

# SPFA CONTRACTOR SAFETY AND PRODUCT STEWARDSHIP PROGRAM

## INTRODUCTION

The purpose of this program is to deal with two separate, but very closely related areas of concern for our entire industry.

The Occupational Safety and Health Administration (OSHA) published guidelines on comprehensive safety and health programs in 1989. Although not presently a requirement, the program outline is believed by many to be helpful in reducing injury and illness on the job if implemented effectively. There is a proposal (see Appendix A) currently being discussed in Washington that is expected to be proposed as a mandatory regulation in 1999. When it will be adopted and become effective is unclear at the time of this writing, but members who follow the guidance contained in the SPFA program will have a solid foundation on which to build a program to comply with the expected OSHA regulation when it is adopted.

The first area of concern is the actual safety of the contractor's employees, the client's employees and the general public during all phases of the application of a SPF system. An effective way to address this concern is to adopt a comprehensive safety program. A complete safety program will include: 1) the written programs describing how you train your employees and set up a safe working environment for the kinds of tasks and activities your employees perform, 2) a systematic method for documenting your safety compliance activities and compliance of your employees with company safety policies and procedures, and 3) the necessary investment in the equipment and tools, including appropriate personal protective equipment, needed for a safe working environment. In addition to greatly reducing the chances of having an accident or incident in the first place, a good safety program will lead directly to higher employee morale, performance and profitability. If maintained over a period of time, it can lead to more positive benefits, such as lower employees compensation and liability insurance rates for your company, greater participation and support from our supplier community as industry professionalism increases, and the attraction of a larger pool of qualified people into our industry.

The second area of concern is protecting your company from liability. In today's litigious environment a lawsuit, whether it is viable or frivolous, can have a serious or even catastrophic impact on your company, as well as on other segments of our industry. This includes the contractor, the system compounders, and even the chemical and raw material suppliers. If a contractor does not have a comprehensive safety and health program, there is a much greater likelihood that an incident or accident that results in personal injury or property damage will become a larger liability problem. A contractor who aggressively implements a well-documented pro-active safety program will, in the event of an incident, be less likely to have a liability problem, and if one does develop, will be able to provide a positive defense to claims of negligence or egregious behavior.

An equally important concern is our obligation to use our suppliers' products in a responsible manner, in accordance with the instructions published in their product literature, specifications and Material Safety Data Sheets. We call this Product Stewardship, and our responsible handling of the chemicals we use as contractors is vital to our continued success and

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growth as an industry. In the litigious environment in which we all do business, a contractor who behaves in a reckless manner puts our entire industry at risk.

### **AS AN EXAMPLE...**

Let's demonstrate how important your safety and product stewardship strategy are by examining how two hypothetical contractors, Company ABC and Company XYZ, react to the following situation:

Our contractors are installing a SPF roof system on an occupied building. One of the client's employees, still irritated by a bad restaurant meal the night before, is further aggravated because he cannot park in his usual spot because of the SPF project activity, and he takes note of the drums and equipment as he walks into the building. When he begins to feel nauseous and dizzy two hours later, he decides it is the chemicals he saw in use that are making him sick, and telephones OSHA to complain before leaving early. By the end of the week he has also found a lawyer in the yellow pages, and a lawsuit has been filed against the contractor and his suppliers.

Contractor ABC likes to keep a low profile, doesn't believe in joining trade associations and doesn't need a written safety program because his employees all know what they're doing. He doesn't like to hand out MSDS information to clients or employees because it just gets people upset over nothing. When the OSHA inspector shows up on the job the next morning, his people can't explain what an MSDS is, have never heard of a respirator fit test, and can't recall any recent safety meetings. Contractor ABC will spend many miserable hours dealing with the resultant OSHA citations and fines; and if he is unfortunate enough to be the subject of a deposition in a subsequent lawsuit, he will have no reasonable defense.

Contractor XYZ, on the other hand, is able to show the OSHA inspector his written safety and health plan, his Hazard Communication Program, copies of MSDS forms for all chemicals on the jobsite and documentation of training and regular safety meetings. Furthermore, his employees are knowledgeable about respirator requirements, fall protection, personal protective equipment, and how to interpret an MSDS. If the inspector does find any minor violations, the fines may be reduced or eliminated because Contractor XYZ's written program and documentation show a "good faith effort" at compliance. Later, during the lawsuit deposition, Contractor XYZ is able to produce all of the above information plus document his MSDS review with the client, a pre-job safety meeting, HVAC make-up air review, overspray plan, and carefully documented history of problem-free uses of these products on many previous projects. As a member of SPFA, he is able to further document his professionalism and training through his commitment to abide by the SPFA Contractor Safety and Product Stewardship Program (CSPSP).

Which contractor do you think will be around in the long run?

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## BASIC STRATEGY FOR THE PROGRAM

To assist you in developing and improving your safety program and product stewardship, we have outlined the following strategy and provided some sample plans and forms to assist you in the development of your company-specific program to comply with OSHA standards:

### I. Company Safety and Health Program

- A. Your program must include the following core elements, plus other elements as required to include all of your company's construction activities (see 29 CFR 1926)
  - 1. Management leadership and employee participation
  - 2. Hazard identification and assessment
  - 3. Hazard prevention and control
    - a. Fall Protection Policy (sample included)
    - b. Respiratory Program (sample included)
  - 4. Information and training
    - a. Hazard Communication Program
    - b. Tailgate Safety Meetings (sample form included)
  - 5. Accident/incident investigation
  - 6. Record Keeping
    - a. OSHA Log 200
    - b. Completed project records
  - 7. Evaluation of program effectiveness

### II. SPF Project Set-Up

- A. SPF Project Check List (sample included)
- B. Pre-Job MSDS Notification and Review Form (sample included)
- C. Pre-Job Client-Contractor Safety Plan Checklist (sample included)
- D. Post-job Client-Contractor Safety Incident Checklist (sample included)
- E. Safety Meeting Report (sample included)
- F. Fire Prevention Policy Statement
- G. Supervisor's Safety Checklist (sample included)

### III. Overspray Control Plan

- A. Overspray Control Policy (sample included)
- B. Overspray Information Letter (sample included)
- C. Overspray Abatement Form (sample included)
- D. Overspray Incident Report (sample included)

### IV. Compliance Agreement

## Appendix A – Draft Proposed Safety and Health Program Rule