



December 2, 2003

Crane and Derrick Negotiated Rulemaking Advisory Committee
Occupational Safety and Health Administration,
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

Re: Work Zone Control

Dear Committee Members:

The American Subcontractors Association, Inc. (ASA) is a nationwide subcontractor association that serves 5,000 member companies and is dedicated to improving general business conditions for all subcontractors through unified and cooperative actions. For over 30 years ASA has worked with the Occupational Safety and Health Administration (OSHA) to improve workplace health and construction safety.

This letter provides comments on issues to be discussed at the December 3-5, 2003 meeting of the OSHA Crane and Derrick Negotiated Rulemaking Advisory Committee (C-DAC). In particular, ASA wishes to comment on the issue of "work zone control."

ASA recommends that the work zone control language from the Safety Standards for Steel Erection Subpart R 29 CFR Part 1926 be used as a basis for the revisions of Subpart N 1926.550 by the Crane and Derrick Negotiated Rulemaking Advisory Committee. The Safety Standards for Steel Erection Subpart R rule states, "while each subcontractor has special expertise, it is typically the general contractor or construction manager who controls the overall project and coordinates the work of the subcontractors. The general contractor's or construction manager's control over the project gives it the ability to see that safety and health hazards created by subcontractors are corrected."¹ By employing the Subpart R in the revised Crane and Derrick regulations, OSHA would establish a safety oversight role for the general contractor, while maintaining the importance of a subcontractor's individual safety precautions.

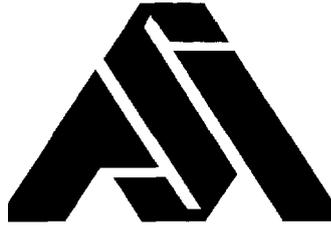
Even the Associated General Contractors (AGC) has acknowledged that the general contractor maintains the key responsibility for safety oversight. The 2003 edition of the *Guidelines for a Successful Construction Project*, published jointly by ASA, AGC, and the Associated Specialty Contractors (ASC) states "The General Contractor holds the key role in developing coordination and communication methods that will allow for the planning and execution of the work safely."²

¹ Department of Labor, Occupational Safety and Health Administration, 29 CFR Part 1926

² *Guidelines for a Successful Construction Project*, www.constructionguidelines.org

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ASA believes that each subcontractor is responsible for the safety within their particular work zone; but to maintain safety throughout the job site — from the ground breaking to the certificate of occupancy — the general contractor must maintain a key role overseeing job site safety.

Thank you for the opportunity to provide comment on this important issue. ASA is pleased to work with OSHA and C-DAC to create a safer construction industry.

Sincerely,

Luke McFadden
ASA Director of Government Relations

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