontractors') compliance with safety standards. Paul Sullivan responded that CSHOs are working diligently to hold intermediate contractors to those responsibilities.
- Grant Quiller relayed a recent experience in a hearing with a General Contractor. He stated that, as required, the CSHOs had written a description of the employer's safety and health program as a prerequisite for classifying the jobsite as a Focused Inspection under OPN 96. In the hearing, the employer used the information against OSH. Grant reminded everyone to be diligent in their assessment of the employer's program. What are they actually doing? Do they really qualify for a focused inspection? Lee Peacock added that CSHOs should be more in-depth in their description and be able to verify/document the employer's efforts.

Next Meeting

- January 14, 2021 at 10:00am (tentative)