

CHAPTER 5 SAFETY

5.00 SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Chapter 88 of the Code of Iowa provides job safety and health protection for all workers throughout the State of Iowa.

The Iowa Division of Labor Services is responsible for administering *Chapter 88 of the Code*. The Iowa Division of Labor adopts federal occupational safety and health standards as State of Iowa standards. Employers and employees are required to comply with these standards.

The Iowa Division of Labor Services has published the requirements of *29 CFR 1926* in a book, "IOSH Occupational Safety and Health Standards for the Construction Industry". This book is updated every several years and can be obtained from:

Iowa Division of Labor Services
1000 East Grand Ave.
Des Moines, Iowa 50319-0209

5.01 RESPONSIBILITY OF CONTRACTOR

Contractor shall be responsible for initiating, maintaining, and supervising all safety precautions and programs for their employees in connection with the work. Furthermore, the contractor is responsible to provide a safe work site for employees of the contracting authority.

Postings

Contractors are required to have the following posted on the project bulletin board:

- "Safety and Health Protection on the Job" Poster (IOSH 30) or "It's the Law" (Federal OSHA 3165)

See [Construction Manual 2.21](#) for more information

5.02 RESPONSIBILITY OF CONTRACTING AUTHORITY

Contracting authority will not be responsible for and will not have control or charge of construction means, methods, techniques, sequences, or procedures or for safety precautions and programs in connection with contractor's work.

Safety of the Inspection Staff

This section covers safety precautions to be observed by state and county/city employees on construction projects and responsibilities of project engineers, as employers, under the Iowa Occupational Safety and Health Act.

The RCE shall notify the District Engineer or representative of any loss of life or serious injury that require hospitalization to a Department of Transportation employee that occurred during the course of Departmental business. The District Office staff will forward the notification to the Highway Division Director and Department Director. Refer to PPM 230.04 "On-the-Job Injury, Workers' Compensation and OSHA Reporting" for additional guidance.

Administration and enforcement of Occupational Safety and Health regulations have been delegated to Iowa Division of Labor. Therefore, employee safety of all state and local governmental employees in Iowa is regulated by the Iowa Division of Labor. As

employers, the state and all local governments are required to provide safe working conditions for their employees and, as employers, all activities of inspection service personnel must be in compliance with safety regulations. Employees, as well as employer, may be subjected to monetary penalties for violations.

On construction projects involving inspection personnel, safety provisions of the law are the responsibility of the contractor. The responsibility of the state and local government to inspection personnel in their employer-employee relationship, lies chiefly in providing protective clothing and safety equipment.

- Safety Equipment

Project engineer, as supervisor of inspection staff, has the responsibility of seeing that proper safety clothing, devices, and procedures are used by personnel in performance of their duties. These items may include safety vests, hard hats, safety belts/harnesses and lanyards, life vests, respirators, eye and hearing protection, etc. Refer to PPM 230.05 "Personal Protective Equipment" for further guidance.

- Safe Working Practices

Although contractor is responsible for safety at the project, inspectors are to be alert to unsafe conditions or operations. Such situations should be called to contractor's attention. It is not intended that inspectors "enforce" safety regulations other than to notify contractor and project engineer of potentially dangerous conditions. If a contractor has been notified of an unsafe condition or operation, the notice should be recorded in project diary.

Potential confined spaces may be present on construction projects, including reinforced box culverts, deep foundations, pipe trenches and drilled shafts. Before entering a confined space, the air must be monitored to determine if adequate air or hazardous gases are present.

Information on air monitors is available at W:\EmployeeSafety\Air Monitor.

Training information on confined spaces is available at W:\EmployeeSafety\Confined Space.

Inspection duties performed on a construction project are included in OSHA's "multi-employer work site" regulations. These regulations state that in most cases citations on multi-employer work sites will be issued to employer primarily responsible for health and safety of employees. If employees of more than one employer are exposed to hazards, however, it may be deemed appropriate to issue citations to each of the employers.

Four issues must be addressed in order to make a legitimate defense to a citation on multi-employer work sites:

1. *"The employer did not create the hazard."*
Inspection staff needs to be aware of the hazard, recognize it, and indicate how they are avoiding the hazard.
2. *"The employer did not have authority or the ability to correct the hazard."*
Contractor's employees created the hazard, not the inspection staff.
3. *"The employer specifically requested the controlling employer and/or the hazard-creating employer to correct the hazard to which the employees were exposed and made a reasonable effort to persuade the controlling employer to correct the hazard."*

Inspection staff must be knowledgeable and recognize contractor's lack of providing safe working conditions. They must then notify contractor's representative of observed infractions and document the notice in project diary. If hazard is not corrected, inspection staff is advised to vacate the site of the hazard until it is corrected.

4. *"The employer has instructed and, where necessary, informed employees how to avoid or minimize the dangers associated with the hazardous conditions and, where feasible, has taken alternative means of protecting employees from the hazard short of walking off the job (except when special circumstances require such extreme action)".*

Safety training seminars, periodic safety meetings, and safety training videotapes are intended to inform employees to recognize hazardous conditions.

