

## The Role of Public Policies in Preventing Construction Deaths

### **Preventing construction deaths: The role of public policies**

*Wayne B. Gray, John Mendeloff. Regulation & Governance. July, 2022.*

#### **Overview**

Construction remains one of America's most dangerous industries, with approximately 1,000 deaths annually in recent years. This study examines two areas of public policy—state workers' compensation (WC) programs and federal and state Occupational Safety and Health Administration (OSHA) activities—to determine whether stronger direct financial incentives and/or stronger regulatory enforcement are associated with reduced fatalities in construction. The researchers used detailed state-level fatality data for all 50 states from 1992 to 2016 from the Census of Fatal Occupational Injuries conducted by the Bureau of Labor Statistics. They focused on deaths instead of non-fatal injuries because the former are reported more completely and provide a significantly different ranking of states. They excluded deaths due to violence and most transportation deaths to limit the analysis to fatalities that occurred during construction activities.

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#### **Read the abstract:**

<https://bit.ly/3TPhjnJ>

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#### **Key Findings**

- There were significant associations between fatality rates and measures of WC policies and OSHA interventions across states and over time.
- States offering small firms an exemption from carrying WC insurance have higher fatality rates for all firms, with especially high rates for firms with 10 or fewer employees.
- States whose WC programs require workers to wait seven days before receiving wage replacement, meaning many fewer injuries are compensable, have higher fatality rates than those requiring a shorter waiting period.
- States that have more frequent OSHA inspections or consultation visits have lower fatality rates, with a stronger relationship for consultation visits, although the relationship is not always significant. Small firms showed associations with WC variables but not with OSHA inspection frequency or penalties.
- Fatality rates have a stronger association with OSHA activity across state plan states and a stronger association with WC policies across federal states.
- Higher average penalties per inspection are not significantly associated with lower fatality rates.
- These findings suggest that state policies can have an important influence on construction fatalities. For prevention, waiting periods could be lowered to no more than three days and size exemptions could be eliminated. Consultations appear to be especially effective, although further study is needed to understand why.
- These associations are more suggestive than definitive, since state WC policies did not change much during this period; inspection and consultation rates also varied more across states than over time.



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