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DIRECTOR OF SAFETY SERVICES MESSAGE

Emergency Temporary Standard on COVID-19 Vaccine and Testing: An Update

Joe Whiteman, director of safety services

As many of you know, President Biden recently directed OSHA to develop and implement an Emergency Temporary Standard (ETS) for companies with 100+ workers that would require employees be vaccinated against COVID-19, or, undergo weekly testing. Regardless of your political affiliation or personal beliefs, I think we can all agree that this mandate puts tremendous strain on employers for many different reasons.

Fortunately, ASCC is a member of the Construction Industry Safety Coalition (CISC), made up of over 30 construction industry trade associations that span the construction industry. The purpose of the coalition is to provide data and information to OSHA on regulatory and policy initiatives. CISC played a big role when the pandemic first began, ensuring that the construction industry remain essential in most areas, and helping OSHA understand that construction was relatively low risk compared to other industries. The CISC is also responsible for providing great resources and tools for companies to incorporate into their safety programs to ensure COVID-19 safety protocols are implemented and met. [Many of those resources are still available on the ASCC website COVID-19 resource page.](#)

On October 19th, the CISC Steering Committee, met with the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA) regarding the OSHA COVID-19 Vaccination and Testing Emergency Temporary Standard (ETS) rulemaking. Notwithstanding the support of vaccines, the CISC shared it's concerns with what the ETS might look like. The CISC also questioned whether OSHA has the legal authority to issue an ETS in the construction industry. Below is a short overview of each talking point.

- The CISC shared its disappointment with the overall process that did not seek out, allow feedback, or hold listening sessions or stakeholder meetings on the ETS.
- Any COVID-19 ETS applicable to the construction industry is unsupported. An ETS is only permitted upon proving a "grave danger" from a hazard exposure in the workplace. OSHA cannot make this showing in the construction industry.
- Construction industry operations remain low risk regarding transmission and spread of COVID-19. It was shown to OSHA that by their own assessment of risk, construction work poses very low risk, and only crosses into high exposure risk when indoors in the proximity of workers, customers, or residents suspected of, or known to have, COVID-19 or symptoms consistent with COVID-19.
- In OSHA's June COVID-19 ETS addressing the healthcare industry, none of the points were applicable to the construction industry.
- It was pointed out that in the recent CDC guidance on the recommendation of vaccine booster shots for occupations with increased risk, construction was not included.
- The CISC shared its concerns for an ETS impact on workforce shortages.
- It was suggested that any rule must be introduced so as not to disrupt the make-up of the construction workforce, and that this disruption could arise through vaccine hesitancy.

- Employer and employee obligations for vaccinations and testing related to how costs will be apportioned. Who is responsible for paying for weekly testing as this is not identified in the plan? And is it up to the employee to provide the negative test results? In either case, will be a significant financial burden.
- The plan is also burdensome on the paperwork side. OSHA is silent on whether they will require employers to document vaccines and weekly testing. Requiring employers to document this process would be a tremendous burden.
- When and if OSHA mandates an ETS, the CISC strongly encourages OSHA to specifically include an exception for employees who experience adverse reactions to the mandatory vaccine, should those reactions result in medical treatment beyond first-aid, days away from work and/or modified duty.
- Cost of time off for vaccinations and adverse reactions must be better defined and limited as much as possible.
- Lastly, availability of testing kits. The CISC pointed out that California has had extensive testing requirements for several months with the demand for testing kits surpassing availability.

The CISC recommended that OSHA seek formal comment; whether that happens remains to be seen. The CISC expects the rule to be released by the Office of Regulatory and Information Affairs back to OSHA, which would then allow them to issue an ETS should they decide to do so. Now we wait. I would imagine if there will be an ETS issued, we could expect to see something within the next month. A lot can happen between now and then, but one thing we all can do now is plan and be prepared.



THE LATEST

Kill The Stigma, Save a Life ***Christen Rasmussen, Stephens & Smith Const. Co., Inc.***

In today's world, mental health awareness is becoming an increasingly important topic. This is no different in the construction industry. Many construction companies have become alarmed by recent statistics and are creating programs to help their employees. Why is this necessary? The construction industry has the second highest suicide rate of all industries. Studies show that some of the reasons are long hours and grueling work that wears on employees, fluctuating hours that make it difficult to schedule life around work, high stress, hazing or harassment, and access to lethal means of suicide. [According to a report published by the Center for Disease Control \(CDC\), 53.3 construction workers per 100,000 died by suicide.](#) This is staggering when compared to the overall rate of 12.93 per 100,000 people in the United States.

It is important to keep in mind that mental health crises can manifest themselves in many ways. This can be suicide, workplace violence, a nervous breakdown or panic attack, or drug abuse. Never assume that someone dealing with a mental health crisis is violent. Often, they just need help, but are scared to ask for it due to the stigma that surrounds mental illness. There is a fear that reaching out for help will result in being deemed, "crazy" or "dangerous". People suffering from mental illness are not crazy, and typically do not resort to violence when handled with care.

During my time as a safety consultant, I have asked myself, "What training could I take to make myself a better resource for field employees?" As an advocate for mental health and suicide awareness, the decision was easy. I needed training on mental health crises and how to aid people dealing with a mental health crisis. Upon looking into local training, I discovered there are numerous organizations that offer classes.

One such organization is Region V in Lincoln, NE, with classes such as Adult Mental Health First Aid and QPR Gatekeeper Training. Both are free, however, for a small fee, they will send a trained professional to a jobsite or a company's office. VA medical centers offer similar classes as well.

The Adult Mental Health First Aid is geared towards teaching people the signs and symptoms of mental illnesses and addictions as well as resources to offer during a mental health crisis. QPR Gatekeeper is geared towards suicide prevention. Those taking this class will learn to recognize

the warning signs of suicide and how to question, persuade, and refer someone to help.

I took both classes and they have proven to be highly beneficial for a few employees that I have encountered over the last few years. A great place to start looking for such classes are with local psychiatric care facilities.

For anyone interested in information or training, please visit [this site](#).



WHAT'S WORKING

STCKY BITS

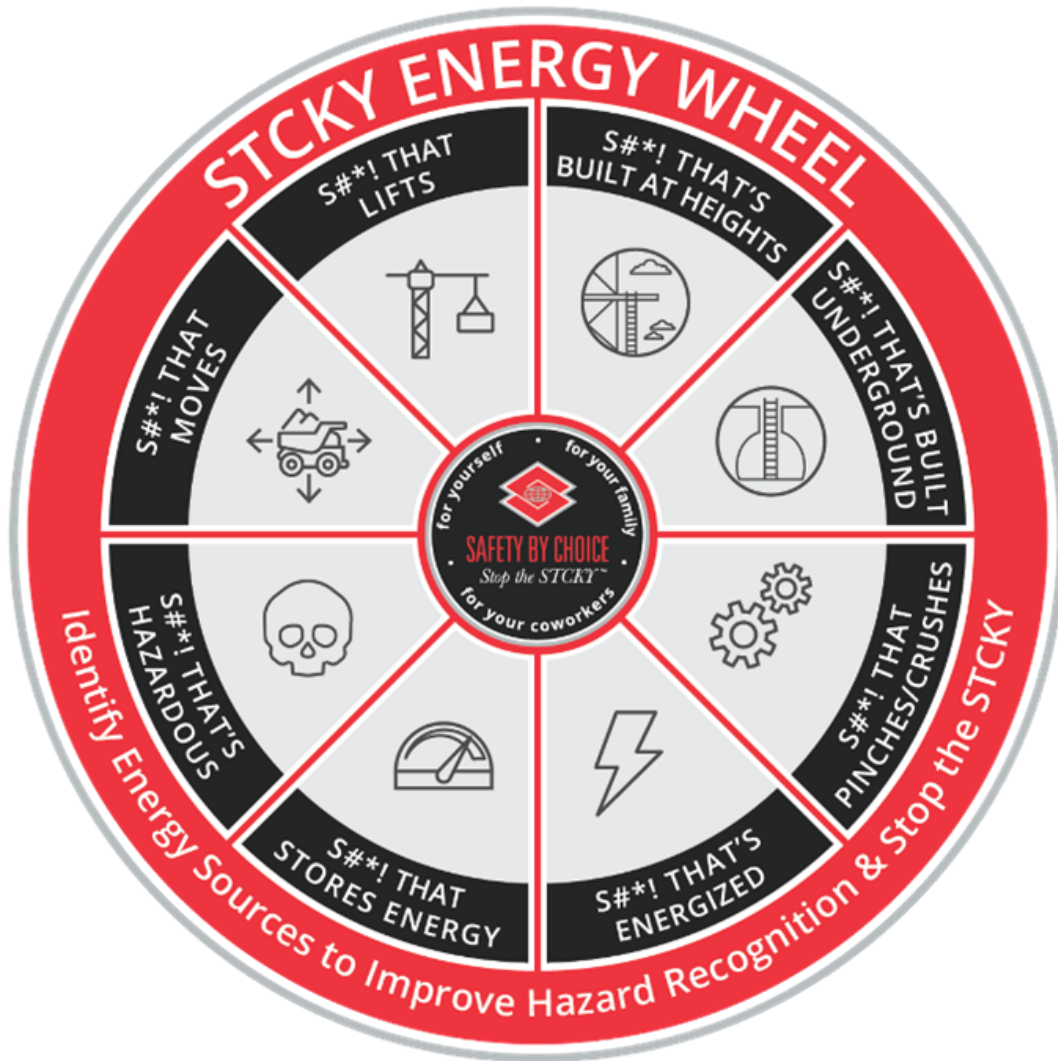
S#! That Can Kill You

Shawn Werner, Sundt Construction, Inc.

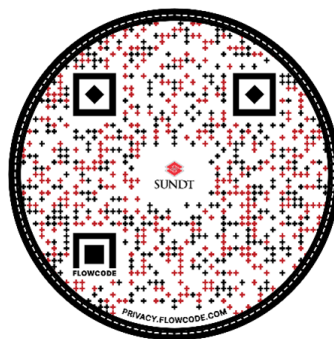
At Sundt Construction, Tempe, AZ, we don't want our employee-owners to focus only on the little things that come up in almost every THA (or toolbox, or JHA) meeting, such as PPE; watching your step; slips, trips, and falls; and so on. We also want them to focus on STCKY, the **S#! That Can Kill You**. It's comfortable and easy to talk about the basics, but it's the STCKY things that we also need to talk about and plan for. In our industry, the OSHA RIR has dropped significantly in the last 10 years. The rate of fatalities, however, has plateaued in that same time. So, are we safer? Or, is this just the comfortable thing to tell ourselves?

At Sundt, we classify our STCKY hazards into eight categories, and we identify them daily in our THA meetings. Front-line leaders use a voice-recording program to capture safety conversations with our crews. Also, we empower our craft workers to help identify hazards in our pre-task meetings and planning; finding that this results in better safety performance in the field.

THE FATAL 8 / STCKY ENERGY WHEEL



When our employee-owners focus on identifying the fatal eight, smaller hazards are recognized with the larger hazards. However, if we only mention the smaller hazards, the larger ones sometimes get missed. Like the old saying goes: "Don't miss the forest for the trees." We need to plan for bigger-picture hazards that have the greatest chance of causing serious injury or death.



Every week we send a Safety Email that includes a "STCKY Bit" to all concrete division employee-owners. These are videos that we create ourselves, or find on hosting sites that correspond with our safety theme of the month. (Above QR code is an example of a STCKY video for overhead loads). We make these videos 30 seconds or less, on situations we see in the field that fall under the S#! That Can Kill You categories.



September is
EXCAVATION SAFETY MONTH!

STCKY FACT:

Did you know that excavations and trenches may pose serious fall exposures? We must ensure they are properly delineated/barricaded, and that personnel exposed to falls greater than six feet are protected.

Did you know?

- Risks associated with excavating consist of electrocution, fire, explosion, ground collapse, business interruption, etc.
- A Disturbance Permit must be completed prior to operations that break grade.
- A daily Excavation Checklist/Log and protective systems are required for ground disturbances deeper than five feet.
- A designated Competent Person must be present during ground-disturbing operations.



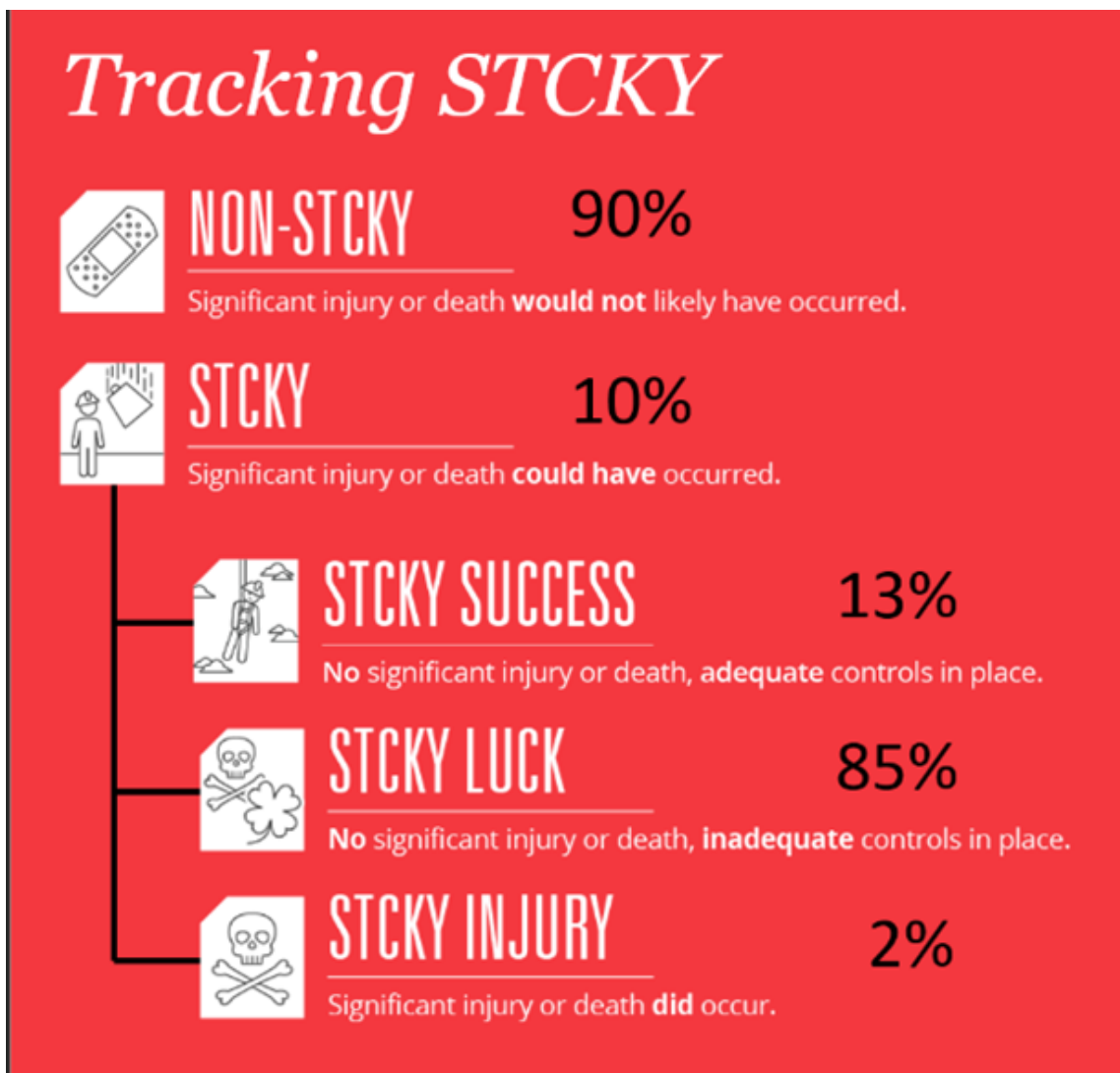

March is
ELECTRICAL SAFETY MONTH

STCKY Stat: The construction industry accounts for 52% of all electrical fatalities in the US workplace.

Most of these incidents and fatalities were caused by direct worker contact with overhead power lines and contact with overhead, leads, and hand-carried reusable objects. On the job site, working around electricity can be safe when workers properly identify and control hazards. But, inadequate training, lack of experience and failure to recognize potential hazards could result in electric shock or death.



We are now measuring STCKY incidents, in addition to OSHA RIR. These include:



At Sundt, we believe not all recordable incidents are created equal. When looking at a company's OSHA rate, a chipped tooth counts the same as a leg amputation or other serious life changing injury. By looking at STCKY data however, we are gaining a larger and more appropriate understanding of our company's safety program and culture.

We encourage other companies to follow suit in adopting a STCKY framework, and we welcome any questions or comments.



SAFETY RESOURCE HIGHLIGHT

Safety Summit

Mark your calendar as November 12th is quickly approaching; the date of ASCC's first annual Safety Summit. The event will be held at the Sugar Land Marriott Town Square Hotel in Houston TX, from 8 am to 4pm. The focus of this event is to provide your safety professionals an opportunity to network, share resources and learn from likeminded peers. The event will begin with breakfast, followed by a keynote presentation by Tim Manherz, Encore Concrete Construction and a past recipient of ASCC's Owner/Executive Safety Award. The remainder of the day will be filled with 10 roundtable sessions covering New Hire Orientation/Onboarding, Medical Case Management, Compliance vs. Behavior-Based Safety Programs, Balancing Safety vs. Production, Safety Incentives: Good, Bad or Ugly, Identifying Root Cause and Implementing Lasting Change, Safety Committees: Making Them Relevant and Effective, Web-based Safety Compliance Programs; Do They Work and What Are You Using?, What Does ZERO Mean to You?, and Medical/Recreational Marijuana: What's Your Procedure? I look forward to seeing many of you in person to kick off our very first annual safety summit! Please contact Joseph Whiteman, ASCC director of safety services at jwhiteman@ascconline.org for more information.



HARD HATS TO HELMETS

Moving from Hard Hats to Helmets: Increasing Safety at Joseph J. Albanese, Inc.

John Messing, Safety Director

"Our core values of Safety, People, Quality and Truth are embodied in the company culture and encompass everything we do and are," says Phillip J. Albanese, CEO, Joseph J. Albanese, Inc. (JJA), Santa Clara, CA.

Since its founding in 1955, JJA has maintained a long, proud history of demonstrating its commitment to a highly valued and loyal workforce by protecting the wellbeing of every team member. With safety in its DNA, JJA's first priority is to ensure that everyone goes home safely at the end of each day.

Making the decision to switch from hard hats to helmets was an easy one for Phillip Albanese. With safety always top of mind, moving from hard hats to helmets reinforced the company's commitment to protect its valuable workforce. And, as a leader in the concrete industry, JJA is pleased to be an early adopter of a more protective headgear. When rolling out the new helmets to the teams, Phillip wanted to convey a simple message: wearing the new helmets, instead of traditional hard hats, reminds every individual to focus on safety throughout the entire day.

While acknowledging that helmets have a different look than traditional hard hats, JJA gave the team members the ability to make them uniquely theirs while further reinforcing each individual's commitment to safety. The helmets were designed with an area on the top where each employee personalizes the helmet with an answer to the question, "I work safely for..." Many of the JJA employees have had their children sign this area of the helmets to serve as a reminder of why it is so important to work safely.

In addition, JJA wanted to ensure that the new helmets helped elevate its on-site communication by having each employees' name on both the front and back. Consistent feedback from JJA's field teams has shown that both communication and safety improve when employees know each other's names. Due to mask requirements during the pandemic, names on the helmets has also helped the team overcome the challenge of identifying co-workers.

The American Society of Concrete Contractors (ASCC), especially the Safety and Risk Management Council, is improving the safety of the construction industry. Joseph J. Albanese, Inc. is proud to be a member of ASCC and to participate in the ASCC Hardhats to Helmets initiative.

Helmet Heads

These member companies have made the switch:

Albanelli Cement Contractors	Mike Payne & Associates
Alberici Constructors	MK Concrete Construction
Barton Malow	Morley Construction
Belfast Valley Contractors	Neuber Concrete
Birmingham Decorative Concrete	Phaze Concrete
California Engineering Contractors	Poppoff
Ceco Concrete Construction	PROCON
Century Concrete	Ruttura & Sons Const. Co.
Charles Pankow Builders	Somero Enterprises
Concreate	STRUCTURAL
Concrete Strategies	Surfacing Solutions
DPR Construction	Swinerton Builders
Hyde Concrete	T.B. Penick & Sons
Industrial Caulk and Seal	The Art of Concrete
Joseph J. Albanese	Trademark Concrete Systems
Kent Companies	Turner Brothers
Largo Concrete	Webcor Concrete
Lloyd Concrete Services	Woodland Tilt-Up
Martin Concrete Construction	Z Con, LLC
McGillicuddy Concrete	

2021 Safety Award Winners

Owner/Executive Award

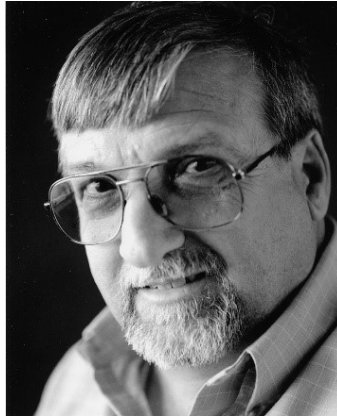
The **Safety and Risk Management Council (SRMC)** of the **American Society of Concrete Contractors (ASCC)**, St. Louis, is pleased to announce that D. Thomas Ruttura, owner, Ruttura & Sons Construction Co., Inc., West Babylon, NY, received the **ASCC Member/Owner Executive Safety Award** for 2021, presented September 23 at the association's Annual Conference. The award recognizes one owner/executive of a contractor member company who displays a clear focus and passion for safety and provides leadership that creates a best-in-class safety culture.

In their nomination, Ruttura's employees noted: "The best example of Tommy's commitment to safety was his tremendous foresight to make the incredibly hard choice to shut down the entire company in light of the onslaught of COVID-19. While others were deciding what was best for their companies financially, Tommy did what was best for his employees – to be home with their families where they'd be safe from infection."

And it should be noted that he paid his people to stay home. The judges said they had “a ton of respect” for that decision, calling it “Big Deal Leadership.”

The president of a Long Island Contracting company said, “When it comes to safety, leave it to Ruttura & Sons unyielding, award-winning safety program. They constantly hold Hazwoper, OSHA, silica and countless other seminars to keep employees up to date with the best and most current safety procedures.”

Ruttura & Sons EMR for 2020 was .77 with 321,267 field supervision and concrete work man-hours and 337,907 total man hours. They have zero recordables for the last three years requested on the entry form.



W. Burr Bennett Safety Excellence, Fleet, and Outstanding Safety Awards

Concrete Contractors with exemplary safety records for 2020 were also recognized by the **Safety & Risk Management Council (SRMC)** of the **American Society of Concrete Contractors (ASCC)**, St. Louis, MO.

W. Burr Bennett Awards for Safety Excellence were given to specialty contractor **Hemma Concrete**, Marietta, GA and general contractor **Sundt Construction**, Tempe, AZ. These awards are presented to contractors that place the highest priority on safety. Entries are judged on three years of safety performance indicators, values and trends; a self-assessment checklist of company safety practices; and detailed descriptions of safety plans and culture.

Additional awards based on the incident rate for 2020 were presented to general and specialty contractors in four categories. 47 contractors received awards for zero lost time due to accidents, and 24 contractors were recognized for having lowered their incident rate from the previous year. 68 contractors received certificates for achieving an incident rate below the national average.

General contractors receiving the Outstanding Safety Achievement Award for the lowest incident rate were Sundt Construction, Inc., Tempe, AZ (over 650,000 work hours);

Chesapeake Contracting Group, Reisterstown, MD (160,000 – 650,000 work hours) and Raffin Construction, Chicago, IL (less than 160,000 work hours).

Specialty contractors receiving the Outstanding Safety Achievement Award were Wayne Brothers Companies, Davidson, NC (over 400,000 work hours); Hemma Concrete, Marietta, GA (100,000 – 399,999 work hours); and Giles Incorporated, Artesia, NM (99,999 or less work hours).

Three companies were recognized for outstanding fleet safety records: (1– 399,999 miles) K & M Concrete Construction, Edgerton, MN, 370,040 miles with zero accidents; (400,000 – 1,299,999 miles) Woodland Tilt-Up, Jupiter, FL, 800,000 miles with zero accidents; and (1,300,000+ miles) Buesser Concrete, Eau Claire, WI, 1,800,000 miles with zero accidents.



Sundt Construction, Inc.



Hemma Concrete

Safety Moment

“While attending the Annual Conference in St. Louis I decided to visit some of our local jobsites. During my visit, I was let down as I saw a trend of a basic concept overlooked. I noticed that on each project I observed ladders incorrectly set up, improperly accessed, or individuals not utilizing proper and safe methods to ascend and descend. With all the focus on other safety hazards, it seems as if we have begun to take the more “basic” activities for granted. It became apparent to me that it was time to have a reset. I suggest we all take a moment on our projects to focus on the basics.” Phil Diekemper, Ceco Concrete Construction, LLC



EVENTS

Safety Summit

November 12, 2021

Houston, TX

[Agenda](#)

[Register](#)

[Sponsor](#)

ASCC Safety Roundtables

November 17: Effective Safety Communication: What is Working for you?

December 15: Effective Pre-Task Planning: What Is Your Job Hazard Analysis Process?

January 19: It's a New Year: Discussion of Lessons Learned

All roundtables are at 2 pm Central time.

[Register](#)



BOOKSTORE

Safety Management Plan


This manual was prepared by ASCC's Safety Council to help small to mid-sized contractors develop and implement a basic safety management plan that can be customized to meet the needs of individual companies. The Plan covers policy statements, safety responsibilities, inspections, accident investigation, safety meetings, rules, training, recordkeeping, first aid, emergency planning, hazard communication, concrete construction, electrical safety, fall protection, confined spaces, lockout / tagout, scaffolding, trenching and excavating, and substance abuse. Includes numerous sample forms and tags. [Purchase in our bookstore.](#)


Safety Products & Services






ASCC Safety & Insurance Hotline

 ascconline.org

 srmchotline@ascconline.org

 833-281-9602



American Society of Concrete Contractors
2025 S Brentwood Blvd, Ste. 105, St. Louis, MO
Phone: 314-962-0210



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