

**SAFETY PERFORMANCE WORK STATEMENT (PWS)**  
**5 MAY 2010**

**1.0. General.**

1.1. This Safety PWS applies to all production/use of facilities by the operating contractor (contractor), regardless of the origin of the work.

1.2. The contractor shall protect the lives and health of its employees, government employees, and the public from its operations and those of its lessees, tenants, or subcontractors. The contractor shall also protect government property

1.3. The contractor shall comply with DOD FAR Supplement 252.223-7002, Safety Precautions for Ammunition and Explosives, DOD FAR Supplement 252.223-7003, Change in Place of Performance - Ammunition and Explosives, and DOD 4145.26-M, DOD Contractor's Safety Manual for Ammunition and Explosives, 13 March 2008 (except as noted in paragraphs 1.3.3; 2.3; and 2.7 below). The contractor shall also comply with FAR 52.223-3, Hazardous Material Identification and Material Safety Data; FAR 52.223-13, Certification of Toxic Chemical Release Reporting; DFARS 252.223-7001, Hazard Warning Labels when applicable; 32 CFR 655.10, Use of radiation sources by non-Army entities on Army land; and FAR 52.223-7, Notice of Radioactive Materials. In addition, the contractor shall comply with the following safety requirements.

1.3.1. The contractor shall comply with applicable provisions of local, State, and Federal ordinances, laws and construction codes.

1.3.2. The contractor shall respond to the Administrating Contracting Officer (ACO) in writing regarding safety compliance inspections of its operations performed by DOD, Army, U.S. Army Materiel Command and the Joint Munitions Command (JMC) elements. (CDRL A001)

1.3.3. The Contractor shall submit site and construction plans that comply with chapter 8 in DA Pam 385-64, "Ammunition and Explosives Safety Standards," 15 December 1999, and JMC Policy 385-3, "Explosives Safety Site Plans," dated 26 June 2009. The Contractor shall submit four copies of site and construction plans to ACO. (CDRL A002)

1.4. The Contractor shall notify ACO upon arrival of any local, State or Federal agency including, but not limited to, the Occupational Safety and Health Administration (OSHA) and Nuclear Regulatory Commission (NRC), and provide to ACO one copy of any report issued by such agencies within 30 days of receipt. The Contractor shall provide one copy of his response to the report to the ACO within 5 days of responding to the report generator. (CDRL A011)

1.5. The Contractor shall write a decontamination plan and provide a copy to ACO. (CDRL A004) The plan shall apply DOD 6055.09-STD, DOD Ammunition and Explosives Safety Standards, 29 February 2008, chapter 16, and DODI 4140.62, Management and Disposition of Material Potentially Presenting an Explosive Hazard (MPPEH), 25 November 2008, to buildings, equipment, and items of ammunition/components which are contaminated with explosives and

upon which the Contractor wants to perform work or dispose. The plan shall also address decontamination of items contaminated with hazardous materials other than explosives. The plan shall also contain a requirement for the Contractor to certify, in writing, the level of decontamination of each item and what restrictions that level places on the item.

1.6. The Contractor shall not construe the requirements of this SOW as making the Army the controlling employer (as defined by the federal Occupational Safety and Health Administration (OSHA)) at this plant.

1.7. The Government has the right to conduct its own investigation of any accident occurring on the plant, not just those involving ammunition or explosives.

## 2. **SPECIFIC SAFETY REQUIREMENTS FOR CONTRACTOR OPERATIONS.**

2.1. Radioactive Material or Radiation Producing Equipment.

2.1.1. The Contractor shall comply with the requirements of Titles 10 and 32, Code of Federal Regulations, or State requirements for radioactive items used on-site.

2.1.2. The Contractor must obtain Procuring Contracting Officer (PCO) approval before bringing radioactive items onto the plant.

2.1.3. If the Contractor possesses any radioactive material or radiation producing equipment on site, at a minimum the following standards will apply:

2.1.3.1. The Contractor will appoint, in writing, a trained individual as Radiation Safety Officer (RSO) and another individual as alternate RSO to manage the radiation safety program. Within 30 days of appointment, provide the ACO the RSO and the alternate's appointment memorandum. (CDRL A012)

2.1.3.2. The Contractor will ensure the RSO and alternate RSO receive a minimum of 24 hours of training in radiation safety every 2 years. These training requirements shall be identified in the contractor's safety plan.

2.1.3.3. The Contractor will apply for Army Radiation Permits from the ACO in accordance with 32 CFR 655.10 prior to bringing radioactive material or operating radiation producing devices on-post. The Contractor will also apply to the ACO for changes to existing radiation permits. Supporting permit documents include NRC or state licenses and subsequent amendments to those licenses. (CDRL A013)

2.1.3.4. The Contractor will provide the ACO access to the Contractor's annual radiation sources inventory (which includes radioactive material and radiation producing devices).

2.1.3.5. The Contractor will report accidents/incidents/thefts involving radioactive material to the ACO in accordance with 10 CFR 20. The Contractor will report accidents/incidents involving, radiation-producing devices to the ACO in accordance with State regulation.

2.1.3.6. The Contractor will ensure personnel who work with or around radioactive material or radiation producing devices receive initial and periodic radiation safety training commensurate with their duties. These training requirements shall be addressed in the contractor's safety plan.

2.1.3.7. The Contractor will provide the ACO access to the Contractor's annual radiation protection program review as required by 10 CFR 20.1101 or applicable state regulation for agreement state licensees.

2.2. If the Contractor uses lasers, he shall implement the protection standards and controls for the safe use of lasers and laser systems as outlined in ANSI Z136.1-1993.

### 2.3. Accident Reporting.

2.3.1. The Contractor shall provide timely notification (within three hours) to ACO of accidents listed in paragraph C2.2, DOD 4145.26-M, regardless of the involvement of ammunition or explosives, upon becoming aware of their occurrence. (CDRL A005) The Contractor will report all damage to Government equipment over \$2,000. For ammunition and explosive accidents, there is no minimum dollar reporting level. This includes subcontractors and ARMS tenants.

2.3.2. The Contractor shall provide to the ACO a copy of their OSHA Form 300, Log of Work-Related Illnesses and Injuries, showing data for the previous month (e.g. February form showing January data). (CDRL A006)

2.3.3. The Contractor shall provide to the ACO a copy of their OSHA Form 300A, Summary of Work-Related Illnesses and Injuries. (CDRL A007)

### 2.4. Waivers and Exemptions.

2.4.1. Waivers or Exemptions of Mandatory Safety Requirements. IAW DOD 4145.26-M, as specified in DFARS 252.223-7002, mandatory safety requirements are those that use the term "shall", "must", or "will". The Contractor shall not deviate from the mandatory safety requirements without prior written approval from the PCO. The Government grants waivers and exemptions for specific situations. The Contractor shall not interpret them to cover similar operations, locations, or conditions.

2.4.2. The Government may grant a waiver only after it has been determined that the Contractor cannot comply with applicable safety standards, and that essential work must still be performed. The Government normally grants waivers for 1 year or less, and no waiver shall remain in effect for longer than 5 years. The Contractor shall forward all requests for waiver to ACO Safety Office. (CDRL A008)

2.4.3. When the time to correct the deviation will exceed 5 years, the Contractor shall forward a request for an exemption to ACO Safety.

2.4.4 The Contractor shall review waivers (granted for a period of more than 1 year) and exemptions annually to ensure that the circumstances requiring the waiver or exemption have not

changed. The Contractor shall forward the results of this review and a progress report, regarding corrective actions the Contractor has completed, to the ACO Safety Office. (CDRL A008) The Government will not grant waivers or exemptions without evidence that the Contractor has taken positive steps to program and budget for correction of the noncompliance.

2.4.5. The PCO will rescind waivers and exemptions on the stated expiration date unless the Contractor sends a request for renewal to the ACO Safety Office at least 90 days before the expiration date. The PCO will cancel approved waivers or exemptions that are no longer necessary, prior to the stated expiration date when notified by the Contractor.

2.4.6. The PCO may temporarily suspend a waiver or exemption when an accident involving the waived or exempted condition or facility occurs until investigation and analysis justify reinstatement.

2.5. ACO Training: The Contractor shall provide safety training to the ACO staff as he does for his own staff. This requirement includes OSHA and other safety training as the mission may dictate. This requirement shall consist of approximately forty (40) instructor contact hours per year. When feasible, the ACO staff can attend classes established for Contractor personnel. Examples of training include: hearing conservation, HAZWOPER, radiation protection, use of respirators, HAZMAT, asbestos, lead exposure, emergency action plans. The Contractor is not obligated to develop training to satisfy training mandates applicable only to Government employees.

2.6. The contractor shall prepare a written Emergency Response/Disaster Control Plan. The plan shall comply with 29 CFR 1910.38 as well as any additional state and/or local requirements if more stringent. The contractor shall exercise the plan at least once per year. After each exercise, the Contractor shall provide ACO Safety a written after-action report detailing what went right and what did not. (CDRL A009) For those instances when things did not go right, the Contractor shall identify corrective actions needed.

2.7. The Contractor shall maintain lightning protections systems as detailed in chapter 12 in DA Pam 385-64. Any replacement of existing lightning protections system components or construction of new lightning protections systems shall comply with the requirements in chapter 12, DA Pam 385-64.

2.8. The Contractor shall apply the requirements of 29 CFR 1910.119, Process safety management of highly hazardous chemicals, to all his explosive, propellant, and pyrotechnic operations.

2.9. The Contractor shall obtain site plan approval from Department of Defense Explosives Safety Board (DDESB) for all explosive operations before starting operations.

### 3. **SUBCONTRACTING/LEASING**

3.1 Before signing a lease or contract for any purpose the contractor shall do the following:

3.1.1. Inform lessees/subcontractors of their obligation to comply with Federal, State, and local safety and health laws and regulations. The contractor shall flow down to its lessees and subcontractors all applicable safety requirements contained in this statement of work.

3.1.2. Decontaminate facilities and equipment to the appropriate degree to ensure safe use.

3.1.3. Assure buildings and equipment meet current OSHA and other standards before allowing subcontractor or lessee access.

3.1.4. Assure subcontractor or lessee returns buildings, equipment and land to their pre-lease level of contamination or better after the lease or subcontract expires.

3.1.5. Assure the location of the proposed operations will not encroach upon explosive operations.

3.1.6. In addition to the accident reporting requirements stated above in paragraph 2.3, the Contractor shall report to ACO Safety any accident involving its lessee, tenant or subcontractor that in the opinion of the Contractor is likely to arouse media attention.

3.2. If the lease or subcontract will result in making ammunition, explosives, pyrotechnics, or propellants on plant, storing them on plant, or bringing them onto the plant for any purpose, the Contractor shall do the following in addition to the requirements set forth in paragraph 3.1 above.

3.2.1 Obtain siting approval per the requirements in paragraph 1.3.3 above.

3.2.2. Obtain PCO approval for waivers or exemptions to the requirements of DOD 4145.26-M, 13 March 2008, DOD Contractor's Safety Manual for Ammunition and Explosives.

4. **WRITTEN SAFETY PLAN.** The Contractor shall develop a written safety program that comply with the requirements below and provide a copy to the ACO (CDRL A010):

4.1. The plan shall describe in detail how the contractor will assure his operations and the facilities he uses comply with OSHA requirements (primarily 29 CFR 1910). The contractor shall address each 29 CFR 1910 subpart (such as 1910 Subpart G, "Occupational Health and Environmental Control") separately. The Contractor need only address those subparts that apply to his operations or the facilities he uses.

4.1.1. In the plan, the Contractor shall separately address implementation of 29 CFR 1910.119, "Process Safety Management". As a minimum, the plan shall address the following elements from Appendix C, 29 CFR 1910.119: Employee involvement in Process Safety Management, Process Safety Information, Process Hazard Analysis, Operating Procedures and Practices, Employee Training, Contractors, Pre-Startup Safety, Mechanical Integrity, Nonroutine Work Authorizations, Managing Change, Investigation of Incidents, Emergency Preparedness, and Compliance Audits.

4.2. The plan shall describe in detail how the Contractor will determine if his operations and the facilities he uses comply with DOD 4145.26-M.

4.2.1. The plan shall describe in detail how the Contractor will correct non-compliances with DOD 4145.26-M.

4.2.2. The plan shall describe in detail the interim protective measures he will institute until he corrects non-compliances with DOD 4145.26-M.

4.3. The plan shall require the Contractor to document in writing all inspections, surveys, etc. performed to determine compliance with OSHA or DOD 4145.26-M.

4.4. The plan shall require the Contractor to enter all conditions non-compliant with OSHA or DOD 4145.26-M that cannot be immediately corrected into a searchable electronic database to permit tracking of the non-compliant condition until corrected. The database shall include the names and contact information (such as work telephone number) of persons responsible for correction.

4.5. The plan shall require the Contractor to enter any hazardous condition attributable to non-compliance with OSHA or DOD 4145.26-M into a searchable electronic database to permit tracking until abated. The database shall include the names and contact information (such as work telephone number) of persons responsible for correction.

4.6. The plan must provide that in the event of an accident requiring direct notification to OSHA or state agency (fatality or in-patient hospitalization of 3 or more persons from the same event), the Contractor shall take immediate action to re-focus its workforce on matters of safety, such as a stand down or similar appropriate activity.

4.7. The plan shall describe in detail how the Contractor will comply with paragraphs 1, 2, and 3 of this PWS. The plan may not decrease the requirements of this PWS.

5.0. **INSPECTION AND ACCEPTANCE.** The on-site Administrative Contracting Officer (ACO) Safety Office shall determine compliance primarily by visual inspection and review of records as the work is performed.

**6.0. NOTE.** All references regarding Government/installation commander duties and authorities or responsibilities in any of the documents/regulations/pamphlets/manuals are specifically excluded from this PWS.