The National Safety Stand-Down to Prevent Falls in Construction Begins Today!

Today marks the start of the fifth annual National Safety Stand-Down to Prevent Falls in Construction. Falls are the number one killer of construction workers on the job, and in 2016, claimed the lives of 388 workers from across the United States.

This is why CPWR, NIOSH and OSHA came together to launch the Campaign to Prevent Falls in Construction in 2012 and added its flagship event, the National Safety Stand-Down, in 2014. Across the country, work will pause for toolbox talks about fall hazards, equipment inspections and safety audits, and other fall prevention activities. I know many of you are planning a stand-down, because we have sent you shipments with hundreds of thousands of Hardhat stickers and Hazard Alert cards for your events. Thousands of you have visited www.stopconstructionfalls.com to download campaign materials.

If you haven't planned your Stand-Down, it's not too late! Schedule a fall prevention event at your training center, company, or jobsite. It's easy: download some scripted toolbox talks and handouts that are appropriate to your trade, huddle with your team to reflect on the interactive Fall Fatality map, or review the campaign's Five-Day plan for other possible activities. And when you're done, don't forget to visit OSHA's National Safety Stand-Down page to report on your event and earn a certificate of participation.

Please join the fight to stop falls and Stand-Down!
Protect Your Hearing, Protect Your Heart

Did you know that a comprehensive program that protects workers’ hearing can also reduce their risk for heart disease? While often a consequence of diets high in trans-fat and salt, tobacco use and lack of physical activity, this leading cause of death and disability in the U.S. and Canada can also develop from exposure to jackhammers and other common construction noise. According to a recent study by the Centers for Disease Control and Prevention (CDC), in addition to hearing loss, routine exposure to loud noise can also cause high blood pressure and high cholesterol. Without treatment, workers with these conditions are at risk of developing cardiovascular disease (CVD), the most common form of heart disease.

The study found that a quarter of U.S. workers, many of whom work in construction, experience hazardous noise on the job. The construction industry has one of the highest rates of occupational noise exposure, with 51 percent of workers exposed to hazardous noise levels. “A significant percentage of the workers we studied have hearing difficulty, high blood pressure and high cholesterol that could be attributed to noise at work,” said Liz Masterson, Ph.D. study co-author. “If noise could be reduced to safer levels in the workplace, more than five million cases of hearing difficulty among noise-exposed workers could potentially be prevented. This study [also] provides further evidence of an association of occupational noise exposure with high blood pressure and high cholesterol, and the potential to prevent these conditions if noise is reduced.”

In the U.S. alone, the latest costs associated with CVD are at $555 billion and climbing. According to the American Heart Association (AHA), an employee with CVD costs his or her employer an average of 60 hours in lost work time and over $1,100 in lost productivity per year.
Skid Steer Safety Training
Frequently Asked Questions:

What are the OSHA skid steer loader standards?

Contrary to popular belief, neither OSHA nor ANSI have issued standards specific to skid steer loader operation. This is, we assume, in part to the versatility of this type of construction equipment in that on any given day they can be used as loaders, backhoes, forklifts, mowers, and the like. Currently, SAE J1388-2013 is the only standard that applied to skid steers and personnel protection.

If I’m operating the skid steer as a backhoe or a forklift, does the machine and operations fall under OSHA’s earth moving and forklift standard?

No. This, too, is a common misunderstanding. According to OSHA’s March 7th, 2000 Letter of Interpretation, if the “equipment was designed to move earth, but has been modified to accept forks,” then “it would not be considered a powered industrial truck within the scope of 1910.178,” the standard for low and high lift trucks. Some might argue that they did not “modify” the equipment to use forks and that it was created for this purpose in addition to using it as a loader. True, but the keyword here is “in addition.” It was originally intended to be an earth mover, so no matter how often you use the forks, it will not fall under the forklift standard.

Then why not the earth moving standard? Good question. One of these days soon it may, or it may have its own standard. But just know that right now, because of the big differences in size and operation when compared to 360 excavators and loader backhoes, it does not fall under their OSHA standard either.

Does OSHA require skid steer safety training?

Yes, absolutely. OSHA has a few key standards that are a “catch-all” of sorts. 29 CFR 1926.20 and 21 lay the general ground work for safety training requirements—no matter the equipment or situation. Simply put, these two standards state very clearly that it is the employer’s responsibility to train operators. More specifically, 1926.21(b)(2) states that “the employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.”
Bottom line, if you don’t train and there is an accident, and OSHA comes in to investigate (and they will), you better believe they will ask for proof that workers have been trained (when and on what subjects). And if you can’t prove it, they will most likely refer to these standards and the OSH Act of 1970 as the basis for their citations.

**Do I need additional skid steer safety training if I am using different attachments?**

Yes. In line with the standards mentioned above, operators need to be trained on the safe operation of the machine, as well as any attachments. Why? Because they are all different in terms of safe operation and handling. So, if you will be using a backhoe attachment, you should first receive additional training regarding its use. The same goes for buckets, pallet forks, hoppers, sweepers, and the like. Also, it cannot be overstated: operators must read and understand the operator’s manual for both the skid steer and the attachment before use.

**How often do I need skid steer safety training?**

OSHA requires skid steer training for skid steer operators—on that there is no question. Where confusion exists is how often operators need skid steer refresher training or recertification. Outside of the initial safety training class, it is common to see companies set recertification at every three years. We are one of them. And here’s why:

As far as this 3-year skid steer training certification goes, OSHA regulations are very specific when it comes to forklifts and a couple other pieces of equipment. However, on everything else they are not so clear. They just state the employer must regularly provide safety training for their aerial lift operators. Following industry best practices, we’ve adopted this 3-year term in order to help employers comply with the general standard of regularly providing and proving skid steer training. Ultimately, it is up to the employer to determine how frequently their skid steer operators need to be trained. Many of our customers require it more often, annually even. Others may stretch it out a bit. In working with OSHA, though, it is our experience that they like to see employers adopt the strictest standard when the regulations are not clear. For instance, we know of companies that didn’t train every three years and were reprimanded by OSHA for not offering additional training more often. It is not uncommon for OSHA to refer to the forklift standard as the pattern by which training should be carried out for other pieces of equipment. On a side note, OSHA is slowly but surely making training requirements specific for other pieces of equipment so there are no gray areas. Mobile cranes and aerial lifts, for instance, are all undergoing potential changes to the regulations that will reference training specifically.
So, with that in mind, we say skid steer operators must be re-evaluated every three years to determine if they are still competent enough to operate. We also state that this every-three-year skid steer evaluation is the maximum time that should be allowed to pass before an operator receives skid steer recertification. According to OSHA, there are several instances that will require additional skid steer training and observation before the three year period is up:

- skid steer operator is observed in an accident or a near miss
- skid steer operator received a poor evaluation or is observed driving in a dangerous manner
- skid steer operator is assigned to drive a different type of skid steer or the workplace has changed significantly enough to require additional skid steer training (such as being transferred from operating a skid steer used to hoist signs to a skid steer used for trimming trees).

I’ve received skid steer training. Can I operate a track loader or multi-terrain loader?

Not necessarily. OSHA requires operators to receive training for each type of skid steer. On this term, “type,” there is much confusion. Generally speaking, by “type” OSHA means skid steer vs. compact track loader or multi-terrain loader. But, perhaps more than any other piece of equipment, skid steer operations can vary widely by machine size and capacity. So different sized skid steers—even within the same brand—could also qualify as different types.

If you have received skid steer safety training and have always operated a rubber-tired CAT skid steer, but then are asked to operate a rubber-tired John Deere skid steer, you should be just fine to operate under the same training certification received previously. Keep in mind though, controls can differ greatly from brand to brand, especially among skid steers (Dual-Lever Foot Controls vs H-pattern Controls vs. ISO Joystick Controls vs ACS), so in these cases you may need additional instruction or a quick refresher training to make sure you are clear on what each control does.

At the end of the day, if you were operating a backhoe loader and there was a backhoe loader accident and OSHA came to investigate only to discover that you had received training specific to 360 skid steers but not backhoe loaders, then you’d be liable. You can’t really train too much.
I’ve operated skid steers for 20 years. Do I need to take a class, a written exam, and a practical exam still? Or can I just take a written test?

No matter how long you’ve been on the job, OSHA requires skid steer safety training, a skid steer written exam, and a practical skid steer evaluation. There is no way around it. This goes for other types of skid steer loaders too. The extent of the classroom skid steer safety training can be adapted by the instructor according to student needs. The written exam proves mental competency and understanding of the safety principles taught. And the practical evaluation proves the skid steer operator not only understands but is capable of operating the machine safely.

I received skid steer safety training at a different job. Do I need to be trained again by my new employer?

This is a common question, especially among laborers-for-hire who may sub out from job to job. Technically, it is your current employer who is responsible for saying whether or not you have been trained. If you bring a training certificate or wallet card to your new employer, they do not have to accept it. It is their right to require you to take their own training class. This is because if there is an accident, they will likely be responsible and need to prove to OSHA that they trained you on safe skid steer operations.

What is skid steer certification? Who can train, evaluate, and certify operators?

This, above all, causes a lot of confusion. Bottom line, OSHA states that employers are responsible to train their employees. Generally speaking, there are three ways they can do this:

- Train employees in-house with their own program
- Hire a 3rd party to train the employees (on-site or off-site)
- Use another company’s materials or online classes to train employees

In terms of using a 3rd party safety training companies’ materials OSHA does not recognize one company over another. They simply state that ‘training needs to occur’ and ‘here are the things a skid steer operator should be trained on.’
When we do live or online skid steer safety training, people often assume we are the ones certifying the trainees. This is not true for any training company. We are simply assisting the employer by providing live training or the training materials needed to help them certify their employees for safe skid steer operation.

**Do I have to wear a seat belt when operating a skid steer loader?**

First, most construction equipment today are designed with interlock control systems that prevent them from working or the lift arms from rising without the seat belt and restraint bars being engaged. On a side note, you should never disable the interlock control device. But if your skid steer does not have a seatbelt, then the choice is yours. Technically, OSHA does not have a specific standard that requires the use or installation of seat belts.

BUT, the OSH Act of 1970, specifically 5(a)(1), which is still in effect today, states that “each employer shall furnish to each of his employees…a place of employment which is free from hazards that are causing or are likely to cause death or serious physical harm to his employees.” That means the employer needs to take measures to prevent injuries in the case of a common accident—like tip over. In this case, wearing a seatbelt is one of the primary ways to protect an operator so you should always wear it. If you don’t and you get injured, OSHA will most likely fine you for not wearing it.

**Do I have to wear a hard hat in a skid steer?**

Like seat belts, there are some gray areas regarding when an operator needs to wear a hard hat. Much of the responsibility falls on the employer to create rules, and the employees to follow them. What we do know is that OSHA 29 CFR 1910.135(a)(1) states, “each affected employee shall wear protective helmets when working in areas where there is a potential for injury to the head from falling objects.” “Affected employees” is defined any “employees who are exposed to the hazards.”

Add to that the OSH Act of 1970 we’ve already discussed, and you have enough information to make the decision on your own.

How does this relate to skid steers? If you are in a cab that is enclosed, and if you are wearing your seatbelt and the lap bar has been secured, then you might be okay. The cab is small, though, so in a roll over you still might injure your head.

If, however, the cab is not enclosed, the likelihood of being hit by an object or debris falling from the bucket increases. In these cases, it is still up to the employer to set forth any PPE requirements, but it would be wise to wear your hard hat no matter what.
How do I take the skid steer practical evaluation if I take the training online?

The online skid steer training class covers OSHA’s requirements for the classroom portion. Many employers prefer online training because they know exactly what training the operator will receive. In live classes, the training sometimes varies. A written exam is included at the end of our online training courses. After the class and exam are finished, you and your safety managers will have immediate access to a practical evaluation checklist. This can be printed off and used by your supervisor to help him/her evaluate you on the skid steer. When done, they can sign it and file it with your exam. This will satisfy OSHA’s requirements for skid steer certification.

My trainee scored 80% on the exam. Did he pass or fail?

Contrary to popular belief, OSHA does not dictate what a passing score entails. That is ultimately up to the employer whose responsibility it is to certify, or authorize, their employee to operate a skid steer. If you want to pass him/her at 80%, fine. But what if a question or two among the 20% missed could lead to an accident or death? Is it worth it? Our recommendation is that you always go over any missed questions with your trainees—even if they just missed one. Once they understand the principle missed, have them write their initials by the correct answer. That way, you are protecting them and those around them from potential accidents in the future.
How Labor Shortages Can Put Worker Safety at Risk

For the last several years, the construction industry has been facing a growing problem – there aren’t enough skilled workers to go around. One of the reasons is the Great Recession, which forced many construction workers to look elsewhere for work. Some found a permanent home in other industries or retired. In addition, more and more members of the Baby Boomer generation, which for years has made up a substantial portion of the U.S. workforce, are reaching retirement age. And with fewer young people choosing construction as a career, there aren’t enough new workers to replace them. It’s been estimated that for every skilled worker who enters today’s workforce, five workers are retiring. All of these factors have forced the industry to deal with an ever-shrinking pool of workers at a time when construction is booming.

To fix this issue, contractors have to find ways to attract more workers to the industry, especially workers who already have the experience and skills to do the job. The most obvious way to do this is increasing wages and benefits. While the average wage in construction has risen during the current labor shortage, construction wages still lag behind similar industries in many parts of the country.

LIUNA signatory contractors understand that paying strong wages that match the skills and experience workers bring to the table has the added benefit of creating a safer working environment. LIUNA signatory contractors and others who take safety seriously in both good and bad economies know they are more likely to retain qualified, skilled workers because they are fostering a positive safety culture and sending the message that workers are a valued, respected part of the company.

“Although a modern construction site may seem like barely controlled chaos to a bystander, it’s actually a series of structured, planned events that are often overlapping or happening simultaneously,” says LHSFNA Management Co-Chairman Noel C. Borck.

“Contractors rely on crews of workers to each perform their tasks on time, correctly and safely to keep the entire site running smoothly and the job on schedule. That can be much more difficult to achieve if a task that would normally be completed by five workers has to be done by four or three.”

LHSFNA Management Co-Chairman Noel C. Borck
A labor shortage has the potential to put pressure on workers to get more done in less time. That’s almost always a formula for more serious injuries and fatalities on the job. The temptation is to make up for a lack of manpower by cutting corners, working faster than is safe or bringing on workers who are less qualified to do the job. When the alternative is slowing down the entire job, it’s understandable that contractors and workers might be tempted to make some of these choices. However, all of these decisions increase the risk of a serious injury or fatality on the job.

Working shorthanded leaves fewer eyes and ears to spot safety concerns that might otherwise be found and corrected. This is especially true if workers who are inexperienced or have not been properly trained make up the remaining crew members, since it’s less likely they will notice dangerous work conditions or work practices. Not having enough qualified workers can also make some key safety practices less likely to occur, such as the use of a spotter in confined spaces or the review of a trench by a competent person. This is a reality that contractors across the U.S. and Canada should work hard to avoid, as these and other scenarios like them can make construction sites, which are already inherently hazardous, much more dangerous for workers.

Fortunately, LIUNA signatory contractors have the benefit of calling on LIUNA members who are already trained and ready to work safely. This is yet another area where many non-signatory contractors could benefit from following the lead of LIUNA and its signatory employers. Contractors who want skilled workers with specialized experience should be willing to invest the time and money necessary to train new workers or get their current workforce up to speed. Ongoing worker training and skill development doesn’t happen by accident – it requires a commitment from employers who understand that remaining competitive in the marketplace means developing and maintaining a skilled workforce.

When you get right down to it, the problem isn’t that the construction industry has a shortage of workers. The problem is that there’s a shortage of employers willing to offer what is necessary – safe working conditions, job training, strong wages and other benefits – to attract workers in an industry where hard work is the norm and jobs can be dangerous if they are not done properly. If more employers followed the lead of many of LIUNA’s signatory contractors, the construction industry’s worker shortage problem likely wouldn’t be such a problem after all.