



VIA ELECTRONIC SUBMISSION

July 17, 2023

Andrew Levinson
Director
U.S. Department of Labor
Occupational Safety and Health Administration
Directorate of Standards and Guidance
200 Constitution Ave. NW
Washington, DC 20210

Re: Docket No. OSHA-2023-0006, Leading Indicators That Improve Workplace Health and Safety

Dear Mr. Levinson:

Associated Builders and Contractors hereby submits the following comments to the U.S. Department of Labor's Occupational Safety and Health Administration in response to the above-referenced notice published on May 17, 2023.

About Associated Builders and Contractors

ABC is a national construction industry trade association representing more than 22,000 member companies. ABC and its 68 chapters help members develop people, win work and deliver that work safely, ethically and profitably for the betterment of the communities in which ABC and its members work.

ABC's membership represents all specialties within the U.S. construction industry and is comprised primarily of general contractors and subcontractors that perform work in the industrial and commercial sectors for government and private sector customers.¹

The vast majority of ABC's contractor members are small businesses. This is consistent with the U.S. Census Bureau and U.S. Small Business Administration Office of Advocacy's findings that the construction industry has one of the highest concentrations of small businesses (82% of all construction firms have fewer than 10 employees)² and industry workforce employment (more than 80% of the construction industry is employed by small

¹ For example, [ABC's 33rd Excellence in Construction Awards program from 2023](#).

² U.S. Census Bureau 2019 County Business Patterns:

<https://data.census.gov/cedsci/table?q=CBP2019.CB1900CBP&n=23&tid=CBP2019.CB1900CBP&hidePreview=true> and <https://www.census.gov/programs-surveys/cbp/data/tables.2019.html>.

businesses).³ In fact, construction companies that employ fewer than 100 construction professionals comprise 99% of construction firms in the United States; they build 63% of U.S. construction, by value, and account for 68% of all construction industry employment.⁴ The vast majority of small businesses are not unionized in the construction industry.

In addition to small business member contractors that build private and public works projects, ABC also has large member general contractors and subcontractors that perform construction services for private sector customers and federal, state and local governments procuring construction contracts subject to respective government acquisition policies and regulations.

ABC's diverse membership is bound by a shared commitment to the merit shop philosophy in the construction industry. The philosophy is based on the principles of nondiscrimination due to labor affiliation and the awarding of construction contracts through open, competitive bidding based on safety, quality and value.

ABC signed on to a multigroup comment letter on July 17, which is being submitted by the Construction Industry Safety Coalition. ABC supports those comments and hereby incorporates them by reference.

Background

On May 17, 2023, OSHA published a request for stakeholder input on their current use of leading indicators and their impact on managing their safety and health management systems, to assist in OSHA's development of a Leading Indicator Resource.⁵

As referenced in the notice, leading indicators are proactive, preventive and predictive measures, and a good safety and health program uses leading indicators to drive change and trailing indicators to measure effectiveness. ABC commends and supports OSHA's efforts to promote the usage of leading indicators and submits the following comments to assist in this effort.

ABC's Comments in Response to the Department's Questions

4. What lagging indicators do you use (OSHA rates, for example)?

ABC members surveyed in July 2023 indicated usage of the following lagging indicators:

- Total Recordable Incident Rate
- Workers' compensation claim costs

³ 2020 Small Business Profile, U.S. Small Business Administration Office of Advocacy (2020), at Page 3, <https://advocacy.sba.gov/wp-content/uploads/2022/08/Small-Business-Economic-Profile-US.pdf>.

⁴ U.S. Census County Business Patterns by Legal Form of Organization and Employment Size Class for the U.S., States, and Selected Geographies: 2019, available at <https://thetruthaboutplas.com/wp-content/uploads/2021/07/Construction-firm-size-by-employment-2019-County-Business-Patterns-Updated-071321.xlsx>.

⁵ <https://www.regulations.gov/document/OSHA-2023-0006-0001>.

- Lost Time Incident Rate
- Experience Modification Rate

5. *What leading indicators are, or could be, commonly used in your industry?*

While the construction industry has typically evaluated safety performance based on trailing indicators, ABC uses its STEP Safety Management System as a tool to evaluate member firms' trailing indicator data along with each firm's self-assessment of leading indicator practices.⁶ Founded in 1989, STEP has evolved into an industry-leading safety management system that dramatically improves safety performance among participants regardless of company size or type of work.

Participating ABC member firms measure their safety processes and policies on 25 key components through a detailed questionnaire with the goal of implementing or enhancing safety programs that reduce jobsite incidents. Participants receive a rating of Diamond, Platinum, Gold, Silver, Bronze or Participant based on their safety performance. STEP members prove that industry-leading safety is achievable with a companywide commitment to safety as a core value.

ABC's annual Safety Performance Report documents the effectiveness of STEP. Since 2018, the SPR has served as the road map and how-to guide for contractors to achieve industry-leading health and safety.

New in 2023, ABC added total human health⁷ as a key component of an effective safety program. Total human health is focused on building a resilient workforce that is connected through relationships and engaged in performing construction work to a high standard of safety, quality and effectiveness.

Additionally, ABC recommends that OSHA consider leading indicators based on the wider scope of project management and human resource metrics, which can be indicative of a company's ability to effectively prioritize health and safety measures. When these metrics indicate a pending shortage of labor, equipment, materials or financial security, companies should be vigilant in ensuring these challenges do not lead to reductions in safety. Potential metrics may include the following:

- Overtime hours
- Worker absenteeism
- Worker turnover
- Worker participation in retirement programs
- Commute times
- Completion of preventative maintenance of equipment
- Up time of equipment
- Percentage of materials received on time and in full

⁶ <http://www.abcstep.org/>

⁷ See [Total Human Health Executive Summary](#).

6. *How do you determine the effectiveness of your leading indicators?*

The 2023 Safety Performance Report⁸ is based on 2022 data collected from ABC STEP member companies recording more than 850 million hours of work in construction, heavy construction, civil engineering and specialty trades.

The 2023 SPR⁹ documents the dramatic impact of using proactive safety practices and leading indicators. Top-performing STEP participants achieved a 645% improvement in safety performance compared to the U.S. Bureau of Labor Statistics construction industry average in 2022.

The 2023 SPR tracked 35 data points from ABC member companies that deployed STEP to determine the correlation between leading indicator use and trailing indicator performance, which is measured by the Total Recordable Incident Rate and Days Away, Restricted or Transferred Rate on each applicant's OSHA Form 300A.

In its 2023 SPR, ABC determined the following five core leading indicators with the most significant impact on safety performance:

- Behavior-Based Safety—A process that informs management and employees of the overall safety culture in the workplace through safety observations improves TRIR and DART rates by 60% and 62%, respectively.
- Employee Participation—Employee participation throughout the safety management system improves TRIR by 44% and DART rates by 48%.
- Supervisor Safety Meetings—Conducting weekly safety meetings with supervisors and distributing minutes for review leads to a 53% reduction in TRIR and a 54% reduction in DART rates.
- Task-Specific Safety Process—Establishing a process to define the scope of work, analyze hazards, develop and implement hazard control methods, perform the work within established controls as well as provide feedback and continuous improvement leads to a 56% reduction in TRIR and a 59% reduction in DART rates.
- Safety Inspections—When fully integrated into a safety management system, safety inspections improve TRIR and DART rates by 54%. The inspections represent an opportunity for the workforce to be fully engaged, equipped and empowered to improve safety culture and performance. Frequent and assigned inspections document good safety behavior and conditions while quickly correcting defects.

⁸ See www.abc.org/spr.

⁹ See www.abc.org/spr.

12. Do you have any additional comments regarding the use of leading indicators?

Challenges in Leading Indicator Effectiveness

The 2023 SPR found three challenges that have a significant impact on the effectiveness of these leading indicators: top management engagement, substance abuse prevention programs and new hire safety orientations.¹⁰

Encouraging participation from the highest level in developing a company's safety culture is one of the pieces of verifiable evidence that these leading indicators are effective. In fact, our data shows employer involvement at the highest level of company management produces a 54% reduction in TRIR and a 55% reduction in DART rates. High-scoring STEP participants implement best practices to promote C-suite engagement such as active participation in their company's safety program, instilling personal accountability for safety throughout the company, soliciting feedback on the safety program and seeking ways to improve, and more.

ABC found companies that conduct an in-depth indoctrination of new employees into the safety culture, systems and processes based on a documented orientation process experience 48% to 52% lower incident rates than companies that limit their orientations to basic safety and health compliance topics.

ABC also found that one-third of all incidents on construction jobsites are drug- or alcohol-related. Robust substance abuse prevention programs/policies with provisions for drug and alcohol testing where permitted lead to a 59% reduction in TRIR and a 62% reduction in DART rates. Plus, substance abuse testing can be an effective method of incident prevention if used properly. Employee assistance programs and available education on substance abuse prevention can assist employees dealing with these issues.

ABC understands the challenges of maintaining leadership engagement within a company or updating a new hire orientation within an industry that is constantly evolving, but we are willing to work with OSHA to develop materials that address these challenges. For example, while we commend OSHA for the steps the agency has taken to provide additional resources on leading indicators,¹¹ we also support the publication of an annual list of data-driven, verifiable leading indicators that produce the most dramatic impact for safety performance within various industries, presented in an accessible manner similar to OSHA's "Top 10 Most Frequently Cited Standards."¹²

It is also important to understand the interdependency of the indicators. For example, Supervisor Safety Meetings strengthen Employee Participation because the additional coaching and peer support from the supervisor meetings enable supervisors to learn how to engage front-line workers in a meaningful way to gain employee input and buy-in. Employee

¹⁰ See pages 12-15 and 17 of the "ABC 2023 Safety Performance Report," https://www.abc.org/Portals/1/2023/SPR/2023_Safety_Performance_Report_SPR.pdf?ver=WSTEPXVn2qgRunOy-cXUMA%3d%3d.

¹¹ <https://www.osha.gov/leadingindicators/resources/>.

¹² <https://www.osha.gov/top10citedstandards>

Participation will only occur if supervisors understand the importance of getting employees involved and have the professional skills to create opportunities and a psychologically safe space for employees to genuinely engage.

OSHA Must Continue Its Collaborative Approach To Incorporating Mental Health Into Its Safety Practices

Through the data collected from STEP and the annual SPRs, ABC has found that applying industry-leading processes dramatically improves safety performance among STEP participants, regardless of company size or type of work. However, OSHA must also emphasize the importance of mental health, in addition to the physical health and well-being of millions of employees across various industries. Specifically, the construction industry experiences a suicide rate that is four times greater than the national average and five times greater than that of all other construction fatalities combined.¹³

Along with the more than 75 industry organization members of the Construction Industry Alliance for Suicide Prevention, ABC is dedicated to reducing suicide risk across the construction industry, equipping companies to better address mental health issues and promoting the safety and well-being of the industry's workforce. OSHA should continue creating resources on mental health¹⁴ that are tailored to specific industries while also discussing and crafting resources on leading indicators within those various industries.

Conclusion

ABC looks forward to continued discussions with OSHA on the significance of using leading indicators in construction and other high-hazard industries.

Thank you for the opportunity to submit comments on this matter.

Respectfully submitted,

A handwritten signature in black ink that reads "Joe Xavier". The signature is written in a cursive, flowing style.

Joe Xavier
Senior Director of Health and Safety

¹³ <https://preventconstructionsuicide.com/>

¹⁴ <https://www.osha.gov/preventingsuicides/>