



THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA

333 John Carlyle Street, Suite 200 • Alexandria, Virginia 22314 • (703) 548-3118 • FAX (703) 548-3119

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September 21, 1999

Ms. Diane Miller
NIOSH Docket Officer
Mailstop C-34
4676 Columbia Parkway
Cincinnati, Ohio 45226-1998

Dear Ms. Miller:

The Associated General Contractors of America (AGC) is the largest and most diverse trade association in the construction industry. The association's membership includes 7,500 of the nation's leading general contracting firms engaged in the construction of highways, bridges, tunnels, airports, buildings, factories, warehouses, shopping centers and both water and wastewater treatment and other facilities. In addition, AGC's membership includes over 25,000 construction industry firms such as subcontractors, suppliers, professional service providers and other related businesses. AGC has 99 chapters nationwide that provide member services in all 50 states and at the local level.

AGC has been committed to the safety and health of construction workers since its inception in 1918. The association began offering the construction community safety and health services in the early 1920's with the first edition of AGC's Accident Prevention Manual. Since that time, AGC has continued to be the construction industry leader in the safety and health education arena by developing and producing resources such as videotapes, manuals, guides and courses to assist in protecting construction workers.

Each of AGC's 99 chapters offers a variety of safety and health services from basic training to full service comprehensive safety departments that provide jobsite inspections, safety van visits (which allow safety professionals to visit job sites to provide on the scene safety training), employer/employee safety training, bilingual training and OSHA/MSHA consultation. Many chapters have developed their own videos and other safety materials.

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Thank you for the opportunity to comment on the draft NIOSH document: "Building Safer Highway Work Zones: Measures to Prevent Worker Injuries from Vehicles and Equipment." If implemented the proposals contained in this document will have an immediate and significant impact on AGC members. We therefore believe AGC has a significant stake in its development and implementation.

My overall comment on the document is that it reflects a lack of contractor input. Given AGC's active involvement with safety issues in the construction industry, we were disappointed not to have been invited to participate in the December 1998 workshop. It was apparently at this workshop that many of the recommendations for this publication were developed. Looking at the list of participants at the workshop, there was no significant contractor participation there either. AGC believes that safety is a partnership that requires cooperation between contractors, their employees, the owner and, in the case of highway construction, the driving public. The best safety programs are those in which all of the affected parties have buy-in.

AGC sent your draft document to a number of our committees within the Highway Division for their review and comment. Their responses are enclosed. As you can see there was both support and concern for a number of the proposals. In general there is a great deal of concern about the practicality of many of the proposals. Can they really be implemented? Contractor input would help you in answering these questions.

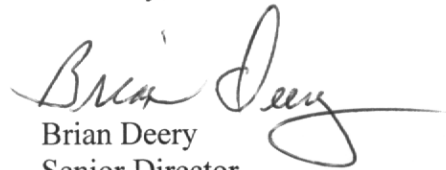
Some of the other concerns expressed are:

- In today's highway construction market there is significant emphasis on "customer satisfaction" by state DOTs. This usually translates into getting construction completed as quickly as possible with the least amount of impact on drivers. This attitude can at times undermine the contractor's efforts at safety for the worker. This is a significant fact that should be addressed by NIOSH.
- The MUTCD should not be undermined by developing separate traffic control plans and devices. This manual has become the bible of the traffic control specialists and it should be augmented rather than supplanted. There should be more emphasis on expanding the use of this document for street construction other than Federal-aid work.
- There are no one size fits all practices to address many of the safety problems encountered in the highway work zone. Any standards issued should be in the nature of guidelines rather than directives.
- Training of construction workers whose actions affect work zone safety is an important recommendation that AGC supports. However, we do not believe that an OSHA mandate is necessary and we strongly encourage you not to move to a certification requirement. It is very difficult to maintain workers who are certified for

any specific skill. Rather than lead to more trained employees, certification often leads to workers moving from one company to another.

In conclusion, AGC believes that improving worker safety in the highway work zone requires a multi-faceted approach as is suggested by NIOSH. However, we believe that contractors have much to contribute in developing practical solutions to this concern. AGC stands ready to work with NIOSH in developing such solutions.

Sincerely,

A handwritten signature in cursive script that reads "Brian Deery". The signature is written in black ink and has a long, sweeping tail that extends to the right.

Brian Deery
Senior Director
Highway Division