



Safety and Health Advisory

10 CFR 851 “Worker Safety and Health Program”

September 2006

PURPOSE OF THIS ADVISORY

This Advisory informs the Department of Energy (DOE) community that a new safety and health program has been established. This new Rule, 10 CFR 851, Worker Safety and Health Program will have a significant impact on operations at Department of Energy (DOE) facilities.

BACKGROUND

The 2002 Bob Stump National Defense Authorization Act amended the Atomic Energy Act by adding section 234C “Worker Health and Safety Rules for Department of Energy Nuclear Facilities.” It required DOE to promulgate a worker safety and health rule. DOE published the Rule in the Federal Register on February 9, 2006. It establishes worker safety and health requirements that govern the conduct of contractor activities at non-nuclear, as well as nuclear, sites.

WHAT IS THE PURPOSE OF THE RULE?

The Rule requires that DOE contractor workers are provided with a workplace that is free from recognized hazards that can cause death or serious physical harm. To accomplish this objective, the Rule establishes management responsibilities, worker rights, safety and health standards, and required training. The Rule will replace the Contractor Requirements Document (CRD) of DOE O 440.1A “Worker Protection Management for DOE Federal and Contractor Employees.”

WHO IS COVERED BY THE RULE?

DOE contractors and their workers are covered by the Rule. Contractors include parent corporations and subcontractors that have responsibilities for performing work at a DOE site in furtherance of a DOE mission.

WHAT IS REQUIRED OF DOE?

- Review and approve the contractor Worker Safety and Health Program (WSHP) by May 25, 2007.
- Oversee contractor performance of their WSHP.
- Approve closure facility hazard controls.

WHAT IS REQUIRED OF THE CONTRACTOR?

The contractor must provide DOE with a WSHP that describes the methods they will use to implement the requirements of the Rule. Contractors must:

- Submit a WSHP to DOE by February 26, 2007,
- Give labor organizations timely notice of development of the WSHP,
- Comply with all requirements by May 25, 2007, and,
- Identify closure facility hazards and controls within 90 days of identifying those hazards.

Contractors have additional responsibilities such as:

- Establishing written safety and health policy and goals,
- Providing mechanisms to involve workers in the safety and health program,
- Establishing procedures for workers to report hazards and stop work, and
- Using qualified safety and health professionals.

WHAT IS REQUIRED OF WORKERS?

Workers must comply with the safety and health requirements of the Rule. They also have certain rights such as:

- Having access to safety and health information,
- Observing monitoring of hazardous chemicals, and
- Receiving results of monitoring and inspections.

PENALTIES

Contractors that fail to comply with the Rule are subject to civil penalties up to \$70,000.00 per violation or contract penalties.

ADDITIONAL SOURCES OF INFORMATION

- Your Safety and Health Office
- Information on the web:
 - <http://www.hss.energy.gov/healthsafety/WSHP/rule851/851final.html>
- The Worker Safety and Health Poster
 - <http://www.hss.energy.gov/HealthSafety/WSHP/rule851/poster.pdf>

For questions or additional information, call Office of Worker Safety and Health Policy: 301 903-6061