

Office of Health, Safety and Security (HSS) Focus Group 10 C.F.R. 851 Implementation Work Group Charter

In an ongoing effort to further the improvement of health, safety, environmental, and security performance within the Department, DOE is engaged in the establishment of work groups to pursue health and safety improvements across the DOE Complex. These efforts support DOE's responsibility as owner/manager to protect its greatest asset: the worker. The work groups support DOE's integrated safety management system and further DOE's best interests by fostering worker involvement and partnerships to maximize continuity of operations and the success of the Department's national security mission.

The 10 C.F.R. 851 Work Group is intended to promote excellence in the implementation of 10 C.F.R. 851, "Worker Safety and Health" and continuous improvement in the implementation of health and safety programs for the DOE contractor work force. The Work Group provides a collaborative opportunity for DOE to gain insights from the contractor work force and their representatives, and identify and communicate best practices. Focal areas of interest include hazard identification, worker knowledge of aging infrastructure, advancing best practices, establishing accountability vertically through the line, and discharging DOE's duties as a self-regulated entity.

I. PURPOSE

10 C.F.R. Part 851, "Worker Safety and Health," (Part 851 or the Rule) was published on February 9, 2006. On October 20, 2011, DOE issued DOE Guide 440.1-1B, "Worker Safety and Health Program for DOE (Including the National Nuclear Security Administration) Federal and Contractor Employees." The Department wants to ensure effective implementation of Part 851. This Work Group is intended to provide a forum to share lessons learned on the implementation of Part 851 and specifically to promote broad-based meaningful involvement in disseminating information on the Rule and in ensuring compliance with all aspects of the Rule.

II. OBJECTIVES

"The worker" is the Department's most valuable asset. It is this conviction that forms the basis of the worker health and safety program mission to assure that DOE contractors provide their workers with a safe and healthful work environment so that their workers return home each day healthy and unharmed. The objectives for this Work Group are as follows:

1. Identify and communicate to management and employees what the Department's expectations are for the implementation, oversight, and development of effective Worker Safety and Health Programs (WSHPs). The Work Group will support HSS in developing criteria for site evaluations and identifying best practices. Work Group members will provide input on real world problems and experiences on positive fixes. The Work Group will promote continuous improvement in all areas of 10 C.F.R 851 implementation. It will provide information on DOE Part 851 enforcement programs and processes and how workers can report safety and health concerns under the Rule.

2. Develop a plan for improving worker awareness and familiarity with 10 C.F.R. 851 requirements and their integration with other management systems (e.g., Integrated Safety Management Systems, Quality Assurance).
3. Identify and share effective approaches to involve contractor workers and their representatives in the development and implementation of worker safety and health programs. Worker involvement is the key to uncovering the root cause of incidents and to encouraging and ensuring operations accountability. The Work Group will encourage worker involvement throughout this process.

III.SCOPE/APPROACH/LIMITATIONS

1. The Work Group will work with HSS and the Energy Facility Contractors' Group (EFCOG) to identify and develop forums for communication such as 10 C.F.R 851 workshops and other approaches that meet the objectives of this Charter. The focus of communications will be:
 - a. Lessons learned and best practices.
 - b. Mechanisms that support involvement of the operating contractors, the contractor work force and its representatives in discussions regarding WSHPs.
 - c. Centralized and decentralized ways to implement WSHP requirements.
 - d. Active (as opposed to passive), broad-based training about Part 851 and WSHPs.
 - e. Ways to maximize identifying issues, follow-up, and assessing corrective actions.
2. The Work Group will identify ways to promote communications that will make workers, their representatives and managers aware of training programs and materials with an emphasis on active participatory approaches (e.g., workshops, training modules) supplemented by passive ones (e.g., posters, videos, and websites).
3. Limitations: The purpose of the charter is to ensure the dissemination and implementation of DOE's new and existing policies and rules . Policy decisions are the sole responsibility of the Department as the owner/operator. Specific terms and conditions of employment or any pending negotiations or bargaining cannot be discussed.

IV. ORGANIZATION

1. Work Group Leads:
Pat Worthington (HSS)
Doug Stephens (United Steelworkers)
Richard DeBusk (EFCOG)
2. Work Group Lead Alternates:
Bill McArthur (HSS) and Barb McCabe (International Union of Operating Engineers)
3. Work Group Members:
HSS: Kevin Dressman, Steve Simonson and Tom Staker
Union/Stakeholder:
Diane Whiten (Hanford Atomic Metal Trades Council)
Stan Scott (HAMMER)
Don Elisburg (Building and Construction Trades Department)
Gary Gustafson (Laborers' International Union of North America)
Stephen Wallace (NNSA)
4. Work Group Leads are responsible for ensuring the communication of efforts among their respective staffs and memberships.

5. Work Group activities will be conducted on an agreed upon basis to support discussion and activities to address pertinent issues.
6. Work Group Leads will operate in consultation with DOE's General Counsel (GC-63 and GC-51)