BY KATHRYN MCMAHON-LOHRER AND WAYNE D'ANGELO

The Future of Safe Communication Tower Erection

Once a diminutive niche in the construction industry, the communication construction and repair industry has grown considerably as the demand for wireless service continues to skyrocket. As a result, tower erectors—workers who construct, retrofit, maintain, repair and demolish communication towers—are in great demand.

A significant portion of a tower erector's workday is spent perched several hundred feet in the air. In 2006, Wireless Estimator, a safety advocacy website and information clearinghouse for the wireless construction industry, identified tower erector/climber as the deadliest job in America. (Eighteen deaths were recorded, resulting in a fatality rate of 183.6 deaths per 100,000 workers.)

Tower erectors and climbers also held this unsought distinction in 2004, when 114.9 fatalities occurred per 100,000 workers. In 2005, tower erectors and climbers ranked third behind logging workers and fishing industry workers, with a fatality rate of 80.4.

In light of the high number of fatalities, the Occupational Safety and Health Administration (OSHA) and state health and safety agencies have increased their scrutiny of this segment of the construction industry.

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Increased regulatory oversight began in North Carolina, which promulgated the first comprehensive tower safety standard in 2005. The North Carolina standard requires two trained rescue employees to be onsite whenever employees are working on towers at heights in excess of six feet. If only two employees are working at this height, one must be a trained rescue employee. Climbing solo is expressly prohibited.

Additionally, employers must, among other things: ensure a proper inspection of all towers prior to climbing; provide 100 percent fall protection systems; ensure proper inspection of all hoists and gin poles; protect employees from electromagnetic radiation; and appropriately train all employees who work above six feet.

Last fall, Michigan moved closer to becoming the second state to promulgate a communication tower safety standard.

Michigan's draft standard, modeled after the North Carolina standard, currently is under review by the Michigan Department of Labor and Economic Growth. Pending approval, the standard will be scheduled for a public hearing early this year.

To date, OSHA has not proposed a standard specific to the communication tower construction and repair industry, in part because many existing OSHA regulations already cover work scenarios typically found in this sector. These include fall protection standards, guardrail system requirements, personal fall arrest system requirements and ladder safety system requirements. However, state standards like those in Michigan and North Carolina may pressure OSHA to promulgate a federal standard. (OSHA's revised crane and derrick standard, slated for release this year, may include regulations that affect the communication tower erection sector.)

Despite the lack of a comprehensive federal standard, OSHA has increased scrutiny of the sector through its voluntary compliance programs. In November 2006, OSHA launched a partnership with the National Association of Tower Erectors (NATE) under which participating NATE members agreed to implement a series of best practices designed to increase worker safety, including: 10 hours of training for all climbers and 30 hours of training for all supervisors; implementation of a NATE health and safety program; and a commitment to conduct regular site safety audits.

The NATE program expires in November 2009, but may be renewed for an additional three-year term. In deciding whether to renew the program, OSHA likely will analyze its efficacy in reducing workplace fatalities. While the NATE partnership may result in more communication tower construction employers implementing rigorous safety standards, thus far the fatality rates do not paint a picture of unbridled success. Nine worker fatalities occurred in 2007, with an average of more than 90 fatalities per 100,000 workers.

Even with an anticipated improvement from the 18 fatalities experienced in 2006, communication tower climber/erector remained a high hazard job last year.

Headlines about worker deaths often are the catalyst for OSHA action. Regardless of the size of the industry or the presence of existing safety standards related to climbing, OSHA may opt for federal regulation of the industry segment in lieu of a patchwork of state regulations.

While it's difficult to predict precisely what a tower safety regulation would include, using the NATE voluntary program and the North Carolina regulatory framework as models, employers in the communication tower construction, repair and demolition industry can expect comprehensive training, more stringent work practices and personnel requirements, new recordkeeping and reporting requirements, and other restrictions.

Employers wishing to avoid a costly OSHA regulation should implement common-sense safety measures specifically designed to address all recognized hazards. Likely, the only means of avoiding costly federal regulation is the industry's adoption of voluntary and effective worker safety programs.

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