



"10CFR851"

Worker Safety & Health Program Regulation
February 2007

BACKGROUND

- ✿ The 2002 Bob Stump National Defense Authorization Act amended the Atomic Energy Act by adding section 234C "Worker Health and Safety Rules for Department of Energy Nuclear Facilities." It required DOE to promulgate a worker safety and health rule.
- ✿ DOE published the Rule in the Federal Register on February 9, 2006. It establishes worker safety and health requirements that govern the conduct of contractor activities at non-nuclear, as well as nuclear, sites.



WHAT IS THE PURPOSE OF THE RULE?

- The Rule requires that DOE contractor workers are provided with a workplace that is free from recognized hazards that can cause death or serious physical harm. For example, see next slide...
- To accomplish this objective, the Rule establishes management and worker responsibilities, worker rights, safety and health standards, and required training.
- The Rule replaces the Contractor Requirements Document (CRD) of DOE O 440.1A "Worker Protection Management for DOE Federal and Contractor Employees."

Smoking on the job... a serious problem

☀ *Construction Workers Lunching on a Crossbeam, 1932*

☀ *This iconic photo is one of the most famous images ever shot. Construction workers take a break from their work on the RCA Building at Rockefeller Center in New York to have lunch atop a steel beam 800 feet above ground. The photo was taken Sept. 29, 1932.*

☀ *Photo by Charles C. Ebbets; © Bettmann Corbis*





WHO IS COVERED BY THE RULE?

- ✦ DOE contractors and their workers are covered by the Rule.
- ✦ Contractors include parent corporations and subcontractors that have responsibilities for performing work at a DOE site in furtherance of a DOE mission.



WHAT IS REQUIRED OF DOE?

- ✦ Review and approve the contractor Worker Safety and Health Program (WSHP) by May 25, 2007.
- ✦ Oversee contractor performance of their WSHP.

WHAT IS REQUIRED OF JSA?

- ✦ JSA must provide DOE with a WSHP that describes the methods they will use to implement the requirements of subpart C of the Rule.

- ✦ JSA must:
 - Submit a WSHP to DOE by February 26, 2007,
 - Comply with all requirements by May 25, 2007.
 - Establish written safety and health policy and goals,
 - Provide mechanisms to involve workers in the safety and health program,
 - Establish procedures for workers to report hazards and stop work, and
 - Use qualified safety and health professionals.

WHAT IS REQUIRED OF WORKERS?

- ✦ Workers must comply with the safety and health requirements of the Rule.
 - Requirements are flowed through the WHSP to JLab documents such as the EH&S Manual
- ✦ They also have certain rights such as:
 - Having access to safety and health information,
 - Observing monitoring of hazardous chemicals,
 - Receiving results of monitoring and inspections.

What does it mean to JLab?

- ✱ No Work after Compliance Date without an Approved Program (New)
- ✱ Ensure workplace is free of recognized hazards (Not new);
- ✱ Provide workers with adequate protection (Not new);
- ✱ Comply with workplace safety and health requirements (some new requirements, e.g. pressure safety)
- ✱ Ensure work is performed in accordance with approved Worker Health and Safety Program (New)
- ✱ Internally report and investigate each occurrence, near miss that could cause death or serious injury. (Not new)
- ✱ Evaluate events for DOE reportability against 10CFR851 non-compliance (New)

What does it mean to JLab, etc.?

- ✦ Civil penalties up to \$70K per violation per day for continuing violations
- ✦ Civil penalty mitigation for self identification and prompt reporting (50%) and for prompt and comprehensive corrective action (50%)
- ✦ No mitigation for self-disclosing events

Worker Safety & Health Program

- ✿ Ten Topical Areas in subpart C, eight apply to us
 - Construction safety
 - Fire protection
 - Pressure safety (Substantial new requirements)
 - Industrial hygiene
 - Occupational medicine
 - Motor vehicle safety
 - Electrical safety
 - Workplace violence prevention
- ✿ In effect, we are required to do OSHA...

What does it mean to me?

- ✿ Just Do ISM and follow JLab health and safety requirements:
 - Define the scope of work
 - What are you doing, what are you not going to do?
 - When are you doing it and who are you coordinating with?
 - Analyze the hazards; do a task hazard analysis
 - Chapter 3210 T2 or equivalent: ATLis, TATL, DEVLORE, etc.
 - Develop and implement hazard controls
 - Engineer out the hazards, admin. Controls, PPE for the rest
 - Perform work within controls
 - Don't do work that isn't part of the plan or addressed by controls
 - Provide feedback and continuous improvement



SOURCES OF INFORMATION

- Your Division Safety Officer
- Your Safety Warden
- Your Supervisor
- ESH&Q staff
- Worker Safety Committee
- ESH&Q web site, manual
- The Worker Safety and Health Poster
- <http://www.eh.doe.gov/health/rule851/851final.html>

You Have a Right to a Safe and Healthful Workplace

IT'S THE LAW!

- ✔ You have the right to notify your employer or the local Department of Energy (DOE) office about workplace hazards, without reprisal. You may ask that your name not be used.
- ✔ You have the right to participate in the activities referenced in 10 CFR 851 "Worker Safety and Health Program," on official time.
- ✔ You have the right to access copies of DOE worker protection publications; the worker safety and health program for your workplace; and the standards, controls, and procedures that apply to your workplace.
- ✔ You have the right to have access to some accident and illness recordkeeping logs and the information in records of any workplace illness or injury that you experienced.
- ✔ You have the right to observe monitoring or measuring of hazardous agents, to receive the results of your own monitoring, and be notified when monitoring results indicate an overexposure.
- ✔ You have the right to have a representative accompany the DOE's Director for enforcement or the Director's authorized personnel during the inspection of your workplace.
- ✔ You have the right to request and receive results of inspections and accident investigations.
- ✔ You have the right to decline to perform an assigned task because of your reasonable belief that, under the circumstances, the task poses an imminent risk of death or serious physical harm to you, coupled with your reasonable belief that there is insufficient time to seek effective redress through the normal hazard reporting and abatement procedures.
- ✔ Your employer must post this notice in your workplace.

What does it mean to me, again?

☀ If you:

- Just do ISM
- Keep focused on the task at hand
- Promptly report problems
- Use your health and safety resources
- Find and fix problems

☀ Then:

- Smooth riding