



Office of Environment, Safety, and Health

10 CFR 851 Worker Safety and Health Program *Final Rule*

Office of Worker Protection Policy and Programs
Office of Environment, Safety and Health





Bob Stump National Defense Authorization Act

- ◆ **Amended Atomic Energy Act**
 - **Section 234C – December 2, 2002**
 - **Secretary of Energy–Promulgate regulations for industrial and construction safety and health at DOE facilities**
 - **December 2, 2003**
- ◆ **Regulatory requirement:**
 - **Provide a level of protection for workers facilities that is substantially equivalent to the level of protection currently provided**





10 CFR 851—Purpose (Continued)

- ◆ The final worker safety and health program rule establishes:
 - **Enforceable safety and health regulations**
 - *Codifies existing worker safety and health requirements*
 - **Enforcement procedures for safety and health violations**
 - *Similar to Price-Anderson for nuclear violations*





10 CFR 851—Purpose (Continued)

- ◆ **Rule provides:**
 - **Consistent level of protection for all contractor workers**
 - **Uniform level of enforcement of safety and health violations**
 - **Assessment of civil penalties**
 - *Maximum penalty consistent with OSHA's penalty for private industry (\$70,000.00)*





10 CFR 851 – Content (Continued)

- ◆ **Written safety and health program**
 - **February 26, 2007**
 - **Describes implementation of specific program requirements –Subpart C**
- ◆ **Head of DOE Field Element approves program**
 - **May 25, 2007**
- ◆ **EH-1 receives copy of approved program**





10 CFR 851 – Content (Continued)

- ◆ No work performed after compliance date without an approved program
- ◆ Compliance date:
 - **May 25, 2007**
 - **Compliance may be required contractually before February 9, 2007**





10 CFR 851 – Content (Continued)

- ◆ **Regulatory requirements**
 - **Reflects DOE Order 440.1A - Current level of protection**
- ◆ **Functional areas**
 - **Develop and implement program for each applicable area**
 - **Construction safety, Fire protection, Explosives safety, Pressure safety, Firearms safety, Industrial hygiene, Biological safety, Occupational medicine, Motor vehicle safety, and Electrical safety**





10 CFR 851 – Content (Continued)

- ◆ **Variance process**
 - **Adopted from OSHA**
 - **Granted approximately 25 variances**
- ◆ **Types of variance--requires specific content for:**
 - **Temporary**
 - **Permanent**
 - **National Defense**





10 CFR 851 – Content (Continued)

- ◆ **Variations will be handled on a case-by-case basis**
 - **Identify non-compliance areas and develop reasonable abatement plans**
 - **No funds -- not a reason for granting a variance**
- ◆ **EH-1 reviews and recommends approval to the appropriate Under Secretary**
- ◆ **Under Secretary grants variance after considering EH-1's recommendation**





10 CFR 851 – Implementation

- ◆ **Contractors will be required by contract to:**
 - **Comply with approved worker safety and health program**
 - **Safety and health standards—Applicable OSHA and other consensus standards (i.e., National Fire Protection Association, American National Standards Institute and American Conference of Governmental Industrial Hygienist)**





10 CFR 851 – Implementation (Continued)

- **Comply with requirements for the applicable functional areas**
 - **Construction safety, Fire protection, Firearms safety, Explosives safety, Industrial Hygiene, Occupational medicine, Pressure safety, Motor vehicle safety, and Electrical safety**





10 CFR 851 – Implementation (Continued)

- ◆ **EH developing:**
 - **Draft Implementation Guide**
 - **Program Offices will review and comment before official RevCom process**
 - **2 weeks review process**
 - **Comments due: March 17, 2006**





10 CFR 851 – Implementation (Continued)

- ◆ **EH will be conducting:**
 - **Implementation workshops**
 - **Expected start date: May/June 2006**
 - *Overview:*
 - Requirements
 - *Enforcement process*
- ◆ **EH point of contact for scheduling implementation workshops:**
 - **Bill McArthur**
 - **301-903-9674**
 - **Bill.McArthur@eh.doe.gov**





10 CFR 851 – Implementation (Continued)

- ◆ Informal requests of information from EH:
 - Technical requirements of the standards
 - General enforcement policy
 - Not binding on DOE
 - Do not preclude enforcement actions
- ◆ DOE Worker Safety and Health Response Line
 - **1-800-292-8061**





10 CFR 851 – Implementation (Continued)

- ◆ Submit a question at:
 - <http://www.eh.doe.gov/il>

- ◆ Additional information:
 - **Worker safety and health program website at:**
 - <http://www.eh.doe.gov/health/rule851/851final.html>

