

OCCUPATIONAL SAFETY AND HEALTH ACT

On December 29, 1970, the Occupational Safety and Health Act of 1970 (Public Law 91-596) was enacted by the Congress. This law, comprehensive in scope authorized the U.S. Secretary of Labor to set mandatory occupational safety and health standards for all construction activities. It also provided that existing federal safety standards already enacted under certain acts and in effect as of April 28, 1971, would become a part of the standards. The Occupational Safety and Health Act of North Carolina vests in the North Carolina Commissioner of Labor the authority and responsibility to administer occupational safety and health standards applicable to most public businesses and private entities. Pursuant to NCGS 95-131 the occupational safety and health standards adopted under the federal Occupational Safety and Health Act of 1970 are adopted as the occupational safety and health regulations applicable to employers in North Carolina. Pursuant to NCGS 95-128 the standards and regulations are applicable to all businesses that are regulated by specific federal laws. Therefore, Contractors performing under any construction contract with the NCDOT are required to comply with all provisions of the North Carolina OSHA regulations.

The assurance that a Contractor complies with the applicable regulations rests with the Department of Labor. Article 107-1 of the Standard Specifications for Roads and Structures requires that the Contractor observes and complies with all laws and regulations.

In order to ensure statewide uniformity in this area of contract administration, the following procedures should be followed:

1. At the Preconstruction Conference, the Contractor will be reminded that he and all of his Subcontractors are expected to comply with the applicable OSHA regulations and the MUTCD. The Contractor should also be asked to name the employee within the company who is in charge of safety. This name should be recorded in the minutes.
2. The Department has established emphasis areas to protect Department project personnel from imminent danger situations where serious injury may occur. During the life of the project, the Resident Engineer and each Inspector should especially observe the operations involving emphasis areas with a safety-oriented view. The emphasis areas include fall protection, crane safety, equipment, and excavation protective systems. The pertinent regulations on these emphasis areas are included in this section of the Manual. If the Resident Engineer or Inspectors observe a possible violation of the regulations pertaining to the emphasis areas, the Contractor should be advised to take immediate corrective action. Should the Contractor not take immediate corrective action and Department personnel appear to be in danger, the work should be suspended under the provisions of Article 108-7 of the Standard Specifications. When there is a question of interpretation of the regulations, the situation should be discussed with the Division Engineer before work is suspended. All verbal communications to the Contractor's personnel should be documented in writing with a copy to the Division Engineer, appropriate Bridge or Roadway Construction Engineer, the Director of Safety and Risk Management, and the State Construction Engineer. If the Contractor disregards the requests to correct possible violations, the Division Engineer and State Construction Engineer should be advised

with the full details. If necessary, the State Construction Engineer or the Director of Safety and Risk Management will request a Department of Labor inspection.

3. If a representative of the Department of Labor makes an inspection on the project, it will be the responsibility of the Resident Engineer and his personnel to cooperate with him as may be necessary. If OSHA wants to open an inspection with DOT, the Safety Engineer should be called to participate.

The following is a partial listing of pertinent regulations:

1926.104, 1296.451, 1926.500, 1926.1426 – 503 Fall Protection

Safety railing meeting the requirements of 1926.451 and 1926.500-503 are required on all elevated work surfaces more than 6 feet above ground.

On operations more than 6 feet above the ground, such as setting of structural steel and setting of grades on structural members where the use of other fall protective measures is impractical, fall protection shall consist of the use of safety harnesses and lanyards as allowed by the Standards.

1926.1400, 1926.1501 Crane Safety

Lifting hooks shall be equipped with operable safety latches.

All accessible areas within the swing area of the rotating superstructure of the crane shall be blocked out.

When used to hoist personnel, cranes shall be equipped with controlled load lowering and two block damage prevention devices. Refer to the June 10, 1993, memorandum from L. A. Sanderson to Division Engineers for an explanation of these devices if needed.

Special attention needs to be given to the distances from power lines.

1926.601, 1926.602 Equipment

All equipment with an obstructed view to the rear shall be equipped with an audible backup alarm audible above the surrounding noise level or shall utilize a “spotter” when operated in the reverse mode.

1926.650 – 1926.652, Subpart P Appendix A, B, C, D and F

Open excavations shall be protected as required by the above regulations. This includes excavations such as pipe trench (storm drain and underdrain, and utility), undercut, drainage structure manhole, foundation, and retaining wall. Competent person(s) must be identified.

Manual on Uniform Traffic Control Devices (MUTCD)

The MUTCD provides information for temporary traffic control to include flagger requirements. NCDOL OSH compliance officers review adherence to the MUTCD.