

DOE 851 Program Rule: Training Issues

August 28, 2008

DOE Integrated Safety Management Workshop

Idaho Falls, Idaho

Introduction

- **NIEHS/DOE Worker Training Program**
Background– Joseph T. Hughes Jr., Director,
NIEHS Worker Education & Training Program
- **851 Program Rule: Training Tool – Bernie Mizula,**
CIH, National Clearinghouse for Worker Safety
Training
- **851 Program Implementation: Worker Awareness**
Involvement– Tom McQuiston, Dr. PH, United
Steelworkers Union



W O R K E R E D U C A T I O N & T R A I N I N G P R O G R A M

A Quick Review of the Program

DOE-NIEHS Partnership

- **NATIONAL DEFENSE AUTHORIZATION ACT:
Section 3131 (FY 1992)**
- **Interagency Agreement with DOE to develop model
worker safety and health training programs at DOE
facilities for the past 12 years.**
- **Support worker safety & health training for the purpose of
DOE site clean-up activities, waste management and
hazardous materials response.**

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DOE/NIEHS Training Delivery

- Over 10,000 DOE workers trained annually at over 30 cleanup sites
- Over 1,000 workers trained at Hanford, Oak Ridge, INEEL, Savannah River
- Over 500 workers trained at Rocky Flats, Paducah, Pantex & Rocky Flats
- Wide range of hazardous waste & emergency response classes offered

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DOE-NIEHS Training Goals

- Create training partnerships with DOE contractors drawing on skilled workers
- Promote a culture of continuous learning and integrated safety management
- Blend advanced training technology with classroom and hands-on learning
- Reduce redundancy and draw on DOE lessons learned in training delivery



Importance of NIEHS Training

Craft-specific for Critical populations

- Construction workers
- Fire fighters
- Chemical workers
- Professionals





DOE Worker Trainers

- A cornerstone of the program is the use of “worker-trainers,” employees well-versed in performing a given task in a hazardous environment who are trained to instruct other workers.
- Trainers build partnerships by fostering cooperation between management and workers, improving efficiency and quality of training, improving the ability to address worker concerns
- Training goal is to empower all stakeholders to address site-specific safety and health needs.

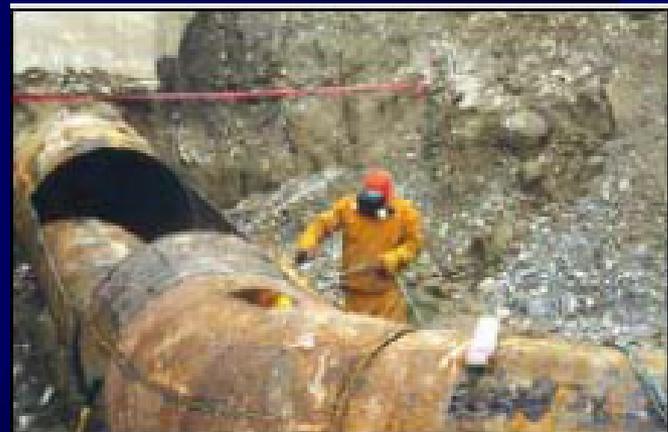


Importance of DOE/NIEHS Training

Emphasizes Hazard recognition

Incorporates ISM principles into all training

Builds on the expertise of plant workers for training



Hanford worker cutting a contaminated pipe.

851 Program Rule

10 CFR 851 is DOE's Worker Safety and Health Program (WSHP) rule

Mandated by section 3173 of the Bob Stump National Defense Authorization Act of 2002

Overarching umbrella rule. Encompasses the existing contractual requirement for compliance with DOE Order 440.1A and assumes contractor integration of the Integrated Safety Management System (ISMS).

DOE Worker Safety and Health

Introduction to 10 CFR 851

Bernard Mizula, MS, CET, CHS-V, RPIH



W O R K E R E D U C A T I O N & T R A I N I N G P R O G R A M

What is 10 CFR 851?

- 10 CFR 851 is DOE's Worker Safety and Health Program (WSHP) rule effective February 9, 2007
- Mandated by section 3173 of the Bob Stump National Defense Authorization Act of 2002
- Overarching umbrella rule. Encompasses DOE Order 440.1A and assumes contractor integration of the Integrated Safety Management System (ISMS)

Purpose of 851

- Maintain “the level of protection currently provided to...workers”
- Provide flexibility to tailor implementation to site-specific hazards
- Recognize special circumstances for “closure” facilities
- Authorize civil penalties or contract penalties (fee reductions), in the event of a violation, but not both for the same violation

Main sections of 851

- Subpart A – General Provisions
- Subpart B – Program Requirements
- Subpart C – Specific requirements
- Subpart D – Variances
- Subpart E – Enforcement Process
- Appendix A – Functional Areas
- Appendix B – Enforcement Policy

Subpart B – Program Requirements

- Place of employment free from recognized hazards that cause or have potential to cause death or serious physical harm to workers
- Perform work in accordance with all applicable requirements and the WSHP
- February 26, 2007 WSHP submittals due
- Contractors with labor unions must...

Subpart C – Specific Program Requirements

- Management responsibilities and worker rights and responsibilities
- Hazard identification and assessment
- Hazard prevention and abatement
- Safety and health standards/functional areas
- Training and information
- Recordkeeping and reporting
- Reference sources

Functional Areas

- Contractors must address:
 - Construction safety
 - Fire protection
 - Explosives
 - Firearms
 - Pressure
 - Electrical safety
 - Industrial hygiene and Occupational medicine
 - Biological safety
 - Motor vehicle safety



Training and Information

- Contractors must establish a worker training and information program:
 - New workers
 - Periodic training
 - Additional training
 - Training for workers WSHP



Record Keeping and Reporting

- Have and maintain records of all hazard inventory information, hazard assessments, exposure measures, and exposure controls
- Work injuries/illnesses reported/recorded
- Analyze data for trends lessons learned



Enforcement

- HS-41 conducts investigations and inspections
- Requesting an investigation or inspection
- Contractor may submit statements of fact and/or memoranda of law in the course of an investigation
- Includes provisions for: enforcement conferences, enforcement letters, settlement, preliminary and final notices of violation, civil penalties, fee reductions, and administrative appeals

Contractor and worker self-identification and reporting

Will workers be confident they can report hazards?



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So what about 851?

- A good standard covering many issues
- Unfortunately seems to rely on self reporting of hazards
- Could use stronger DOE inspection
- Get workers, supervisor and health and safety trained
- A key to success is awareness level hazard identification followed by timely control

Data From WSHP Reviews

Contractor	Site
1. CH2M Hill	Hanford, WA
2. Battelle Energy Alliance, LLC, Idaho National Laboratory	Idaho Falls, ID
3. CH2M HILL	Idaho Falls, ID
4. Paducah Remediation Services, LLC (PRS)	Paducah, KY
5. LATA/Parallax Portsmouth, LPP, Portsmouth Gaseous Diffusion Facility	Piketon, OH
6. Uranium Disposition Services, LLC (UDS), Portsmouth Gaseous Diffusion Facility	Piketon, OH
7. CH2M HILL	Oak Ridge, TN

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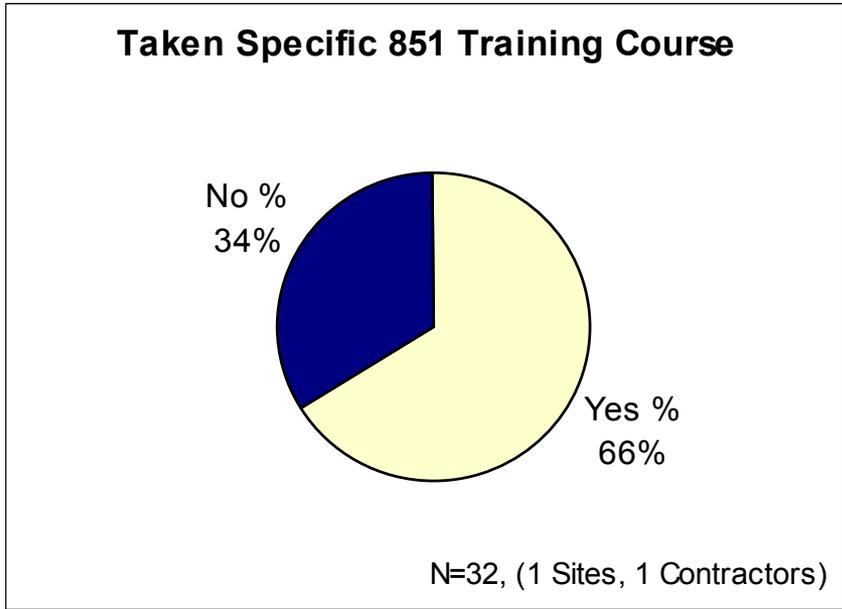
Data From WSHP Reviews

Site-by-site analysis of completeness and specificity of 52 WSHP elements

Site-contractors (randomly ordered)	Completely covered and completely specific	<u>Less than</u> completely covered, and/or completely specific	Not covered
Site-contractor 1	11%	73%	16%
Site-contractor 2	40%	35%	25%
Site-contractor 3	54%	43%	4%
Site-contractor 4	72%	12%	16%
Site-contractor 5	80%	18%	2%
Site-contractor 6	77%	18%	5%
Site-contractor 7	44%	44%	11%

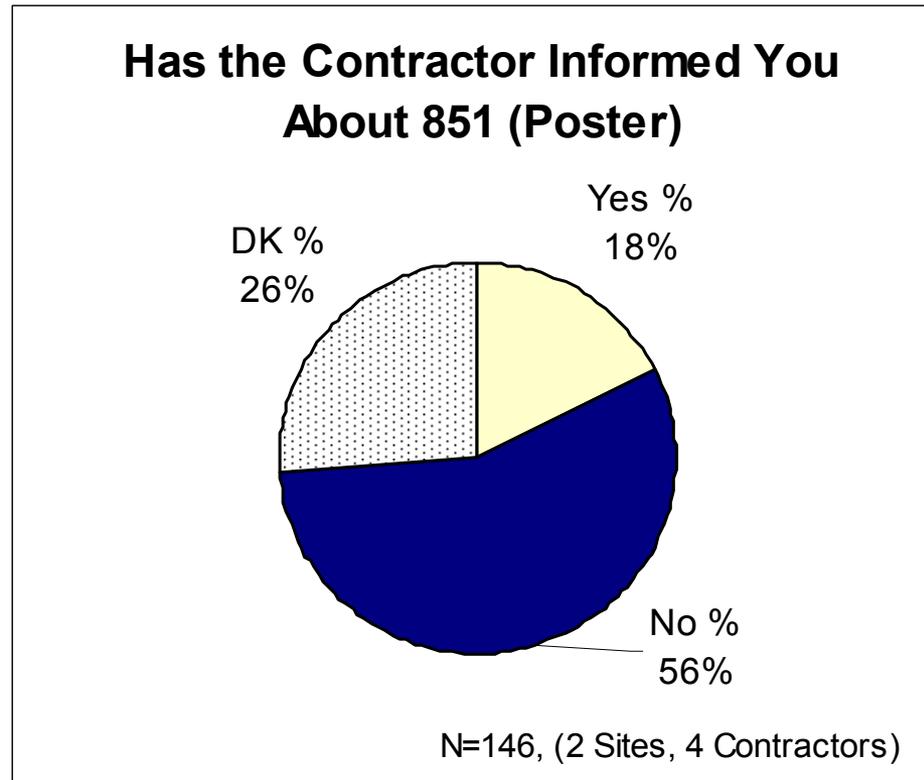
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851 Training



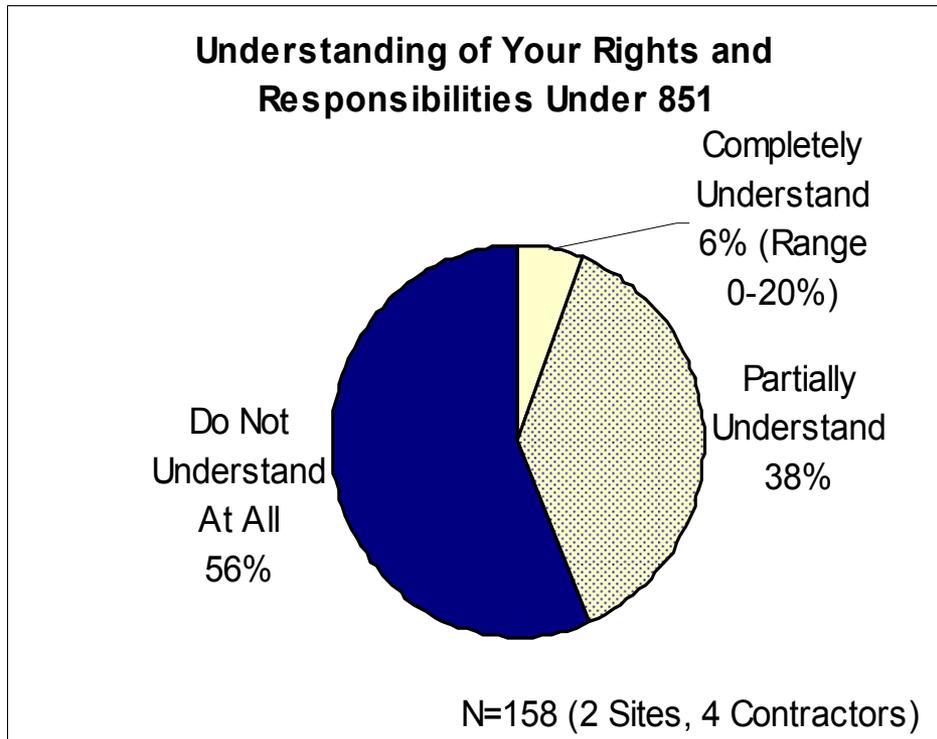
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The Poster



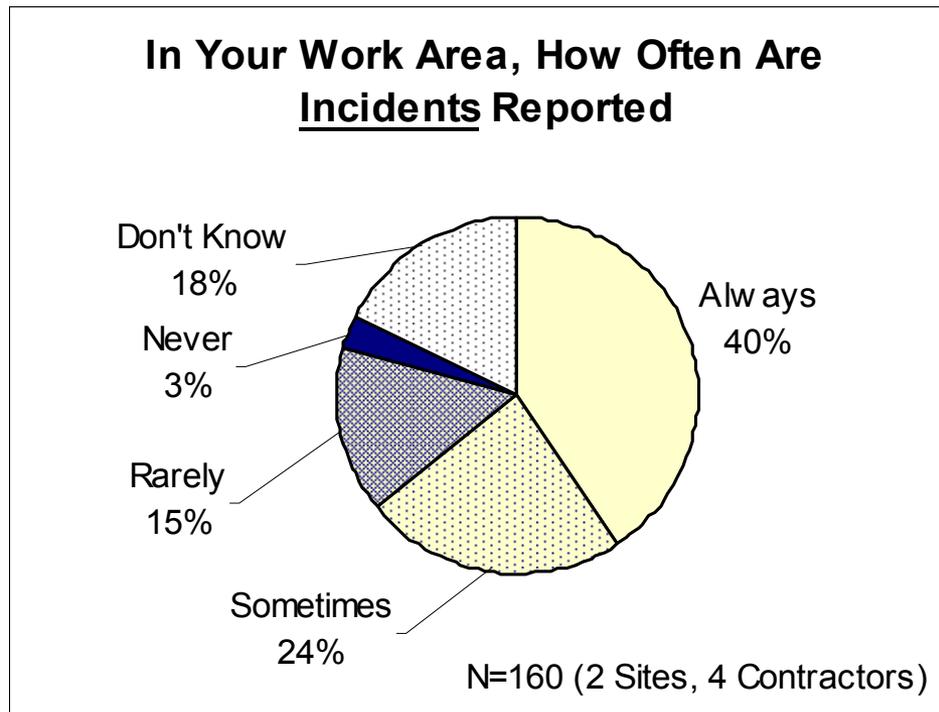
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Understanding of Worker Rights and Responsibilities



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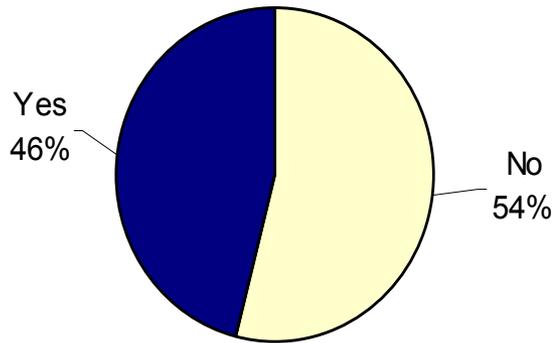
Reporting - Incidents



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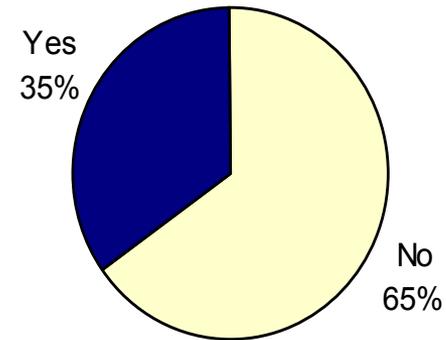
Reasons for Not Reporting

**Reasons for Not Reporting Incident
Fear of Discipline**



N=75 (2 Sites, 4 Contractors)

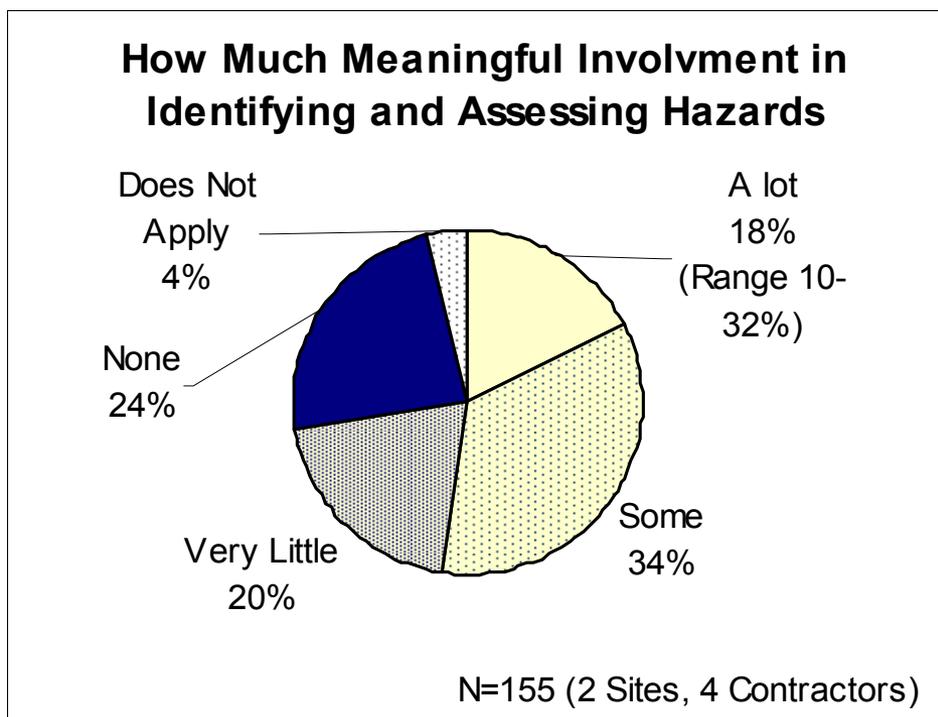
**Reasons for Not Reporting
Problems Go Uncorrected**



N=57 (2 Sites, 4 Contractors)

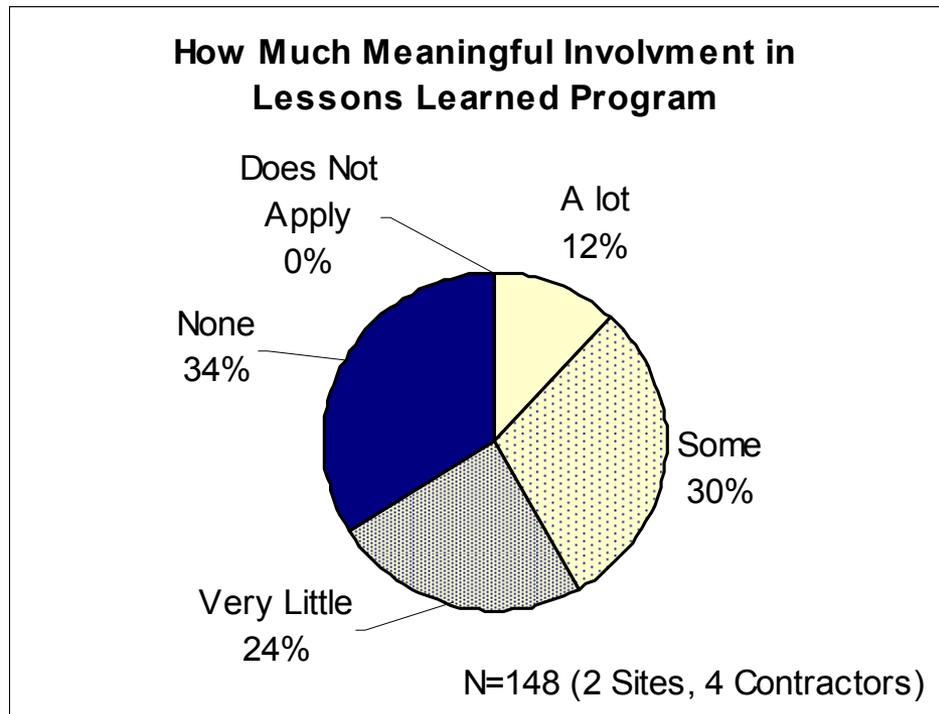
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Meaningful Involvement



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Meaningful Involvement



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Preliminary Conclusions

- There are important gaps in what 851 has promised and what is being delivered
 - Workers are neither adequately informed about 851, nor fully engaged
 - The roles unions and NIEHS grantees can play in bridging these gaps remain largely untapped and, in some cases, stifled.

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