

Safety Leadership 2010

Focus on 10 CFR 851

Worker Safety and Health Program



Course Objective

The objective of this course is to make managers, supervisors, safety professionals, labor leaders and union representatives more aware of:

- 10 CFR 851 requirements/responsibilities
- Legal issues/liabilities
- Worker rights
- Importance of work planning/hazard analysis/prevention and mitigation
- Adoption of national consensus standards
- Importance of worker involvement



Why Me??? Why Now???

- 10 CFR 851 has been law since 2007... What now??
- November 4, 2008, DOE letter placed renewed emphasis on this rule. This letter states:

“HSS...determined that worker involvement in the identification and control of hazards in the workplace requires further refinement and improvement...”

“We conclude...that our workers understand the substance of the rule but the Department must build that understanding so that they better comprehend the specifics of the rule and their rights under it.”

Signed by Glen Podonsky

Chief Health, Safety and Security Officer

Office of Health, Safety and Security



Impact of the Economic Recovery Package

- Hundreds of new and expanded missions throughout the DOE Complex
- Hundreds of new positions and jobs created
- Thousands of new workers hired and placed
- Continued need to promote safety awareness and sustain a safe and healthy workplace.

10 CFR 851 Worker Safety and Health Program

- Establishes framework of a worker protection program.
- Establishes a legal basis with fines and other penalties for non-compliance.
- Formally adopts many federal standards.



10 CFR 851

Overview of Rule

- Subpart A - General Provisions
- Subpart B - Program Requirements
- Subpart C - Specific Program Provisions
- Subpart D - Variances
- Subpart E – Enforcement Process
- Appendix A – Worker Safety and Health Functional Areas
- Appendix B – Enforcement Policy



10 CFR 851 Overview

Subpart C- Specific Program Requirements

- Management and Worker Rights and Responsibilities
- Hazard Identification and Assessment
- Hazard Prevention and Abatement
- Safety and Health Standards
- Functional Areas
- Training and Information
- Record Keeping and Reporting
- Reference Sources



Contractor Roles and Responsibilities

- Provide a workplace free of recognized hazards...and adequately plan work and assess hazards.
- Ensure work is performed in compliance with listed and referenced national consensus standards.
- Prepare and maintain a written Worker Safety and Health Program...approved by DOE (HNF-MP-32219).

OSHA

NEC

ASME

NFPA

ANSI

Worker Roles, Responsibilities and Rights

- Participate, participate, participate...be active in the program.
- Follow Worker Safety and Health Program requirements.
- Observe and report hazards.
- Stop or decline unsafe work.

IT'S THE LAW

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.

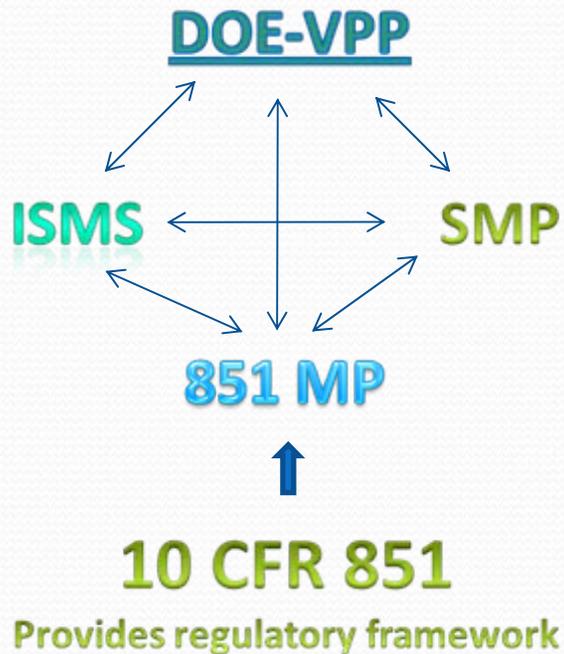


Title 10 CFR 851 requires DOE contractors to provide their workers with a safe and healthful workplace. To obtain more information about these requirements and your rights; seek advice or assistance; or report an emergency contact your supervisor, your local DOE office, or the DOE Office of Health, Safety and Security (<http://www.hss.energy.gov>). Additional inquiries or concerns may be addressed to the Employee Concerns Manager at the local DOE office at _____ (city, state, zip code).



DOE Office of Worker Safety and Health Policy

Video- 10 CFR 851



Our 10 CFR 851 Worker Safety and Health Program Description

- HNF-MP-32219, “10 CFR 851 PHMC Worker Safety and Health Program Description”, integrates with ISMS and DOE-VPP

Note: Key elements of 851 are shared with ISMS,
SMP and DOE-VPP



Points of Emphasis for a Successful Program

- Worker rights
- Worker involvement and participation
- Work planning and hazard assessment



DOE's Enforcement Process

- Process similar to Nuclear Safety Enforcement Process
 - Notices of violation
 - Compliance orders
 - Consent orders
 - Civil penalties (\$70K per violation per day or contract penalties)



Group Exercise – Lessons Learned

DOE news media release, April 3, 2009 -- DOE cites Stanford University and two subcontractors for Worker Safety and Health violations.

Proposed penalties :

- Stanford University - \$210,000
- 1 subcontractor - \$42,000
- 1 subcontractor - \$56,000



An explosion occurred when a welder cut into a metal pipe to install a pressure gauge. The metal pipe was connected to a PVC pipe that had just been installed using PVC primer and cement. The heat of the cutting torch ignited the residual vapors trapped in the piping causing the explosion. Shrapnel was thrown up to 100 feet and one piece punctured a sheet metal wall. There were no permanent injuries to the workers although some suffered temporary hearing loss and were thrown to the ground by the explosion.

Discuss what pre-planning and analysis might have prevented this incident.

Group Exercises – Lessons Learned

DOE letter, June 20, 2008. DOE issues final notice of violation to Battelle Energy Alliance, LLC for two events with significant safety issues. Event 1) a fume hood fire that burned a worker and exposed the worker and others to smoke and toxic by-products. Event 2) an electric shock of two firefighters following the arcing of energy from a high voltage line to an emergency response vehicle.

Proposed penalties :

- Battelle Energy Alliance, LLC - \$250,000

Event 1) BEA had ongoing work in a hood with “red phosphorus”. The material ignited and burned the worker. Hazards of this material were not recognized and/or mitigated. Work planning and hazard assessments were inadequate.

Event 2) In response to a grass fire, an emergency vehicle arrived and a size-up activity was conducted. The fire truck was parked near enough to a high-voltage line that an arcing occurred striking the vehicle and injuring two firefighters.

Discuss what pre-planning and analysis might have prevented this incident.



How could an effective Worker Safety and Health Program have prevented these Events?

Worker involvement

Sound work planning

Improved hazard recognition and mitigation

Better training

Resources for 10 CFR 851 Compliance

- DOE Office of Worker Safety and Health Policy web page –

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

- Mission Support Contractor website -

<http://msc.rl.gov/ims/page.cfm/SSE>

- Mission Support Contractor – Interpretative Authority- Jeff Charboneau
509-373-2343

In Summary

Managers, supervisors, safety professionals, labor leaders and union representatives need to be knowledgeable of and support compliance with:

- 10 CFR 851 requirements/responsibilities
- Legal issues/liabilities
- Worker rights
- Importance of work planning/hazard analysis
- Adoption of national consensus standards
- Importance of worker involvement

**THE GOAL:
A HEALTHY
AND
SAFE WORKPLACE**

