

Chapter 2

**Organization and Program for Operational Safety;
Codes and Standards**



Purpose:

This chapter describes the reference documents upon which the safety related materials in this manual are based.



Scope:

The material covered in this chapter is limited to the references which apply to DOE and its contractors as they fulfill the intent of the Occupational Safety and Health Act (OSHA) including:

- ❖ Application
- ❖ Responsibilities, Employer
- ❖ Rights, Employer
- ❖ Responsibilities, Employee
- ❖ Rights, Employee
- ❖ Other Employee Rights
- ❖ Voluntary Protection Program (VPP)
- ❖ References
- ❖ Related Chapters



Application:

DOE and DOE-RL

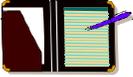
The contents of this manual are based on referenced documents, compliance with, which is required or recommended. In most cases, reference is made to the basic document for detail. However some directions herein are in addition to the referenced requirements where interpretation is necessary, or where inclusion is both simple and helpful.

The basic references for DOE safety are the DOE Orders. In particular, DOE Order O 440.1 calls out additional required and recommended codes, standards, and regulations.

OSHA

Although DOE and its contractors are not subject to the Occupational Safety and Health Act (OSHA) itself, DOE Order O 440.1 directs that the OSHA safety rules and regulations will be applied.

In addition to the detailed safety rules in the OSHA regulations, the OSHA requirements for record keeping, postings, employee rights, and responsive



action following inspection must be met. The following section and Chapter 3 detail these responsibilities.

Hanford Site Employees

All RL contractor, and subcontractor employees at the Hanford Site shall be provided with safe and healthful working conditions in accordance with standards prescribed pursuant to the Atomic Energy Act of 1954 as amended by the Energy Reorganization Act of 1974, and the DOE Organization Act of 1977. DOE has determined that its standards shall be consistent with those promulgated under the Occupational Safety and Health Act of 1970 (OSH). Please refer to DOE 5480.4 and successor order DOE O 440.1 for details.

The DOE Orders require contractors and subcontractors performing work in DOE owned or leased facilities at Hanford to comply with the OSHA Regulations Title in 29 of the Code of Federal Regulations (CFR), Part 1910, 1915, 1918, 1926, and 1928; as well as to comply with additional health and safety requirements set forth in the Order.

There has been some recent confusion expressed over compliance with these OSHA requirements. While the DOE health and safety program operates in lieu of the enforcement and inspection program of OSHA, it should be clearly understood that DOE has adopted and requires compliance with the worker protection requirements set forth in the OSHA CFR Regulations.

To reiterate:

1. The Atomic Energy Act of 1954 and subsequent DOE enabling legislation gives DOE authority to regulate the occupational safety and health of private sector employees at its facilities.
2. Section 4(e) of the OSH Act exempts from its coverage, working conditions at facilities over which other Federal agencies have regulatory authority.
3. OSHA Regulations apply contractually at all Hanford Government Owned Contractor Operated (GOCO) facilities and DOE contractor and subcontractor employees, as required by DOE O 440.1 and DOE 5480.4. Under these DOE Orders the requirements of 29 CFR 1910, 1915, 1918, 1926, and 1928 are mandated and considered the minimum acceptable standards for implementation.
4. DOE facilities remain exempt from the OSH Act itself which includes the General Duty Clause 5a.b.1 (PL 91-596). However, this all important clause has been written into the DOE Orders

Organization and Program for Operational Safety; Codes and Standards

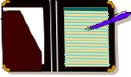
applicable to work conducted in DOE owned or leased facilities by the requirement that DOE contractors and subcontractors "... shall provide a place of employment free from recognized hazards that are causing or are likely to cause death or serious harm to their employees ..."

5. Under the current DOE OSH program and DOE Orders, contractors are to use qualified OSH worker protection staff to direct and manage their worker protection program. DOE Field Office OSH professionals shall conduct worker protection inspections of contractor work places in accordance with DOE Orders and applicable CFR Standards. OSHA does not conduct inspections or levy fines at GOCO facilities covered by a DOE program since these facilities are exempt from OSHA oversight. These DOE GOCO sites, however, are subject to DOE's contractually mandated OSH program.

Safety is paramount in all operations under the control of the U.S. Department of Energy, Richland Field Office (RL). In the performance of daily activities, each employee has the responsibility to actively participate in the identification and reporting of safety hazards when they are noted. This assistance and personal participation can normally be accomplished by communication to those responsible for the areas or activities of concern. In determining when and imminent danger situation exists, personnel should use discretion, but decisions should be on the conservative side and favor safety. Employees must feel free to call these situations to management attention without fear of reprisal.

If any RL employee encounters conditions or practices in any place of employment which could reasonably be expected to cause death, serious physical harm, or endanger public health, that person shall have the responsibility and authority to immediately notify the worker or the work supervisor of the danger and the need for immediate corrective action. Any RL employee taking such action should then immediately notify the RL program division or project office that has line management responsibility for the area of concern, and notify the Office of Environment, Safety, and Health (ESH). Upon notification, the responsible RL line management organization, with assistance from ESH, shall ensure that corrective action is undertaken or that work is stopped until the unsafe condition is resolved.

In summary, it is imperative that all RL operation be conducted in a manner which provides adequate protection for the public, workers, and the environment. Implementation of this policy is an essential element of our operations.



Employer Responsibilities and Rights

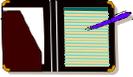
Employers have certain responsibilities and rights under the Occupational Safety and Health Act of 1970. The checklists which follow provide a review of many of these. Employer responsibilities and rights in states with their own occupational safety and health programs are generally the same as those in federal OSAH states.



Responsibilities, Employer:

As an employer, you must:

1. Meet your general duty responsibility to provide a workplace free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees, and comply with standards, rules and regulations issued under the Act.
2. Be familiar with mandatory OSHA standards and make copies available to employees for review upon request.
3. Inform all employees about OSHA.
4. Examine workplace conditions to make sure they conform to applicable standards.
5. Minimize or reduce hazards.
6. Make sure employees have and use safe tools and equipment (including appropriate personal protective equipment), and that such equipment is properly maintained.
7. Use color codes, posters, labels or signs when needed to warn employees of potential hazards.
8. Establish or update operating procedures and communicate them so that employees follow safety and health requirements.
9. Provide medical examinations when required by OSHA standards.
10. Report to the nearest OSHA office within 48 hours any fatal accident or one which results in the hospitalization of five or more employees.
11. Keep OSHA-required records of work-related injuries and illnesses, and post a copy of the totals from the last page of OSHA No. 200 during the entire month of February each year. (This applies to employers with 11 or more employees.)



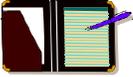
12. Post, at a prominent location within the workplace, the OSHA poster (OSHA 2203) informing employees of their rights and responsibilities. (In states operating OSHA-approved job safety and health programs, the state's equivalent poster and/or OSHA 2203 may be required.)
13. Provide employees, former employees and their representatives access to the Log and Summary of Occupational Injuries and Illnesses (OSHA No. 200) at a reasonable time and in a reasonable manner.
14. Cooperate with the OSHA compliance officer by furnishing names of authorized employee representatives who may be asked to accompany the compliance officer during an inspection. (If none, the compliance officer will consult with a reasonable number of employees concerning safety and health in the workplace.)
15. Not discriminate against employees who properly exercise their rights under the Act.
16. Post OSHA citations at or near the worksite involved. Each citation, or copy thereof, must remain posted until the violation has been abated, or for three working days, whichever is longer.
17. Abate cited violations within the prescribed period.



Rights, Employer:

As an employer, you have the right to:

1. Seek advice and off-site consultation as needed by writing, calling or visiting the nearest OSHA office. (OSHA will not inspect merely because an employer requests assistance.)
2. Be active in your industry association's involvement in job safety and health.
3. Request and receive proper identification of the OSHA compliance officer prior to inspection.
4. Be advised by the compliance officer of the reason for an inspection.
5. Have an opening and closing conference with the compliance officer.



6. File a Notice of Contest with the OSHA are director within 15 working days of receipt of a notice of citation and proposed penalty.
7. Apply to OSHA for a temporary variance from a standard if unable to comply because of the unavailability of materials, equipment or personnel needed to make necessary changes within the required time.
8. Apply to OSHA for a permanent variance from a standard if you can furnish proof that you facilities or method of operation provide employee protection at least as effective as that required by the standard.
9. Take an active role in developing safety and health standards through participation in OSHA Standards Advisory Committees, through nationally recognized standards-setting organizations and through evidence and views presented in writing or at hearings.
10. Be assured of the confidentiality of any trade secrets observed by an OSHA compliance officer during an inspection.
11. Submit a written request to NIOSH for information on whether any substance in your workplace has potentially toxic effects in the concentrations being used.

Employee Responsibilities and Rights

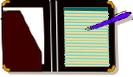
Although OSHA does not cite employees for violations of their responsibilities, each employee "shall comply with all occupational safety and health standards and all rules, regulations, and orders issued under the Act" that are applicable. Employee responsibilities and rights in states with their own occupational safety and health programs are generally the same as for workers in federal OSHA states.



Responsibilities, Employee:

As an employee, you should:

1. Read the OSHA poster at the jobsite.
2. Comply with all applicable OSHA standards.
3. Follow all employer safety and health rules and regulations, and wear or use prescribed protective equipment while engaged in work.
4. Report hazardous conditions to the supervisor.



5. Report any job-related injury or illness to the employer, and seek treatment promptly.
6. Cooperate with the OSHA compliance officer conducting an inspection if he or she inquires about safety and health conditions in your workplace.
7. Exercise your rights under the Act in a responsible manner.



Rights, Employee:

11 (c) Rights: Protection for Using Rights

Employees have a right to seek safety and health on the job without fear of punishment. That right is spelled out in Section 11 (c) of the Act.

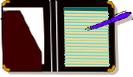
The law says employers shall not punish or discriminate against workers for exercising rights such as:

1. Complaining to an employer, union, OSHA or any other government agency about job safety and health hazards;
2. Filing safety or health grievances;
3. Participating on a workplace safety and health committee or in union activities concerning job safety and health.
4. Participating in OSHA inspections, conferences, hearings or other OSHA-related activities.

If an employee is exercising these or other OSHA rights, the employer is not allowed to discriminate against that worker in any way, such as through firing, demotion, taking away seniority or other earned benefits, transferring the worker to an undesirable job or shift, or threatening or harassing the worker.

If the employer has knowingly allowed the employee to do something in the past (such as leaving work early), he or she may be violating the law by punishing the worker for doing the same thing following a protest or hazardous conditions. If the employer knows that a number of workers are doing the same thing wrong, he or she cannot legally single out for punishment the worker who has taken part in safety and health activities.

Workers believing they have been punished for exercising safety and health rights must contact the nearest OSHA office within 30 days of the time they learn of the alleged discrimination. A union representative can file the 11 (c) complaint for the worker.



The worker does not have to complete any forms. An OSHA staff member will complete the forms, asking what happened and who was involved.

Following a complaint, OSHA investigates. If an employee has been illegally punished for exercising safety and health rights, OSHA asks the employer to restore that worker's job earning and benefits. If necessary, and if it can prove discrimination, OSHA takes the employer to court. In such cases the worker does not pay any legal fees.

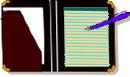
If a state agency has an OSHA-approved state program, employees may file their complaint with either federal OSHA or the state agency under its laws.



Other Employee Rights:

As an employee, you have the right to:

1. Review copies of appropriate OSHA standards, rules, regulations and requirements that the employer should have available at the workplace.
2. Request information from your employer on safety and health hazards in the area, on precautions that may be taken, and on procedures to be followed if an employee is involved in an accident or is exposed to toxic substances.
3. Request the OSHA are director to conduct an inspection if you believe hazardous conditions or violations of standards exist in you workplace.
4. Have your name withheld from your employer, upon request to OSHA, if you file a written and signed complaint.
5. Be advised of OSHA actions regarding your complaint and have an informal review, if requested, of any decisions not to inspect or to issue a citation.
6. Have your authorized employee representative accompany the OSHA compliance officer during the inspection tour.
7. Respond to questions from the OSHA compliance officer, particularly if there is no authorized employee representative accompanying the compliance officer.
8. Observe any monitoring or measuring of hazardous materials and have the right to see these records, as specified under the Act.



9. Have your authorized representative, or yourself, review the Log and Summary of Occupational Injuries (OSHA No. 200) at a reasonable time and in a reasonable manner.
10. Request a closing discussion with the compliance officer following an inspection.
11. Submit a written request to NIOSH for information on whether any substance in your workplace has potentially toxic effects in the concentration being used, and have your name withheld from your employer if you so request.
12. Object to the abatement period set in the citation issued to your employer by writing to the OSHA area director within 15 working days of the issuance of the citation.
13. Be notified by your employer if he or she applies for a variance from an OSHA standard, and testify at a variance hearing and appeal the final decision.

Voluntary Protection Program (VPP)

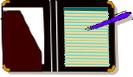


The Voluntary Protection Program was developed by OSHA in 1982 to establish a foundation for excellence in worker safety and health programs. The VPP has since been endorsed by the Secretary of Energy as DOE's program of excellence in ES&H. The DOE-VPP has adopted the same VPP tenets as contained in the OSHA-VPP. These tenets are:

- ❖ Management Leadership
- ❖ Employee Involvement
- ❖ Worksite Analysis
- ❖ Hazard Prevention and Control
- ❖ Safety Training and Education

Companies both in private and the DOE who have committed to implementing the VPP tenets have experienced overwhelming increases in productivity, profitability, and employee morale. These benefits are attributed to reducing work place accidents, which in turn decrease lost time, insurance and worker's compensation costs, employee concerns, litigation, etc.

Specifically at Hanford, the DOE Richland Operations Office (RL) desires all its contractors too implement the VPP tenets. RL's belief in VPP is very strong. Accomplishment of STAR status within the VPP is included in RL's Strategic Plan for the site. The VPP is a voluntary program. No DOE order requires it implementation. It does require a partnering philosophy between management and workers for its successful implementation. This



philosophy has rewarded employees in private industry and can reward employees at Hanford and we invite your participation in this process. Current status at Hanford finds all PHNC contractors competing to implement the VPP tenets leading to formal evaluation and recognition by DOE/HQ-EH. Other RL contractors are adopting the VPP tenets into their existing worker safety and health programs. DOE currently has two sites that have successfully implemented all tenets of the VPP and have been awarded STAR status. Operations at these facilities are the safest in DOE for its workers, have the highest morale, lowest costs, etc. They are the Waste Isolation Pilot Plant in Nevada and the Federal Manufacturing and Technologies Plant in Missouri.

The reality of VPP implementation involves commitment to change. The Richland Operations Office is committed to supporting the change needed to make possible the full implementation of each VPP tenets and the resulting improvement in worker safety and health. The Secretary of Labor, Secretary of Energy, Industry Leaders and the Richland Operations Office support the VPP as the smart way to do business.

We encourage your participation in forming the necessary management/worker partnerships in your organizations to facilitate full VPP implementation and improvement of worker safety and health.

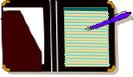
Points of Contact (as of March 1998) have been established within each organization for the sponsorship and support of contractor VPP implementation. These POC's are:

- ❖ Dann R. Henry, Jim Dickman, Flour Daniel Hanford (FDH)
- ❖ Russell L. Nelson, DOE Richland Operations (RL)
- ❖ Jim Tarpinian, David Stroup, Bechtel Hanford (BHI)
- ❖ Dan Palmer, Flour Daniel Northwest (FDNW)
- ❖ Glen Hoenes, Scott Nikodym, Pacific Northwest National Laboratories (PNNL)
- ❖ Rich Kobelski, Patty Bailey, Babcock and Wilcox (BWHC)
- ❖ Miles Jaeger, Jan Wutzke, Babcock and Wilcox Protec (BSP)
- ❖ Gordon Meade, Ross Carrigan, Suz Layton, Rust Federal Hanford
- ❖ Jennifer Smith, Jerry Osborn, Duke Engineering and Services Hanford (DESH)
- ❖ Steve Stevenson, DYNCORP (DYN)
- ❖ Dale Price, Lockheed Martin Hanford (LMHC)

Note: These names most likely will change as well as contractors.

Hanford has a VPP internet home page containing local VPP status and background and can be visited at:

<http://www.hanford.gov/safety/vpp/vppage.htm>



The DOE has a VPP internet home page containing national VPP status and background and can be visited at: <http://www.eh.doe.gov/VPP>



References:

Although several references in this manual apply only to specific cases, a few are common. Every line or staff person responsible for safety should have reasonable access to the following:

- ❖ 29 CFR 1910, "OSHA Safety and Health Standards."
- ❖ 29 CFR 1926, "Safety and Health Regulations for Construction."
- ❖ Atomic Energy Act of 1954
- ❖ DOE Organization Act of 1977
- ❖ DOE Order O 440.1, "Worker Protection Management DOE Federal and Contractor Employees."
- ❖ DOE Order 5480.4
- ❖ Energy Reorganization Act of 1974
- ❖ National Fire Codes (National Fire Protection Association, NFPA).
- ❖ Occupational Safety and Health Act of 1970

The service contractor maintains a safety information center in each major area. Almost all required references are in these centers. They are accessible through the local safety organization.



Related Chapters:

- ❖ Chapter 1, "General."
- ❖ Chapter 3, "OSHA."
- ❖ Chapter 5, "Construction and Demolition."
- ❖ Chapter 15, "Industrial Hygiene; General."
- ❖ Chapter 16, "Industrial Hygiene; Factors."
- ❖ Chapter 17, "Safety Inspection Checklist."