

# ES&H RESPONSIBILITIES

DATED: 11/17/2008

**SUBJECT: WORKER PROTECTION MANAGEMENT FOR DOE FEDERAL AND CONTRACTOR EMPLOYEES**

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1. PURPOSE. This document addresses responsibility and accountability and provides administrative guidance to the Oak Ridge Office (ORO).
2. APPLICABILITY. The provisions of this document apply to Federal and contractor operations subject to the provisions of DOE Procurement Regulation (PR) 9-50, DOE PR 704-2, or other contractual provisions where ORO has elected to enforce environmental, safety, and health (ES&H) protection regulations.
4. RESPONSIBILITIES.
  - a. Manager, ORO.
    - (1) Ensures the tasks identified in DOE O 440.1A, subparagraphs 5b and 5c, are performed.
    - (2) Appoints the ORO Safety and Health Committee Chairperson.
  - b. Assistant Manager for Environment, Safety, and Health (AMESH).
    - (1) Serves as the Safety and Health Official for the Federal Employee Occupational Safety and Health (FEOSH) Program, who ensures for the Manager, ORO, that the requirements prescribed in DOE O 440.1A, 29 Code of Federal Regulations (CFR) 1960, BASIC PROGRAM ELEMENT FOR FEDERAL EMPLOYEE OCCUPATIONAL SAFETY AND HEALTH PROGRAM, and Attachment 1 of this document are being applied in ORO.
    - (2) Provides support to the line organizations through the Environmental and Quality Management; Safety and Health; and Technical Support and Assessment Divisions to include assistance and timely guidance on environmental, safety, health, and quality (ESH&Q) issues, as requested.
    - (3) Ensures that qualified worker protection staff is available to implement the Worker Protection Program.
    - (4) Interprets Safety and Health (S&H) policy, codes, DOE Technical Standards, DOE Directives, regulations, guides, and criteria and advises on applicability; advises on implementation strategy; supports the line in ensuring compliance; and serves as ORO liaison to DOE Headquarters (HQ) in the development of DOE Technical Standards.
    - (5) Serves as the ORO liaison with the DOE HQ Medical Director.
  - c. Director, Technical Support and Assessment Division (TSAD), AMESH.
    - (1) Serves as the AMESH Point of Contact (POC) for support to the Assistant Manager for Environmental Management (AMEM) and Assistant Manager for Science (AMS) organizations.

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- (2) Administers the ORO Assessment Program for the Manager, ORO.
  - (3) Administers the ORO Accident Investigation Program.
  - (4) Assigns forward-deployed Subject Matter Experts to support the AMEM and AMS.
- d. Director, Environmental and Quality Management Division (EQMD), AMESH.
- (1) Serves as the AMESH POC for support to the Assistant Manager for Administration (AMA) and the Assistant Manager for Security and Emergency Management (AMSEM) organizations.
  - (2) Firearms Safety.
    - (a) Provides subject matter expertise to ORO and other external organizations for the purpose of providing oversight and technical guidance to ensure an effective Firearms Safety Program is implemented.
    - (b) Provides subject matter expertise and assistance to ORO and other external organizations for conducting formal reviews of contractor firearms programs and reviewing appropriate firearms-related procedures.
    - (c) Assigns an ORO representative to the DOE Firearms Safety Committee.
    - (d) Recommends approval or disapproval of using non-DOE, live-fire ranges and facilities by ORO contractors.
- e. Director, Safety and Health Division (SHD), AMESH.
- (1) Administers the ORO FEOSH Program.
    - (a) Ensures that unannounced Occupational Safety and Health Administration (OSHA) inspections of Federally managed buildings are conducted, Union representatives are invited to participate, and findings are appropriately posted. Coordinates and conducts OSHA inspections of Federally occupied contractor work space (remote locations) with the appropriate line organization.
    - (b) Supports and coordinates the activities of the ORO Safety and Health Committee.
    - (c) Ensures that investigations of employee injuries/illnesses are performed in coordination with the Employee Health Station (EHS) Nurse.
  - (2) Contractor Occupational Medicine Program.
    - (a) Coordinates contractor program reviews and advises Contracting Officer's Representatives (CORs) of findings and recommendations contained therein.
    - (b) Advises and assists the CORs in implementing the provisions of DOE O 440.1A and this Chapter by reviewing contractor practices regarding their implementation.

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- (3) Provides technical advice and guidance to ORO organizations that have direct or indirect responsibility for implementation of the ORO identified programs (for example, Federal Hazard Communication (HAZCOM) Program, Federal Asbestos Management Plan, and the Federal Confined Space Entry Program).
  - (4) Administers the ORO Federal employee ergonomics and personal protective equipment (PPE) programs.
- f. Director, Procurement and Contracts Division.
- (1) Coordinates solicitation packages through responsible line and matrix organizations to ensure adequate ES&H requirements are incorporated.
  - (2) Includes the clause prescribed in DEAR 970.5204-2, LAWS, REGULATIONS, AND DOE DIRECTIVES, in all contracts for work to be performed at DOE-owned or -leased facilities where DOE has elected to assert its statutory authority to establish and enforce occupational S&H standards.
  - (3) Includes the clause prescribed in DEAR 970.5223-1, INTEGRATION OF ENVIRONMENT, SAFETY AND HEALTH INTO WORK PLANNING AND EXECUTION, in all major contracts where DOE requires the contractor to develop and implement an Integrated Safety Management Program (e.g., Management and Integration contracts).
  - (4) Develops a contractor evaluation system, consistent with guidance in FAR 36.201, to determine bidder responsibility on solicitations for future DOE fixed-price construction prime contracts.
  - (5) Includes Construction Safety Program requirements in acquisition documents for all contracts to which the Davis-Bacon Act applies (see DOE O 440.1A, Attachment 2, paragraph 14).
  - (6) Performs those tasks identified in DOE O 440.1A, subparagraph 5c(4).
- g. Director, Planning and Budget Division.
- (1) Ensures that ORO budget requests include funds to support the AMESH programs.
  - (2) Reviews ES&H submittals that contain budget information to ensure that data is consistent with other budget documents.
- h. Assistant Manager for Security and Emergency Management.
- (1) Assists EQMD with firearms safety assessments at ORO facilities.
  - (2) Manages the Federal Building Complex Emergency Management Program.

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- i. Director, Information Resources Management Division.
  - (1) Develops written programs, policies, and procedures, as required by DOE Directives and Federal regulations or as determined necessary to ensure both Federal and subcontractor maintenance employees' S&H.
  - (2) Ensures that Facility Management staff is available to escort inspection team throughout the Federally managed space.
  - (3) Develops, submits, and posts a Corrective Action Plan and Abatement Plan, if necessary, to respond to hazards identified during OSHA inspections of the Federally managed space.
  - (4) Ensures that identified deficiencies are appropriately entered into the ORO Corrective Action Program (ORION) and track actions to closure.
  - (5) Ensure appropriate HAZCOM Training is provided for both Federal and subcontractor employees involved in operations and maintenance that use or have potential exposure to hazardous materials.
  - (6) Establishes and maintains an Asbestos Management Plan to cover all assigned Federally-managed buildings.
  - (7) Correct S&H deficiencies in assigned Federally managed buildings and grounds identified by ORO Management or other ORO employees.
  
- j. Director, Human Resources Division.
  - (1) Provides emergency and routine medical services through the EHS Nurse.
  - (2) Administers the ORO Federal Employee Occupational Medicine Program including coordination of respirator medical evaluations, workers compensation, and Employee Assistance Program.
  
- k. ORO Management.
  - (1) Ensures that Federal and support services contractor employees are provided a safe and healthy workplace.
  - (2) Ensures that Federal and contractor employees are provided the necessary PPE to accomplish assigned work activities.
  - (3) Ensures that any instance where an employee has suspended or stopped work due to a safety concern is satisfactorily resolved before re-starting work.
  - (4) Ensures that an annual OSHA inspection of Federally-occupied (local and remote) work space(s) is conducted. Copies of the FEOSH inspection report should be provided to the FEOSH Program Manager.

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- (5) Ensures that Federal employee injuries/illnesses and government vehicle accidents are reported to the FEOSH Program Manager, posts FEOSH inspection results, announces FEOSH inspections, and allows employees to participate.
- l. Chairperson, ORO Safety and Health Committee.
  - (1) Executes the requirements of 29 CFR 1960, with respect to the ORO Safety and Health Committee.
- m. Contracting Officer's Representatives.
  - (1) Perform those tasks identified in DOE O 440.1A, subparagraphs 5b and 5c.
  - (2) Ensure that ORO contractors and subcontractors responsible for site and facility safety provide specialized and/or site-facility-specific PPE to anyone that enters the work site in accordance with S&H Worker Protection Programs.
  - (3) Concur with and forward to the Manager, ORO, contractor requests for variances, exemptions and exceptions to the mandatory worker protection requirements contained in DOE O 440.1A.
- 4. REFERENCES.
  - a. Title 10 Code of Federal Regulations (CFR) Part 835, OCCUPATIONAL RADIATION PROTECTION.
  - b. Title 10 CFR Part 850, CHRONIC BERYLLIUM DISEASE PREVENTION PROGRAM.
  - c. Title 29 CFR Part 1904, RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES.
  - d. Title 29 CFR Part 1910, OCCUPATIONAL SAFETY AND HEALTH STANDARDS.
  - e. Title 29 CFR Part 1926, SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION.
  - f. Title 29 CFR Part 1960, BASIC PROGRAM ELEMENTS FOR FEDERAL EMPLOYEE OCCUPATIONAL SAFETY AND HEALTH PROGRAMS AND RELATED MATTERS.
  - g. DAVIS-BACON ACT.
  - h. Section 19 of the OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, Public Law 91-596, 91<sup>st</sup> Congress, S.2193.
  - i. Executive Order 12196, OCCUPATIONAL SAFETY AND HEALTH PROGRAMS FOR FEDERAL EMPLOYEES, signed February 26, 1980.
  - j. Federal Acquisition Regulation (FAR) 36.201, EVALUATION OF CONTRACTOR PERFORMANCE.

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- k. Department of Energy Acquisition Regulation (DEAR) 970.5204-2, LAWS, REGULATIONS, AND DOE DIRECTIVES.
- l. DEAR 970.5223-1, INTEGRATION OF ENVIRONMENT, SAFETY AND HEALTH INTO WORK PLANNING AND EXECUTION.
- m. DOE Procurement Regulation (PR) 9-50.
- n. DOE PR 704-2.
- o. DOE O 200.1, INFORMATION MANAGEMENT PROGRAM, dated September 30, 1996.
- p. DOE O 231.1A, Change 1, ENVIRONMENT, SAFETY, AND HEALTH REPORTING, dated June 3, 2004.
- q. DOE O 442.1A, DEPARTMENT OF ENERGY EMPLOYEE CONCERNS PROGRAM, dated June 6, 2001.
- r. DOE P 450.4, SAFETY MANAGEMENT SYSTEM POLICY, dated October 15, 1996.
- w. ORO Form, "ORO SAFETY EQUIPMENT PURCHASE REQUEST."
- x. American National Standards Institute (ANSI) Standard Z87.1-2003, OCCUPATIONAL AND EDUCATIONAL PERSONAL EYE AND FACE PROTECTION DEVICES.
- y. ISEA ANSI Standard Z89.1-2003, AMERICAN NATIONAL STANDARD FOR INDUSTRIAL HEAD PROTECTION.
- z. ANSI Standard Z117.1-2003 SAFETY REQUIREMENTS FOR CONFINED SPACES.