

10 CFR 851 Worker Safety and Health Program/ISMS Phase II Review



U.S. Department of Energy
Richland Operations Office

Overview of Safety and Health Requirements

Current Flow Down of Requirements

- DOE O 440.1A
- Contract flow down via Exhibit G
- Submittals include S&H Program, SSHASP
- Functional requirements
- Self assessments
- S/C provided Occ. Med.
- Field work conducted per S/C implementing procedures

Future Flow Down of Requirements

- 10 CFR 851 (codification of DOE O 440.1A)
- Contract flow down via ISMSD and Exhibit G
- Contractor provided WSHP and compliance matrix, SSHASP
- 851/Exhibit G functional requirements
- Self assessments
- Contractor provided Occ. Med.
- Noncompliance screening, fines up to \$70K from DOE
- Field work conducted per S/C implementing procedures

Field work will continue to be performed in same fashion and manner as current Safety and Health Program (no difference)

Applicability of 10 CFR 851

- All contractors performing work on a DOE site
- Subcontractors at any tier regardless of size
 - WSHP tailored to scope and hazards
 - S/C must flow down Exhibit G for review and acceptance of subtier compliance matrix
- Excluded from the rule:
 - Vendors, delivery persons, suppliers who do not have service contracts
 - Off-site municipal fire departments
 - Federal agencies working under an MOU
 - Colleges and universities performing work under a DOE grant
 - Utility providers

Timeline and Implementation Schedule for 10 CFR 851

- Final rule – February 9, 2006
- Effective date – February 9, 2007
- Preparation and submittal of worker safety and health programs, including S/Cs by February 26, 2007
- No work may be conducted at a DOE site after May 25, 2007 without an approved worker safety and health program (including S/Cs)

WCH and WCH Subcontractor Worker Safety and Health Program Plans

- Both Program Plans consist of two parts:
 - Overall Worker Safety and Health Program descriptions
 - Compliance matrix of rule requirements and procedure citation(s)
- WCH submittal to DOE-RL for approval of final program plans anticipated mid-February, 2007
- Subcontractors will be required to complete the compliance matrix and submit to WCH for review and approval (hard copy submittal)
 - Web link: <http://washingtonclosure.com/procure/>
- Acceptance of the subcontractor compliance matrix by WCH must occur prior to May 25, 2007 or subcontractor will be suspended and may be terminated
- Workers will continue to perform field work in same fashion and manner as current
- Safety and Health Program (no difference). Issues identified will be evaluated for potential noncompliance determinations.

Schedule for Flow Down of 10 CFR 851 to WCH Subcontractors

Activity	Date of Completion
Provide advanced copy of Exhibits B and G, along with the compliance matrix to subcontractors for their completion	1/22/2007
Subcontractor completes compliance matrix and submits to WCH ^{1,2}	01/22/07 - 02/26/07
WCH workshop for completion of subcontractor compliance matrix	2/2/2007
WCH review and acceptance/comments on subcontractor matrix	02/26/07 - 03/12/07
Subcontractor revision of submittals and resubmittal for review and acceptance	03/13/07 - 03/27/07
Final submittal of compliance matrix to WCH	3/27/2007

¹ Subcontractors are expected to make copies for their subtier subcontractors

² Submittal must be in hard copy

Contractual Changes

- Portions of Exhibit B
- Exhibit G
- Additional submittal of a compliance matrix for review and acceptance by WCH
- Subcontract change notice

Exhibit B Revisions

SC-12 Safety, Health, and Security Programs

- Submittal of a Subcontractor Worker Safety and Health Program Plan compliance matrix
- Interstate and state EMR must be less than .9000 at the time of subcontract award unless a fully implemented recovery plan is accepted by WCH

Exhibit B Revisions (cont'd)

SC-28 Medical Examinations

- WCH shall provide all occupational medical requirements through the Hanford Site Medicine Provider. All time spent by SUBCONTRACTOR'S employees and transportation costs for medical examinations shall be at the expense of the SUBCONTRACTOR.

Exhibit G Revisions

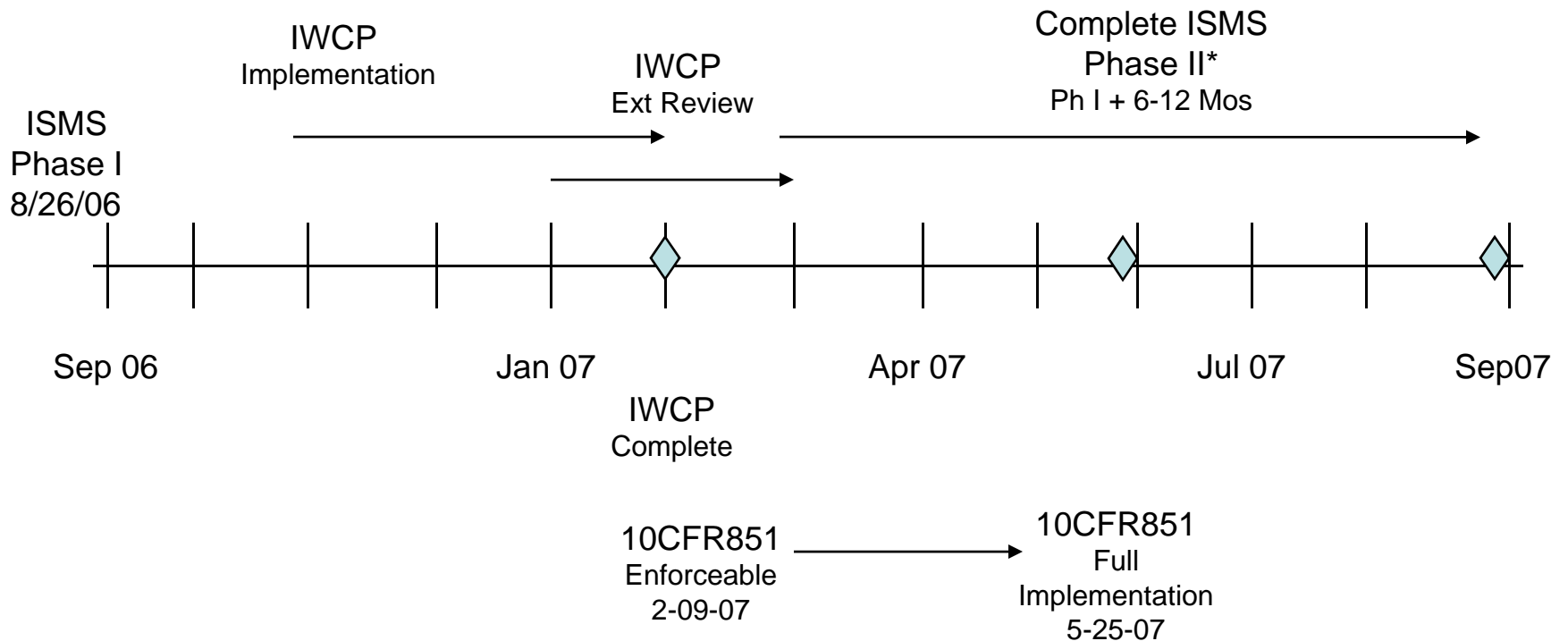
- Incorporation of 10 CFR 851
- Minimal realignment of topic headers to correspond with 10 CFR 851 functional areas
- Reorganized to follow 10 CFR 851 and additional contractual requirements
- Revision is minimal with the exception of completing the compliance matrix, which is an attachment

Flow down of Fines to Subcontractors

- Flow down of fines and penalties will be evaluated based on follow up investigation and to the extent that S/Cs contributed to the problem
- 10 CFR 851 liability flows down to both subcontractors and their subtier contractors

How does 10 CFR 851, IWCP, and ISMS integrate with other Safety and Health initiatives?

ISMS Phase II Related Commitments



* Contract Commitment

ISMS Phase II Key Milestones

