

ISMS Training Document
Track 2, Activity 20 – September 2011
Worker Safety and Health Program

Activity

Title 10 Code of Federal Regulation (CFR) Part 851, *Worker Safety and Health Program*, (hereafter referred to as the rule) requires each contractor that meets the following applicability requirements, to develop, implement, and maintain a written Worker Safety and Health Program (WSHP). The WSHP must describe the contractor's current method for complying with and implementing the applicable requirements of the rule. The contractor is required to submit their WSHP to the DOE Field Element Manager (e.g, ORO Manager, ORNL Site Office Manager, etc) for approval. No work may be performed at the covered workplace unless an approved WSHP is in place. As part of maintaining the WSHP current, the rule requires submittal of an annual update or a letter stating that no changes are necessary in their currently approved WSHP. The anniversary date of the update is based on the initial WSHP approval date by the DOE Field Element Manager. ORO reviews and approves the contractor WSHPs and their annual updates using the Office of Science Standard Review Plan.

Key Documents

- [29 CFR 1926, Safety and Health Regulations for Construction](#)
 - [DOE 420.1B, Facility Safety](#)
 - [10 CFR 851, Worker Safety and Health Program](#)
-

What's In It For Me

In September 2006, the Office of General Counsel (OGC) provided guidance on the applicability of the rule to contractors. For the purposes of 10 CFR 851, a DOE contractor includes any contractor (1) under a contract with DOE to perform services and their subcontractors, (2) doing work that DOE authorized, (3) performing work at a location controlled by DOE, and (4) not regulated by another entity such as the Department of Transportation or the Occupational Safety and Health Administration (OSHA). The rule governs the conduct of contractor activities at both nuclear and non-nuclear sites. ORO has instructed the prime contractors to include, in their WSHP, the method for reviewing and approving any subcontractor WSHP. In most cases, the subcontractors are required to abide by the prime contractor's WSHP rather than develop their own.

The rule is not applicable to lessees, tenants, grantees, state and municipal highway and fire departments, and other federal agencies given that they are not under a contract with DOE to perform services nor does it apply to landlords of offsite office space leased by contractors. Utility, vendor, and delivery persons and others who do not have service contracts with DOE are also excluded from the requirements of the rule. OSHA requirements cover the workers that are excluded from the rule.

OGC also provided guidance, in September 2006, that the rule's referenced codes and standards should only be applied as they are applicable (e.g., code addressing installation should only be applied if a component is being installed. Existing components would not have to be changed out unless the code stated that it must be applied retroactively.) Codes and standards for work practices and maintenance would likely apply to existing facilities.

ISMS Training Document
Track 2, Activity 20 – September 2011
Worker Safety and Health Program

Implementation Methods

At ORO, three implementation methods are available for contractors based on the scope of their work and associated hazards. For work only involving office environment-type hazards, the contractor simply agrees to abide by and implement ORO's Key Management Document, *Federal Employee Occupational Safety and Health Program Description*. For work on federal property, such as the Oak Ridge Federal Office Building, that involves other than office work hazards, contractors develop and implement hazard-specific WSHPs. Prime contractors at DOE sites, prepare and implement comprehensive WSHPs. In all cases, an annual update or a letter of no change necessary is required by the rule.

In performance of the work, the contractor shall provide a safe and healthful workplace and must comply with its approved WSHP and all applicable federal and state environmental, health, and safety regulations. This includes the fourteen applicable safety and health standards listed in 10 CFR 851.23 and the twelve applicable functional areas in Appendix A of the rule. When more than one contractor work in a shared workplace, the contractor shall coordinate with the other contractors to ensure roles, responsibilities, and worker safety and health provisions are clearly delineated.

The rule includes a provision for the Office of Enforcement to conduct inspections and investigations of potential violations. Contractors and subcontractors that fail to comply with the rule are subject to civil penalties up to \$75,000 per violation per day, or contract penalties, but not both.

Functional Area Examples:

The following discussion provides general information about examples of functional areas to consider while implementing your ISMS responsibilities:

Construction Safety

Construction sites are very dynamic places with a lot of hazards. 29 CFR 1926 covers the safety and health requirements for construction sites. Whenever you are near construction sites you need to keep your safety in mind. Construction sites should be barricaded off to keep people outside the hazard zone. Remember to always stay in designated walkways and to follow traffic control flaggers. If for some reason you need to enter a construction site you will need to pay special attention to large equipment that may have trouble seeing you. Always check in with appropriate site personnel and have your PPE (hard hat, foot wear, and safety glasses) with you. There are a lot of specific safety requirements associated with construction sites such as: excavations, fall protection, electrical power distribution for the site, scaffolds, and welding and cutting to name a few. If you have questions or something does not look safe call your industrial safety SME.

Fire Protection

ORO has established a comprehensive fire protection program with the objective of providing an acceptable level of safety from fire and related hazards for DOE Federal personnel and for the public. This includes appropriate facility and site-wide protection, fire alarm notification and egress features, and access to a fully staffed, trained, and equipped fire department that is capable of responding in a timely and effective manner to site occurrences.

ISMS Training Document
Track 2, Activity 20 – September 2011
Worker Safety and Health Program

DOE O 420.1B establishes facility and programmatic safety requirements for a comprehensive fire protection program for DOE sites, facilities, and emergency service organizations to minimize: (1) the potential for occurrence of a fire or related event; (2) fires that cause an unacceptable onsite or offsite release of hazardous or radiological material that could impact the health and safety of employees, the public, or the environment; (3) unacceptable interruption of vital DOE programs as a result of fire and related hazards; (4) property loss from fire exceeding limits established by DOE; and (5) fire damage to critical process controls and safety systems structures and components.

Comprehensive fire safety and emergency response programs at ORO include, but are not limited to; appropriate policies, requirements, technical criteria, analyses, administrative procedures, and related documentation. In addition, they feature adequately designed, installed, and maintained fire safety systems, hardware, structural features, and related devices. These programs include access to fully capable emergency response forces featuring trained personnel and an adequate inventory of apparatus and equipment that enable these forces to respond in a timely and effective manner. The professional staff, general worker population, and visiting public at ORO are appropriately trained on the fire hazards and related conditions that they are likely to encounter.

**Industrial
Hygiene**

Contractors must implement a comprehensive industrial hygiene program that includes at least the following elements:

- (a) Initial or baseline surveys and periodic resurveys and/or exposure monitoring as appropriate of all work areas or operations to identify and evaluate potential worker health risks;
 - (b) Coordination with planning and design personnel to anticipate and control health hazards that proposed facilities and operations would introduce;
 - (c) Coordination with cognizant occupational medical, environmental, health physics, and work planning professionals;
 - (d) Policies and procedures to mitigate the risk from identified and potential occupational carcinogens;
 - (e) Professionally and technically qualified industrial hygienists to manage and implement the industrial hygiene program; and
 - (f) Use of respiratory protection equipment tested under the DOE Respirator Acceptance Program for Supplied-air Suits (DOE-Technical Standard-1167–2003) when National Institute for Occupational Safety and Health-approved respiratory protection does not exist for DOE tasks that require such equipment. For security operations conducted in accordance with Presidential Decision Directive 39, U.S. POLICY ON COUNTER TERRORISM, use of Department of Defense military type masks for respiratory protection by security personnel is acceptable.
-

ISMS Training Document
Track 2, Activity 20 – September 2011
Worker Safety and Health Program

Electrical Safety

10 CFR 851, Worker Safety and Health Program, specifies that contractors must establish a comprehensive electrical safety program implementing the requirements of the NFPA 70, National Electrical Code (2005); NFPA 70E, Standard for Electrical Safety in the Workplace (2004); and the applicable Occupational Safety and Health Standards. Key provisions of such a program include:

- ensuring personnel performing electrical work are properly trained and qualified;
 - electrical equipment has been approved by a Nationally Recognized Testing Laboratory, or if such equipment is not available, it has been approved by the appropriate authority prior to use;
 - electrical installations meet applicable code requirements; and
 - electrical safe work practices, including the use of appropriate personal protective clothing and other equipment, have been defined and are fully utilized.
-

Motor Vehicle Safety

10 CFR 851 Appendix A establishes the mandatory requirements for a contractor's motor vehicle safety program. The program must protect all drivers and passengers in Government-owned or leased vehicles. At a minimum, the Worker Safety and Health Plan must address, minimum licensing requirements, use of seatbelts and other safety devices, training for specialty vehicle operators, vehicle maintenance and inspection, uniform traffic and pedestrian control devices, road signs, on-site speed limits and traffic rules, awareness campaigns and incentives that encourage safe driving, and enforcement provisions for motor vehicle safety infractions.

To Learn More

Click on the document for more information about worker safety and health.

- <http://www.hss.energy.gov/HealthSafety/WSHP/rule851/851final.html>
-