



## NEW MEXICO ENVIRONMENT DEPARTMENT



SUSANA MARTINEZ  
Governor  
JOHN A. SANCHEZ  
Lieutenant Governor

P. O. Box 5469  
Santa Fe, New Mexico 87502  
Phone (505) 476-8700 or (877) 610-6742 Fax (505) 476-8734  
[www.nmenv.state.nm.us](http://www.nmenv.state.nm.us)

RYAN FLYNN  
Cabinet Secretary  
BUTCH TONGATE  
Deputy Secretary

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New Mexico Occupational Health and Safety Bureau (OHSB) Directive 15-07

Subject: OHSB Strategic Partnership for Construction (OSPC)

- A. **Purpose.** In order to achieve a broad effect in reducing injuries, illnesses and fatalities within the construction industry in New Mexico, OHSB utilizes a full range of services including enforcement and cooperative program activities. The OSHA Strategic Partnership Program (OSPP) for worker safety and health, which became effective on November 13, 1998 was designed to broaden the impact of cooperative programs on worker safety and health by reaching out to groups of employers, workers, and labor organizations to encourage, assist, and recognize their efforts to eliminate serious hazards and to achieve a high level of worker safety and health. New Mexico OHSB adopted the federal directive and documented success using the established guidelines to develop partnerships. This directive outlines the continuing OHSB commitment to partner with New Mexico construction industry organizations, employers and workers.
- B. **Scope.** This notice applies to the State of New Mexico OHSB.
- C. **References.** The following documents are referenced in or applicable to this instruction.
1. New Mexico Occupational Health and Safety Act (OSH Act), Sections 50-9-1 through 50-9-25NMSA
  2. New Mexico Field Operations Manual (FOM)
  3. New Mexico Occupational Health and Safety Bureau (OHSB) Directive 15-02, Local Emphasis Program (LEP) for Health and Safety Hazards in the Construction Industry
  4. OSHA Instruction CSP 03-02-003, OSHA Strategic Partnership Program for Worker Safety and Health (effective November 6, 2013)
  5. OSHA Instruction CSP 03-02-002, OSHA Strategic Partnership Program for Worker Safety and Health, December 9, 2004 (effective February 10, 2005)
  6. OSHA Instruction CSP 03-01-003, Voluntary Protection Programs (VPP) Policies and Procedures Manual (April 18, 2008)
- D. **Cancellation.** This instruction cancels the New Mexico Occupational Health and Safety Bureau (OHSB) Directive 14-07, OHSB Strategic Partnership for Construction.
- E. **Expiration.** This instruction has no specified expiration date.

#### **F. Differences from Federal Directive**

- 1. Application.** The OHSB OSPC applies only to employers within the construction industry when performing work at construction worksites.
- 2. Enforcement incentives.** OHSB will continue to make available deferral from programmed inspections for top-level members of partnerships and specify certain procedures to be followed when responding to referrals and complaints for partner employers. OHSB has established partnership agreements with construction organizations that incorporate these incentives.

#### **G. Definitions**

- 1. Annual Partnership Evaluation.** A yearly self-assessment to gauge the effectiveness of each OSPC Partnership. This assessment is conducted by the Partnership (as per Section K. 6.) and OHSB.
  - 2. Construction.** Construction is a high-hazard industry that comprises a wide range of activities involving construction, alteration or repair.
  - 3. Internal Annual Performance Review.** A yearly internal evaluation of the effectiveness of the Strategic Partnership Program. The evaluation report will be developed by the Consultation Program Manager and the OSPC Primary Contact and submitted to the Bureau Chief within 30 days of the end of the Federal Fiscal Year.
  - 4. OHSB Strategic Partnership for Construction (OSPC).** An OSPC is a voluntary, cooperative relationship between OHSB and groups of employers and other interested stakeholders designed to encourage, assist, and recognize efforts to eliminate serious hazards at construction worksites.
  - 5. OSPC Primary Contact.** The member of the OHSB staff who oversees a particular partnership is the OSPC primary contact. This is typically an OHSB Compliance Assistance Specialist (CAS).
  - 6. Partner Employer.** Those employers, members or partners of a specific OSPC.
  - 7. Programmed Inspection.** Enforcement inspections of worksites that have been scheduled based upon objective or neutral selection criteria. These worksites are selected according to New Mexico OSHA scheduling plans as described in Chapter II of the Field Operation Manual.
  - 8. Safety and Health Management Systems (SHMS).** Effective workplace SHMS are self-sustaining systems, encompassing four main areas: management leadership and employee involvement; worksite analysis; hazard prevention and control; and safety and health training.
- H. Background.** OHSB has historically placed significant emphasis on activities in the construction industry in New Mexico in order to affect reductions in injuries, illnesses and fatalities among workers. The OHSB Local Emphasis Program (LEP) for construction has primarily focused on enforcement activities through inspections. To affect a larger number of employees, OHSB has engaged in cooperative programs such as strategic partnerships. Utilizing highly trained and experienced staff, such as Compliance Assistance Specialists, to coordinate partnership agreements has resulted in a much broader OHSB impact on construction worksites statewide than enforcement efforts alone.

OHSB began entering into partnership agreements with New Mexico construction associations following the adoption of the 1998 federal directive. As of June, 2014, OHSB has partnership agreements with six construction associations statewide affecting more than 70 employers.

Among other positive outcomes, these agreements have affected improvement in workplace safety at construction worksites by:

1. Establishing methods for sharing of best safety practices among partner employers and between the various partner organizations.
2. Providing for safety training for employees and employers.
3. Allowing OHSB to make efficient use of resources by more effectively targeting enforcement activities, and impacting a greater number of workers within the construction industry.

**I. Distinguishing OSPCs from other OHSB Programs/Activities**

1. **Enforcement Initiatives.** OHSB Local Emphasis Programs, OSHA National Emphasis Programs, programmed inspection plans and other enforcement activities are not OSPCs.
2. **OHSB Consultation Program.** The OHSB Consultation Program conducts visits to employer's worksites and may conduct a visit to a worksite for a partner employer, but these visits are not considered part of the OSPC.
3. **Voluntary Protection Program.** The Voluntary Protection Program is an achievement and recognition program that recognizes companies who have demonstrated exemplary health and safety management systems and have achieved low injury and illness rates. A member of a partnership can be awarded VPP status in New Mexico, for fixed General Industry sites, but the programs are separate activities.
4. **Safety and Health Achievement Recognition Program (SHARP).** SHARP Program is a Consultation driven achievement and recognition program that recognizes small companies who have demonstrated exemplary health and safety management systems and have achieved low injury and illness rates. A member of a partnership may be awarded SHARP status, but the programs are separate activities.
5. **Alliances.** OHSB Alliances are with organizations for advancing training activities and for promoting occupational health and safety. These Alliances are not with individual employers and are not associated with the OSPC.

**J. Program Roles and Responsibilities.**

1. **Bureau Chief.** The Bureau Chief is responsible for overall program management of the OSPC and has these specific duties:
  - a. Extracting lessons learned from OSPC experience and individual evaluations, enabling OHSB to continually improve the program.
  - b. Communicating successes to OHSB staff, industry and the public, and promoting OSPC within New Mexico.
  - c. Providing approval of partner employers, and approving the level of participation within the partnership.
  - d. Approving the establishment or renewal of a partnership.
  - e. Participating in recognition ceremonies honoring partnerships and partner employers.
2. **Consultation Program Manager** has these specific duties:
  - a. Collecting, analyzing, and managing data gathered for the Internal Annual Performance Review.

- b. Making recommendations to the Bureau Chief regarding approval of employers to partnerships and for partnership renewal.
  - c. Maintaining a current list of partner employers, with associated level of recognition, for all OSPC members and posting this list on the OHSB web page.
  - d. Maintaining an electronic copy of each partnership agreement and posting this agreement on the OHSB web page.
  - e. Participating in recognition ceremonies honoring partnerships and partner employers.
  - f. Playing a key role in developing the strategies for program evolution.
  - g. Coordinating with Compliance Program Manager when referrals are directed to the OSPC Primary Contact to ensure a prompt investigation of the incident or activity that prompted the referral.
3. OSPC Primary Contact. OHSB has a substantial stake in ensuring that each OSPC operates effectively. Therefore, a Compliance Assistance Specialist will be designated as the OSPC Primary Contact and will perform a variety of activities, including:
- a. Performing on-site verification visits at member's construction worksites for evaluating their safety and health management system and to identify any observed hazards.
  - b. Entering on-site verification visits and other activities into the OSHA database as required.
  - c. Ensuring that all observed hazards identified during on-site visits are quickly and adequately corrected.
  - d. Maintaining records of on-site visits and ensuring that all top-level members have annual on-site visits.
  - e. Reporting the results of on-site visits to the partnership verification committee.
  - f. Participating in verification committee meetings and reporting the recommendations of the committee meetings to the Consultation Program Manager.
  - g. Ensuring that OHSB carries out its responsibilities – e.g., that OHSB offers technical assistance and training within partnerships.
  - h. In the event the Compliance Program Manager decides to direct a referral to the OSPC Primary Contact, through the Consultation Program Manager, conduct a prompt investigation of the incident or activity that prompted the referral.
  - i. Providing to the Compliance Program Manager, through the Consultation Manager, the results of an investigation resulting from a referral to compliance.
  - j. Facilitating and participating in recognition ceremonies honoring partner employers and partnerships.
4. Compliance Program Manager has these specific duties:
- a. Ensuring that deferrals from programmed inspections are provided for partner employers who are listed on the OHSB web site as being approved at the top-level of a partnership.
  - b. Ensuring that the Field Operation Manual guidelines for un-programmed inspections are followed for partnership members.

5. Partnership Committee(s). Each partnership has a committee(s), made up of selected members of the partnership and the OSPC Primary Contact, who are responsible for the following:
  - a. Reviewing and evaluating all applications for partnership participation to determine acceptance into the partnership.
  - b. Informing OHSB of all partner employers' status changes.
  - c. Providing data to OHSB for annual evaluations.
  - d. Ensuring that the partnership is conducted in conformance with the partnership agreement.
  - e. Verification of partner employer's eligibility and qualification for initial and continuing participation.
6. Partner Employers. Each OSPC partner employer plays a key role in implementing the OSPC, including the following activities:
  - a. Compiling their injury and illness data and providing it on a timely basis to the partnership committee as per the OSPC agreement.
  - b. Working with OHSB on any on-site OSPC activities.
  - c. Collaborating on the development of the OSPC annual evaluation.
  - d. Fulfilling the roles and responsibilities agreed to in the OSPC agreements.

#### K. Core Elements of the OSPC Agreement

All OSPC agreements must be in writing. When the Bureau Chief approves an OSPC and the partners sign the agreement, the Consultation Program Manager will post the agreement on the OHSB web page. The particular structure of the OSPC agreement may vary, however, the following core elements must be contained in the agreement:

1. Identification of Partners. The agreement shall identify all partners and the organizational boundaries of the OSPC.
2. Purpose/goals. The purpose and goals of the partnership shall be clearly defined, as well as methods to measure those goals.
3. Safety and Health Management System (SHMS). Employers participating in OSPC must have an effective site-based SHMS. A partner employer must commit to worker involvement in the OSPC and their SHMS. The OSPC agreement must detail how workers and/or their representatives will be involved within the SHMS.
4. Worker Rights. All agreements shall include the following statement: "This agreement does not preclude employees and/or their representatives from exercising any right provided under the OHS Act."
5. Performance Measures. Effective quantitative performance measures linked to OSPC goals shall be identified in the OSPC agreement.
6. Annual Partnership Evaluations. OSPC agreements shall provide details on conducting the annual evaluation that is a collaborative effort between OHSB and its partners. The elements of the annual evaluation should include at least the following items:
  - a. Comparison of the injury and illness rates for all partner employers to national rates for similar industries.

- b. Evaluation of the number of members participating and the number participating at the various levels.
  - c. Evaluation of the number of training sessions conducted by the partnership.
  - d. Number of onsite inspections conducted by OHSB by participant.
  - e. Suggestions from partner employers and from OHSB for improving the effectiveness of the partnership.
  - f. Physical review of partnership documentation.
7. **Partnership Committee.** The OSPC should define a steering committee whose function will be to evaluate membership participation.
  8. **Incentives.** OHSB incentives are a valuable component of OSPCs that draw interest and provide appropriate positive treatment for partners. These incentives may include:
    - a. Deferral from programmed enforcement inspections for those partner employers who have maintained the top-level of recognition in the program. An annual on-site verification must have been conducted by the OSPC Primary Contact in order for this deferral to be granted.
    - b. Special consideration for the type of investigation that will be performed by OHSB enforcement in response to a referral. The policy and procedures to be followed are defined in the Field Operation Manual.
  9. **OSPC Management and Operation.** The agreement must provide details about the responsibilities for the management and operation of the OSPC.
  10. **Term of operation.** The agreement must specify the expected duration of the OSPC and any conditions under which the OSPC will be terminated.
  11. **Signatures.** The primary parties must sign and date the OSPC agreement to confirm their commitment to the partnership.
  12. **Review Process.** The agreement should include a review process that outlines the steps indicated in Section L part 8, below.

#### L. Verification

Verifications will be conducted by the OSPC Primary Contact with top-level partner employers to determine their eligibility for incentives. Verifications can be tailored specifically to meet the needs of the individual OSPCs.

1. **Document review.** To take maximum advantage of the time on-site, OHSB may request and review documents prior to arrival at the partner's worksite.
2. **Site Walkthrough.** The OSPC Primary Contact must walk through the entire worksite to review work conditions and to determine that hazards are controlled systematically by the safety and health management system.
3. **Employee interviews.** The OSPC Primary Contact conducting the onsite verification shall consult with a reasonable number of worksite employees to ascertain the effectiveness of the partner employer's SHMS.
4. **Correction of hazards.** OHSB expects that every effort will be made by the partner employer to correct identified hazards at the time of the onsite verification. If hazard correction cannot be accomplished before the conclusion of the onsite evaluation, the OSPC Primary Contact and employer must discuss and agree upon correction methods and time frames. All serious

hazards identified by the OSPC Primary Contact must be corrected before the partner employer is eligible to receive any enforcement incentive. The OSPC Primary Contact may decide to return to the worksite to verify the correction. If the partner employer refuses to correct a hazard that endangers the safety and health of employees, that hazard must be referred to the OHSB Compliance Program Manager for review and appropriate enforcement action.

5. No active sites. If the partner employer does not have a construction site in operation, the partnership must inform the OSPC Primary Contact when an applicable site becomes available for verification. Partner employers without verification will be placed in a "Pending Verification" status and will not be eligible for incentives indicated in Section M.
6. Reciprocal Agreements. On-site verification visits by the OSPC Primary Contact can be used to satisfy multiple OSPCs provided there is a reciprocal agreement between the partnerships and the annual evaluations are conducted as per each partnership agreement.
7. Review of injury and illness rates. Each partner employer must maintain OSHA 300 and 300A forms in accordance with the provisions of 29 CFR 1904. To qualify for and to maintain enforcement incentives, the partner employer's DART rate must be at or below the Bureau of Labor Statistics (BLS) published national average for their specific industry classification. A partnership may include comparisons to total recordable case (TRC) rates in addition to DART rates as a qualifier. If DART rate rises above the national average, the partner employer may no longer qualify for top-level enforcement incentives until the rate is brought back below the national average.

The following **alternative rate calculation** methods are available for those applicants whose calculated DART rate is above the published BLS average using the calculation method above. (See Appendix A for calculation formulas and examples)

- a. Where the partner employer has at least three (3) years of operating history, the DART rate calculations may be based on the OSHA Form 300 information for the most recent three (3) full calendar years. The calculated average DART rate for the last three years will be compared to the most recently published BLS national average for that industry. To qualify, the applicant's average DART rate must be below the most recently published BLS industry averages.
  - b. For a partner employer, where a single or relatively small number of incidences would cause an employer's disqualification, a comparison using the best three out of the most recent four calendar years' data can be used. The following criteria must be met to utilize the best 3 out of most recent 4 calendar years' experience: 1) Using the most recent calendar year's hours worked, calculate a hypothetical DART rate assuming that the employer had two cases for the year, 2) Compare the hypothetical rate to the 3 most recently published years of BLS combined injury/illness DART rates for the industry, 3) If the hypothetical rate is equal to or higher than the BLS rate in at least 1 of the 3 years, the employer qualifies for the alternate rate calculation.
8. Partner Employer Review Process. Should a partner employer find their DART Rate above the BLS Industry rate, they may have the opportunity utilize the Alternate Rate Calculation, if the company qualifies. If the partner employer still does not meet the BLS Industry rate they have the opportunity to meet with the Partnership Verification Committee and the OSPC Primary Contact to review/explain the issues relating to their DART Rate. The Verification Committee has the responsibility to evaluate the partner employer's safety and health

management plan as well as the circumstances behind the high DART Rate. Should the Verification Committee find that there are extenuating circumstances that elevated the rate beyond the BLS Industry rate, the Verification Committee and the OSPC Primary Contact will work with the partner employer to develop an Action Plan to reduce the DART Rate. This Action Plan must include management support, measurable goals, time specific milestones, self-reporting actions and oversight by the OSPC Primary Contact. The Verification Committee may then present the request for review to the Bureau Chief, in addition to the Action Plan, and explanation of extenuating circumstances. The final outcome of the review process remains with the OHSB Bureau Chief. The Bureau Chief has the final authority to approve partner employers and the level of participation within the partnership.

#### M. Incentives

1. Incentives provided must be commensurate with participating partners' efforts to provide safe and healthful working conditions in accordance with their obligations under the Act. The incentives for the OSPC should be linked to goals and performance measures that are mutually agreeable to OHSB and OSPC partners.
2. It is essential that OSPC developers (both OHSB personnel and potential partners) understand OHSB policy concerning enforcement at partnering sites.
3. Any incentives not established in this directive or in another OHSB policy must be described in detail in the proposed OSPC agreement and reviewed and approved by the Consultation Program Manager and the Bureau Chief.
4. Incentives shall not limit in any way OHSB Compliance Section authority to conduct onsite inspections for the purpose of investigating workplace fatalities, accidents involving serious injury or illness, reports of imminently dangerous conditions, or formal complaints made by employees.
5. Partnership-developed incentive programs may not provide disincentives to workers for reporting injuries and illnesses and/or actively engaging in safety and health processes.

#### N. Recording Activities

Information pertaining to this program shall be recorded in the OSHA Information System (OIS) following current instructions in the OIS manual by way of the OIS Compliance Assistance Activity forms.

1. The strategic plan code "ALLCNSTR" will be recorded within the intervention form.
2. The appropriate strategic plan and local emphasis program codes will be recorded as appropriate; for example, "SILICA" will be recorded when silica hazards are evaluated during a recordable activity.

#### O. Internal Annual Performance Review

An OHSB internal evaluation of the effectiveness of this Strategic Partnership Program will be conducted at the end of each federal fiscal year. An evaluation report will be written and submitted to the Bureau Chief within 30 days of the end of each fiscal year. The evaluation may be integrated as part of the OHSB State OSHA Annual Report (SOAR). Elements to be considered in the evaluation include information gathered from the Annual Partnership Evaluations.

1. Effectiveness of the OSPC in reducing injuries, illnesses and fatalities;
2. Number of establishments and/or operations affected by the program;

3. Number of employees removed from risk;
4. Information on safety and health related training conducted, and number of people trained on each topic.
5. Other significant and/or positive safety events/activities which are noteworthy.

By and Under the Authority of



Robert Genoway  
Chief, Occupational Health and Safety Bureau

## Appendix A

### A. 3-Year Rate Formula – Last 3-year DART Rate Formula

((Year 1 OSHA Log columns H+I) + (Year 2 OSHA Log columns H+I) + (Year 3 OSHA 300 Log columns H+I) / (Year 1 hours + Year 2 hours + Year 3 hours)) x 200,000 = 3-year DART Rate average.

### B. Best 3 out of 4 years Rate Calculation Method

#### Sample Calculations

A safety and health consultant visited XYZ Machine Shop (NAICS – 33271; SIC – 3599) and recorded the following OSHA 300 Log Information:

Year	# Employees	Hours Worked	Column H	Column I	Column J
2005	5	10,000	0	1	0
2004	7	14,000	0	0	0
2003	6	12,000	0	0	1
2002	8	16,000	0	0	0

**\*\*\*Note: The data above is used throughout the examples that follow.**

#### 1 Year Calculations

##### DART

$$\text{DART} = \frac{[(\text{Column H})_{2005} + (\text{Column I})_{2005}]}{[(\text{Hours-Worked})_{2005}]} \times [200,000 \text{ Hours}]^*$$

$$\text{DART} = \frac{[(0) + (1)]}{[10,000] \text{ Hours}} \times [200,000 \text{ Hours}]$$

$$\text{DART} = \frac{[(1)]}{[10,000] \text{ Hours}} \times [200,000 \text{ Hours}]$$

$$\text{DART} = [20.0]$$

**Conclusion**

The employer's 2005 DART rate of 20.0 is **above** the 2004 BLS DART data shown below.

<b>YEARS</b>	<b>DART</b>
2005 Employer's Rates	20.0
2004 BLS Data	2.9

*Where an employer's DART rate exceeds the most recently published BLS data, an Alternate Rate Calculation can be attempted to determine if the employer would qualify for participation by using the best 3 out of 4 year calculation method. To determine if the employer is eligible to use this option: use the formula for the 3-year calculation as stated above and use an arbitrary value of "2" for the sum of Columns H + I for the last three years.*

**Arbitrary DART**

$$\text{DART} = \frac{[(\text{arbitrary sum value of } (2) \text{ for Columns H + I for 2005, 2004, 2003)] \times [200,000 \text{ Hours}]}{[(\text{Hours-Worked})_{2005} + (\text{Hours-Worked})_{2004} + (\text{Hours-Worked})_{2003}]}$$

$$\text{DART} = \frac{[(2)]}{[(10,000) + (14,000) + (12,000)] \text{ Hours}} \times [200,000 \text{ Hours}]$$

$$\text{DART} = \frac{[(2)]}{[36,000] \text{ Hours}} \times [200,000 \text{ Hours}]$$

$$\text{DART} = [11.1]$$

$$2004 \text{ BLS DART rate} = [2.9]$$

Employer's **arbitrary** DART rate of **11.1** is **above** the 2004 BLS DART rate of **2.9**; therefore, the employer would be **eligible** for the "3 out of 4 year rate" calculations.

**Best Three out of Four Year Rate Calculations**

**Years 2005, 2004, & 2002 Data:**

**DART**

$$\text{DART} = \frac{[(\text{Columns H + I})_{2005} + (\text{Columns H + I})_{2004} + (\text{Columns H + I})_{2002}] \times [200,000 \text{ Hours}]}{[(\text{Hours-Worked})_{2005} + (\text{Hours-Worked})_{2004} + (\text{Hours-Worked})_{2002}]}$$

$$\text{DART} = \frac{[(0 + 1) + (0 + 0) + (0 + 0)]}{[(10,000) + (14,000) + (16,000)] \text{ Hours}} \times [200,000 \text{ Hours}]$$

$$\text{DART} = \frac{[(1)]}{[40,000] \text{ Hours}} \times [200,000 \text{ Hours}]$$

$$\text{DART} = [5.0]$$

### Conclusion

The employer's DART rate of **5.0** is **above** the 2004 BLS DART rate of **2.9**. Because the employer's injury and illness rate is **above** the BLS data, this combination of years **would not** make the employer eligible for participation. (See Table below)

YEARS	DART
2005, 2004 & 2002 Employer's Rates	5.0
2004 BLS DATA	2.9
2003 BLS DATA	3.5
2002 BLS DATA	3.3

### Years 2005, 2003, & 2002 Data:

#### DART

$$\text{DART} = \frac{[(\text{Columns H} + \text{I})_{2005} + (\text{Columns H} + \text{I})_{2003} + (\text{Columns H} + \text{I})_{2002}]}{[(\text{Hours-Worked})_{2005} + (\text{Hours-Worked})_{2003} + (\text{Hours-Worked})_{2002}]} \times [200,000 \text{ Hours}]$$

$$\text{DART} = \frac{[(0 + 1) + (0 + 0) + (0 + 0)]}{[(10,000) + (12,000) + (16,000)] \text{ Hours}} \times [200,000 \text{ Hours}]$$

$$\text{DART} = \frac{[(1)]}{[38,000] \text{ Hours}} \times [200,000 \text{ Hours}]$$

$$\text{DART} = [5.3]$$

**Conclusion**

The employer's DART rate of 5.3 is **above** the most recently available BLS Data. Therefore, this combination of years **would not** make the employer eligible for participation. (See Table below)

YEARS	DART
2005, 2003 & 2002 Employer's Rates	5.3
2004 BLS DATA	2.9
2003 BLS DATA	3.5
2002 BLS DATA	3.3

**Years 2004, 2003, & 2002 Data:**

**DART**

$$\text{DART} = \frac{[(\text{Columns H} + \text{I})_{2004} + (\text{Columns H} + \text{I})_{2003} + (\text{Columns H} + \text{I})_{2002}]}{[(\text{Hours-Worked})_{2004} + (\text{Hours-Worked})_{2003} + (\text{Hours-Worked})_{2002}]} \times [200,000 \text{ Hours}]$$

$$\text{DART} = \frac{[(0 + 0) + (0 + 0) + (0 + 0)]}{[(14,000) + (12,000) + (16,000)] \text{ Hours}} \times [200,000 \text{ Hours}]$$

$$\text{DART} = \frac{[0]}{[42,000] \text{ Hours}} \times [200,000 \text{ Hours}]$$

$$\text{DART} = [0.0]$$

**Conclusion**

The employer's DART rate is **below** the most recently published BLS data. This combination of years **would make** the employer eligible for participation. (See Table below)

YEARS	DART
2004, 2003 & 2002 Employer's Rates	0.00
2004 BLS Data	2.9
2003 BLS Data	3.5
2002 BLS Data	3.3