

**Safety and Health Article – Alternative III
Environment, Safety, and Health Compliance
(03-03)**

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 Article. 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.
2. Compliance Statement

The Seller shall possess and maintain an internal corporate ES&H plan that 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 the ES&H Engineering and Contractor Support Group 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 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 ES&H Engineering and Contractor Support Group prior to bringing any chemicals on site. In addition, the Seller shall provide to the ES&H Engineering and Contractor Support Group 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 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 Supplier/Seller shall report to the ES&H Engineering and Contractor Support Group all Site incidents (i.e., injuries, illnesses, fires, spills, near misses, property or equipment loss, etc.) for proper investigation and disposition.

(Sample)

Company Letterhead

Date:

(Subcontractor's name) has an internal ES&H plan that complies with Safety and Health Article-Alternative III, Environment, Safety, and Health Compliance (03-03). The plan reflects our ability to implement reasonable precautions in the performance of work under this contract to protect the environment, safety and health of employees, and members of the public.

(Subcontractor's name) will comply with all applicable local, state, and federal OSHA, regulatory requirements, and applicable Y-12 ES&H requirements (e.g., S/RID, TLVs, 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 Y-12 will be performed in compliance with the plan while under subcontractor order number /task order number _____.

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

Sincerely,

Name: _____

Title: _____