



EXCAVATION, INC.

April 2009

Hello and Welcome:

We're pleased you joined the Mass Excavation Safety Team!

Here at Mass Excavation safety is very important. You'll see our commitment to safety at your New Hire Orientation and as you see other Mass Excavation team members working—safely.

You'll attend the weekly safety meeting and continue learning more about how safety is a part of our work ethic.


For all of us, our goal is to work productively and arrive home safe at the end of each day.

You'll hear this phrase often: **Success is No Accident!** Please add your personal "safety" commitment to ours for a safe and accident-free work site!

Again, welcome to Mass Excavation!

Sincerely,

MASS EXCAVATION, INC.



Josh Pepperd
President

Mass Excavation, Inc.

Safety Program and Policy

1.0 Introduction and General Information

1.1 Policy

It's the policy of Mass Excavation, Inc. (Mass X) to provide a safe, accident-free, and healthy work environment for everyone. Excellent safety and health conditions do not occur by chance. They're the result of diligent work and careful attention to company policies by everyone.

Effective safety demands cooperation on everyone's part. It's important communication is kept open at all times. For this reason management exercises an open-door policy. Workers who notice hazards, safety problems, or feel they need additional training, should notify their supervisor. Supervisors and management will address these concerns and take corrective action when warranted.

Everyone is responsible for knowing the safety requirements and standards for their area or job and to abide by them. Supervisors must instill a positive attitude and awareness of the "safety culture" in their workers through personal adherence, personal contact, training, and regularly scheduled safety meetings. It's the duty of all employees to perform their work with maximum regard for their safety and their co-workers.

Mass X safety policies are an integral part of the company's personnel policies. This means compliance with the policies is a condition of employment and must be taken seriously. Failure to comply with the Safety Program and Policy is grounds for disciplinary action up to and including termination.

Safety and health is every bit as important as productivity and quality. If a job cannot be done safely, it will not be done.

1.2 Purpose

The purpose of this policy is to maintain a safe work environment and to effectively reduce the number of accidents which result in personal injury, damage, and damage to company equipment.

1.3 Applicability

This policy applies to all Mass X employees. By contract, all subcontractors are required to comply with this policy in addition to their own safety program and policy.

1.4 Compliance with Applicable Laws and Regulations

This policy complies with applicable local, state, and federal laws concerning safety including 29 CFR 1926, 29 CFR 1910. In the event a discrepancy exists between this policy and any applicable law, the provisions of that law will govern.

1.5 Availability of Policy

- A. A copy of this revised policy is made available to each newly hired employee in the new hire packet.
- B. A copy of this revised policy is available in the jobsite office.
- C. A copy of this revised policy is available upon request to the supervisor.

2.0 Health and Safety Responsibilities

The effectiveness and success of the safety program depends upon the active participation and cooperation of all employees. Duties and responsibilities of all employees under this policy are:

2.1 Safety Coordinator

- Coordinate health and safety training for management and supervisors.
- Coordinate monthly supervisor safety meetings.
- Coordinate jobsite safety audits.
- Maintain and revise the safety policy, corporate safety manual, and site-specific safety plans as needed.
- Maintain the jobsite postings and notices required by law.
- Ensure the proper filing of any paperwork relating to accidents.
- Participate in post-accident investigations.
- Maintain all records and reports related to this policy.
- Implement Mass X safety program and policy.

2.2 Project Manager/Project Engineer

- Prepare the site-specific safety plan.
- Direct and coordinate health and safety regulations related to area of responsibility.
- Participate in post-accident investigations.
- Assist in formulating policy matters.
- Implement Mass X safety program and policy.

2.3 Superintendent

- Be familiar with health and safety regulations related to area of responsibility.
- Direct and coordinate health and safety activities within area of responsibility.
- Ensure arrangements for prompt medical attention in case of serious injury were provided for each job, to include transportation, communication, and emergency telephone numbers.
- Ensure all supervised employees use required personal protective equipment (PPE) and safety devices.

- Ensure that safety equipment is available, maintained, used, and stored correctly.
- Instruct and train all persons within area of responsibility in job health and safety requirements.
- Direct correction of unsafe conditions.
- Conduct weekly safety meetings.
- In case of an accident complete the Report of Occupational Injury or Illness.
- Participate in post-accident investigation.
- Review all accidents/incidents with foremen and workers involved. Ensure corrective action is taken immediately to eliminate cause of the accident.
- Ensure foremen are aware of and comply with requirements for safe practices.
- Require all subcontractors to comply with health and safety regulations as well as Mass X Safety Program and Policy.
- Maintain copies of applicable programs and OSHA forms on site in accordance with Davis Constructors practice and policy.
- Implement Mass X safety program and policy.

2.4 Foreman/Front Line Supervisor

- Be familiar with, explain, and enforce health and safety regulations applying to Mass X operations within area of responsibility.
- Direct and coordinate health and safety activities within area of responsibility.
- Ensure safety devices and proper PPE are used by persons under direct supervision.
- Instruct and train all persons within area of responsibility in job health and safety requirements, including, but not limited to, hazard recognition and avoidance, and require compliance to the established safety rules.
- Direct the correction of unsafe conditions.
- Ensure safety equipment is available, maintained, used, and stored correctly.
- Ensure injuries are treated promptly and reported properly.
- Participate in post-accident investigation.
- Coordinate daily jobsite inspection.
- Implement Mass X safety program and policy.

2.5 All Employees

- Be familiar with and comply with proper health and safety practices.
- Use the required safety devices and proper PPE.
- Notify the supervisor immediately of unsafe conditions/acts, accidents, and injuries.
- Implement Mass X safety program and policy.

2.6 Subcontractors

By contract subcontractors will comply with and ensure the compliance of their employees with the provisions of this policy as well as their own safety program. Failure to fulfill this requirement is a failure to meet the conditions of the subcontract.

3.0 Prohibited Conduct

3.1 Repairs

Employees are prohibited from making repairs, alterations, or attachments to equipment in the field except by the permission of the superintendent, foreman, or equipment mechanic. Such repairs, alterations, or attachments are documented on the appropriate shop forms.

Employees are prohibited from removing a guard, safety device, or appliance from equipment or machinery except to make repairs in conformance with the paragraph above. While making repairs, employees use appropriate lockout/-tagout procedures. When the repairs are complete the guard, safety device, or appliance is replaced immediately.

3.2 Equipment Use and Operation

Equipment is used only for its intended use and as recommended by the manufacturer. An employee must be authorized to operate a piece of equipment before using it. Operators of equipment examine their equipment before starting work and are responsible for reporting to their supervisor any defect, malfunction, or unsafe condition of the equipment.

Employees are prohibited from operating a vehicle in a reckless manner or at a speed greater than is reasonable and proper with due regard for weather, traffic, character of roadway, load, type of vehicle, and any other conditions which may affect the safe operation of the vehicle. The vehicle must be kept under control at all times and special care will be exercised when transporting personnel. Employees using Mass X vehicles must sign and abide by the company's Vehicle Policy.

Employees may only ride equipment if there are seats or equal protection available for each person. Seatbelts are worn at all times while operating equipment with seats. Riding the load, hook, or sling is prohibited.

Vehicles and heavy duty equipment are adequately secured against accidental starting or movement when left unattended.

3.3 Personal Protective Equipment (PPE)

Employees must wear a hardhat, safety glasses, safety work boots, and other PPE furnished on the job. Employees learn where to get PPE during their new-hire orientation. Employees are responsible for wearing and maintaining required PPE. If an employee is unsure of the type of PPE required for a specific task or job, the employee should ask their supervisor.

3.4 Conduct

The following conduct is prohibited and may result in discipline up to and including termination.

- ◆ Horseplay and scuffling on the job.

- ◆ Making a false report or misrepresentation.
- ◆ Fighting.
- ◆ Violating the prohibitions of the Drug and Alcohol Policy (distributed to each employee in their new hire packet).
- ◆ Dishonesty and theft of company property.
- ◆ Deliberate misuse of company equipment.
- ◆ Unnecessary risk taking.
- ◆ Violating or disobeying any instruction given by a supervisor.

Mass X will not tolerate unlawful discrimination, harassment, or violence of any kind. Mass X strives to create and maintain a work environment in which people are treated with dignity, decency, and respect. Each of us participates in creating a safe and satisfying environment. We encourage our people to bring to our attention any unsafe situation. Any potentially dangerous/unsafe situation must be reported immediately to a supervisor or the superintendent.

Mass X prohibits any form of retaliation against any employee for filing a safety complaint or for assisting in a complaint investigation. Retaliation or attempted retaliation is a violation of company policy and a violation of law and anyone doing so may be subject to work discipline up to and including termination.

3.5 Cell. Phone Policy

Operating Mechanical Equipment or Tools:

This policy applies to all Mass X employees operating mechanical equipment or tools.

Mass X strictly prohibits the use of cell. phones while operating equipment or tools. The ban on the use of wireless communication devices applies to all types of equipment (forklift, boom lift, scissor lift, excavation equipment, power tools, etc.) used on the jobsite and to all conversations whether personal or business-related.

If operators receive calls they feel the need to answer or need to make a call while operating, the operators must:

- ◆ Immediately stop the operation
- ◆ Lower all platforms, forks, arms, buckets, tools, etc.
- ◆ Turn off the ignition
- ◆ Then answer or dial

The ban on using cell. phones and other devices while operating equipment applies to all devices, including cell. phones with hands-free headsets. Violation of this policy could result in disciplinary action.

While Operating a Mass X Vehicle or Employee Vehicle:

Cellular/mobile phone use should be minimized while operating a company vehicle or employee vehicle used for company business within flow of traffic. Any driver intending to place or receive a call should pull off the road to a safe location to complete call.

If it's critical to utilize a cell/mobile phone for company business while operating the vehicle, follow these general guidelines:

- Refrain from placing or receiving unnecessary calls. Allow voice mail to handle the calls and return them when it's safe and convenient.
- Keep any necessary conversations brief. Pull over or exit to a safe location, if necessary, to dial or complete a conversation.
- Do not engage in stressful or emotional conversation while driving.
- Do not take notes or look up information while driving.
- Never pick the phone up from the floor or other area not directly in reach. Pull over and park first.
- This policy does not currently apply to the use of two-way radios or digital two-way radio/cell phones as long as the device is operated by depressing a push-to-talk button and does not require immediate proximity to the user's ear.

Safe driving is our top priority and requires caution, courtesy, common sense, and constant alertness under all conditions. Take special care to avoid the distraction of a cellular/mobile phone. Focus complete attention on the road and drive safely at all times.

3.6 Other Policy Violations

Employees who commit policy violations other than those addressed in Section 3.0 above may be subject to discipline up to and including immediate termination of employment.

4.0 Corrective Action and Discipline Procedures

Corrective action is an action designed to improve conduct or performance, which does not involve an adverse impact on rights, pay, or benefits. Discipline is an action imposed on an employee when corrective action has proven ineffectual or when the employee's performance, misconduct, or policy violation is serious enough to warrant discipline.

Mass X may use an oral reprimand or verbal counseling as corrective action. Discipline may involve a written warning, suspension without pay for a period of time, or termination. Mass X has the authority to discharge or to take other appropriate disciplinary action against an employee for just cause. Employees committing policy violations may be subject to discipline up to and including immediate termination of employment.

The stages of discipline discussed below apply to all employees found to have violated this policy. Any foreman, supervisor, or official of management, as soon as he/she becomes aware of any such violation, will ensure the following action is taken:

Stage 1

A formal verbal warning may be given to the employee by the immediate supervisor along with a warning that this is the first stage in the disciplinary procedure and any repetition will lead to the second stage in the procedure.

Stage 2

If the offense(s) addressed in Stage 1 is repeated and/or continued or a more serious offense committed, the employee may be given a formal written warning setting out the details of the offense(s) and stating that if the offense(s) is (are) repeated the third stage in this procedure will be invoked. In addition to the written warning, the employee is suspended without pay for a period of time determined by the supervisor. Upon return to work the employee must undergo additional formal training in the area of the offense(s) before being permitted to work to prevent injury to that employee or fellow co-worker.

Stage 3

If an offense written under Stage 2 is repeated, the employee may be terminated. An employee so terminated is ineligible for rehire for 24 months.

Depending on circumstances Mass X reserves the right to bypass, duplicate, or alter any stage of the recommended disciplinary procedures described above. Nothing in this policy and procedure requires management to utilize any step or series of steps in disciplinary action. Management may impose any level of , including suspension without pay or termination, whether or not this is the employee's first violation and whether or not a less serious form of discipline was imposed for any prior violations.

5.0 General Jobsite Procedures

5.1 New-Hire Orientation

New-hire orientation may consist of, but is not limited to, the following:

- A. The employee reads the new-hire packet which includes this policy and the Drug and Alcohol Policy. Answer any questions the employee may have about these policies and have the employee sign the Statement of Understanding.
- B. Return all forms to the office as indicated on the first page of the new-hire packet.
- C. Show the employee the orientation video.
- D. Orient the employee to the jobsite, indicating the location of the Safety Center, MSDS book, emergency facilities, portable fire

- extinguishers, first aid station, emergency phone numbers, public notices, EEO, and any jobsite specific information.
- E. Explain the injury and accident policy.
 - F. Review the written hazard communication program. Discuss hazards, container labeling, and the use of protective equipment.
 - G. Explain the emergency response plan for catastrophic events such as fire, explosion, etc.
 - H. Issue PPE as required for their tasks.

5.2 Training

Training and education are necessary for the success of this policy. Employees are trained to recognize jobsite hazards and the procedures to follow to minimize these hazards. Training may consist of, but is not limited to, the following:

- Weekly jobsite safety meetings.
- Orientation training for new hires.
- Individual job/task training, which includes the applicable regulations/standards for the specific job/task.

Supervisors and management receive ongoing safety training throughout the year as organized by the Safety Coordinator and as deemed necessary by the Mass X owners. Such training includes the maintenance of first aid and CPR cards.

5.3 Safety Meetings

Weekly safety meetings are held on the jobsite. All employees and subcontractors are required to attend. The meetings may cover a range of safety-related topics. The format and content of the meeting is at the discretion of the superintendent.

Monthly safety meetings are held for all foremen, superintendents, project managers, project engineers, company owners, and other management personnel. The purpose of these meetings is to discuss companywide (Mass X and Davis) safety issues and provide continuing safety training and education.

5.4 Safety Inspections

The superintendent and foreman conduct an initial safety inspection at the beginning of each project following the "Safety Inspection Guide" included in the site-specific safety plan. Mass X competent person is required to perform initial and daily inspections on all excavations.

In addition, a daily safety inspection of the jobsite is conducted by Mass X employees, the employees of a subcontractor, or some combination thereof, with the inspection being rotated between all workers on the jobsite. Inspection sheets covering different aspects of safety were developed for each week. The sheets are intended as a guide. Any safety concern found during the inspection is reported. If a worker is unclear about any item on the

inspection sheet a Mass X foreman or safety officer will be able to help. If the area being inspected requires a competent person*, the worker should do the inspection with the competent person. Also, if time allows, the foreman for the worker conducting the inspection is encouraged to walk through with the worker.

*Areas requiring a competent person are hearing protection, rigging, hot work on preservative coatings, scaffolds, fall protection, cranes, hoists, excavations, concrete work requiring lift-slab operations, steel erection, underground construction, demolition, blasting, stairways and, accident prevention responsibility, ionizing radiation, welding and cutting, tunnels and shafts, caissons, cofferdams, compressed air, bolting, riveting, fitting up and planking, lead, mechanical demolition, respiratory protection, slings, electrical, and asbestos.

5.5 Hazard Communication

Mass X developed a written hazard communication plan and is explained to each employee during new-hire orientation. This plan is located in the site-specific safety plan and is available upon request to the superintendent. The purpose of the hazard communication plan is to provide information about chemical and physical agent hazards and the control of such hazards which include container labeling, MSD sheets, physical agent data sheets, and training. The MSDS book is located in the jobsite trailer and will be covered during new-hire orientation.

5.6 Site-Specific Safety Plan

A site-specific safety plan is developed for each jobsite. The plan may include, but is not limited to, the following items:

- ◆ This policy (Safety Program and Policy)
- ◆ Jobsite map
- ◆ Emergency phone numbers
- ◆ Environmental Protection Plan
- ◆ Written Hazard Communication Plan
- ◆ Fire Prevention and Protection Plan
- ◆ Inspection guides
- ◆ Job Hazard Analysis
- ◆ Emergency Evacuation Plan
- ◆ Forklift Policy
- ◆ Lockout/Tagout Policy
- ◆ Confined Space Entry
- ◆ Excavation
- ◆ Fall Protection
- ◆ Respiratory Protection
- ◆ Physical Agent Data Sheets

5.7 Job Hazard Analysis

A job hazard analysis should be developed covering major activities of construction, the hazards associated with these activities, and ways to

mitigate these hazards. The job hazard analysis is located in the site-specific safety plan.

5.8 Personal Protective Equipment (PPE)

Personal protective equipment (PPE) will be issued to each new hire. Mass X provides PPE to all employees.

Hard hats, safety glasses, and safety work boots are required to be worn at all times when on the jobsite. Additional PPE may be required depending on the task and if there is a potential for exposure to hazardous conditions. PPE requirements are reviewed by the foreman. Employees are expected to use reasonable judgment regarding whether additional PPE, beyond that required, are necessary for certain tasks.

5.9 Housekeeping

Housekeeping is one of the most important factors for a safe jobsite. All debris is cleared from work areas, passageways, and stairs. Excess materials are stacked neatly and out of the way. Tools are stored in the tool van so they're available for all employees to use.

Combustible scrap and debris are removed at regular intervals during the course of construction. Containers with covers are provided for the collection and separation of waste, trash, oily and used rags, and other such refuse which will be removed safely and on a regular basis.

5.10 Fall Protection

Mass X provides some form of fall protection when employees are exposed to fall hazards beyond those permitted by federal and/or state regulations.

Fall protection may consist of, but is not limited to, the following:

- A stairway or ladder is provided at any point of access where there is a break in elevation of 19 inches or more.
- All stairways of four or more risers or greater than 30 inches high are guarded by a handrail or stair rails.
- When a floor hole is greater than two inches a cover or a safety guardrail is installed immediately.
- Safety harnesses with approved lanyards and tie off points are used for all other fall protection unless an appropriate procedure or device has been approved in advance by a competent person.
- Walkways are provided where employees or equipment are required or permitted to cross over excavations. Guardrails are provided where walkways are 6 feet or more above lower level.

5.11 Electrical Safety

Electrical safety may consist of, but is not limited to the following:

- Live electrical parts are guarded against accidental contact by cabinets, enclosure, location, or guarding.
- All receptacles not part of the permanent wiring of the building are

- equipped with GFCI receptacles at the temporary service drop.
- Extension cords are kept in safe, working condition.
- All lamps for general illumination have the bulbs protected against breakage. All light sockets are filled with a working bulb.
- Employees will not work in such close (able to contact) proximity to any part of an electric power circuit unless the circuit is de-energized, grounded, or guarded by insulation.
- De-energized equipment or circuits are locked out and tagged out. The tags will plainly identify the equipment or circuits being worked on.

5.12 Tools

Mass X provides tools for employees to use. These tools meet applicable OSHA standards for safety. Only trained employees are allowed to use such tools. The safe use of tools may consist of, but is not limited to the following:

- Unsafe or defective tools are removed from service and tagged as such.
- Power tools are turned off and motion stopped before setting down.
- Tools are disconnected from the power source before changing drills, blades, or bits and before any repair or adjustment is made. Running tools will not be left unattended.
- Power saws, table saws, and radial arm saws have operational blade guards installed and used.
- Portable abrasive grinders have guards installed covering the upper and back portions of the abrasive wheel.

5.13 Excavation and Trenches

Excavation and trenching is done in the presence of a competent person and in compliance with, but not limited to the following procedures:

- Any excavation or trench five feet or more in depth is provided cave-in protection through shoring, sloping, benching, or the use of hydraulic shoring, trench shields, or trench boxes. Trenches less than five feet in depth and showing potential of cave-in are also provided cave-in protection. Specific requirements of each system are dependent upon the soil classification as determined by a competent person.
- A competent person inspects each excavation/trench daily prior to the start of work, after every rainstorm or other hazard increasing occurrence and as needed throughout the shift.
- An exit is provided in trenches four feet or more. The exit(s) is within 25 feet of any employees in the trench.
- Spoil piles and other equipment are kept at least two feet from the edge of the trench or excavation.

5.14 Ladders

Ladders are inspected during the weekly inspections to identify any unsafe

conditions. Any ladders found to be unsafe are taken out of service. Extension ladders will extend three feet above the work surface and be 100 percent tied off. Step ladders will only be used in the open position. Ladders should be stored lying down.

5.15 Illumination

Construction areas, aisles, stairs, ramps, runways, corridors, offices, shops, and storage areas where work is in progress are lighted with either natural or artificial illumination.

5.16 Motor Vehicles and Mechanized Equipment

Vehicles and equipment will only be operated by qualified persons (training or experience). The superintendent maintains equipment training logs.

Employees operating Mass X owned vehicles must sign and abide by the Vehicle Policy.

All equipment operators are responsible for daily checks of all fluid levels, drive components, and hydraulics. In addition, operators should visually inspect the engine and look for structural breaks and cracks on the machine. Any and all deficiencies must be reported to a supervisor immediately. When equipment is stopped or parked parking brakes are set and other safety precautions are carried out as required for each type of equipment such as placing the forks flat on the ground.

5.17 Severe Weather

Outside construction operations including, but not limited to steel erection, site work and concrete work are suspended if severe wind or rain conditions present safety hazards at the worksite. Ice and snow hazards are evaluated and appropriate measures taken to abate potential hazards.

5.18 Accidents

All accidents and near misses must be reported immediately to the foreman or superintendent. An accident report is filled out by the employee and the supervisor. Filling out an accident report does not require the delay of medical attention. Any injury is treated first. Employees file such reports without fear of reprisal by management. All vehicular accidents regardless of the amount of damage are reported immediately to the supervisor and a "Damage to Property" report is completed. All damage to property of others is reported immediately to the supervisor.

The accident or incident may be discussed at weekly safety meetings or in the safety minute to talk about how to avoid that sort of accident in the future.

5.19 First Aid

First-aid kits are available in the project office, at the safety center, and

other locations as indicated during orientation. In addition, foremen and superintendents maintain current first aid and CPR cards.

5.20 Fire Protection

All trucks and equipment are fitted with portable fire extinguishers. Employees are instructed on the location and usage of fire extinguishers. Emergency telephone numbers for fire protection and emergency medical services are posted on the field office bulletin board.

5.21 Emergency Action Plan

Each jobsite develops an emergency action plan that is reviewed with each employee during orientation. The emergency action plan covers emergency escape procedures, procedures to be followed by employees who remain to operate critical operations before they evacuate, procedures to account for all employees, rescue and medical duties, and how to report emergencies. The emergency action plan is located in the site-specific safety plan.

6.0 Safety Program and Policy Limitations

The provisions in this policy reflect decisions made by management and are not required to be approved by employees. It's impossible to anticipate every circumstance or question about policy and include them all in this safety program and policy. Also, as time goes by, the need for revisions will arise and Mass X reserves the right to revise, supplement, or rescind any portion of this policy at its discretion at any time, with or without notice.

This revised policy replaces all prior Mass X safety procedures and policies. To avoid confusion please discard superseded copies.