

SSPC: The Society for Protective Coatings

PAINT APPLICATION GUIDE NO. 10

Guide to Safety and Health Requirements for Industrial Painting Projects

1. Scope

1.1 It is generally recognized that facility owners and specifiers should consider construction risks as part of their overall risk management programs. This document provides guidance for facility owners and project specifiers who have a mandate to incorporate appropriate requirements for safety and health program submittals and associated acceptance criteria in contract documents. It also alerts contractors to their responsibilities to protect workers as required by the US. Occupational Safety and Health Administration (OSHA). Both owners and contractors should be familiar with the OSHA Compliance Directive CPL 02-00-124 of December 10, 1999, which clarifies citation policies for multi-employer worksites, including owners, contractors, and subcontractors.

1.2 Guidance and recommendations made herein are not all-inclusive and are not intended to supplant, replace or supersede any specific federal, state or local statute or regulation applicable to safety and health hazards or programs on industrial and marine painting projects.

2. Guidance for Facility Owners and Specifiers

2.1 Guidance on effective incorporation of requirements for safety and health protection in construction contracts is available in the Health and Safety (H&S) Requirements in Construction Contract Documents guidance manual published by the American Industrial Hygiene Association (AIHA). The intent of the AIHA Guide is to identify practices and procedures currently used in industry to manage contractor H&S activities from the conceptual phase through construction and post-construction work, by including H&S requirements in contract documents.

2.2 Some of the principal opportunities to address H&S concerns as addressed in the AIHA Guide include:

Design Phase Considerations – Contract Issues

- Prime vs. Subcontractor Requirements – Flow-Down Provisions
- Insurance and Bonding
- Warranty, Hold Harmless and Indemnity Provisions
- Scheduling and Coordination of Work
- H&S Pay Items and Incentives

Bid Phase Considerations – Bid Package and Review Process

- Contractor Prequalification
- Invitations to Bid
- Request for Proposals
- Pre-Bid Meeting and Site Visit
- Contractor Selection and Bid Award

Pre-Construction Phase

- Pre-Job Hazard Analysis
- Pre-Job Meeting
- Contractor Submittals – Project-specific Health and Safety Plan (HASP)
- Implementation Plan

Construction Phase

- Project Plans and Personnel – Acceptance Criteria, Roles, Qualifications
- Observation of Construction – Inspections, Audits, Meetings
- Documentation – Pre-Job Hazard Analysis, Accident Reporting, Work Permits
- Change Orders/Scope Changes
- Dealing with Non-conformances

Post Construction Phase

- Final Acceptance
- O&M Procedures
- Warranty Inspections/Repairs
- Document Retention

2.3 At a minimum, facility owners and specifiers should include mandatory provisions in contract documents for contractors to develop, implement and maintain a corporate safety and health plan tailored to the requirements of the specific project. However, facility owners and specifiers may wish to incorporate more detailed provisions on safety and health program requirements. Examples of contract language are provided in Appendix A. Safety compliance requirements included in the contract should be highlighted during pre-bid meetings, site orientation or before the Contractor starts work. Facility Owners may wish to have a sign-off form documenting these discussions.

3. Guidance for Contractors

3.1 Necessary precautions must be taken to protect personnel from injuries and illness and to prevent property damage due to falls, exposure to toxic atmospheres (e.g. vapors, dusts and gases), fires, explosions, or other dangers during surface preparation and coating application activities.

3.2 Federal laws, or state laws providing at least equal protection, govern control of safety and health hazards on all industrial maintenance painting projects. Most of these requirements are established by OSHA. OSHA regulations most likely to apply to industrial painting projects are contained in the Code of Federal Regulations (CFR), Title 29, Part 1926 Safety and Health Standards For Construction, (commonly written as "29 CFR 1926"). Regulations covering shipyard workers are found in 29 CFR 1915 Occupational Safety and Health Standards for Shipyard Employment). OSHA's general industry standards are found in 29 CFR 1910 Occupational Safety and Health Standards and typically apply to permanent places of employment (e.g. manufacturing facilities). However, OSHA indicates in 29 CFR 1910.5(c)(2) that "any standard shall apply according to its terms to any employment and place of employment in any industry, to the extent that none of such particular standards applies." Therefore, it is considered required practice to follow the requirements of 29 CFR 1910 whenever there are workplace hazards not specifically regulated by 29 CFR 1926 or where 29 CFR 1910 provides more detailed guidance than 29 CFR 1926. Where 29 CFR 1910 and 29 CFR 1926 have conflicting requirements, the more stringent requirements apply. Where necessary to protect worker safety and health, (e.g. there is a work place hazard that is not addressed by a specific OSHA regulation), feasible control measures beyond those required by OSHA should be implemented.

3.2 Under "Accident prevention responsibilities" in 29 CFR 1926.20(b)(1), OSHA establishes that "It shall be the responsibility of the employer to initiate and maintain such programs as may be necessary to comply with this part." In this instance "part" refers Part 1926 of the Code of Federal Regulations (i.e. 29 CFR 1926). Therefore, contractors have an obligation under OSHA to initiate and maintain safety and health programs addressing the hazards of their worksites and the standards described in Section 3.1 above. SSPC-Guide 17 provides additional guidance on the rationale for and components of a painting contractor's safety program.

3.3 SSPC's Painting Contractor Certification Program requires painting contractors seeking certification to SSPC-QP 1 to develop, implement and maintain a safety and health program addressing at a minimum all recognized or foreseeable hazards of their work. Safety and health programs should be developed and maintained in substantial conformance with the guidance found in Chapter 8 "Safety and Health in the Protective Coatings Industry," of SSPC Painting Manual, Vol. 1, Good Painting Practice, and SSPC Technology Guide

No. 17, "Guide to Developing a Corporate Safety Program for Industrial Painting and Coating Contractors."

3.4 State safety requirements may exert additional controls in relevant areas of worker safety and health whenever federal-approved state OSHA programs are in place.

3.5 Municipal or township ordinances must be followed whenever specific rulings impose restrictions beyond the federal and/or state requirements.

3.6 Some contract specifications may contain requirements for safe methods of practice for specific areas that must be adhered to.

3.7 All safety instructions received from the coating manufacturer should be followed.

3.8 Consensus standards for recommended safety practices from organizations such as the American National Standards Institute (ANSI), National Fire Protection Association (NFPA), and the American Conference of Governmental Industrial Hygienists (ACGIH) are not enforceable by OSHA. However, consensus standards can be enforced by OSHA if they are incorporated by reference into an OSHA standard. Consensus standards referenced in an OSHA standard should be consulted during the development and implementation of any safety and health program in an effort to ensure current control technology is reflected in the program.

4. Disclaimer

4.1 This guide is designed to describe, review, or analyze new or improved technology and does not meet the definition of a standard as defined by SSPC. A guide differs from a standard in that it is not suitable for referencing in a specification or procurement document.

SSPC guides are intended to provide consensus recommendations for best industry practice. They are not written as requirements that may be cited in a contract. However, specifiers may incorporate information from an SSPC guide into project-specific contract requirements.

4.2 While every precaution is taken to ensure that all information furnished in SSPC guides is as accurate, complete, and useful as possible, SSPC cannot assume responsibility nor incur any obligation resulting from the use of any materials, coatings, or methods described herein, or of the guide itself.

4.3 The user of this guide, as well as the user of all products or practices described herein, is responsible for instituting appropriate health and safety practices and for ensuring compliance with all governmental regulations