

**ORBSP Safety Forum – January 31, 2006  
at American Museum of Science & Energy  
10 CFR 851 “Worker Safety and Health Program”**

The Oak Ridge Business Safety Partnership (ORBSP) will host its next quarterly Safety Forum on Wednesday, January 31, at the American Museum of Science and Energy. The purpose of the ORBSP is to raise awareness of safety issues among the contractors working on Department of Energy (DOE) sites in Oak Ridge. The Energy, Technology, and Energy Business Association (ETEBA) chairs the ORBSP, which also includes safety representatives from DOE ORO, NNSA Y-12, BWXT Y-12, BJC, ORAU, UT-Battelle, Wackenhut, and the Labor Organizations.

The topic of the January 31 program concerns a new federal regulation (10 CFR 851) and DOE Order (440.1A) that requires DOE contractors to provide workers with a safe and healthful workplace by establishing management responsibilities, worker rights, safety and health standards, and required training. The rule applies to both DOE contractors and their subcontractors which are under contract with DOE and 1) perform services at DOE-controlled workplaces, and 2) are not regulated by another agency, such as OSHA or DOT. The rule, which is Congressionally mandated, includes a provision for the DOE Office of Enforcement (OE) 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 \$70,000 per violation per day or contract penalties, but not both.

The forum is open to the public and there is no fee. Registration begins at 8 am, with the program to begin at 8:30 am and is scheduled to end at 10:30 am. Presenters will include DOE ORO, NNSA Y-12, and the prime contractors who are developing Worker Safety and Health Program (WSHP) documents.

DOE issued the WSHP rule in the Federal Register on February 9, 2006. The rule essentially codifies and enhances the Contractor Requirement Document portion of DOE Order 440.1A (Worker Protection Management for DOE Federal and Contractor Employees) and governs the conduct of contractor activities at both nuclear and non-nuclear sites.

The rule becomes effective February 9, 2007 and requires contractors to provide DOE with a written WSHP by February 26, 2007. The WSHP must describe the methods they will use to implement the applicable requirements of the rule. DOE Oak Ridge Operations has instructed the affected 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. DOE is to approve the contractor WSHPs by May 25, 2007, the date by which contractors and subcontractors are required to implement their WSHPs

Further information can be found at <http://www.hss.energy.gov/HealthSafety/WSHP/rule851/851final.html>

Helpful information at this site includes the 10 CFR 851 Implementation Guide DOE G 440.1-8, OE's Enforcement Program Plan, and Office of General Counsel guidance on applicability and code of record.

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