



# 10 CFR 851

## *Worker Safety and Health Program*



# Time Line



- **December 2, 2002 – 107<sup>th</sup> Congress Amends AEA  
Adding Section 234.C**
- **December 18, 2003 - Notice of Proposed Rulemaking**
- **February 27, 2004 - Notice Suspended**
- **January 26, 2005 - Supplemental Notice Published**
- **February 9, 2006 - Final Rule Published**
- **February 26, 2007 – Contractor WSHP submitted to DOE**
- **May 25, 2007 – Work only under approved WSHP**



## AEA - Section 234C



- ◆ Secretary of Energy Shall Promulgate Regulations for Industrial and Construction Safety and Health
  - Provide a level of protection that is substantially equivalent to that currently provided.
- ◆ Flexibility
  - Tailor to Reflect Activities and Hazards
- ◆ Penalties
  - Civil Penalties up to \$70,000 for each Violation, or
  - Contract Penalties



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## General Provisions



- ◆ **Scope**
  - **Contractor activities at DOE**
- ◆ **Exclusions**
  - **Sites Regulated by OSHA**
  - **Navy Nuclear Propulsion**
  - **Radiological Hazards (10 CFR 835)**
  - **Transportation To and From DOE sites**



# General Duty



- **Provide a place of employment free from recognized hazards that have the potential to cause death or serious physical harm**



# Worker S&H Program



- ◆ **Written Safety and Health Program**
  - Approved by Head of DOE Field Element
  - Copy Sent to Chief Health, Safety and Security Officer
  - Describe How Contractor Will Comply with Requirements of Subpart C
  - Give Labor Timely Notice



# Subpart C Overview



- ◆ Management and Worker Responsibilities
- ◆ Hazard Identification
- ◆ Hazard Prevention
- ◆ Safety and Health Standards
- ◆ Functional Areas (Appendix A)
- ◆ Training
- ◆ Record Keeping
- ◆ References



# Variations



- ◆ **Similar to OSHA**
  
- ◆ **Application – Approval Process**
  - **Contractor → Cog. Sec. Officer → HSS review → Under Sec/Administrator Approval**
  
- ◆ **Electronic Variance Application Process**
  - **Available on line**
  - **Register Now!**



# Implementation Assistance



- ◆ Implementation Guide (DOE G440.1-8)
- ◆ 10 CFR 851 Web Site
  - <http://www.hss.energy.gov/HealthSafety/WSHP/rule851/851final.html>
- ◆ Response Line for Questions
  - 800-292-8061 or 301-903-9976
- ◆ Monthly Tele-video
  - Next - March 21, 2007
- ◆ Call or e:mail