

Environment, Safety, and Health Compliance - Alternative II (05-04)

NOTE: All work must be performed in accordance with the DEAR 970.5204-2 clause and all applicable federal regulations and site-specific requirements.

1. The Seller shall take all reasonable precautions in the performance of the work under this contract to protect the environment, safety and health of employees and members of the public. BWXT Y-12 shall notify the Seller, in writing, of any noncompliance with the provisions of this Clause. After receipt of such notice, the Seller shall immediately take corrective action. In the event that the Seller fails to comply with said regulations and requirements, BWXT Y-12 may, without prejudice to any other legal or contractual rights of BWXT Y-12, issue an order stopping all or any part of the work; thereafter, a start order for resumption of the work may be issued at the discretion of BWXT Y-12. The Seller shall make no claim for an extension of time or for compensation or damages by reason of, or connection with, such work stoppage. Seller must ensure all environmental safety and health requirements are communicated to lower tier subcontractors.

2. Compliance Statement

The Seller shall possess and maintain an internal corporate ES&H plan, which implements the OSHA requirements applicable to the normal course of the Seller's business. Prior to the start of work under this contract, the Seller shall provide to Procurement a compliance statement certifying that the above ES&H plan is in effect, and that the Seller's employees will comply with the ES&H plan in the performance of the work under this contract. BWXT Y-12 reserves the right to request and review the Seller's ES&H plan and associated documentation at any time. The ES&H plan shall meet the following minimum requirements:

- (1) Management policies that provide for clear goals, responsibilities, authority, and accountability for meeting loss control objectives;
- (2) Implementation of applicable local, state, federal, environment, safety and health requirements that are relevant to the statement of work;
- (3) Employee guidance on internal engineering controls, precautions, and requirements on PPE to minimize, control and/or prevent employee exposure to include equipment/property loss;
- (4) Task-level hazard identification and control measures that provide for safe work practices and employee training;

(5) Hazard Communication Program. (Copies of MSDS shall be provided to the BWXT Y-12 HMIS Coordinator prior to bringing any chemicals on site. In addition, the Seller shall provide to the BWXT Y-12 HMIS Coordinator a current inventory on a monthly basis for chemicals stored on site for thirty (30) or more days per EPCRA/CERCLA. All chemicals stored on site shall follow NFPA storage guidelines.)

3. Environmental Compliance

The Seller shall comply with all applicable environmental protection laws, executive orders, ordinances, regulations, directives, and codes. Upon request, the Seller shall submit an Environmental Compliance Plan (ECP) outlining the methods proposed to address the environmental requirements specified in the statement of work. The ECP shall specify the person responsible for ensuring the requirements are met.

4. Site Reporting Requirements

The Seller shall report to BWXT Y-12 ES&H all Site incidents (i.e., injuries, illnesses, fires, spills, near misses, property or equipment loss, etc.) for proper investigation and disposition. Report serious events requiring immediate response to the BWXT Y-12 Plant Shift Superintendent (PSS)(574-7172).

(Sample)

Date: _____

Company Letterhead

(Subcontractor's name) has an internal ES&H plan that complies with the Clause entitled "Environment Safety and Health Compliance - Alternative II Compliance Statement". The plan reflects our ability to implement reasonable precautions in the performance of work under this subcontract to protect the environment, safety and health of employees, and members of the public. Seller will submit a Hazard Analysis for review by BWXT Y-12. This submittal shall be approved prior to work activities.

(Subcontractor's name) will comply with all applicable local, state, and federal OSHA, regulatory requirements, and applicable BWXT Y-12 ES&H requirements (e.g., S/RID, threshold limit values [TLVs], permissible exposure limits [PELs], etc.) as specified in contract package. Prior to the commencement of work, our employees and subcontractors will be trained in conformity with our ES&H plan. Our work at BWXT Y-12 will be performed in compliance with the plan for _____ . *(Insert the applicable identifier such as Solicitation, RFP, Subcontract or Task Order Number.)*

The ES&H plan and associated documentation is on file and will be located at the job site anytime our employees are working at BWXT Y-12. The ES&H plan and associated documentation will be available for BWXT Y-12 review upon request.

Sincerely,

Name: _____

Title: _____