

# **Homer R. Peterson II, P.E., CSP – Peterson Construction Consulting, Inc. Curriculum Vitae – February 1, 2019**

## General Information

**Homer R. Peterson II, P.E., CSP serves as President of Peterson Construction Consulting, Inc. He provides consulting services, including expert witness services, to attorneys, insurance carriers, and companies engaged in both construction and general industry. He provides arbitration services related to construction issues through the American Arbitration Association (AAA). He has observed the policies, programs, procedures, standard practices, and best practices of more than 80 general contractors, plus numerous owners, construction managers, specialty contractors, and suppliers.**



Mr. Peterson specializes in occupational health & safety management systems, standards of care, wrongful death, personal injury, negligence, construction, safety, falls from height, fall protection, high-rise construction, OSHA matters, steel erection, and precast erection. His 40 years of construction and safety experience (17 union, 23 open shop) has included airports, bridges, casinos, convention centers, convocation centers, distribution centers, hospitals, hotels, manufacturing facilities, office buildings, paper mills, pharmaceutical plants, power plants, prisons, refineries, schools, shopping malls, sports arenas, steel mills, stores, and warehouses.

During the 40-year period in which he helped manage more than 350 projects in 21 U.S. states and territories, Mr. Peterson served in multiple positions for construction contractors including president, senior vice president, vice president, project manager, and timekeeper. His responsibilities included estimating, sales, project management, scheduling, expediting, quality, troubleshooting, and administration, plus 20 years in charge of safety and risk management.

## Contact Information

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## Services Offered

- Subject Matter Expert
- Expert Witness
- Safety Consultant – Construction, General Industry, and OSHA matters
- Construction Consultant
- Arbitrator – American Arbitration Association (AAA) Construction Panel

## Specialties

### Safety

Falls from height / elevation  
Fall protection  
Negligence  
Occupational health & safety  
management systems  
Personal injury  
Standards of care  
Wrongful death

### Construction

Claims  
Disputes  
High-rise construction  
OSHA matters  
Precast erection  
Safety  
Standards of care  
Steel erection

## Education

1971 – 1973      Southern Methodist University  
Bachelor of Science in Civil Engineering with Honors

1969 – 1970      Rice University

## Employment

2013 – Present      Peterson Construction Consulting, Inc., Homer R. Peterson II, P.E., CSP  
Consultant, Subject Matter Expert, Arbitrator

                                 Peterson Beckner Industries, Inc.

1995 – 2012      Senior Vice President Risk Management

1992 – 1994      Senior Vice President Estimating & Safety

                                 Peterson Brothers Steel Erection Company

1989 – 1992      President

1973 – 1989      Vice President

## Experience – Safety

1. Occupational Health & Safety Management Systems (OHSMS)
  - Creation of safety programs and policies
  - Risk management strategies including insurance lines, liens, and surety bonds
  - Twenty (20) years in charge of employers' OHSMS
  - Management of safety systems – implementation, operation, monitoring, and evaluation
2. Occupational Safety Certifications – Certified Safety Professional CSP # 18008
  - Certification in Comprehensive Practice                      02/17/2004
  - Specialty in Construction Safety                                      03/10/2004
3. Occupational Accidents / Injuries / Illnesses
  - Fatality
  - Personal injury, occupational illness
  - Lost time
  - Job transfer or restriction
  - First aid
  - Near-miss incident
  - Property damage
  - Third party involvement
4. Accident / Injury Types
  - Falls / falls from elevation
  - Dropped objects / struck by
  - Pinch points / caught between objects
  - Soft tissue injuries
  - Crane and rigging accidents
  - Structural collapse
5. Forensic Investigations
  - Structural steel
  - Precast concrete – structural and architectural panels
  - Tilt-wall panels
  - Bar joist construction
  - Metal deck construction
  - Equipment hoisting lugs
  - Erection inserts

## Experience – Falls / Fall Protection

1. Fall Protection Systems
  - Creation of fall protection programs and policies
  - Twenty (20) years in charge of employers' fall protection programs and policies
  - Management of fall protection systems – implementation, operation, monitoring, and evaluation
  
2. Selection, Use, Employee Training, Inspection, and Maintenance of/for Fall Protection Systems and Personal Protective Equipment (PPE)
  - Fall arrest systems
  - Fall restraint systems
  - Boom lifts
  - Scissor lifts
  - Scaffolds
  - Guardrail systems
  - Static lines – horizontal
  - Static lines – vertical
  - Retractable reels
  - Harnesses and lanyards
  - Anchorages
  - Other systems and equipment
  
3. Industry Certifications
  - Certified Safety Professional CSP # 18008
    - Certification in Comprehensive Practice      02/17/2004
    - Specialty in Construction Safety              03/10/2004
  - Fall Protection Train-the-Trainer Certification  
Construction Safety Council                      11/22/1996

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## Experience – OSHA

1. OSHA Inspections – Mr. Peterson participated in opening conferences, accompanied OSHA Compliance Officers during compliance inspections, and participated in closing conferences relative to 69 OSHA inspections conducted over a 40-year period. During the last 10 years of Mr. Peterson’s management of OSHA matters, OSHA conducted 16 inspections of the projects of Mr. Peterson’s company, yet OSHA found only one violation in total; this single violation was classified as an “Other” violation (not “Serious”) with no monetary penalty.
2. OSHA Citations Contested – Mr. Peterson has contested citations, attended informal conferences, negotiated with Solicitors, and attended trials before Administrative Law Judges.
3. Pro Se Representation – Mr. Peterson represented his company (pro se) before Administrative Law Judges in four OSHA cases.
4. Testimony – Mr. Peterson testified at two OSHA fact-finding hearings before OSHA negotiated rulemaking committees:
  - Steel Erection Negotiated Rulemaking Advisory Committee (SENAC), and
  - Crane and Derrick Advisory Committee (CDAC)
5. OSHA Partnership
  - Safety and Health Partnership for Excellence (SHAPE) partnership agreement with the U.S. Department of Labor (OSHA) – Mr. Peterson served for 15 years on the Associated General Contractors (AGC) Houston Task Force Committee that negotiated and maintained this partnership agreement.
  - OSHA / AGC SHAPE Associate partnership agreement – On December 16, 2003, Mr. Peterson executed with OSHA the first such agreement in the country for a specialty contractor. Subsequently, he maintained the partnership from 2003 through 2012.
6. OSHA Regulations – Mr. Peterson’s knowledge of OSHA’s regulations is a result of:
  - a. Interaction with OSHA regarding the above matters
  - b. Receipt of training from third parties, and
  - c. Self-study of the following written materials:
    - OSHA regulations
    - OSHA guidelines
    - OSHA directives
    - OSHA letters of interpretation
    - OSHA-provided safety training materials and booklets
    - Articles related to OSHA found in peer-reviewed safety journals

## Experience – Construction

### 1. General

- Forty years in construction as corporate officer, project manager, estimator, expeditor, scheduler, salesman, troubleshooter, timekeeper, and administrator
- Multiple project types – airports, bridges, casinos, convention centers, convocation centers, distribution centers, hospitals, hotels, manufacturing facilities, office buildings, paper mills, pharmaceutical plants, power plants, prisons, refineries, schools, shopping malls, sports arenas, steel mills, stores, and warehouses

### 2. Estimating, Sales, Contracts, and Project Management

- Estimating including takeoffs and estimates
- Sales including proposals, interviews, and closing deals
- Contracts and subcontracts including review, negotiation, administration, and closeout
- Project Management including planning, budgeting, scheduling, expediting, pricing, billing, changes, change orders, purchasing, production, and means and methods of construction
- Fast-track construction

### 3. Steel Construction

- Heavy and complex structures with more than sixty (60) projects of > 3,000 tons
- Multi-story buildings up to 75 stories including twenty-one (21) buildings of > 35 stories
- Steel erection work including hoisting, connecting, plumbing, bolting, welding, detailing, truss work, shoring / falsework, and erection stability
- Metal floor deck, roof deck, siding, and flashing
- Miscellaneous metals, grating, stairs, ladders, bar joists, and joist girders

### 4. Concrete Construction

- Precast concrete – structural, architectural, and stone-clad
- Tilt-wall panels
- Hollow core planking

### 5. Claims and Disputes

- Changes
- Delays, Eichleay formula, extended and unabsorbed overhead
- Schedule extension, acceleration, and recovery
- Productivity loss
- Work stoppages

## Experience – Expert Witness

Subject Matter Expert and Expert Witness for cases involving the following issues:

1. Construction
2. Construction disputes
3. Cranes and rigging
4. Fall Protection
5. Falls from height
6. Forklift safety (rough-terrain forklifts)
7. General industry
8. Holes, hole covers, and skylights
9. Ladder safety
10. Material handling
11. Negligence
12. Occupational health and safety management systems
13. OSHA matters
14. Personal injury
15. Precast concrete panel erection
16. Safety
17. Safety training
18. Scissor-lift safety
19. Standards of care
20. Steel erection
21. Termination “for cause” versus “for convenience”
22. Tilt-up wall panel erection
23. Wrongful death



## Experience – Arbitrator

Arbitrator – American Arbitration Association (AAA)

Case Types / Claim Amounts / Panel Sizes / Track Types:

1. Construction Defects / \$2,234,500 / Three-Arbitrator Panel / Regular Track
2. Construction Defects / \$101,000 / Single Arbitrator / Regular Track
3. Construction Defects / \$30,000 / Single Arbitrator / Fast Track
4. Construction Claims / < \$10,000 / Single Arbitrator / Fast Track Documents Only

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Experience – Teacher / Speaker

12/12/2016 – 12/14/2016

“OSHA 3115 Fall Protection”

University of Texas at Arlington / OSHA Training Institute Education Centers  
Houston, Texas

11/02/2016

“Crane Safety”

Old Republic Construction Program Group  
Austin, Texas

10/13/2016 – 10/15/2016

“OSHA 3115 Fall Protection”

University of Texas at Arlington / OSHA Training Institute Education Centers  
Houston, Texas

09/04/2015

“Resolving Your OSHA Citation”

Associated General Contractors of America (AGC)  
Houston, Texas

09/04/2015

“OSHA Inspection Panel Discussion”

Associated General Contractors of America (AGC)  
Houston, Texas

11/13/2014

“Fall Protection – Steel Erection”

University of Texas  
Arlington, Texas

04/18/2013

“Steel Erection Safety – What’s on Your Mind – or What Should Be?”

American Institute of Steel Construction (AISC)  
North American Steel Construction Conference  
St. Louis, Missouri

10/26/2012

“Emergency Rescue and Rescue at Elevation”

Associated General Contractors of America (AGC)  
Houston, Texas

05/20/2011

“Subpart CC – OSHA’s New Crane Standard”

Associated General Contractors of America (AGC)  
Beaumont, Texas

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Experience – Teacher / Speaker (continued)

- 03/31/2011      “Subpart CC – OSHA’s New Crane Standard”  
Associated General Contractors of America (AGC)  
Houston, Texas
- 03/01/2011      “Subpart CC – OSHA’s New Crane Standard”  
Associated General Contractors of America (AGC)  
Houston, Texas
- 02/28/2011      “Subpart CC – OSHA’s New Crane Standard”  
Associated General Contractors of America (AGC)  
Houston, Texas
- 10/25/2010      “History of the Crane and Derrick Standard”  
Associated Builders and Contractors, Inc. (ABC)  
Houston, Texas
- 08/17/2005      “Subpart R Special Requirements”  
Associated General Contractors of America (AGC)  
Houston, Texas
- 01/09/2002      “Steel Erection Standard”  
Associated General Contractors of America (AGC)  
Houston, Texas
- 11/06/2001      “OSHA – Your Rights and Responsibilities”  
Associated General Contractors of America (AGC)  
Houston, Texas
- 09/05/2001      “SENAC and Fall Protection for Steel Erectors”  
Associated General Contractors of America (AGC)  
Houston, Texas

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## Training – Arbitrator

- 2018 AAA ACE018 Arbitrator Performance and Demeanor
- 2017 AAA ACE013 Dealing with Difficult Attorneys in Arbitration
- 2016 AAA Vacatur and Enforcement of Arbitration Awards
- 2015 AAA Five Ways to Reduce the Cost of Construction Arbitration
- 2014 AAA ACE006 Challenges at the Preliminary Hearing
- 2013 AAA Construction Professionals Guide to Conducting an AAA Arbitration
- 2012 AAA Fundamentals of Effective Mediation Advocacy
- 2011 AAA Managing Your First Arbitration
- 2010 AAA ACE005 Chairing an Arbitration Panel: Managing Procedures, Process, and Dynamics
- 2007 AAA ACE004 Dealing with Delay Tactics in Arbitration
- 2007 AAA ACE003 Arbitrator Ethics and Disclosure
- 2007 AAA ACE002 Pro Se: Managing Cases Involving Self-Represented Parties
- 2007 AAA ACE001 Arbitration Awards: Safeguarding, Deciding, and Writing Awards
- 2007 AAA Arbitration Fundamentals and Best Practices for New AAA Arbitrators Modules I and II
- 2005 AAA Straight Talk about Construction Arbitration
- 2005 AAA What Arbitrators Wish Advocates Knew

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## Training – Safety

- 2018 OSHA 7405 Fall Hazard Awareness for the Construction Industry
- 2018 OSHA 3015 Excavation, Trenching, & Soil Mechanics
- 2018 National Ladder Safety Symposium
- 2016 DOT Specified Reasonable Suspicion
- 2015 OSHA 3115 Fall Protection
- 2014 Texas Fall Protection Symposium
- 2012 Design of Lift Beams and Hitches
- 2012 Lateral Stability
- 2009 Basic Rigger / Signalperson Certification
- 2008 OSHA 30 Hour
- 2005 Crisis Management, Investigation of Serious Accidents
- 2004 Fall Protection Systems, Bridge Girder Stability
- 2003 Bracing Requirements, Erection Stability Issues
- 2002 Sling Inspection and Rigging
- 2002 Jacking of Steel Structures, Repair and Retrofit, Staggered Trusses
- 2001 Stability Bracing of Steel Structures
- 2001 Steel Erection
- 1999 Train-the-Trainer Forklift
- 1999 OSHA 10 Hour
- 1996 Crane Safety
- 1996 Train-the-Trainer Fall Protection

## Professional

### Licenses and Certifications

- Registered Professional Engineer Texas #60723 10/23/1986
- Certified Safety Professional BCSP #18008 - Comprehensive Practice 02/17/2004
- Certified Safety Professional BCSP #18008 - Specialty in Construction Safety 03/10/2004
- Certification - Train-the-Trainer Fall Protection - Construction Safety Council 11/22/1996
- Certification - Train-the-Trainer Forklifts - J.J. Keller & Associates, Inc. 11/05/1999

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Professional (continued)

Associations and Committees – Current

- American Arbitration Association (AAA)  
Construction Panel 2007 – Present
- American National Standards Institute (ANSI)  
A10.13 Steel Erection Safety Committee 1987 – Present
- American Society of Civil Engineers (ASCE)  
Construction Institute 2008 – Present
- American Society of Safety Professionals (ASSP)  
Construction Practice Specialty 2003 – Present
- American Welding Society (AWS) 1977 – Present
- Associated General Contractors of America (AGC)  
Houston Safety and Health Committee 1992 – Present
- Forensic Expert Witness Association (FEWA) 2016 – Present

Associations and Committees – Past

- American Institute of Steel Construction (AISC)  
Certification Committee 2009 – 2011  
Code of Standard Practice Committee 1999 – 2008
- Associated General Contractors of America (AGC) / Iron Workers Local Union # 84  
Management / Labor Joint Apprenticeship Committee 1973 – 1988
- National Erectors Association (NEA)  
Safety and Health Committee 1980 – 1987

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### Industry Service

Mr. Peterson has served the construction industry for over 40 years. He has served on numerous national, state, and local committees for organizations such as the following:

- American Institute of Steel Construction (AISC)
- American National Standards Institute (ANSI)
- Associated General Contractors of America (AGC)
- International Association of Bridge, Structural, Ornamental, and Reinforcing Iron Workers
- National Erectors Association (NEA)
- Texas Building Branch (TBB)

Mr. Peterson testified before the following committees during their respective negotiated rulemaking hearings:

- Steel Erection Negotiated Rulemaking Advisory Committee (SENRAC)  
Washington, D.C. – 11/12/1998
- Crane and Derrick Advisory Committee (CDAC)  
Phoenix, AZ – 06/02/2004

Mr. Peterson has volunteered his services as a trainer on many occasions for training sessions provided by the Associated General Contractors of America (AGC), the Associated Builders and Contractors, Inc. (ABC), individual insurance carriers, and individual general contractors.

## **Recognition & Awards**

Over a 20-year period in which Mr. Peterson was head of safety and risk management, his companies were recognized for their outstanding safety programs, safety performance, and safety contributions by multiple national, state / regional, and local organizations, as follows:

- Recognition & Awards – National . . . . . 9
- Recognition & Awards – State / Regional . . . 13
- Recognition & Awards – Local . . . . . 15
- Recognition & Awards – Total . . . . . 37

Included in the above national awards count are three (3) First Place Construction Safety Excellence Awards (CSEA). These CSEA awards were sponsored by the Willis Group and were presented by the Associated General Contractors of America (AGC) in 2004, 2007, and 2011. Upon receipt of its 2011 CSEA award, Mr. Peterson’s company became AGC’s first specialty contractor to receive three first-place CSEA awards. To place this accomplishment in perspective, at the time the three first-place awards were received, AGC represented more than 10,000 specialty contractors.

In addition, in 2001 Mr. Peterson was presented the Ray Lambright Excellence in Safety Award by the Houston Chapter of the Associated General Contractors of America (AGC) to recognize his personal contributions to safety in the construction industry.