



DEPARTMENT OF
HOUSING



CDBG-DR

**OCCUPATIONAL SAFETY & HEALTH POLICY
FOR ALL CDBG-DR/MIT PROGRAMS**

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PUERTO RICO DEPARTMENT OF HOUSING
CDBG-DR/MIT PROGRAM
OCCUPATIONAL SAFETY AND HEALTH POLICY FOR ALL CDBG-DR/MIT PROGRAMS
VERSION CONTROL

VERSION NUMBER	DATE REVISED	DESCRIPTION OF REVISIONS
1	June 9, 2020	Original version. This document supersedes the Occupational Safety & Health Policy for the R3 Program published in English on December 20, 2019 and in Spanish on January 29, 2020.
2	May 13, 2021	Edits provide clarification; addition of the most recent COVID-19 guidance. These are highlighted in gray for your convenience.
3	September 14, 2023	Edits made to format and wording; addition of new section for Workplace Violence and new section of Language Access for Safety Documents. In addition, language has been added for CDBG-MIT application. These are highlighted in gray for your convenience.

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1 Overview

1.1 Policy Objective

This Occupational Safety and Health Policy (**OSH Policy**) ~~has been developed~~ will apply to ~~for all~~ the Community Development Block Grant-Disaster Recovery (**CDBG-DR**) and Community Development Block Grant Disaster-Mitigation (**CDBG-MIT**) programs including ~~Housing, Multisector, Infrastructure, and Economic Development~~, where construction will be part of the program implementation. Each section ~~below~~ will ~~make reference~~ refers to the applicable Program Areas. This ~~Policy guide~~ highlights Occupational Safety and Health standards for CDBG-DR programs implementation.

Act No. 16 of August 15, 1975, as amended, 29 LPRC sec. 361 *et seq.*, known as the "Puerto Rico Occupational Safety and Health Act", (**Act 16**), was adopted ~~with the purpose of guaranteeing overall~~ to ensure safety and health conditions in the workplace. Act 16 authorizes the Secretary of the Puerto Rico Department of Labor and Human Resources (**Secretary of Labor**) to adopt rules and regulations pertaining to health and safety conditions for employees in the workplace. As a result of the mandates of such act, ~~the Secretary of Labor established~~ the Puerto Rico Occupational Safety and Health Act Administration of Puerto Rico (**PROSHA**) was established as a mechanism to ensure the achievement of the objectives specified in ~~within~~ Act 16 ~~are achieved~~. PROSHA has ~~ample~~ broad jurisdiction, extending not only to the public sector but also has authority over private sector workplaces. ~~Therefore, Given the above,~~ Program Subrecipients/Program Contractors and Subcontractors are subject to the provisions of Act 16 and, as such, are responsible for complying with the requirements found thereunder.¹

Program Subrecipients/Program Contractors and Subcontractors must also be aware of requirements set forth in the Contract Work Hours and Safety Standards Act (**CWHSSA**). Sections 3704 and 3705 of the Act establishes health and safety standards in building trades and construction industry and the implementation of safety programs.²

It is the Puerto Rico Department of Housing's (**PRDOH's**) priority to ensure the provisions of this Policy are complied with through periodic oversight of all Program Areas with the applicable entities, subrecipients and contractors, safety & health officers, and any other subcontractors of either entity— collectively referred to as Program Subrecipients/Program Contractors, as defined below. While Program Subrecipients/Program Contractors shall comply with ~~the standards of~~ safety and health

¹ PROSHA has identically adopted all the Occupational Safety and Health Administration (**OSHA**) standards and regulations applicable to state and local government and private sector employment with minor revisions to the recordkeeping regulation. In addition, PR OSHA has enacted a standard to address workplace violence situations, including procedures for handling domestic violence incidents in the workplace. It also has its own standards on boilers and pressure vessels, and on elevators.

² 40 U.S.C. §3704 and §3705.

standards as contained in Act 16 and provisions under Part 1926 of the Code of Federal Regulations, regarding Safety and Health Regulations for Construction (29 C.F.R. Part 1926§1926.1 et seq.), they must also comply with the requirements set forth in this Policy.

The PRDOH OSH Policy may not be interpreted or construed to supersede any of the regulations prescribed by PROSHA. The policy does not replace or exempt contractors from direct adherence to PROSHA regulation standards.

1.2 Policy Description

This OSH Policy establishes requirements and protocols that have the goal of preventing accidents in the construction work areas of CDBG-DR/MIT funded project sites. It also describes the processes for standard communications, investigations, reporting, and correction of unsafe working conditions observed during inspections, as well as for responding to accidents and emergencies when they occur. In order to achieve the objectives established in the OSH Policy, Program Subrecipients/Program Contractors are expected to work as a team to maintain safe and healthy work environments. For this reason, the Policy assigns specific roles and responsibilities to Program Subrecipients/Program Contractors.

2 Definitions

Accident Response Plan: A written document to address management of an unplanned, unexpected, and undersigned event that occurs suddenly and causes injury or loss of life to people, or damage to facilities, property, or equipment.

CM Lead Safety Manager: Refers to the ~~Construction Manager that employees designated as Lead Safety Manager.~~ lead safety manager designated by a Construction Manager.

Construction, Prosecution, Completion or Repair: 29 C.F.R. §5.2(j) define these terms as:

(1) All types of work done on a particular building or work at the site thereof, including work at a facility which is deemed a part of the site of the work within the meaning of (paragraph (l)) of this section³ by laborers and mechanics employed by a construction

³ The term site of the work is defined as follows:

(1) The site of the work is the physical place or places where the building or work called for in the contract will remain; and any other site where a significant portion of the building or work is constructed, provided that such site is established specifically for the performance of the contract or project;

(2) Except as provided in paragraph (l)(3) of this section, job headquarters, tool yards, batch plants, borrow pits, etc., are part of the site of the work, provided they are dedicated exclusively, or nearly so, to performance of the contract or project, and provided they are adjacent or virtually adjacent to the site of the work as defined in paragraph (l)(1) of this section;

(3) Not included in the site of the work are permanent home offices, branch plant establishments, fabrication plants, tool yards, etc., of a contractor or subcontractor whose location and continuance in operation are determined wholly without regard to a particular Federal or federally assisted contract or project. In addition, fabrication plants, batch plants, borrow pits, job headquarters, tool yards, etc., of a commercial or material supplier, which are established by a supplier of

contractor or construction subcontractor (or, under the United States Housing Act of 1937; the Housing Act of 1949; and the Native American Housing Assistance and Self-Determination Act of 1996, all work done in the construction or development of the project), including without limitation -

(i) Altering, remodeling, installation (where appropriate) on the site of the work of items fabricated off-site;

(ii) Painting and decorating;

(iii) Manufacturing or furnishing of materials, articles, supplies or equipment on the site of the building or work (or, under the United States Housing Act of 1937; the Housing Act of 1949; and the Native American Housing Assistance and Self-Determination Act of 1996 in the construction or development of the project);

(iv)

(A) Transportation between the site of the work within the meaning of paragraph (l)(1) of this section⁴ and a facility which is dedicated to the construction of the building or work and deemed a part of the site of the work within the meaning of paragraph (l)(2) of this section⁵; and

(B) Transportation of portion(s) of the building or work between a site where a significant portion of such building or work is constructed, which is a part of the site of the work within the meaning of paragraph (l)(1) of this section⁶, and the physical place or places where the building or work will remain.

(2) Except for laborers and mechanics employed in the construction or development of the project under the United States Housing Act of 1937; the Housing Act of 1949; and the Native American Housing Assistance and Self-Determination Act of 1996, and except as provided in paragraph (j)(1)(iv)(A) of this section⁷, the transportation of materials or supplies to or from the site of the work by employees of the construction contractor or a construction subcontractor is not "construction, prosecution, completion, or repair" (see Building and Construction Trades Department, AFL-CIO v. United States Department of Labor Wage Appeals Board (Midway Excavators, Inc.), 932 F.2d 985 (D.C. Cir. 1991)).

materials for the project before opening of bids and not on the site of the work as stated in paragraph (l)(1) of this section, are not included in the site of the work. Such permanent, previously established facilities are not part of the site of the work, even where the operations for a period of time may be dedicated exclusively, or nearly so, to the performance of a contract.

⁴ Id.

⁵ Id.

⁶ Id.

⁷ Transportation between the site of the work and a facility which is dedicated to the construction of the building or work and deemed a part of the site of the work.

Construction Manager or CM: Refers to an entity contracted by the PRDOH for design and construction services, including the development, implementation and maintenance of the Occupational Safety and Health Plan (**OSH Plan**).⁸

CM Safety Officer: Refers to the Construction Manager employee designated as Safety Officer.

Competent Person: Refers to an individual who is capable of identifying existing and predictable hazards in the surroundings or working conditions that are hazardous, unsanitary, or dangerous to employees, and who is authorized to take prompt corrective measures to eliminate these hazards and conditions.

Emergency Action Plan: Written document required by Occupational Safety and Health Administration (**OSHA**) standards (including 29 C.F.R. §1910.38(a) and 29 C.F.R. §1926.35) to help facilitate and organize employer and employee actions during workplace emergencies.

Evacuation Plan: Written document containing details as to when an evacuation would be necessary, the chain of command and designation of key employees in the execution of the plan and evacuation procedures, including a system for accounting for employees following the evacuation, among other ~~topics~~ things.

General ~~LIHTC~~ Contractors: An entity contracted by PRDOH or a Subrecipients ~~Puerto Rico Housing Finance Authority (PRHFA)~~ to manage CDBG-DR/~~MIT Gap to Low Income Housing Tax Credits~~ Programs through project developers according to the contract and the established Scope of Work as part of their contract. For additional details on their Scope of Work visit: <https://www.cdbg-dr.pr.gov/en/contracts/> (English) or <https://cdbg-dr.pr.gov/contratos/> (Spanish).

Hazard: A hazard is the potential for harm (physical or mental). A hazard often is associated with a condition or activity that, if left uncontrolled, can result in an injury or illness. Identifying hazards and eliminating or controlling them as early as possible will help prevent injuries and illnesses.⁹

~~Housing Programs:~~ Refers to the ~~Home Repair, Reconstruction, or Relocation Program (R3); Title Clearance Program (TC); Rental Assistance Program (RA); Social Interest Housing Program (SIH); Housing Counseling Program; CDBG DR Gap to Low Income Housing Tax Credits Program (LIHTC); Community Energy and Water Resilience Installations Program (CEWRII); and Homebuyer Assistance Program (HAPPA).~~

⁸ For detailed information regarding the OSH Plan requirements see Occupational Safety and Health Plan section of this Policy.

⁹ See <https://www.osha.gov/Publications/OSHA3071.pdf>

Infrastructure Programs: Refers to the Non-Federal Match Program; Critical Infrastructure Resilience Program; and Community Resilience Centers Program. ~~(NFM) and City Revitalization Program (CRP).~~

Job Hazard Analysis or (JHA): A technique that focuses on job tasks as a way to identify hazards before they occur. JHA focuses on the relationship between the worker, the task, the tools, and the work environment. Ideally, after you identify uncontrolled hazards, you will take steps to eliminate or reduce them to an acceptable risk level. ~~uncontrolled hazards are identified, steps will be taken to eliminate or reduce such hazards to an acceptable risk level.~~¹⁰ JHAs should be completed per project as part of the PRDOH CDBG-DR/MIT OSH Policy requirements.¹¹

Multisector Programs: Refers to the City Revitalization Program; and Puerto Rico by Design Program.

Pandemic Disease Plan: A Pandemic Disease Plan is a documented strategy for how an organization plans to provide essential services when there is a widespread outbreak of an infectious disease.

Planning Programs: Refers to ~~Municipal Recovery Planning Program (MRP), Whole Community Resilience Planning Program (WCRP); Home Resilience Innovation Competition Program (HRIC); and the Puerto Rico Geospatial Framework (GeoFrame) Program (GeoFrame).~~

Program Manager or (PM): Refers to an entity contracted by the PRDOH to oversee and manage projects.

PM Safety Officer: Refers to the Project Manager employee designated as Safety Officer.

Program Subrecipients/Program Contractors: Refers to all PRDOH CDBG-DR/MIT Subrecipients and Contractors, as well as any of their Subcontractors and any employees of the subrecipient, contractors and subcontractor, including entities that have a contractual relationship with PRDOH to carry out a public purpose authorized by law.

Program Area Safety Officers: Refers to the Safety Officers which that are assigned to a particular program or project.

PRDOH CDBG-DR/MIT OSH Safety Lead: A PRDOH CDBG-DR/MIT employee designated by the Secretary of the PRDOH to manage occupational safety and health matters and ~~matters~~ issues related to this policy pertaining to the CDBG-DR/MIT Program.

Quality Control Inspector: Implements quality control and safety plans to ensure compliance with contract specifications and applicable regulations; inspects all phases

¹⁰ Id.

¹¹ Id.

of a variety of goods, services or operation for conformity to established quality, health and safety, and other operational standards by performing on-going work for compliance with contractual provisions; ensures all services listed on the performance requirement summary are performed in a satisfactory manner; specifies areas to be inspected (scheduled and unscheduled) and how often inspections will be accomplished; communicates deficiencies to proper persons; maintains Quality Control files; and document results of all inspections.¹²

Qualified Person: This means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training and experience, has successfully demonstrated his ability to solve or resolve problems relating to the subject matter, the work, or the project.

Rigging Plan: The plan developed by Construction Managers for lifting operations at all workplaces which addresses risks inherent in the planning of lifting activities and identifies mitigating actions.

~~**R3 Program:** Refers to the Home Repair, Reconstruction, or Relocation Program.~~

~~**R3 Program Construction Manager (CM):** Refers to an entity contracted by the PRDOH for design and construction services to implement the R3 Program according to the contract and RFP Scope of Work as part of their contract with PRDOH. For additional details on their Scope of Work visit: <https://www.cdbg-dr.pr.gov/en/contracts/> (English) or <https://cdbg-dr.pr.gov/contratos/> (Spanish).~~

~~**R3 Program Manager (PM):** An entity contracted by the PRDOH to oversee and manage the R3 Program according to the contract and the RFP Scope of Work as part of their contract with PRDOH. For additional details on their Scope of Work visit <https://www.cdbg-dr.pr.gov/en/contracts/> (English) or <https://cdbg-dr.pr.gov/contratos/> (Spanish).~~

~~**R3 Program Environmental Assessment Contractor:** An entity contracted by the PRDOH to oversee and manage the environmental assessments according to the contract and the RFP Scope of Work. For additional details on their Scope of Work visit <https://www.cdbg-dr.pr.gov/en/contracts/> (English) or <https://cdbg-dr.pr.gov/contratos/> (Spanish).~~

Request for Proposals (RFP): Solicitation method used under both the Competitive or Noncompetitive methods of procurement. Proposal evaluation and Contractor selection are based on the evaluation criteria and factors for award as stated in the RFP.

¹² For more information regarding quality control inspector see Position 99610 at: <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/SCADirectVers5.pdf>.

Safety Data Sheet or (SDS): Refers to a sheet containing information on components of hazardous chemicals used in the construction work site and which provides guidance to workers who handle such chemicals.

Safety Vest: Refers to an article of personal protective equipment (**PPE**) designed to have high visibility and reflectivity to be worn with the objective of making the worker more visible, thus, to minimize risks of injury.

Technical Assistance Session (TA): Individualized training provided to Subrecipients or Contractors who request it or who are identified as needing specialized assistance.

2.1 Program Portfolios

Portfolio Designation	Program Sector Area Summary
CDBG-DR ¹³	<p>CDBG-DR Economic Development Programs: Refers to the Small Business Financing Program (SBF) Small Business Incubators and Accelerators Program (SBIA); Tourism and Business Marketing Program (TBM); Workforce Training Program (WFT); Economic Development Investment Portfolio for Growth Program (IPG); and Re-Grow PR Urban-Rural Agriculture Program (RGRW).</p> <p>CDBG-DR Housing Programs: Refers to the Home Repair, Reconstruction, or Relocation Program (R3); Title Clearance Program (TC); Rental Assistance Program (RA); Social Interest Housing Program (SIH); Housing Counseling Program (HC); CDBG-DR Gap to Low Income Housing Tax Credits Program (LIHTC); Community Energy and Water Resilience Installations Program (CEWRI); Homebuyer Assistance Program (HBA) and Blue Roof Survey Program (Bluerroof).</p> <p>CDBG-DR Infrastructure Program: Refers to the Non-Federal Match Program (NFM).</p> <p>CDBG-DR Multisector Program: Refers to the City Revitalization Program (CRP).</p> <p>CDBG-DR Planning Programs: Refers to Municipal Recovery Planning Program (MRP), Whole Community Resilience Planning Program (WCRP); and the Puerto Rico Geospatial Framework Program (GeoFrame).</p>

¹³ CDBG-DR Action Plan and amendments is available in English and Spanish at: <https://cdbg-dr.pr.gov/en/action-plan/> and <https://cdbg-dr.pr.gov/plan-de-accion/>.

CDBG-DR (Energy Power System Enhancements and Improvements)	Energy Grid Rehabilitation and Reconstruction Cost Share Program (ER1) Electrical Power Reliability and Resilience Program (ER2)
CDBG-MIT¹⁴	<p>CDBG-MIT Housing Programs: Refers to the Single Family Housing Mitigation Program (SFM), Social Interest Housing Mitigation Program (SIHM), Community Multi-sector Mitigation Program (MSC).</p> <p>CDBG-MIT Infrastructure Program: Refers to the Infrastructure Mitigation Program.</p> <p>CDBG-MIT Multisector Community Programs: Refers to the Community Energy and Water Resilience Installations Program (CEWRI), Economic Development Investment Portfolio for Growth – Lifeline Mitigation Program (IPGM).</p> <p>CDBG-MIT Planning Programs: Refers to the Risk and Asset Data Collection Program (RAD), Mitigation and Adaptation Policy Support Program (MAPS), Planning and Capacity Building Program (PCB).</p>

3 PRDOH Responsibilities

This section applies to all CDBG-DR/MIT Program areas where construction will be part of the program scope and implementation.

~~This Section applies to all CDBG-DR Program areas: Housing, Multisectora, Infrastructure, and Economic Development where construction will be part of the program implementation.~~

PRDOH will exercise the following oversight responsibilities through the PRDOH CDBG-DR/MIT OSH Safety Lead in the implementation of safety oversight on programs:

- ~~Require Program Manager Safety Officers to provide orientation and working knowledge to subrecipients and their contractors on the requirements of the OSH Policy; Train Program Manager Safety Officers on the requirements of the OSH Policy;~~
- Engage and coordinate with PROSHA as required;

¹⁴ CDBG-MIT Action Plan and amendments is available in English and Spanish at: <https://cdbg-dr.pr.gov/en/cdbg-mit/> and <https://cdbg-dr.pr.gov/cdbg-mit/>.

- Require reporting from ~~direct contractors and construction projects~~ Program Areas to ensure they are following safety standards commensurate with this Policy's guidance and PROSHA;
- Perform compliance reviews related to occupational health and safety issues including:
 - Confirmation that the appropriate personnel at job sites have undergone the proper orientations;
 - Ensuring that safety policies and procedures are in place and are being followed by Program Subrecipients/Program Contractors;
 - Ensuring that ~~Program Area project~~ Safety Officers are conducting their responsibilities in accordance with provisions contained herein and their contractual obligations; and,
 - Performing site visits to observe and document adherence to OSH Policy and other local and federal regulatory requirements.
- Oversee the reporting of an accident and any follow up investigation to its conclusion as required by PROSHA;
- Oversee the review and approval of the OSH Plan and site safety plans as needed;
- Assist in the development of forms and templates to perform activities required by this OSH Policy; ~~and~~
- Require that ~~Program Areas~~ program contractors working on PRDOH projects commit to ensuring that Program Subrecipients/Program Contractors ~~adhere to the requirements from PROSHA and with disabilities have effective means to communicate and that Program Areas effectively communicate with Program Subrecipients/Program Contractors with disabilities regarding PRDOH policies and procedures, including this OSH Policy.~~
- PRDOH's OSH Safety Lead will provide notifications and other communications requiring subrecipients and direct contractors to respond in a timely manner to ensure effective communication for items referenced in this Policy.

This Policy does not replace or exempt Subrecipients and/or Contractors from direct compliance obligations with PROSHA. This Policy's objective is to provide safety standards for compliance with PRDOH CDBG-DR/MIT funded projects.

4 General Responsibilities of the R3 Program for Construction Site Safety Personnel

This section is for Program Subrecipients/Program Contractors responsible for implementing the completing construction work as part of the R3 Program which includes, but is not limited to, R3 Program Construction Managers, R3 Program Managers, and R3 Program Environmental Assessment Contractors working on the R3 Housing Program CDBG-DR/MIT Program implementation and who are responsible for promoting

and maintaining a safe work environment for their employees in their work areas and/or construction job sites, within their work areas.

Prevention of workplace accidents is to be given priority. Program Subrecipients/Program Contractors are required to identify possible potential risks before starting any task or project. Program Subrecipients/Program Contractors are responsible for implementing administrative and/or engineering controls to mitigate these risks prior to and during the construction projects.

PRDOH has identified several key areas that should be adhered to during the construction project. Program Subrecipients/ Program Contractors must: ~~To conform with this OSH Policy, the R3 Program Construction Managers, R3 Program Managers, and R3 Program Environmental Assessment Contractors and their respective safety officers shall:~~

- Comply with ~~delivering~~ submitting safety related documentation and/or reports as requested by PROSHA, subrecipients, PMs, or PRDOH;
- Comply with applicable policies and rules established by PROSHA as well as any applicable federal laws and regulations including but not limited to, those related to Safety and Health Regulations for Construction;
- Make available to necessary personnel appropriate ~~personal protective equipment (PPE),~~ job safety materials, and first-aid equipment, and pandemic job site materials, as required; ~~according to the assigned work;~~
- Conduct frequent and regular inspections with qualified safety personnel to ensure jobsite safety protocols are being followed and prepare a written reports documenting any findings or violations to subrecipients, Contractors or PRDOH, as requested;
- Ensure provision of an initial and any other necessary safety orientations to personnel ~~Provide safety orientations to personnel and subcontractors, and keep them updated on any change in policies;~~
- Ensure and require that subcontractors have qualified safety personnel to perform sufficient, frequent, and regular inspections to comply with PROSHA and PRDOH Occupational Health and Safety requirements; and ~~Submit reports and records as required by PROSHA and PRDOH in its designated forms; and~~
- Respond in a timely and compliant way, as well as document and report any incidents, accidents and/or fatalities following the established protocols as required by PROSHA, Program Subrecipients and/or PRDOH. ~~Respond to and document any accidents following the established protocols in the company safety plan as approved by PRDOH or its Safety Officer.~~

5 Safety Responsibilities of the R3 Program Roles and Responsibilities

5.1 R3 Program Manager Safety Officer Program Managers with CDBG-DR/MIT Program Construction Projects

The PM's Occupational Safety and Health Officer personnel generally have the responsibility to:

- Develop, monitor, and ~~implement~~ enforce health and safety policies and procedures to ensure programs and projects ~~follow~~ comply with health and safety laws and regulations, and to reduce or prevent hazards, dangers, and accidents.
- Develop, implement, and maintain an OSH Plan and any other plans relevant to safety that may ~~as detailed below, which may include the~~ an Evacuation Plan, Accident Response Plan and/ or a Pandemic Disease Plan.
- Conduct spot inspections at project sites to identify potential hazards, assess the risk, ~~identify noncompliance, report on them noncompliance,~~ collaborate with ~~construction CM managers,~~ and enforce compliance with policies and regulations—PROSHA safety regulations, as requested by PRDOH and/or in collaboration with Program Subrecipients.
- Verify that information and ~~poster~~ signage, as required by OSHA ~~and/or other federal and local agencies,~~ are posted at the entrance of each job site. ~~and available to applicable personnel.~~
- Work with CMs ~~Construction Managers~~ and PRDOH to facilitate corrections of any safety violations that occur on the job sites. ~~Immediately~~ Flag serious or repetitive violations that may pose an imminent risk to field employees to PRDOH ~~immediately~~ prior to taking disciplinary actions such as shutting down the job site by issuing a Stop Work Order.
- ~~Program Managers~~ PMs may request from CMs ~~provide~~ a report on why serious and/or repetitive safety violations are occurring on job sites.
- Provide orientations as per the guidance from PRDOH to applicable personnel on PRDOH's OSH Policy as well as safety policies and procedures developed by the PM Safety Officer, in accordance with PRDOH's guidelines.
- Develop the orientation and training material as part of the development of the PRDOH's OSH Policy which shall be approved by PRDOH CDBG-DR/MIT OSH Safety Lead.
- Conduct regularly scheduled safety orientation sessions to ensure orientation and training opportunities are available to new construction onsite personnel ~~working on the project.~~ Under no circumstances will new personnel be allowed to commence work at a construction site as a field employee without completing safety training.

- Document the date of the safety orientation, copies of the orientation material, attendance sheet and any photos using the reporting forms from PRDOH.
- Develop safety policies that, after being approved by the PRDOH CDBG-DR/MIT OSH Safety Lead, will be disclosed to new construction personnel and others individuals accessing work sites as part of their safety orientation and training sessions. Assist PRDOH in the development and implementation of new safety policies as needed.
- Perform ongoing reviews of ~~Job Hazard Analysis (JHA)~~ as appropriate. The PM Safety Officer should provide feedback to the ~~CM Construction Manager~~ on their ~~Job Hazard Analysis JHA~~ before the ~~CM Construction Manager~~ is able to start any approved work with an issued Notice to Proceed (**NTP**).
- ~~Include in the PM's monthly report~~ Ongoing suggestions for revisions or technical assistance ~~should be included in the PM monthly report.~~
- Document all safety violations, provide recommendations to address violations, use the noncompliance forms to document recommendations for corrective actions or escalate areas of noncompliance to the PRDOH team and maintain PRDOH informed about all worksite incidents or accidents, including COVID-19 outbreaks and submit required safety-related documents and reports to PRDOH using the OSH Incident Tracker form at: <https://app.smartsheet.com/b/form/0ace62ddd53248c985bbe220fcc483c8>.
- Provide oversight and recommendations over ~~CM Construction Manager~~ personnel as it relates to safety requirements, deliverables, and practices.
- Before beginning any onsite work, PPE should be inspected ~~there should be inspection of personal protective equipment (PPE), and verification verified,~~ including without limitation, that the selection, wear, and use of ~~the~~ PPE are appropriate for the task including work boots or work shoes with slip resistant and puncture-resistant soles.
- Complete corrective action notifications for ~~the PRDOH approval of PRDOH~~ in the event of any noncompliance findings and to meet the protocols as identified in the Noncompliance, Corrective Actions, and Penalties section of this Policy.
- Be proactive in identifying noncompliance and flagging potential areas of onsite noncompliance to the ~~CM Construction Manager~~ and work in collaboration with the CM to recommend corrections.
- In the event of an inspection by PROSHA, request a copy of the PROSHA findings and penalties from the ~~CM Construction Manager~~.
- Proactively request a copy of the document evidencing the resolution of the findings and/or penalties.
- Perform a review and approval of the ~~Safety Data Sheet SDS~~ of each chemical compound to be used onsite.

5.2 ~~R3 Program Construction Manager, R3 Program General Contractor, and R3 Program CM Safety Officer~~ **Safety Officers for Programs, Construction Managers and Program Subrecipients/Program Contractors that are part of CDBG-DR/MIT Programs with Construction Projects**

The ~~identified R3 Program CM Safety Officer(s)~~ shall be responsible for:

- Development, implementation, and **maintenance of the OSH Plan** and any other plan as detailed below, which may include the Evacuation Plan and Accident Response Plan.
- Development and enforcement of **safety protocols** related to occupational safety and health with construction field employees.
- Ensuring that required regulatory documentation related to occupational safety and health is physically accessible at the work site (~~whether~~ via binders ~~or other acceptable electronic format~~). Required regulatory documentation includes, but is not limited to, the OSHA 300A Form, accident report, ~~safety data sheets (SDS)~~, hazard communication, and warning labels.
- Ensuring the provision and condition of PPE for ~~their~~ onsite staff ~~and their subcontractors' field staff~~ before beginning any onsite work, and verifying that the selection, wear, and use of PPE are appropriate for the task.
- Analyzing the risk for **accidents/incidents, tracking accident/incident metrics, and taking remedial actions** to prevent future similar accidents/incidents.
- Preparing material for and conducting **safety orientations, and toolbox chats** talks with the group leaders of the safety compliance team and any supervisors responsible for the subcontractor teams to ensure the implementation of safety procedures and knowledge of the JHA.
- Assigning tasks ~~to~~ and managing the safety compliance team ~~personnel~~.
- Evaluation of safety compliance team, safety staff, and day-to-day performance.
- Identifying and **allocating resources** to the occupational safety and health activities.
- Completing the **JHA prior to commencing the project** and submitting it to the assigned ~~Program Manager~~ **PM** for review, technical assistance, or feedback to be incorporated.
- Confirming that any ~~site risk analysis sheets and sheets~~ SDS and JHA are reviewed, discussed, and ~~completed~~ by site staff before starting ~~onsite~~ work. SDS and JHA should be available in English and Spanish, in accordance with the Language Access Policy, ~~signed by each relevant employee before starting any work~~. The JHA's should be submitted to ~~the assigned PM~~ a competent person for review.
- Completing a **risk assessment of regulatory and occupation safety issues** by identifying risks and solutions for mitigation for each type of project.

- Recommending, advising, and correcting as the subject matter expert in the occupation safety and health issues.
- Owning and pursuing outstanding safety and health related issues, such as, but not limited to: safety document submittal, rigging plans, excavation plan protocols, high-risk events, OSHA and PROSHA protocols, personal protection equipment, and safety inspections.
- Coordinating and ensuring the **on-time delivery of safety compliance deliverables**, including, but not limited to, rigging plan, excavation plan, risk evaluation, safety reports, toolbox meetings talk, trainings, recordkeeping, reports, and certifications.
- Conducting toolbox talks and ensuring that subcontractors are conducting toolbox talks with subcontractor's supervisors ~~their foremen and supervisors~~ to supplement the OSH orientations to maintain safety as the highest priority front and center in their field staff. These short pre-written safety meetings heighten employee awareness of workplace hazards and OSHA regulations.
- ~~Ensuring that subcontractors are conducting toolbox talks with their foremen and supervisors to supplement the OSH orientations to maintain safety front and center in their field staff.~~
- Assisting with orientations and presentations for safety compliance activities.
- Promoting responsible safety and health practices during the abatement, demolition, construction, closeout, and warranty phases of the ~~R3 Program projects.~~ CDBG-DR/MIT Program construction projects.
- Assuming responsibility for the prevention, communication, and correction of safety and health issues during all phases of ~~R3 Program~~ construction projects.
- When recommended by PRDOH, require staff or subcontractors to attend additional trainings or consultation services by PROSHA to ensure that staff and subcontractor staff are able to implement safety practices effectively.
- ~~Verifying~~ Verifying that employees and subcontractor employees comply ~~are in compliance~~ with the standards established by PROSHA and PRDOH CDBG-DR/MIT Program, including the proper use of required ~~personal protection equipment (PPE).~~
- Ensure that project field staff including subcontractor field staff will make immediate corrections flagged by safety officers including the ~~PMs Program Managers.~~
- Be responsible for the scheduled inspection and maintenance of tools and equipment to be used during any work inside and outside the project site, and to verify that equipment is used in compliance with the required certifications.
- Ensure that subcontractors implement corrective actions flagged by PROSHA, PRDOH, and ~~PMs Program Managers~~ for applicable occupational safety and health requirements.

- Ensure that Accident Response Plan protocols are followed in the event of an accident, and that required documentation is completed and submitted to PROSHA and PRDOH.
- Verify that onsite employees and subcontractor employees have the appropriate certifications and/or valid licenses for the work to be performed, this includes rigging, excavating and building or installing scaffolds.
- For direct PRDOH administered construction contracts submit reports as required by PROSHA, and complete weekly reports for PRDOH via the C 1.5 OSH Weekly Construction Manager Safety Report Submission Smartsheet Form at <https://app.smartsheet.com/b/form/db13b51a89574348adc94c56aa19257f>.
- Complete protocols as identified in the Noncompliance, Corrective Actions, and Penalties section of this Policy, in case of a noncompliance finding by the R3 Program PM Safety Officer, the R3 Program CM Safety Officer, or the PRDOH CDBG-DR/MIT OSH Safety Lead.
- The CM Safety Officer should inform, both PRDOH and the PM, and send a copy about the finding and/or the penalty, in the event PROSHA imposes any.
- Send the PM and PRDOH a copy of the documents evidencing the resolution of the finding and/or penalty as soon as the decision is reached.
- Provide orientations as per the guidance PRDOH's guidelines to applicable personnel on PRDOH's CDBG-DR/MIT OSH Policy, as well as safety policies and procedures developed by the PRDOH CDBG-DR/MIT OSH Safety Lead and PM Safety Officer. Ensure that staff has been trained by the CM Lead Safety Officer and PM Safety Officer or representative on the safety policies and procedures established in the OSH Plan.
- Schedule regular safety orientation sessions, to ensure orientation and training opportunities are available as necessary. Under no circumstances will new field personnel be allowed to commence work at a construction site without completing safety training in coordination with the PM Safety Officer.
- Document the date of the safety orientation, orientation training material, attendance sheet, and any photos using the reporting forms provided by PRDOH.
- Conduct the presentation; in the event they cannot be present, the PM Safety Officer can offer the training or, as a last resort, the PRDOH CDBG-DR/MIT OSH Safety Lead may provide assistance.

5.3 Construction Field Employees

Construction field employees must:

- Use appropriate personal protection equipment to complete the tasks, as required;
- Refer to OSHA guidance to comply with established safety and health standards;

- Perform work in a safe manner consistent with Program and OSHA requirements;
- Notify project/site their supervisor immediately in the event of an incident/accident;
- Identify risks in the site and their work area before beginning any work, and notify the site supervisor of any undocumented risks;
- Inspect prior to use any manual or electric tool and/or equipment to be implemented in daily tasks for acceptable condition.
- Complete the JHA for each site and request TA, as needed, to ensure full knowledge of safety measures needed to perform task;
- Maintain housekeeping requirements such as a tidy, organized and clean work area to prevent accidents;
- ~~Keep their work area clean and organized to prevent accidents;~~
- ~~Obey the signs related to~~ Adhere to occupational health and safety site signage posted; and
- ~~Adhere to the minimum standards and general requirements described in the Orientation and Training Requirements section of this Policy.~~ At a minimum, attend an initial OSH orientation and adhere to any additional orientation and training requirements as needed when flagged for deficiencies by project owner or site supervisor.

5.4 ~~R3~~ Program Environmental Assessment Contractors onsite

The Environmental Assessment Contractor Safety Officer has the responsibility to:

- Develop, monitor, and implement health and safety policies and procedures to ensure programs and projects follow health and safety laws and regulations, and to reduce or prevent hazards, dangers, and accidents.
- Develop, implement, and maintain an OSH Plan and any other plans which may include the Evacuation Plan, Accident Response Plan, and Pandemic Disease Plan, as applicable.
- ~~Maintain safety protocols at project sites to identify~~ Identify and address potential hazards, ~~assess the risk, report on them, and follow compliance with policies and regulations as identified by Construction and Program Managers.~~ through administrative or engineering controls, and coordinate with site supervisor and/or project owner to mitigate as appropriate.
- Inspect any manual or electric tool and/or equipment to be implemented in daily tasks for acceptable condition prior to use.
- Ensure the correction of any safety violations that occur in coordination with ~~Construction Managers and Program Managers, and complete any corrections as needed.~~ as flagged by project owner or site supervisor.
- At a minimum, attend an initial OSH orientation and adhere to any additional orientation and training requirements as needed when flagged for deficiencies

by project owner or site supervisor. Provide safety orientations as per the guidance from PRDOH to applicable personnel on PRDOH's OSH Policy as well as safety policies and procedures developed by the Safety Officer. The orientation and training material, at a minimum should be reviewed by a PM Safety Officer as part of the development of the safety policies and shall be approved by the PRDOH CDBG-DR OSH Safety Lead

- Implement and inspect PPE before beginning any onsite work, and verifying that the selection, wear, and use of PPE are appropriate for the task including work boots or work shoes with slip-resistant and puncture-resistant soles.
- ~~Ensure staff are knowledgeable on field safety protocols.~~
- Document the date of the Develop and maintain policies and recordkeeping, including the documentation of safety orientation and training provided to staff.
- ~~Develop safety policies that after being approved by the PRDOH CDBG-DR OSH Safety Lead will be disclosed to new construction personnel and other individuals accessing work sites as part of their safety orientation and training sessions.~~
- Conduct regularly scheduled safety orientations to ensure other individuals accessing work sites will be compliant with safety onsite protocols and appropriate PPE.
- ~~Complete a JHA and maintain recordkeeping standards.~~
- Document safety violations, disciplinary actions, worksite incidents/accidents, and submit required safety-related documents to PRDOH, PROSHA, site supervisor and project owner as appropriate.
- Respond to any corrective action letters or notification in the event of any findings and implement to meet the protocols as identified in the Noncompliance, Corrective Actions, and Penalties section of this Policy, as appropriate for the project.
- ~~Be proactive in identifying any noncompliance and flagging to the Construction Manager potential areas of on-site noncompliance.~~

6 Orientation and Training Requirements

~~This Section applies to all CDBG-DR Program areas: Housing, Multisector, Infrastructure, and Economic Development where construction will be part of the program implementation.~~ This section applies to all CDBG-DR/MIT Program areas where construction will be part of the program scope and implementation.

Program Subrecipients/Program Contractors implementing the program should attend an initial safety orientation hosted by PRDOH and/or the project owner prior to commencing work in the CDBG-DR/MIT programs. PRDOH CDBG-DR/MIT OSH Safety Lead will offer training and make available this policy as reference for the safety to be briefed on their responsibilities for safety and how to implement this Policy implementation of safety policies. Personnel. Anyone whose duties include regularly

working on a construction project or accessing a construction project site ~~will have to participate in a safety orientation.~~ must complete an initial safety orientation as a minimum and be able to evidence ~~of~~ the completion of orientation.

~~The PRDOH CDBG-DR OSH Safety Lead will conduct the~~ A competent individual must conduct the initial safety training. The appropriate safety personnel and program implementation team responsible for oversight and day to day site work must ~~be in~~ of the program should be in attendance to become familiar with the ~~acknowledge~~ of the safety requirements for their Program Area CDBG-DR/MIT funded project. When ~~In the event~~ of additional or new staff are needed to work a construction project, the Program Subrecipient/Program Contractor, project owner and/or General Contractor are directly responsible for ensuring new staff is flagged to the PRDOH OSH Safety Lead for the purpose of providing training.

~~The R3 Program foresees turnover of construction personnel through the duration of CDBG-DR Program construction activities.~~ It is common to see a high degree of turnover for laborers, mechanics, foremen, and other construction personnel. Therefore, the safety orientation and training sessions will be conducted on a regular basis to ~~train~~ guide new onsite field construction personnel. ~~The PM Safety Officer and the CM Lead Safety Officer will hold~~ The project owner and the General Contractor will hold regularly scheduled safety orientation and training sessions to ensure training opportunities are available as appropriate ~~necessary~~. Onsite field personnel working the site as full-time staff without ~~at minimum~~ an initial safety orientation will be subject to immediate removal by, but not limited to: PRDOH safety personnel, project owners and/or General Contractors. Project owners, General Contractors, and site supervisors are responsible for hosting any other additional orientations or toolbox chats as appropriate. ~~Under no circumstances will new on-site field personnel working the project as full time staff be allowed to commence work at a construction site without completing the initial safety orientation.~~ Jobsites are responsible for hosting any other additional ongoing orientations or toolbox chats thereafter.

Program Subrecipients/Program Contractors must also comply with 29 C.F.R. § 1926.21(b)(2) ~~on~~ safety training and education requirements. The employer shall instruct each employee in the recognition, ~~and avoidance of~~ and avoidance of unsafe conditions. Employers are responsible for ensuring site personnel understand how to perform in accordance with the regulations applicable to the site and ensure competent and qualified safety personnel are available to address hazards, incidents and accidents. General Contractors will be responsible for ensuring safety standards are followed by subcontractors and must exercise ~~to his work environment to control or eliminate any hazards or other exposure to illness or injury and be responsible for direct oversight of their employees and any of their subcontractor employees.~~

6.1 OSH Orientation Minimum Standards

OSH orientations are guidance is intended for staff in the field working in the field on the day-to-day on the project basis. Safety orientations should cover, at a minimum, the following non-exhaustive general standards:

- Work must comply with the codes and standards as established by OSHA;
- Comply with the documentation required and requested by PRDOH;
- Maintain policies and procedures of how you will implement safety standards will be implemented;
- ~~Implement~~ Carrying out Safety Meetings at the construction site;
- Review security policies and procedures before beginning work;
- Discuss the JHA before beginning the construction phase and as specifically described for the in your Program Area;
- ~~Personal protective equipment~~ PPE must be inspected before use and be used worn at all times as is appropriate for the work according to the task being performed;
- OSHA regulations forbid the use of mobile phones during while operating equipment in construction sites, 29 C.F.R. §1926.1417(d), but the hazard exists across any dangerous equipment. Accordingly, active operation of mobile phones during the use of construction equipment should be is strictly prohibited. The use of the mobile phone during the operation of equipment shall only be allowed for signal communications use is prohibited in work areas, it shall only be allowed in designated areas;
- Smoking is prohibited in ~~work environments~~ that have more than one (1) employee projects according to, Act. No. 66 of March 2, 2006, as amended, 24 LPR §891 et seq., known as the "Act to Regulate Smoking in Certain Public and Private Places", (Act 66);
- The use, possession, or distribution of drugs, alcohol and/or being under the influence is not allowed in the workplace;
- All kinds of weapons are prohibited on the premises;
- When working at heights, workers need to use a safety harness an fall protection system that comply with OSHA and PROSHA regulations to avoid injuries or accidents;
- The use of any jewelry or accessory that creates a danger in the work area is prohibited;
- Food consumption is only allowed in designated areas. That designated area must be separate from the construction area;
- The contractor will provide drinking water for its employees to drink. Supply disposable cups and garbage disposal to dispose of used cups. Please be mindful

of the environment in your decision to ~~to~~ and opt for paper cups which are less harmful to the environment than Styrofoam;

- No one should drink directly from the water container ~~nor use a common glass~~ and the use of a common drinking cup is prohibited;
- Each workplace must be assigned a meeting point and it must be clearly indicated in its Safety Plan and Accident Response Plan;
- A fire extinguisher must be available in the work area;
- Comply with the OSHA, ~~frequent and regular inspections,~~ annual inspection and any PRDOH inspections as well as reporting¹⁵;
- Be sure to have additional PPE stored;
- Include the first aid kit in the work area; and
- In the event of an accident, ~~the contractor must take action to ensure all entities involved in the project any applicable immediate recipient, PRDOH, and your work team must be~~ are notified immediately. Entities include Subrecipients and PRDOH safety team.

For PRDOH directly managed programs, once staff has successfully completed the safety orientation, ~~the Program/ Project Safety Officer Contractor safety officers~~ will complete recordkeeping requirements and report it in the PRDOH tracker, as well as share the orientation information with PMs ~~Program Managers~~. PRDOH has established ~~a~~ the Initial OSH Training Log safety form for the submission of Safety Orientation Reports.⁷ The form is available at <https://app.smartsheet.com/b/form/57acdb8901394c1ca86339acae331e6b>.

Contractors are expected to use the online form to complete the data areas and attach the supporting documents.

Contractors will ensure that confirmed ~~A~~ attendees ~~who have been confirmed in attendance at~~ of orientations ~~should~~ receive a certificate for the orientation ~~that~~. This certificate may be requested during an onsite field inspection. In ~~can be verifiable in the field and by any other Construction Manager~~ in the event the worker field employee is ~~will be~~ working with more than one (1) CM ~~Construction Manager~~, evidence of one (1) safety orientation certificate is considered sufficient. However, the CM must complete due diligence on whether the employee will require any additional training. Subrecipients will ensure their contractor maintains adequate and up to date recordkeeping and shares information accordingly.

For subrecipient-led projects, Subrecipients will establish recordkeeping standards and share this information with the PRDOH CDBG-DR/MIT OSH Safety Lead.

¹⁵ PROSHA forms are available at: https://www.trabajo.pr.gov/docs/PROSHA/Formas_300-300A-301-2006.pdf.

6.2 Toolbox Talks

As part of pre task planning techniques, toolbox talks should be conducted as a best practice at the discretion of the Program Contractor and/or CM Construction Manager to reinforce OSH initial orientations with foremen, supervisors and field staff to supplement the OSH orientations to maintain safety as a priority. These short (10-15 minute) pre-written safety meetings, conducted by a competent person, heighten employee awareness of workplace hazards and OSHA regulations. They may be conducted by a competent person such as a supervisor, engineer, and safety officers. Toolbox talks can include topics such as PPE, Fall Protection and Prevention, Fire Protection and Prevention, Lockout and Tagout, Scaffold Safety, Portable Tools and Equipment Safety, Ladder Safety, Electrical Safety, Hearing Protection, Chemical Warning Labels, Carbon Monoxide, Forklifts, and more. OSHA provides a Publication Guide which may be used as reference: <https://www.osha.gov/Publications/osha3252.pdf>.

Supporting documents related to these talks may be included in the weekly reports. However, the Program Contractor and/or CM Construction Manager will be responsible for providing these documents to PROSHA and PRDOH as needed.

6.3 Recordkeeping for Orientation Material & Onsite Documents

Program Subrecipients/Program Contractors shall retain documentation evidencing orientations in accordance with the record retention provisions of their respective agreements and with the PRDOH Recordkeeping, Management, and Accessibility Policy (**RKMA Policy**). The RKMA Policy applies to the various types of records generated across the grant files at the program level; whether they are part of an activity or program as described in PRDOH's Action Plan and subsequent amendments. You may access the RKMA Policy and all CDBG-DR/MIT General Policies, in English and Spanish, at <https://cdbg-dr.pr.gov/en/resources/policies/general-policies/> and <https://cdbg-dr.pr.gov/recursos/politicas/politicas-generales/>.

Program Subrecipients/Program Contractors must provide PRDOH digital copies of:

- Final and verifiable orientation/training materials used to conduct training. For direct PRDOH contractors this material must be submitted via the established reporting systems within **seven (7) business days** after the training date. For subrecipient-led projects, subrecipients will identify location for requesting information from their contractors;
- Final signed attendance list with a count of attendees who completed the orientation or training, verified to have attended, and with received a certificate of completion. Additionally, a sticker or other visual marker (such as QR code) that is easily accessible and verifiable in the field can be provided. For PRDOH contractors, this material must be submitted via the established reporting

systems within **seven (7) business days** after the training date. For Subrecipient-led projects, subrecipients will identify location for requesting information from their contractors;

Construction jobsites must include safety information (via a physical binder at minimum). This information will include:

- OSH Safety & Health Plan
- OSH Job Hazard Analysis
- OSH COVID-19 Plan
- OSH Accident/Incident Response Plan
- OSH Emergency & Evacuation Plan (Hurricane, Earthquake, Pandemic)
- OSH Safety Data Sheets
- OSH Demolition Plan (when applicable)
- OSH Electrical Safety Plan (when applicable)
- OSH Rigging Plan (when applicable)
- OSH Excavation Plan (when applicable)

~~Refer to requirements stated in the CDBG-DR Recordkeeping, Management, and Accessibility Policy (RKMA Policy), which applies to the various types of records generated across the grant files at the program level; whether they are part of an activity or program as described in PRDOH's Action Plan and subsequent amendments. You may access the CDBG-DR RKMA Policy and all CDBG-DR General Policies, in English or Spanish, at <https://cdbg-dr.pr.gov/en/resources/policies/general-policies/> and <https://cdbg-dr.pr.gov/recursos/politicas/politicas-generales/>.~~

6.4 Additional Standards

For PRDOH led construction projects, Program Subrecipients/Program Contractors are required to contact PROSHA within **sixty (60) days** of signing the contract with PRDOH, to request training regarding the occupational safety and health standards which must be implemented during the course of the Construction Project. Program Subrecipients/Program Contractors are legally bound to comply with and maintain state and federal requirements and shall provide PRDOH evidence of compliance with the above within **thirty (30) days** of having their field workers complete **adequate** training needed for their construction tasks.

6.5 Employment and Safety of Minors

The Puerto Rico Employment of Minors Act, Act No. 230 of May 12, 1942, 29 L.P.R.A. § 431 *et seq.*, establishes, among other things, the days and hours that minors between the ages of fourteen (14) years and less than eighteen (18) years of age may work, be employed, permitted or tolerated to work in or for any lucrative occupation. The Act also details the

pertinent periods of continuous work and **mealtime**. Employers must have a special permit or an employment certification issued by the Puerto Rico Department of Labor and Human Resources for every minor it employs between the ages of fourteen (14) and eighteen (18) years.¹⁶ This Act also states various occupations in which a minor may not be employed. Furthermore, the employer must have a list in a visible area of the work area of the minors it has employed, their work schedule, the maximum hours that the minors can work in a day, and the schedule for the meal period. The Act defines penalties for any employer that violates any of its provisions.

The child labor provisions of the Fair Labor Standards Act of 1938 (FLSA), as amended, 29 U.S.C. § 201, *et seq.*, 29 C.F.R. § 570.1-142, are administered by the Wage and Hour Division (WHD). To protect young workers from hazardous employment, the FLSA provides for a minimum age of eighteen (18) years in occupations found and declared by the U.S. Secretary of Labor to be particularly hazardous or detrimental to the health or well-being for minors sixteen (16) and seventeen (17) years of age. Hazardous Occupations Orders are the means through which occupations are declared to be particularly hazardous for minors. Since 1995, the promulgation and amendment of the Hazardous Occupations Orders have been effectuated under the Administrative Procedure Act (APA), 5 U.S.C. §551 *et seq.* The effect of these orders is to raise the minimum age for employment to eighteen (18) years in the occupations covered.

Seventeen (17) orders, published in 29 C.F.R. § 570.50-68, have thus far been issued under the FLSA and are listed below. 29 C.F.R. § 570.120.

§570.50	General
§570.51	Occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components (Order 1).
§570.52	Occupations of motor-vehicle driver and outside helper (Order 2).
§570.53	Coal-mine occupations (Order 3).
§570.54	Forest fire fighting and forest fire prevention occupations, timber tract occupations, forestry service occupations, logging occupations, and occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage stock mill (Order 4).
§570.55	Occupations involved in the operation of power-driven woodworking machines (Order 5).
§570.57	Exposure to radioactive substances and to ionizing radiations (Order 6).
§570.58	Occupations involved in the operation of power-driven hoisting apparatus (Order 7).

¹⁶ See 29 C.F.R. § 570.5 for federal guidance on Certificates of age and their effect.

§570.59	Occupations involved in the operation of power-driven metal forming, punching, and shearing machines (Order 8).
§570.60	Occupations in connection with mining, other than coal (Order 9).
§570.61	Occupations in the operation of power-driven meat-processing machines and occupations involving slaughtering, meat and poultry packing, processing, or rendering (Order 10).
§570.62	Occupations involved in the operation of bakery machines (Order 11).
§570.63	Occupations involved in the operation of balers, compactors, and paper-products machines (Order 12).
§570.64	Occupations involved in the manufacture of brick, tile, and kindred products (Order 13).
§570.65	Occupations involving the operation of circular saws, band saws, guillotine shears, chain saws, reciprocating saws, wood chippers, and abrasive cutting discs (Order 14).
§570.66	Occupations involved in wrecking, demolition, and shipbreaking operations (Order 15).
§570.67	Occupations in roofing operations and on or about a roof (Order 16).
§570.68	Occupations in excavation operations (Order 17).

7 Documentation Requirements

This section applies to all CDBG-DR/MIT program areas where construction¹⁷ will be part of the program scope & implementation.

~~This Section applies to all CDBG-DR Program areas: Housing, Multisector, Infrastructure, and Economic Development where construction will be part of the program implementation.~~

7.1 Language Access for Safety Documents

Federally funded projects must ensure that onsite safety documents reviewed and considered critical to employee operations are available in English and Spanish, as per the Language Access Policy. The Language Access Policy is available in English and Spanish at: <https://cdbg-dr.pr.gov/en/download/plan-de-acceso-al-idioma/> and <https://cdbg-dr.pr.gov/download/plan-de-acceso-al-idioma/>.

7.2 Occupational Safety and Health Plan

Projects are required to have an OSH Plan and ensure that its policies and procedures are complied with in work areas.

Initial documents are to be provided for jobsites. These Initial documents include:

¹⁷ 29 C.F.R. §5.2(j)

- OSH Safety & Health Plan
- OSH Job Hazard Analysis
- Copies of Safety Officer Certifications
- OSHA 300A Form
- OSH COVID-19 Management Plan
- OSH Accident/Incident Response Plan
- OSH Emergency Plan (Hurricane, Earthquake, Pandemic)
- OSH Evacuation Plan
- OSH Safety Data Sheets
- OSH Demolition Plan (when applicable)
- OSH Electrical Safety Plan (when applicable)
- OSH Rigging Plan (when applicable)
- OSH Excavation Plan (when applicable).

Direct PRDOH Contractors should submit the following information using the PRDOH OSH Initial & Amended Safety Documents Submission Form. This Form must also be used to provide copies of the amended documents. The PRDOH Form is available at <https://app.smartsheet.com/b/form/c74fa7aa2e1648f294b0e6cffae86bc1>, and when documents are amended, provide copies of those amended documents through the form.

The OSH Plans of for each construction project must comply with the rules and regulations established by law and PROSHA, as well as follow the guidance and requirements in this OSH Policy.

The following list identifies the minimum components that an OSH Plan shall have:

- Company Occupational safety and Health policy
- Responsibilities of the work team
- Objectives of the OSH plan
- Personnel orientation protocols
- Use of personal protection equipment
- Signs in the work areas
- Safety talks/Toolbox talks
- Nearest hospital facilities
- Safety inspection
- Drug-Free Workplace Policy
- Control of hazardous materials and use of Safety Data Sheet
- Fire Safety
- First Aid procedure
- Environmental protection
- Concrete work

- Work team certifications
- Use of platforms and scaffolding
- Ladder management
- Electrical safety
- Lock-Out/Tag-Out (**LOTO**)
- Excavations and trenches
- Health and personal hygiene
- Workplace organization and cleaning

7.3 Accident Response Plan

Projects shall have an Accident Response Plan in place with protocols for on how they will respond to any injuries, fatalities, or damages caused. The Accident Response Plan will detail the steps and actions Program Subrecipients/Program Contractors and their personnel will take in the event of an accident including, but not limited to the manner in which an accident will be investigated, documented, and how the required information and documentation will be conveyed to PRDOH or its representative. ~~the manner in which an accident will be investigated, documented, and how required information and documentation will be conveyed to PRDOH or its representative.~~

~~The Accident Response Plan shall capture the steps and actions Program Subrecipients/Program Contractors and their personnel will take in the event of an accident including, but not limited to:~~ The steps to follow include:

- Seeking immediate medical attention where appropriate and following indications on how to administer First Aid such as the ones provided by the American Red Cross <https://www.redcross.org/take-a-class/first-aid/performing-first-aid/first-aid-steps>.
- ~~Coordinating medical attention, if necessary, to address any injuries.~~ Coordinating transfer of the injured person(s) to a medical facility if necessary.
- Notifying the injured person's emergency contact on file with the company; ~~Notifying the Supervisor or PM immediately;~~
~~Coordinating medical attention, if necessary, to address any injuries;~~
- Notifying the Supervisor, CM and Subrecipient of the accident and providing details as appropriate;
- ~~injured person(s) emergency contact on file with the company;~~
- Notifying the PRDOH CDBG-DR/MIT OSH Safety Lead as soon as possible ~~and but~~ no later than **four (4) hours** after the accident.

Additionally, every employer must notify the Secretary of Labor or the person designated by them when a serious or fatal accident takes place within **eight (8) hours** following the accident. The Secretary of Labor shall determine the method of notification. See Section 6(d) of Act No. 16, 29 LPRC § 361e.

- Determining the causes of the accident and evaluating potential corrective actions. For PRDOH-led projects, completing initial, updated and final incident reports using the reporting systems established by PRDOH within **twenty-four (24) hours** after the accident. For subrecipient-led projects, subrecipients will establish the information collection process.
- ~~Sending~~ For PRDOH-led projects, contractors must send a digital copy of the accident report within **eight (8) hours** after the accident to the PRDOH CDBG-DR/MIT OSH Safety Lead. For subrecipient-led projects, subrecipients will establish the information collection process. ~~or as soon as its feasibly possible;~~
- For PRDOH-led projects, the submitted update and final ~~R~~report shall include insurance policies including state, local, and contractor and subcontractor's insurance policy as required. Subrecipient-led projects will identify required reporting information. ~~and~~
- For PRDOH-led and subrecipient-led projects, ensuring jobsite employees are aware of the incident and documenting corrective actions to prevent the jobsite from similar or repeat hazards. ~~Communicating to the employees about the accident and taking corrective actions to mitigate related hazards.~~

For PRDOH-led projects, PRDOH has established the safety form OSH Incident Tracker to provide digital copy of the accident/incident report and relevant supporting documents. The safety form is available at <https://app.smartsheet.com/b/form/0ace62ddd53248c985bbe220fcc483c8>.

Contractors are expected to notify the PRDOH safety team via telephone, provide an update by email, and complete the report submission within the guidelines provided above. ~~PRDOH has established a safety form, available at <https://app.smartsheet.com/b/form/0ace62ddd53248c985bbe220fcc483c8>, to provide the digital copy of the accident/incident report and relevant supporting documents. Contractors are expected to notify the PRDOH safety team via cell phone, provide an update email and complete the submission of the report within the guidelines provided above.~~

7.4 Emergency Action Plan

Program Subrecipients/Program Contractors shall have an Emergency Action Plan, as required by 29 C.F.R. §1910.38(c) and applicable PROSHA and OSHA guidance.¹⁸ ~~approved by the PRDOH CDBG-DR OSH Safety Lead.~~ The Emergency Action Plan will cover actions to be taken in the event of a natural disaster, accounting for employees

¹⁸ Information regarding the development and implementation of an Emergency Action Plan can be found at: <https://www.osha.gov/etools/evacuation-plans-procedures/eap/minimum-requirements>.

during an emergency, rescue, and medical duties, procedures for reporting emergencies and contingency plans to continue work as soon possible.

~~All employees should be informed of this~~ Program Subrecipients/Program Contractors and site supervisors must ensure employees are informed of the Emergency Action Plan during orientation and training, and can take action to implement the plan. The Emergency Action Plan shall also include critical contact information for emergency services, emergency personnel designated as emergency staff, resources and tools available during the active response of an emergency. ~~It should also contain The Emergency Action Plan should contain~~ a risk assessment, exit maps and outline emergency public resources that may be useful in the classification of an incident or accident available for assistance. Program Subrecipients/Program Contractors shall maintain records of the Emergency Action Plan orientation and training provided to employees.

7.5 Evacuation Plan

Program Subrecipients/Program Contractors shall have in place an Evacuation Plan approved by PRDOH, with procedures to be followed in the event in case of a major emergency or disaster. An acceptable Evacuation Plan ensures the minimization of injuries and property damage by having a clear and effective set of procedures that can be efficiently coordinated and executed.

~~PRDOH notes that~~The Evacuation plan shall include delegation of responsibilities to staff is key to an effective evacuation plan. Employees, managers, supervisors, and other personnel who are routinely onsite should be trained on such plan. Tasks should be delegated to responsible individuals and other employees should be made aware and trained of such delegation.

The following minimum requirements must be met in a compliant Evacuation Plan:

- Education and training of the Evacuation Plan. Individuals shall be delegated responsibilities in writing and be known to employees.
- When appropriate, a meeting place shall be established that is sufficiently distant from the work area to protect employees from injury. A head count shall be performed at the meeting place to account for employees.
- An alert system, such as a bullhorn, public-address system, or radio shall be used to effectively communicate to personnel onsite in the event of an emergency.
- Emergency contact information shall be readily available, and a delegated employee onsite shall be responsible for contacting the appropriate emergency services to respond to the emergency and any injuries.
- Site supervisors are responsible for ensuring employees are accounted for after evacuating a site.

7.6 Pandemic Disease Plan

7.6.1 Federal Guidance

Due to the rise of infectious diseases, including but not limited to influenza, mycoplasma, and the Coronavirus Disease 2019 (COVID-19), entities implementing CDBG-DR/MIT programs should follow the guidance offered in the official government agency websites. For example, the CDC (<https://www.cdc.gov/>), OSHA (<https://www.osha.gov/>), PROSHA (<https://www.trabajo.pr.gov/prosha/index.asp>), website of the U.S. Department of Homeland Security (<https://www.dhs.gov/use-coronavirus-calculators>), Department of Health and Human Services (<https://www.hhs.gov/>), and others that offer advice on regarding preventive measures to implement prior to and during an outbreak, epidemic and/or pandemic, as well as guidance on associated content. For more information, visit <https://www.ready.gov/pandemic> (English) or <https://www.ready.gov/es/pandemic> (Spanish).

7.6.2 Puerto Rico Coronavirus Disease 2019 (COVID-19)

Due to the recent COVID-19 pandemic, the Government of Puerto Rico set forth -and keeps- various Executive Orders to provide guidance on managing the pandemic and how to mitigate the contagion. These Executive Orders apply to CDBG-DR/MIT Program Areas including, but not limited to, Subrecipients and Contractors working within programs. The first Executive Order enacted is listed below.

OE-2020-020 March 12, 2020	Executive Order of the Governor of Puerto Rico, Hon. Wanda Vázquez Garced, to Declare a State of Emergency in View of the Imminent Impact of CORONAVIRUS (COVID-19) on the Island.
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On May 1st, 2020, Governor Wanda Vázquez Garced enacted the Executive Order ~~OE-2020-038~~ was enacted to reactivate Puerto Rico's economy.¹⁹ Reopening will be carried out in phases according to the guidance provided in the Executive Order. Due to its minimum contagion risk indicator, the construction sector will resume operations as of ~~May 11th, 2020~~, as long as safety measures are adopted to mitigate the risk of contagion and protect health according to the guidance within the executive Executive order Order.

Contractors should regularly consult new executive Executive orders Orders to understand and implement these order impacts of new executive orders and other regulatory statutes that impact the Occupational Safety and Health implementation within the CDBG-DR/MIT funded projects. To view issued executive Executive ordersOrders, you may access: <https://www.estado.pr.gov/en/executive-orders/>

¹⁹ <http://www.lexiuris.com/Ordenes/OE-2020-038-Eng.pdf>

<https://www.statedepartment.pr.gov/executive-orders>
<http://www.lexjuris.com/Ordenes/Index.htm>.

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Likewise, PRDOH recommends that parties, entities, and contractors working to implement the R3 Program Construction Programs refer to the following guidance provided by OSHA:

- Preparing Workplaces for COVID-19 available in English and in Spanish at:
<https://www.osha.gov/Publications/OSHA3990.pdf> and
<https://www.osha.gov/Publications/OSHA3992.pdf>.
- Preventing Worker Exposure to COVID-19 available in English and Spanish at:
<https://www.osha.gov/Publications/OSHA3989.pdf> and
<https://www.osha.gov/Publications/OSHA3991.pdf>.
- COVID-19 Guidance for the Construction Workforce available in English and Spanish at:
<https://www.osha.gov/Publications/OSHA4000.pdf> and
<https://www.osha.gov/Publications/OSHA4001.pdf>.

Additional guidance for non-construction industry sectors can be accessed, in English and Spanish, at: <https://www.osha.gov/SLTC/covid-19/> and <https://www.osha.gov/coronavirus>. The Puerto Rico Department of Labor and Human Resources²⁰ will has published protocols or plans for risk mitigation.

Recipients of CDBG-DR/MIT funding and contractors should refer to the guidance above and continue to follow instructions provided through Executive Orders or other applicable regulations. Also, recipients should coordinate with their safety officers and the PRDOH CDBG-DR/MIT OSH Safety Lead as well as Program Area staff for guidance. Program Areas may also provide additional guidance specifically related to the implementation and updates of COVID-19 Plans.

Contractors that operate businesses exempt from closure or are going to reinstate their operations have to comply with parameters established by the Government of Puerto Rico, including submission of COVID-19 Plan, Department of Labor and Human Resources Self Certification and copy of email to PROSHA. Consequently, these documents have to be submitted to PRDOH for PRDOH led-projects through the established safety form, available at <https://app.smartsheet.com/b/form/dccf9fcf0bd24616927fb6c0837cea8e>.

Additionally, before operations begin, workers should receive trainings, orientations, certifications, and continuous supervision on the new safety measures, all in accordance with governmental protocols dispositions and requirements as notified and amended through Executive Orders. Copies of those initial safety orientations and certifications are to be provided to the PRDOH CDBG-DR/MIT OSH Safety Lead via the smartsheet

²⁰ <https://www.trabajo.pr.gov/covid19.asp>

available at
<https://app.smartsheet.com/b/form/57acdb8901394c1ca86339acae331e6b>.

Data and information related to COVID-19 is subject to continuous change. Contractors are responsible for staying up to date on evolving site safety measures and requirements for site safety and should take a proactive approach in updating their COVID-19 Plans and sharing the latest version with PRDOH.

7.7 OSHA 300A Form

OSHA requires that every employer complete a 300A Form at the end of each calendar year, regardless of whether or not a work-related injury or illness has occurred. The OSHA 300A Form is used to summarize work-related injuries and illnesses and must be completed and certified by a company executive as correct and complete. The OSHA 300A Form must be and posted in the workplace where notices to workers are usually posted. The Form must be posted for **three (3) months**, from February 1st until April 30th of the current year. PRDOH will request the submission of the OSHA 300A Form sheet of the last **three (3) years** of the company, to carry effective documentation to validate if the company meets the requirements.

Refer to 29 C.F.R. Part § 1904.35, which provides additional information regarding OSHA's recordkeeping rule.

7.8 Earthquake Plan

The island of Puerto Rico was affected by a series of earthquakes between 2019 and 2020 from December 29, 2019 through January 17, 2020, that battered the Island's southern coast and caused tremors felt Island-wide. Puerto Rico's geological characteristics makes it susceptible to this natural disaster, which could strike again at any time. Therefore, it is important for PRDOH, as grantee of CDBG-DR/MIT funds, to have an established plan in place that allows for an effective response in the event of future earthquakes. This applies to CDBG-DR/MIT Program Subrecipients/Program Contractors as well. The Plan should aim to mitigate the effects and damage caused by natural disasters, prepare the necessary measures to save lives and prevent damage, respond before, during, and after emergencies, and establish a system that allows for recovery and the execution of a contingency plan within a reasonable timeframe.

8 Initial Job Hazard Analysis & Daily Hazard Analysis

This section applies to all CDBG-DR/MIT Program Sector areas where construction will be part of the program scope and implementation.

~~This Section applies to all CDBG-DR Program areas: Housing, Multisector, Infrastructure, and Economic Development where construction will be part of the program implementation.~~

For additional information on how this specifically applies to the R3 Program, see section above on Safety Responsibilities of the R3 Programs regarding the R3 Program Manager, R3 Program Construction Manager, and the R3 Program Environmental Assessment Responsibilities.

Before starting a project, an initial Job Hazard Analysis (JHA) shall be completed by the Program Contractors and CM Construction Managers. The JHA should describe the work being performed, the possible risks identified, and administrative and engineering controls which may mitigating actions to be taken to minimize these risks. Additionally, to make your the JHA useful, daily hazard assessments shall be conducted and will allow employees to identify and document the answers to the following questions in a consistent manner:

- What can go wrong?
- What are the consequences?
- How could it arise?
- What are other contributing factors?
- How likely is it that the hazard will to occur?

Describing a hazard in this way helps to ensure that efforts to eliminate the hazard and implement hazard controls help target the most important contributors to the hazard. Good hazard scenarios describe:

- Where it is happening (environment);
- Who or what it is happening to (exposure);
- What precipitates the hazard (trigger);
- The outcome that would occur should it happen (consequence) and;
- Any other contributing factors.

The document shall be reviewed by the Program Manager and/or Project Safety Officer qualified and licensed safety personnel before starting contracted work upon a that has been provided a Notice to Proceed (NTP) notification.

Projects Supervisors must ensure jobsites have Supervisors can use the findings of a JHA to eliminate and prevent hazards in their workplaces available and completed to identify and establish controls which eliminate and prevent hazards at the jobsite. This is likely to result in fewer worker injuries and illnesses; safer, more effective work methods; reduced workers' compensation costs; and increased worker productivity. JHA can also be a valuableThe analysis also can be a valuable tool for training new employees in the steps required to perform tasks safely. For a job hazard analysis JHA to be effective, contractor personnel including site supervisors and onsite personnel must correct flagged hazards. management must demonstrate its commitment to safety and health and follow through to correct any uncontrolled hazards identified. Otherwise, management will lose

~~credibility and employees may hesitate to go to management when dangerous conditions threaten them.~~

A copy of the approved JHA ~~should~~ **must** be available onsite for **implementation by employees and must be updated to reflect current tasks performed at the construction site review.** If any significant changes occur in the project that may affect a possible risk, the JHA should be updated to reflect the new process and the most recent copy made available onsite.

~~Regularly discussing with onsite personnel your employees the potential the hazards they know exist in their current work and surroundings hazards that pose an immediate danger to an employee's life or health will enable education on the take- immediate steps needed to protect workers. Jobsites should implement immediate corrective action where possible and provide corrective action plan resolution when flagged. Brainstorm with them for ideas to eliminate or control these hazards. If any hazards exist that pose an immediate danger to an employee's life or health, take immediate action to protect the worker.~~ Any problems that can be corrected easily should be corrected as soon as possible.

Refer to the following link for more detailed information about JHA:
<https://www.osha.gov/Publications/osha3071.pdf>.

9 Monthly Reporting

~~This Section applies to all CDBG-DR Program areas: Housing, Multisector, Infrastructure, and Economic Development where construction will be part of the program implementation.~~ **This section applies to all CDBG-DR/MIT Program areas where construction will be part of the program scope and implementation.**

~~Entities working on CDBG-DR/MIT funded projects will are be required to complete oversight for monthly annual reports, such as the OSHA 300A Form as which will be requested by PRDOH. required by PROSHA.~~

~~The Additionally, PRDOH directly implemented programs may require monthly additional reports will request a containing a summary of observations for all areas identified in this OSH Policy and compliance oversight for PROSHA requirements of areas as part of PROSHA. This Policy specifies those additional reporting obligations and submission forms for PRDOH directly administered programs. checking.~~

~~The monthly report is~~ Monthly reports can be broken into areas requesting verification of documents to be reviewed, observations from onsite reviews, orientation, training, and technical assistance and reporting of any accidents or incidents during that time period.

~~Due to the different nature of each program, the table below outlines reporting obligations established for each program area.~~

Table 1: Reporting Obligations by Program Area

Program Area	Responsible Entity	Reporting Status
	Construction Managers	These monthly reports will be due the first Friday of every month for the month prior. Monthly reports should be submitted using the smartsheet for the LIHTC program. ²²
Community Energy and Water Resilience Installation Program (CEWRI Program)	Subrecipients, Entities, Municipalities, and any Contractors implementing the programs.	These monthly reports will be due the 15 th of every month for the month prior.
Economic Development Programs	Subrecipients, Entities, Municipalities, and any Contractors implementing the programs.	Should there be construction within this portfolio of programs: These monthly reports will be due the 15 th of every month for the month prior.
Infrastructure Programs	Subrecipients, Entities, Municipalities, and any Contractors implementing the programs.	These monthly reports will be due the 30 th of every month for the month prior.
Multisector Programs	Subrecipients, Entities, Municipalities, and any Contractors implementing the programs.	These monthly reports will be due the 30 th of every month for the month prior.

Subrecipient-led programs are encouraged to establish their oversight programs and determine nature and frequency of reporting, as needed, to comply with federal requirements.

²²The smartsheet is available at <https://app.smartsheet.com/b/form/8f84f2b82a6d47dba39ccb757877dd6b>.

10 Noncompliance, Corrective Actions, and Penalties

This section applies to all CDBG-DR/MIT Program Sector areas where construction will be part of the program's scopes and implementations.

~~This Section applies to all CDBG-DR Program areas: Housing, Multisector, Infrastructure, and Economic Development where construction will be part of the program implementation.~~

In the event a project exhibits a serious safety deficiency or imminent safety noncompliance violation, a noncompliance notification can be provided by PRDOH requesting that the repeated or imminent noncompliance be corrected immediately. PRDOH reserves the right to flag the noncompliance with the CDBG-DR/MIT Legal Division for any additional actions.

PRDOH may impose corrective actions, conduct onsite spot checks, and/or impose penalties as stated in the executed contractual documents.

11 Personal Protective Equipment

This section applies to all CDBG-DR/MIT Program areas where construction will be part of the programs scopes and implementations.

~~This Section applies to all CDBG-DR Program areas: Housing, Multisector, Infrastructure, and Economic Development where construction will be part of the program implementation.~~

While all of PRDOH's CDBG-DR/MIT Program Subrecipients/Program Contractors are required to comply with applicable state and federal occupational safety and health rules and regulations, the following are the most common federal requirements under 29 CFR Part 1926, Safety and Health Regulations for Construction of the Code of Federal Regulations (29 C.F.R. § 1926). Subpart E, Personal Protective and Life Saving Equipment, of the above referenced part of the Code of Federal Regulations (29 C.F.R. § 1926.95-1926.107), establishes the set forth requirements related to protective and lifesaving equipment in construction work sites.

~~Personal protective equipment~~ PPE is required for employees involved with construction work. It is imperative to use the equipment required to help prevent injury or illness. ~~Personal protective equipment~~ PPE for eyes, ears, face, head, and extremities includes protective or specialty clothing, respiratory devices, shields, face masks, ear plugs and safety glasses eyeglasses. ~~Personal protective equipment~~ The necessary PPE, based on the type of work, shall be provided, used, and maintained in good working condition. Equipment found not to be in safe working condition shall be immediately removed from the worksite and disposed of accordingly.

11.1 Use of Personal Protective Equipment

- It is the Program Subrecipients/Program Contractors' responsibility, as applicable, to provide ~~PPE personal protective equipment~~ to all employees at no cost.
- It is the responsibility of the contractor to ensure that all ~~PPE personal protection equipment~~ provided and in use is in good working order.
- It is the responsibility of all employees to wear ~~PPE personal protection equipment~~ when required. Employees should notify their supervisor when equipment is missing or defective.
- Gloves should be used generally for all tasks on a job site to protect employees from ~~these~~ common injuries.
- Both the employee and supervisor are responsible for ensuring that the appropriate type of glove is used for a given task.
- Appropriate gloves shall be worn for welding work. Employees must wear ~~reflective, high visibility safety vests~~. Employees without ~~regulatory reflective, high-visibility safety vests~~ will not be allowed onto a job site.
- Employees wearing shorts, ~~torn pants~~, sleeveless shirts, or ~~are~~ without appropriate work shoes will not be allowed on a jobsite ~~as per 29 C.F.R. § Part 1926, Subpart E.~~

11.2 Eye and Face Protection

Eye and Face Protection provisions under 29 C.F.R. § 1926.102 establish the following:

- Eye and face protection shall be used for tasks that present risks to these areas of the body as identified in the risk analysis.
- If an employee wears prescription lenses, the Contractor is responsible for providing eye protection that incorporates the prescription in its design or eye protection that can be worn over the employee's prescription lenses.
- For exterior work only, it is permitted to use safety glasses with dark lenses.
- For welding work, the employee shall use a welding mask with the appropriate level of tint.
- Before beginning any onsite work, there should be ~~an~~ inspection of ~~the~~ PPE, and verification that the selection, wear, and use of the PPE are appropriate for the task.

11.3 Head Protection

Head Protection provisions under 29 C.F.R. § 1926.100 require the use of safety hard helmets at all times while on the construction work site.

11.4 Hearing Protection

Provisions under 29 C.F.R. § 1926.101 establish the requirements related to hearing protection in construction work sites. In ~~work areas of work~~ where high noise levels are generated above ~~the~~ permissible noise exposures ~~established~~ ~~set forth~~ under 29 C.F.R.

§1926.52, hearing protection shall be worn. A table of these permissible noise exposures is below.

Table 12: Permissible Noise Exposure at Construction Work Sites

Duration per day, hours	Sound level dBA ²³ slow response
8	90
6	92
4	95
3	97
2	100
1 ½	102
1	105
½	110
¼ or less	115

11.5 Foot Protection

Occupation Foot Protection provisions under 29 C.F.R. §1926.96 require the use of steel-toed work shoes or boots with slip-resistant and puncture-resistant soles by employees and other personnel while present on a jobsite.²⁴

11.6 Respiratory Protection

Respiratory Protection provisions are established under 29 C.F.R. §1926.103 and 29 C.F.R. §1910.134. The Respiratory Protection requirements and provisions that must be complied with include, but are not limited to the following; should be adhered to, including but not limited to, the following:

- **1910.134(a)(1):** "In the control of those occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors, the primary objective shall be to prevent atmospheric contamination. This shall be accomplished as far as feasible by accepted engineering control measures (for example, enclosure or confinement of the operation, general and local ventilation, and substitution of less toxic materials). When effective engineering controls are not feasible, or while they are being instituted, appropriate respirators shall be used pursuant to this section."
- **1910.134(a)(2):** "A respirator shall be provided to each employee when such equipment is necessary to protect the health of such employee. The employer shall provide the respirators which are applicable and suitable for the purpose

²³ Noise is measured in units of sound pressure levels called decibels or A-weighted decibel (dBA). For more information regarding occupational noise exposure visit: <https://www.osha.gov/noise>.

²⁴ See <https://www.osha.gov/Publications/OSHA3252.pdf>

intended. The employer shall be responsible for the establishment and maintenance of a respiratory protection program, which shall include the requirements outlined in 29 C.F.R. §1910.134(c). The program shall cover each employee required by this section to use a respirator.”

- **1910.134(c)(4):** “The employer shall provide respirators, training, and medical evaluations at no cost to the employee.”
- **1910.134(d)(1)(i):** “The employer shall select and provide an appropriate respirator based on the respiratory hazard(s) to which the worker is exposed to and workplace and user factors that affect respirator performance and reliability.”
- **1910.134(d)(1)(ii):** “The employer shall select a National Institute for Occupational Health and Safety (NIOSH) certified respirator. The respirator shall be used in compliance with the conditions of its certification.”
- **1910.134(d)(1)(iii):** “The employer shall identify and evaluate the respiratory hazard(s) in the workplace; this evaluation shall include a reasonable estimate of employee exposures to respiratory hazard(s) and an identification of the contaminant’s chemical state and physical form. Where the employer cannot identify or reasonably estimate the employee exposure, the employer shall consider the atmosphere to be immediately dangerous to human life or health (IDLH).”
- **1910.134(d)(1)(iv):** “The employer shall select respirators from a sufficient number of respirator models and sizes so that the respirator is acceptable to, and correctly fits, the user.” Masks shall comply with the NIOSH²⁵.
- **1910.134(d)(3)(i)(A): Assigned Protection Factors (APFs):** “Employers must use the assigned protection factors listed in Table 3 to select a respirator that meets or exceeds the required level of employee protection. When using a combination respirator (e.g., airline respirators with an air-purifying filter), employers must ensure that the assigned protection factor is appropriate to the mode of operation in which the respirator is being used.”

Table 23: Assigned Protection Factors⁵

Type of respirator ^{1, 2}	Quarter mask	Half mask	Full facepiece	Helmet/ hood	Loose-fitting facepiece
1. Air-Purifying Respirator	5	³ 10	50	.....	.....
2. Powered Air-Purifying Respirator (PAPR)	.....	50	1,000	⁴ 25/1,000	25

²⁵The National Institute for Occupational Health and Safety is the federal agency responsible for conducting research and recommendations for the prevention of work-related illnesses and injuries.

3. Supplied-Air Respirator (SAR) or Airline Respirator					
• Demand mode	.....	10	50	.....	.....
• Continuous flow mode	.....	50	1,000	⁴ 25/1,000	25
• Pressure-demand or other positive-pressure mode	.....	50	1,000	.....	.....
4. Self-Contained Breathing Apparatus (SCBA)					
• Demand mode	.....	10	50	50	.....
• Pressure-demand or other positive-pressure mode (e.g., open/closed circuit)	.....	.....	10,000	10,000	.....
Type of respirator^{1,2}	Quarter mask	Half mask	Full facepiece	Helmet/hood	Loose-fitting facepiece
3. Supplied-Air Respirator (SAR) or Airline Respirator					
• Demand mode	.....	10	50	.....	.....
• Continuous flow mode	.....	50	1,000	⁴25/1,000	25
• Pressure-demand or other positive-pressure mode	.....	50	1,000	.....	.....
4. Self-Contained Breathing Apparatus (SCBA)					
• Demand mode	.....	10	50	50	.....
• Pressure-demand or other positive-pressure mode (e.g., open/closed circuit)	.....	.....	10,000	10,000	.....

Notes:

¹ Employers may select respirators assigned for use in higher workplace concentrations of a hazardous substance for use at lower concentrations of that substance, or when required respirator use is independent of concentration.

² The assigned protection factors in Table 23 are only effective when the employer implements a continuing, effective respirator program as required by this section (29 C.F.R. §1910.134), including training, fit testing, maintenance, and use requirements.

³ This APF category includes filtering facepieces, and half masks with elastomeric face pieces.

⁴ The employer must have evidence provided by the respirator manufacturer that testing of these respirators demonstrates performance at a level of protection of 1,000 or greater to receive an APF of 1,000. This level of performance can best be demonstrated by performing a Workplace Protection Factor (WPF) or Simulated Workplace Protection Factor (SWPF) study or equivalent testing. Absence of such testing, all other PAPRs and SARs with helmets/hoods are to be treated as loose-fitting facepiece respirators and receive an APF of 25.

⁵ These APFs do not apply to respirators used solely for escape. For escape respirators used in association with specific substances covered by 29 C.F.R. Part 1910 subpart Z, employers must refer to the appropriate substance-specific standards in that subpart. Escape respirators for other IDLH atmospheres are specified by 29 C.F.R. §1910.134 (d)(2)(ii).

- **1910.134(d)(3)(iv)(C):** For contaminants consisting primarily of particles with mass median aerodynamic diameters (MMAD) of at least **two micrometers (2 µm)**, an air-purifying respirator equipped with any filter certified for particulates by NIOSH.

Table 34: Assigned Protection Factors

Altitude (ft.)	Oxygen deficient Atmospheres (% O ₂) for which the employer atmosphere-may rely on supplying respirators
Less than 3,001	16.0-19.5
3,001-4,000	16.4-19.5
4,001-5,000	17.1-19.5
5,001-6,000	17.8-19.5
6,001-7,000	18.5-19.5
7,001-8,000 ¹	19.3-19.5.

¹Above 8,000 feet the exception does not apply. Oxygen- enriched breathing air must be supplied above 14,000 feet.

12 Elevated Work

~~This Section applies to all CDBG-DR Program areas: Housing, Multisector, Infrastructure, and Economic Development where construction will be part of the program implementation.~~ **This section applies to all CDBG-DR/MIT Program areas where construction will be part of the programs scope and implementation.**

Many injuries and fatalities in construction job sites occur through the unsafe use of ladders, scaffolding, or elevated platforms due to failure of proper fall protection equipment.

12.1 Ladder

Ladder safety provisions under 29 C.F.R. §1926.1053, establish the following:

- If a ladder is defective, a label may be placed on it indicating that it shall not be used and be removed from the job site as soon as possible.
- All ladders shall be kept in good condition.
- All ladders shall be inspected before each use.
- No employee is permitted to use the last top rung of the ladder.
- If extension ladders shall be used to perform tasks on rooftops, it is required to extend at least **three (3) feet** above the roof.
- If an extension ladder is used, it shall be secured, so that it can be kept fixed.
- The use of fiberglass ladders is required over metal or aluminum ladders.
- Ladders shall comply with OSHA standards and PRDOH CDBG-DR/MIT OSH Policy.
- To cover or remove safety information on ladders is prohibited.
- Employees shall comply with all specifications and safety notices on the ladders (i.e. maximum load, height, etc.).

12.2 Fall Protection

~~Subpart M, Fall Protection (Provisions at 29 C.F.R. § 1926. 500 - §1926. 503), establishes the~~ **define** requirements related to fall protection in construction work sites.

- Employers shall provide fall protection systems, when required, in accordance to OSHA guidelines.
- Fall protection equipment shall be used correctly according to the manufacturer specifications.
- Employees working in areas with unprotected sides or edges which are **six (6) feet** or more above a lower level shall be protected from falling by the use of guardrail systems, safety net systems, or personal fall arrest systems. ~~Employees working in residential construction activities more than over **six (6) feet** or more above the next closest floor or ground below them shall be protected by guardrail, safety net and/or personal fall arrest system.~~
- Employees are responsible for notifying their supervisor if the equipment is found to be defective, or if an accident occurs.
- If using anchor points, they are required to hold no less than **five thousand (5,000 lb.) pounds** per each person connected to it.
- Fall protection equipment shall be visually inspected daily before being used.
- The equipment shall be inspected by a certified professional annually.

12.3 Scaffolding

~~Subpart L, Scaffolds (Provisions at 29 C.F.R. §1926.451 - §1926.454),~~ establishes the requirements related to scaffolding in construction work sites. ~~Conditions include, but are not limited to²⁶:~~

- ~~For scaffolds that are more than **six (6) feet** high, the installation shall be performed by a qualified professional. A Competent Person should select and direct the employees who erect, dismantle, move or alter scaffolds.~~
- An inspection by a competent person before each work shift and after any occurrence that could affect the structural integrity of the scaffold and scaffold components for visible defects.
- Scaffolds shall comply with all OSHA standards.
- Scaffolds shall have guardrails at all times.
- Scaffolding alterations will not be allowed.
- At the time of installation or removal, additional security measures must be taken to ensure the surroundings of the scaffolding are secure.

12.4 Aerial Lifts

Air Lifts provisions under 29 C.F.R. §1926.453 ~~establish~~ include, but are not limited to, the following:

- The employee shall be trained on the safe use of aerial platform equipment.
- The operator shall have their current operator certification with them at all times.

²⁶ Scaffolding information and requirements can be found at: <https://www.osha.gov/sites/default/files/publications/osh3150.pdf>.

- Aerial platforms shall be inspected before use, per manufacturer specifications.
- Equipment shall be maintained and operated in accordance with the manufacturer's instructions.
- Elevated platforms shall always have their safety manual and fire extinguisher available.
- If using a raised platform, employees shall use fall protection equipment as required.
- If the platform is in an inclined area, the employee shall use the brakes and shocks.
- Do not exceed the maximum load limits of the equipment listed in the manufacturer specifications.

13 Signage in the Work Area

This section applies to all CDBG-DR/MIT Program areas where construction will be part of the programs scope and implementation.

~~This Section applies to all CDBG-DR Program areas: Housing, Multisector, Infrastructure, and Economic Development where construction will be part of the program implementation.~~

~~Subpart G, Signage in the Work Area (Provisions at 29 C.F.R. §1926.200 - §1926.201), establishes the requirements related to signage in construction work sites. Signage in the work area has the purpose of maintaining is intended to maintain order around the work area, as well as notifying employees and visitors of the hazards that exist in the area so that necessary precautions can be taken.~~

The following is a list of the minimum signage required to be displayed in the work area:

- General project information at the main entrance.
- A list of the personal protection equipment required in the workplace.
- Signage indicating hazard areas or situations, such as:
 - Fall Hazards
 - Debris Hazards
 - Hazardous Material
 - Fall Hazards
 - Heavy Equipment Use Areas
 - Flammable materials

In addition to the aforementioned signage, the CM Construction Manager shall ensure that signage required by PROSHA and/or applicable regulatory agencies are clearly and visibly displayed at the project site.

14 Control of Hazardous Materials

~~This Section applies to all CDBG-DR Program areas: Housing, Multisector, Infrastructure, and Economic Development where construction will be part of the program implementation.~~ **This section applies to all CDBG-DR/MIT Program areas where construction²⁷ will be part of the programs scope and implementation.**

The ~~Contract Manager~~ **CM** is responsible for the safe handling and storage of hazardous materials on the job site. Employees shall be oriented on the safe handling, management and disposal of hazardous materials. A ~~Safety Data Sheet (SDS)~~ of each chemical compound to be used onsite is to be submitted for approval to the appropriate oversight manager before making use of it.

Additional controls shall be implemented per ~~the Puerto Rico Environmental Quality Board,~~ the **Puerto Rico** Department of Natural and Environmental Resources (**DRNA**, by its Spanish acronym) of **Puerto Rico**, the applicable **DRNA** rules and regulations under the ~~Puerto Rico Solid Waste Authority, 29 C.F.R. § Part 1926 Subpart Z,~~ and other applicable regulations.

15 Fire Protection

~~This Section applies to all CDBG-DR Program areas: Housing, Multisector, Infrastructure, and Economic Development where construction will be part of the program implementation.~~ **This section applies to all CDBG-DR/MIT Program areas where construction will be part of the programs scope and implementation.**

~~Subpart F, Fire Protection (Provisions under 29 C.F.R. §1926.150- §1926.155),~~ ~~establishes~~ ~~mention~~ provides the requirements related to fire protection in construction work sites. Before starting work, the **CM** ~~Construction Manager~~ is responsible for ensuring the fire protection equipment is operable and all employees know how to use it.

The following requirements shall be met:

- Fire equipment shall be maintained in optimal conditions;
- Shall have the certification about the current inspection;
- Shall be located properly and must be visible;
- Label the location of the equipment; and
- Access to the fire extinguisher cannot be blocked.

16 Housekeeping

This section applies to all CDBG-DR/MIT Program areas where construction will be part of the programs scope and implementation.

²⁷Id.

~~This Section applies to all CDBG-DR Program areas: Housing, Multisector, Infrastructure, and Economic Development where construction will be part of the program implementation.~~

Provisions under 29 C.F.R. §1926.25 establish the requirements related to housekeeping in construction work sites. During the construction, effective housekeeping is the key to control or eliminate workplace hazards.

The following housekeeping requirements shall be met:

- During the course of construction, alteration, or repairs, form, and scrap lumber with protruding nails, and all other debris shall be kept cleared from work areas, passageways, and stairs, in and around buildings or other structures.
- Combustible scrap and debris shall be removed at regular intervals during the course of construction. Safe means shall be provided to facilitate such removal.
- Containers shall be provided for the collection and separation of waste, trash, oily and used rags, and other refuse. Containers used for garbage and other oily, flammable, or hazardous wastes, such as caustics, acids, harmful dusts, etc., shall be equipped with covers. Garbage and other waste shall be disposed of at frequent and regular intervals.

17 Tools – Hand and Power

~~This section applies to all CDBG-DR/MIT Programs areas where construction will be part of the programs scope and implementation.~~

~~This Section applies to all CDBG-DR Program areas: Housing, Multisector, Infrastructure, and Economic Development where construction will be part of the program implementation.~~

Subpart I, Tools – Hand and Power (Provisions under 29 C.F.R. §1926.300 - §1926.307), establishes set forth the requirements related to hand and power tool usage in construction work sites. These requirements include, but are not limited to:

- Hand and power tools and similar equipment, whether furnished by the employer or the employee, shall be maintained in a safe condition.
- When power operated tools are designed to accommodate guards, they shall be operated with such guards when in use.

18 Welding and Cuttings

~~This Section applies to all CDBG-DR Program areas: Housing, Multisector, Infrastructure, and Economic Development where construction will be part of the program implementation.~~ This section applies to all CDBG-DR/MIT Program areas where construction will be part of the program scope and implementation.

~~Subpart J, Welding and Cuttings (Provisions under 29 C.F.R. §1926.350 - §1926.354), establishes the requirements related to welding and cuttings in construction work sites. The tasks and jobs that involve welding and cutting can present several hazards to employee the health and safety of the employee. Safety risks, such as fire, could result in fatalities, serious injuries and/or property damage. Health hazards are due to the possible inhalation of toxic fumes and vapors that could cause illnesses to employees. Contractors must train their employees, in an effort to eliminate or reduce risks associated with welding and cutting tasks and work welds and cuts, contractors must train their employees.~~

19 Excavations

This section applies to all CDBG-DR/MIT Programs areas where construction will be part of the programs scope and implementation.

~~**This Section applies to all CDBG-DR Program areas: Housing, Multisector, Infrastructure, and Economic Development where construction will be part of the program implementation.**~~

~~Subpart P, Excavations (Provisions at 29 C.F.R. §1926.650 - §1926.652), establishes set forth the requirements related to excavations and trenching operations in construction work sites. Excavation and trenching are among the most hazardous construction operations. This part highlights key elements of the standards and describes safe work practices that can protect workers from cave-ins and other hazards. Trenches **five (5) feet (1.5 meters)** deep or greater require a protective system unless the excavation is made entirely in stable rock. If trenches are less than **five (5) feet** deep, a competent person may determine that a protective system is not required. Trenches **twenty (20) feet (6.1 meters)** deep or greater require that the protective system be designed by a registered professional engineer or be based on tabulated data prepared and/or approved by a registered professional engineer in accordance with 29 C.F.R. §1926.652(b) and (c).²⁸~~

~~Before starting your the project, you should establish the safety requirements to perform for excavation work must be set up and be protected protection from cave-ins by with an adequate protection system must be in place on all projects. To prevent cave-ins, you trench walls should be sloped or benched trench walls, shore trench walls with supports, or shield trench walls with trench boxes.~~

There are different types of protective systems. Benching means is a method of protecting workers from cave-ins by excavating the sides of an excavation to form one (1) or a series of horizontal levels or steps, usually with vertical or near vertical surfaces between levels. Benching cannot be done in Type C soil. Sloping involves cutting back the trench wall at an angle inclined away from the excavation. Shoring requires installing

²⁸ See https://www.osha.gov/OshDoc/data/Hurricane_Facts/trench_excavation_fs.pdf.

aluminum hydraulic or other types of supports to prevent soil movement and cave-ins. Shielding protects workers by using trench boxes or other types of supports to prevent soil cave-ins. Designing a protective system can be complex because you must consider many factors must be considered, including: soil classification, depth of cut, water content of soil, changes caused by weather or climate, surcharge loads (e.g., spoil, other materials to be used in the trench) and other operations in the vicinity.

Additionally, the following additional requirements²⁹ should be noted and implemented such as:

- Know where underground utilities (electricity, water, gas, etc.) are located before digging.
- Keep excavated soil (spoils) and other materials at least **two (2) feet** (0.61 meters) from trench edges.
- Keep heavy equipment away from trench edges.
- Identify any equipment or activities that could affect trench stability.
- Test for atmospheric hazards such as low oxygen, hazardous fumes, and toxic gases when workers are more than **four (4) feet** deep.
- Inspect trenches at the start of each shift.
- Inspect trenches following a rainstorm or other water intrusion.
- Inspect trenches after any occurrence that could have changed conditions in the trench.
- Do not work under suspended or raised loads and materials.
- Ensure that personnel wear high-visibility or other suitable clothing when exposed to vehicular traffic.

For more resources on additional hazards and solutions related to trenching and excavation see: <https://www.osha.gov/trenching-excavation>, https://www.osha.gov/OshDoc/data/Hurricane_Facts/trench_excavation_fs.pdf and <https://www.osha.gov/sites/default/files/publications/osh2226.pdf>.

20 Confined Spaces

This section applies to all CDBG-DD/MIT Program areas where construction will be part of the programs scope and implementation.

~~This Section applies to all CDBG-DR Program areas: Housing, Multisector, Infrastructure, and Economic Development where construction will be part of the program implementation.~~

~~Subpart AA, Confined Spaces (Provisions at 29 C.F.R. §1926.12010 - §1926.1213), establishes the requirements related to confined spaces in construction work sites. To~~

²⁹ <https://www.osha.gov/safety-management/program-evaluation>

manage the risks associated with working in confined spaces, the CM must develop and implement a confined space hazard assessment and control program, specific for the work being conducted ~~and should be installed in each and every confined space.~~

A confined space hazard assessment³⁰ and control program should include the following:

- Description of roles and responsibilities of each person or party (e.g., employer, supervisor, workers, attendants, and emergency response team);
- Advice on how to identify confined spaces;
- The identification and assessment of potential hazards that may exist at the beginning of the work as well as those that may develop because of the work activities;
- A plan to eliminate or control identified hazards;
- Written work procedures;
- Training program for the workers that will enter into the confined spaces;
- The establishment of an entry permit system for each entry into a confined space;
- Development of an Emergency Plan ~~and to train the employees;~~
- An emergency response system;
- Reporting and investigating accidents related to work in confined spaces;
- Record and documentation control; and
- Program review whenever there is a change in circumstances or at least annually, to identify program weaknesses and make any necessary changes to the program.

21 Lockout and Tagging of Circuits

~~This Section applies to all CDBG-DR Program areas: Housing, Multisector, Infrastructure, and Economic Development where construction will be part of the program implementation.~~ **This section applies to all CDBG-DR/MIT Program areas where construction will be part of the programs scope and implementation.**

Provisions under 29 C.F.R. §1926.417 establish outline the requirements related to lockout and tagging of circuits in construction work sites. CMs must establish a program consisting of written lockout/tagout procedures, employee training, and periodic inspections.

The lockout/tagout (control of hazardous energy) program covers any work, servicing, or maintenance of machines and equipment in which the unexpected start up or energization of the machine or equipment, or the release of stored energy, could cause injury or death. Examples of such energy include electrical, air pressure, hydraulic pressure, chemical, thermal, or springs under tension. If an energy control switch/valve

³⁰ <https://www.osha.gov/safety-management/hazard-identification>

can be locked out, then lockout procedures must be used. Otherwise, a tagout system must be used.

This program does not apply to cord and plug connected equipment if the plug is unplugged and controlled by the employee performing the maintenance, or to hot tap work. Also, normal production operations are not covered unless a guard/safety device is removed, or the employee is exposed to a point-of-operation hazard.

The following lockout/tagout requirements shall be met:

- Written lockout/tagout procedures³¹ for controlling hazardous energy must be developed and used (See exemption below). These procedures must clearly outline the scope, purpose, authorization, rules, techniques to be utilized, and means to enforce compliance, for the lockout/tagout procedure. They must be specific for each affected machine/equipment and outline specific procedural steps for shutting down and/or isolating the machine from its energy source, specific steps for applying and removing the lock(s) or tag(s), and specific steps for verifying the effectiveness of the isolating measures. Inherent to these procedures is identifying the sources of energy.
- Employees must be trained to ensure they understand the purpose and function of the program, that they can recognize applicable lockout/tagout situations³², and that they have acquired the knowledge and skills required for applying, using, and removing the lock(s) and tag(s).

There are industry best practices recommended where that contractors can adopt following these best practices for controlling to control energy when deemed necessary.

STEP 1: Develop and document an energy control program with written procedures.

A written lockout policy is the starting point. With respect to who is responsible for providing written procedures on a construction site, it depends upon how the project contract is written. It could be the General Contractor, construction manager CM or electrical contractor. If the electrical contractor has to verify successful isolation and/or control of the hazardous electrical energy, that party is usually the only one who can perform the lockout. (It is generally standard operating procedure to have the electrical contractor perform the lockout.) The procedures to be followed and the person responsible for implementing safety measures should be determined at the preconstruction conference.

After determining who is responsible for writing an energy control program, begin by documenting the program. Continue with machine-specific procedure development,

³¹ See <https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.147>

³² Id.

training and periodic inspections. OSHA has a Lockout/Tagout Tutorial on its website³³, to provide additional advice. Reviewing a sample energy control policy can serve as a guide as you develop your own comprehensive energy control program. You should create and manage clear and easy-to-follow visual, machine-specific procedures for electrical equipment.

STEP 2: Identify and mark all energy control points.

Locate and mark all energy control points, including valves, switches, breakers, and plugs, with permanently placed labels or tags. It is important to use labels and tags made of durable materials to withstand exposure to the elements on a construction site. Cross-reference each label and tag with the corresponding step number in the posted energy control procedure for that equipment. Include information about the magnitude and purpose of the control point as stipulated by OSHA for electrical disconnects and recommended by the American National Standards Institute (**ANSI**) for all isolating devices.

STEP 3: Train employees, communicate procedures and conduct periodic inspections.

~~Construction Managers~~ CMs and General Contractors should consider implementing formal training programs for each of the three (3) categories of employees for lockout: "Authorized," "Affected" and "Other" employees. OSHA provides advice on how to train for electrical safety. Employers must verify that their orientations are up to date and use a variety of mediums needed to impact field employees.

STEP 4: Equip employees with the proper lockout tools and warning devices.

Ultimately, ~~what makes a lockout program successful is the proper and consistent application of the lockout hardware according to established procedures. it is the proper and consistent application of the lockout hardware per established procedures that makes a successful lockout program.~~ In achieving this, it is important to know and document specifically what devices are acceptable for use at each and every lockout point. There is a tremendous range of sizes and shapes of valve operating handles, circuit breaker switches and various other energy control means. Because a construction site is more of an uncontrolled environment than an occupied building or plant, there is a greater safety risk for both authorized and unauthorized personnel. Using heavy-duty padlocks to lock all equipment when not in use and displaying visual warning signs that communicate hazards to workers and the general public will also help to reduce accidents.

³³ See <https://www.osha.gov/dts/osta/lototraining/tutorial/tu-overvw.html>.

Consistently following the four (4) steps listed above will help contractors adhere to best practices for compliance with OSHA safety regulations regarding energy control on a construction site.

22 Electrical Safety Procedures

~~This Section applies to all CDBG-DR Program areas: Housing, Multisector, Infrastructure, and Economic Development where construction will be part of the program implementation.~~ This section applies to all CDBG-DR/MIT Program areas where construction will be part of the programs scope and implementation.

Subpart K, Electrical (Provisions under 29 C.F.R. § 1926.400 through § 1926.449), establish provide the requirements related to electrical safety procedures for construction work sites. PRDOH recognizes its obligation to manage risks regarding health and safety associated with electrical hazards at the workplace and to make sure that, so far as is reasonably practicable, persons at work are safe from the risk of death, electrical shock or other injury caused indirectly or directly by electricity or fire caused by an electrical fault.

The electrical safety procedure aims to:

- Eliminate risks associated with electrical installations, equipment, and work.
- Identify reasonably foreseeable electrical hazards at the workplace and eliminate risks so far as is reasonably practicable, or where that is not reasonably practicable, minimize risks by implementing the JHA Job Hazard Analysis;
- Ensure that electrical installations and electrical equipment are maintained in good condition, inspected and tested; and
- Require that a competent person carry out the electrical work performed on an electrical installation or electrical equipment be carried out by a competent person. This task applies to workers who manage, supervise or undertake activities that involve electricity, electrical installation or electrical equipment.

23 Rigging Plan

~~This Section applies to all CDBG-DR Program areas: Housing, Multisector, Infrastructure, and Economic Development where construction will be part of the program implementation.~~ This section applies to all CDBG-DR/MIT Program areas where construction will be part of the programs scope and implementation.

Provisions under 29 C.F.R. § 1926.251 and § 1926.753, establish set forth the requirements related to hoisting and rigging in construction work sites. Planning is an essential component in every lifting operation at all workplaces. The risks inherent in the planning of lifting activities are required to be addressed, with mitigating actions identified and

implemented. Additionally, accidents are often a result of either poor planning or lack of communication between or among stakeholders.

The following rigging requirements shall be met:

- Ensure the underground search has been conducted.
- Document any overhead encumbrances or hazards.
- Ground shall be evaluated for crane and load support.
- If action is required, indicate who is going to take the appropriate action.

~~Contract Managers~~ CMs must also comply with the following documentation:

- Operator's License
- Riggers Card
- Annual Crane Inspection
- Rigging Plan

24 Beams and Columns

This section applies to all CDBG-DR/MIT Program areas where construction will be part of the programs scope and implementation.

~~This Section applies to all CDBG-DR Program areas: Housing, Multisector, Infrastructure, and Economic Development where construction will be part of the program implementation.~~

Solid web structural members as diagonal bracing shall be secured by at least one bolt per connection drawn up wrench-tight or the equivalent as specified by the project structural engineer of record.

24.1 Double connections at columns and/or at beam webs over a column

When two (2) structural members located on opposite sides of a column web, or a beam web over a column, are connected by sharing common connection holes, at least one (1) bolt with its wrench-tight nut shall remain connected to the first member. That is unless a shop-attached or field-attached seat or equivalent connection device is supplied with the member to secure the first member and prevent the column from being displaced (See Appendix H to Subpart R of Part 1926- Double Connections: Illustration of a Clipped End Connection and a Staggered Connection: Mandatory Guidelines for Complying with 29 C.F.R. § 1926.756(c)(1)).

Each column splice shall be designed to resist a minimum eccentric gravity load of **three hundred (300) pounds** (136.2 kg) located **eighteen (18) inches** (.46 m) from the extreme outer face of the column in each direction at the top of the column shaft.

Perimeter columns shall not be erected unless the perimeter columns extend a minimum of **forty-eight (48) inches** (1.2 m) above the finished floor to permit installation of perimeter safety cables prior to erection of the next tier, except where constructability does not allow.

Additional details and guidance from 29 C.F.R. § Part 1926, Subpart R, Appendix F and H should also be adhered to where applicable. In addition ~~to the above~~, Program Subrecipients/Program Contractors shall adhere to additional details and guidance found under Appendix F to Subpart R of Part 1926- Perimeter Columns: Non-Mandatory Guidelines for Complying with §1926.756(e) to Protect the Unprotected Side or Edge of a Walking/Working Surface and such guidance included under ~~the above referenced~~ Appendix H.

25 Demolition and Cleanup

This section applies to all CDBG-DR/MIT Program areas where construction will be part of the program scope and implementation.

~~This Section applies to all CDBG-DR Program areas: Housing, Multisector, Infrastructure, and Economic Development where construction will be part of the program implementation.~~

Primary Demolition Standards can be referenced in Subpart T, Demolition (29 C.F.R. §1926.850 - §1926.860), which establishes the requirements related to demolition and cleanup works in construction work sites. Demolition poses additional hazards due to unknown factors such as: deviations from the structure's original design, approved or unapproved modifications that altered the original design, materials hidden within structural members, and unknown strengths or weaknesses of damaged materials. To prepare and address these unknowns, personnel involved in a demolition project need to be fully aware of these types of hazards and the safety precautions available to control these hazards. Related construction standards and letters of interpretation that should be adhered to can be located ~~at here~~: <https://www.osha.gov/doc/topics/demolition/standards.html>.

25.1 Completion of Preliminary Tasks

PRDOH requires that CDBG-DR/MIT Program Subrecipients/Program Contractors implement preparatory operations which involve the overall planning of the demolition job, including the methods to be used to bring the structure down, the equipment necessary to ~~do perform~~ the job, and the measures to be taken to safely perform the work. Before beginning any demolition work, ~~there should be an inspection of PPE and verification~~ a PPE inspection should be performed to verify that the selection, wear, and use of the PPE are appropriate for the task.

Furthermore, a written engineering survey must be performed on each structure being considered for demolition to determine the condition of the framing, floors, and walls, and to assess the possibility of an unplanned collapse of any portion of the structure. Brace or shore the walls and floors of structures which have been damaged and which employees must enter. Program Subrecipients/Program Contractors are expected to inspect and maintain stairs, passageways, and ladders and properly illuminate stairways.

Additionally, they should shut off or cap all electric, gas, water, steam, sewer, and other service lines outside the building and notify the appropriate utility companies. If needed, there should be temporary relocation and protection of any essential power, water, or other utilities.

Program Subrecipients/Program Contractors are expected to determine the types of hazardous chemicals, gases, explosives, and flammable materials which have been used in any pipes, tanks, or other equipment on the property. They should test and purge the hazardous chemicals, gases, explosives, or flammable materials and survey for asbestos or other hazardous materials.

Wall openings should be guarded to a height of **forty-two (42) inches**. All floor openings should be covered and secured with material able to withstand the loads likely to be imposed. Debris dropped through holes on the floor without the use of chutes must be completely enclosed with barricades not less than **forty-two (42) inches** high and not less than **six (6) feet** back from the projected edge of the opening above. Floor openings used for material disposal must not be more than **twenty-five percent (25%)** of the total floor area. Use enclosed chutes with gates on the discharge end to drop material to the ground. Design and construct chutes that will withstand the loads likely to be imposed without failing.

The appropriate signage should be present at each level of structures, warning of the hazard of falling materials. Entrances to multi-story structures should be protected with sidewalk sheds or canopies for a minimum of **eight (8) feet**. Storage of material and debris must not exceed the allowable floor load.³⁴

25.2 Wall and Masonry Removal

Provisions under 29 C.F.R. §1926.854-§1926.856 establish the requirements related to wall, floor, and masonry removal in construction work sites. Demolition of exterior walls and floors must begin at the top of the structure and proceed downward. Masonry walls must not be permitted to fall on the floors of a building in masses that would exceed the safe carrying capacities of the floors.

³⁴ 29 C.F.R. §1926.850

No wall section, one story in height or higher, should be permitted to stand alone without lateral bracing, unless such a wall was originally designed and constructed to stand without such lateral support, and is safe enough to be self-supporting. Walls must be left in a stable condition at the end of each work shift. Employees shall not work on the top of a wall when weather conditions create a hazard.

Structural or load-supporting members elements on any floor must not be cut or removed until all stories above such a floor have been removed. In buildings whose frame consist of steel or have a "skeleton-steel" construction, the steel framing may be left in place during the demolition of masonry. Walkways or ladders must be provided to enable workers to safely reach or leave any scaffold or wall. Walls, ~~which serve~~ serving as retaining walls to support earth or adjoining structures must not be demolished until the supporting earth has been properly braced or until adjoining structures have been properly underpinned. Walls that will serve as retaining walls against which debris will be piled must not be used unless they are capable of supporting the imposed load. Steel construction should be dismantled by column length, and tier by tiers.

25.3 Mechanical Demolition

Provisions under 29 C.F.R. §1926.859 establish the requirements related to mechanical demolitions in construction work sites. When using a demolition ball, it must not exceed ~~50~~ fifty percent (50%) of the crane's rated load. The crane boom and load line must be as short as possible. The ball must be attached to the load line with a swivel-type connection to prevent twisting of the load line, and it must be attached by positive means in such a manner that the weight cannot become accidentally disconnected. Only those workers necessary to perform such operations must be permitted in this work area at any time.

When pulling over walls or portions thereof, all steel members affected must have previously been cut free. All roof cornices or other such ornamental stonework must be removed prior to pulling walls over. During demolition, continuing inspections by a competent person shall be made as the work progresses to detect hazards resulting from weakened or deteriorated floors, or walls, or loosened material. No employee shall be permitted to work where such hazards exist until they are corrected by shoring, bracing, or other effective means.

26 Silica, Crystalline

This section applies to all CDBG-DR/MIT Program areas where construction will be part of the programs scope and implementation.

~~This Section applies to all CDBG-DR Program areas: Housing, Multisector, Infrastructure, and Economic Development where construction will be part of the program implementation.~~

“Crystalline silica is a common mineral found in the earth's crust. Materials like sand, stone, concrete, and mortar contain crystalline silica. It is also used to make products such as glass, pottery, ceramics, bricks, and artificial stone.”³⁵

According to OSHA, breathable crystalline silica – very small particles at least one hundred (100) times smaller than ordinary sand you might find on beaches and playgrounds – is created when cutting, sawing, grinding, drilling, and crushing stone, rock, concrete, brick, block, and mortar. Activities such as abrasive blasting with sand; sawing brick or concrete; sanding or drilling into concrete walls; grinding mortar; manufacturing brick, concrete blocks, stone countertops, or ceramic products; and cutting or crushing stone result in worker exposures to breathable crystalline silica dust. Industrial sand used in certain operations, such as foundry work and hydraulic fracturing (fracking), is also a source of breathable crystalline silica exposure. On average, about 2.3 million people in the U.S. are exposed to silica at work.

Workers who inhale these very small crystalline silica particles are at increased risk of developing serious silica-related diseases, including but not limited to:

- Silicosis, an incurable lung disease that can lead to disability and death;
- Lung cancer;
- Chronic obstructive pulmonary disease (COPD); and
- Kidney disease.

Silica should not be treated as just simply dust. The following non-exhaustive list of protective measures should be included in a written exposure control plan and implemented for employers and employees to protect against crystalline silica exposures³⁶:

- Replace crystalline silica materials with safe substances, when possible;
- Provide engineering and administration controls, as much as possible, such as ventilation in the area and containers for abrasive cleaning. Where it is required to reduce exposures to levels below the permissible exposure limit, use PPE ~~personal protective equipment~~ or other measures of protection;
- Use available work practices to control exposures to dust, such as water sprinklers;
- Use only a N95 certified respirator NIOSH, if respiratory protection is required.
- The respirator must not be modified. It is not practical to use a tight respirator with a beard or with a mustache that prevents a good fit between the respirator and the face;
- Use only a powered respirator of air for abrasive cleaning of type “Type CE” for abrasive cleaning;

³⁵ Additional information is available at: <https://www.osha.gov/silica-crystalline>.

³⁶ See 29 C.F.R. §1926.1153 *et. seq.*, for detailed information and requirements regarding silica protection and exposure control plan.

- Wear work clothes that can be thrown away or washed and shower if showers are available. Use a vacuum cleaner to dust clothes or put on clean clothes before leaving the place of work;
- Participate in training, supervision of exhibition and analysis and surveillance programs in order to monitor any negative effects on health due to crystalline silica exposures;
- Become aware of the operations and tasks that create exposures to crystalline silica in the workplace and learn how to protect yourself;
- Become aware of the associated health hazards with exposures to crystalline silica. ~~The fact that smoking worsens lung damage caused by exposures to silica;~~ and
- Do not eat, drink, smoke, or use products or cosmetics in areas where crystalline silica dust exists. Clean your hands and face out of areas that contain dust before performing any of these tasks.

27 PRDOH CDBG-DR/MIT Authority to Monitor and Audit

This section applies to all CDBG-DR/MIT Program areas where construction will be part of the programs scope and implementation.

~~This Section applies to all CDBG-DR Program areas: Housing, Multisector, Infrastructure, and Economic Development where construction will be part of the program implementation.~~

~~The PRDOH, as grantee of CDBG-DR/MIT funds, has the discretion to perform ongoing monitoring and onsite audits of Program Subrecipients/Program Contractors performance in compliance with the requirements contained herein and audit at any time to ascertain compliance with this Policy and applicable local, OSHA, and federal rules and regulations. Program Subrecipients/Program Contractors will be notified of monitoring and auditing efforts upon reasonable notice. Notice of monitoring and auditing efforts will be given to the Program Subrecipients/Program Contractors with reasonable time.~~

28 Workplace Site of Work Violence in the Workplace

This section applies to all CDBG-DR/MIT Program areas where construction will be part of the programs scope and implementation.

PRDOH requires all jobsites to adhere to federal and local regulations including but not limited to the following:

- Act No. 16 of August 5, 1975, as amended, 29 LPRA § 361 *et seq.*, known as **PROSHA**;

- OSH Regulation 29 C.F.R. Part 1903, as amended, titled Inspections, Citations and Proposed Penalties; and
- Act No. 146 of July 30, 2012, as amended, 33 LPRA § 5001 *et seq.*, known as the Puerto Rico Criminal Code of 2012.

PROSHA requires that employers provide their employees with working conditions that are free from known dangers. Any employee or employee representative who believes that a violation of an occupational health and safety standard exists and that such violation threatens physical harm, or that a dangerous situation exists, may request an inspection of the jobsite by notifying the Secretary of Labor or his authorized representative of such violation or danger. The notification shall be in writing, detailing the reasons for the notice, and must be signed by the employee or the employee's representative. A copy shall be given to the employer or their agent no later than the time of inspection, provided that, upon request of the person providing such notice, their name and the names of individual employees named therein shall not appear on such copy or in any record published, disclosed, or made available.³⁷

If acts of third parties harm the health or safety of workers on a construction project, the police headquarters³⁸ in the municipality where the construction project is being carried out should be contacted and a complaint must be filed. If the Criminal Investigation Unit identifies a violation of the law, charges may be filed in accordance with the Puerto Rico Penal Code of 2012.

In all cases, PRDOH and/or subrecipients administering construction projects must be notified of the incident following the guidance for reporting incidents or accidents established in this Policy.

29 Project Closeout

This section applies to all CDBG-DR/MIT Program areas where construction will be part of the programs scope and implementation. ~~This Section applies to all CDBG-DR/ and CDBG-MIT Program areas Housing, Multisector, Infrastructure, and Economic Development where construction will be part of the program implementation.~~

The PRDOH will perform a file review of safety reports, submitted documents, and other documents required to be on file prior to project closeout. Program Subrecipients/ Program Contractors implementing the CDBG-DR/MIT programs are responsible for complying with the requirements contained in this Policy and providing documentation as requested throughout the program implementation and before project closeout.

³⁷ 29 LPRA § 361p (c)(1).

³⁸ See <https://policia.pr.gov/directorio-telefonico/>.

END OF POLICY.