

Training Discussion Group

Report to OUDPC

April 30, 2019

1. Statement of Topic: Training Discussion Group; participants Al Tonetti (spokesperson), Kevin Schimming, Regan Noble, Kris Klaus, Alice Miller, Jeff Kursman, Joe Igel, and on the last call Roger Lipscomb.

2. Issues covered.

Our initial conversation focused on the intent of the training requirements as outlined ORC 3781.261 (below). Throughout the discussion we agreed that the primary objective is to improve safety through training by modifications to the ORC language.

Existing ORC language: “3781.261 Protection of underground utility facilities training.

An excavator, contractor, or utility that utilizes a protection service shall obtain training in the protection of underground utility facilities. An excavator, contractor, or utility shall be deemed to have obtained that training if the excavator, contractor, or utility is a member of a protection service or a statewide association representing excavators, contractors, or utilities and the service or association provides that training. An excavator, contractor, or utility also may obtain the training from such a service or association without becoming a member.”

Added by 129th General Assembly File No.198, HB 458, §1, eff. 3/27/2013.

The group identified flaws in the current language, including the lack of defined training content, challenges to enforcement, and applicability to all relevant groups. The group agreed that membership alone in a protection service or a statewide association in no way guarantees that all employees of those member organizations have taken advantage of educational offerings or received adequate training. We also recognized that none of the training meets any acceptable standards of delivery (including testing), content, nor specifies the frequency of training.

Participants also discussed defining excavators, contractors and utilities, and noted that the current language does not include locators (only excavators, contractors, and utilities). It was also noted that while locators have established internal training programs in order to meet their performance metrics and fulfill contractual obligations, many municipalities may assign employees to part-time locating in addition to their regular responsibilities without providing full, if any training.

Rather than identifying specific needs and multiple standards and requirements of each industry group or function, the participants decided to focus on general applicability. As Joe Igel stated in our first discussion, “To get too specific in training expectations and individual requirements and standards would require constant evolution of the law to keep pace with new methods, practices and technologies.” Thus, during the first two conference calls we kept our discussions general and focused on how we might revise existing ORC language to address its flaws.

We considered the following revision to the existing ORC language:

Commercial excavators, contractors, locators, utilities and other professionals engaged in the excavation process shall obtain training from a utility protection service, state or national trade association, internally adopted safety program or other qualified instruction in best practices and obligations consistent with Ohio Revised Code and federal laws and regulations governing their respective roles in safe excavation in the presence of underground utilities.

In the third call Roger Lipscomb of OHIO811 joined us and questioned the general applicability approach. Roger stated that OHIO811 is currently investigating the 4iQ online learning management solution and certification program utilized by Dig Safely New York for possible referral and consideration by the OHIO811 Board. Dig Safely New York's online certification program in safe digging best practices is an interactive course. This certification combines various learning styles, including audio, visual, and hands-on exercises that allow participants to apply their knowledge into situations and obstacles that could be encountered in the field. Launched as a voluntary program, New York now has 35,000 certified excavators.

A separate category of training would include industry specific training and operator qualification. Modules could be developed for specific industry requirements. Challenges: each industry segment has unique specific training requirements and individual companies develop their own materials which can vary significantly, and methods and technologies are constantly changing. Roger also indicated that there must be some timeline with respect to the frequency of training.

3. Next steps

Bring discussion to the OUDPC.