

STATE OF MISSOURI OSHA CONSTRUCTION TRAINING LAW

HB 1549 was signed by Missouri Governor Matt Blount on July 8, 2008, and contains a provision requiring that all employees working for contractors or subcontractors on "Public Works" construction projects in the State of Missouri receive OSHA 10-hour construction safety training within sixty (60) days of beginning work on the project.

Here is a list of Frequently Asked Questions and Answers regarding the OSHA training course required by this new law. Information about how to obtain this training also appears at the bottom of this page.

Question - What is a "Public Works" construction project?

Answer - Public Works is defined in Section 292.675.1(5) as "all fixed works constructed for public use or benefit or paid for wholly or in part out of public funds. "Public works" includes any work done directly by any public utility company when performed by it pursuant to the order of the public service commission or other public authority whether or not it be done under public supervision or direction or paid for wholly or in part out of public funds when let to contract by said utility."

However, the law also states that the 10-hour construction safety program requirement shall not apply to:

- "Work performed by public utilities which are under the jurisdiction of the public service commission, or their contractors, or work performed at or on facilities owned or operated by said public utilities." (Section 292.675.8)
- "Rail grade crossing improvement projects where there exists a signed agreement between the railroad and the Missouri department of transportation or an order issued by the department of transportation ordering such construction." (Section 292.675.9)

Question - What is "Construction"?

Answer - Construction is defined in Section 292.675.1(1) as "construction, reconstruction, demolition, painting and decorating, or major repair."

Examples of construction may include, but are not limited to the following:

- Construction of buildings, structures, roads, bridges, sewers, etc.
- Improvements to buildings, structures, roads, bridges, sewers, etc.
- Construction site preparation such as drilling, blasting, excavating or clearing

Question - Are all workers on the worksite required to have completed the construction safety program?

Answer - Section 292.675.2 requires all on-site employees to complete the program within sixty days of beginning work on such construction project.

Question - What is a worksite?

Answer - The worksite is the physical place(s) where the public works are to be constructed, and also means other adjacent or nearby property used by the contractor or subcontractor in that construction which can reasonably be said to be included in the site

Question - Are employees who work directly for a public body required to have the training?

Answer - Section 292.675.2 requires any person signing a contract to work on the construction of public works for any public body shall provide an approved construction safety program to their on-site employees. The statute does not require employees of a public body to complete an approved construction safety program.

Question - When will this law be effective?

Answer - This law will become effective on August 28, 2009. All workers on projects in which the contract or subcontract was signed on or after August 28, 2009 will be required to receive construction safety training as described in Section 292.675.2

Question - If a subcontractor on a Public Works project signs a contract with the general contractor after August 28, 2009, but the primary contract was signed prior to August 28, 2009, will the subcontractor be required to comply with this Section?

Answer - Any person signing a contract to work on the construction of public works for any public body on or after August 28, 2009 will be required to adhere to this statute. The statute does not provide any exceptions based on previously signed contracts.

Question - If a contractor's workers have received this training prior to August 28, 2009, will this training be recognized by the State for compliance purposes?

Answer - Yes. Training certificates issued by OSHA do not expire. Any worker possessing this certificate will be found in compliance

Question - Will the law apply to federally funded projects?

Answer - The law will not apply to projects when the contract is with the federal government. However the law will apply to any contractor who enters into a contract with a public body for construction on public works, regardless of whether federal funds are involved.

Section 292.675.1(4) defines a public body as: "The state of Missouri or any officer, official, authority, board or commission of the state, or other political subdivision thereof, or any institution supported in whole or in part by public funds."

Question - Who can provide this training?

Answer - There are Outreach trainers authorized by OSHA for the 10 hour OSHA construction course. [CLICK HERE](#) to be linked to the site for getting additional information and a proposal for an onsite OSHA 10 hour construction training course.

Question - Can I take this course online?

Answer - Yes. There are OSHA accepted online 10 hour OSHA construction courses. [CLICK HERE](#) to be linked to a site for the online OSHA 10 hour construction course.

Question - Can a contractor begin work on a new project prior to conducting the training?

Answer - Yes. However, all on-site employees must have completed an approved construction safety program prior to the expiration of 60 days after beginning work on the project.

Question - If new workers are hired during a project, do they have to have the training?

Answer - Yes, unless they have previously completed an approved construction safety program. All workers will be required to complete an approved construction safety program prior to the expiration of 60 days after their beginning work on the project.

Question - Is there an OSHA certification needed to prove you took the class?

Answer - OSHA issues an official OSHA training wallet card to the authorized outreach trainer when they conduct a live 10 hour OSHA class, and also to the online 10 hour course provider. The trainer will fill out the card with the trainees name and date of training. These OSHA wallet cards will then be issued to workers for the purpose of proving compliance with Section 292.675, RSMo.

Question - What happens if workers don't have the training?

Answer - It is a violation of the statute for any employee of the contractor to continue to work on the construction project more than 60 days after that employee began working on the construction without having completed an approved construction safety program. Penalties may begin to accrue on the 61st day of work performed by a worker who has not completed an approved construction safety program. Penalties are to be paid to the public body on whose behalf the contract is made or awarded.

Question - What happens if the contractor does not pay the penalties?

Answer - Once the Department issues an order for penalties to be paid, the public body may withhold the penalty amount from any payment to the contractor. When the public body does not or is unable to withhold the penalties from a contractor and the contractor fails to pay penalties after 45 days following notification of the penalties, the Department of Labor and Industrial relations is required to pursue an enforcement action through circuit court.

Question - Are general contractors liable for penalties due to violations by subcontractors?

Answer - Yes. The penalties will be assessed to the general contractor to be withheld by or paid to the public body. General contractors have the right to withhold the amount of penalties incurred due to violations by a subcontractor from payments owed to the subcontractor.

When the general contractor does not or is unable to withhold the penalties from a subcontractor, the amount may be recovered from the subcontractor in the circuit court in the county in which the public works project is located.

Question - Will the OSHA 10-hour “training” course for general industry also qualify, or only the construction course?

Answer - Only the OSHA wallet card for the OSHA 10 hour construction course will suffice. The general industry card is not acceptable as a substitute for the OSHA construction training card.

Question - Will the OSHA 30 hour construction training course be acceptable in lieu of the 10-hour course?

Answer - Yes, a person having the Thirty hour OSHA construction training course, which addresses everything in the 10-hour course plus additional information, meets the requirements of training required by this law.

Question - Where can complaints of violations be filed?

Answer - The Department of Labor and Industrial Relations is responsible for investigating any claims of violation. A claim form will be available after August 28, 2009.