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CHAPTER 1: FEOSH PROGRAM

1. BACKGROUND

Congress established Public Law 91-596, *The Occupational Safety and Health Act of 1970* (OSH Act) “to ensure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources.” Section 19 of the OSH Act contains broad responsibilities and requirements for Federal agency safety and health programs to ensure safe and healthful working conditions for Federal employees.

Executive Order 12196, *Occupational Safety and Health Programs for Federal Employees*, contains, among other items, additional responsibilities for the heads of Federal agencies and a requirement for the Secretary of Labor to issue basic program elements for Federal agency safety and health programs in conformance with the OSH Act. The basic program elements mandated by the President in Executive Order 12196 are issued in the Department of Labor’s (DOL) implementing regulations in 29 CFR Part 1960. This OSHA standard establishes and communicates the requirements under which Federal agencies, including the DOE, must develop and implement their FEOSH program. Some of the principal provisions of 29 CFR Part 1960 are summarized below.

**29 CFR Part
1960 Basic
Elements****Federal Agency Responsibilities**

- Designate officials with sufficient authority and responsibility to effectively support the agency head in the management and administration of the agency’s FEOSH program.
- Ensure adequate financial, personnel, equipment, materials, and other resources to effectively implement and administer the agency’s FEOSH program.
- Furnish employees with employment places and conditions that are free from recognized hazards which cause or are likely to cause death or serious physical harm.
- Comply with applicable OSHA Standards promulgated under Section 6 of the OSH Act (e.g., 29 CFR Part 1910 and 1926), or with alternate safety and health standards issued pursuant to 29 CFR Part 1960.17.
- Develop and adopt supplementary necessary and appropriate standards for application to agency employees’ working conditions for which OSHA has not promulgated an appropriate standard.
- Develop, implement, and evaluate a FEOSH program in accordance with Section 19 of the OSH Act, Executive Order 12196, and 29 CFR Part 1960.
- Acquire, maintain, and require the use of approved personal protective equipment (PPE), approved safety equipment, and other devices necessary to protect employees.
- Ensure that performance evaluation of management officials and supervisory employees measures performance in meeting the requirements of the agency’s FEOSH program.

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- Disseminate occupational safety and health (OSH) program information to employees and employee representatives.
- Utilize personnel with equipment and competence to recognize hazards.
- Inspect at least annually all workplaces with participation by employees' representatives.
- Set up procedures for responding to employee reports of unsafe or unhealthful working conditions.
- Investigate and report on workplace accidents.
- Post notices of unsafe or unhealthful working conditions found during inspections.
- Ensure prompt abatement of hazardous conditions. Employees exposed to such conditions shall be so informed. Imminent danger corrections must be made immediately.
- Establish procedures that ensure employees are not subject to restraint, interference, coercion, discrimination, or reprisal for exercising his/her rights under the agency's FEOSH program.
- Conduct OSH training programs for top management, supervisors, safety and health personnel, employees, and employee representatives.
- Set up a management information system to keep records of occupational accidents, injuries, illnesses, and their causes; post annual summaries of injuries and illnesses; identify adverse trends; and make corrective actions as necessary.
- Develop and implement a program of self-evaluations to determine the effectiveness of the agency's FEOSH program.

Employee Responsibilities

- Comply with all OSH standards, rules, regulations, and Orders issued by the agency.
- Use safety equipment, PPE, and other devices and procedures provided or directed by the agency.

Employee Rights

- Employees shall be authorized official time to participate in the activities provided in Section 19 of the OSH Act, Executive Order 12196, 29 CFR Part 1960, and the agency's FEOSH program.
- Access agency safety and health information, including data on hazardous substances in agency workplaces.
- Comment on proposed agency standards that differ from OSHA standards.
- Report unsafe or unhealthful working conditions to the appropriate officials.

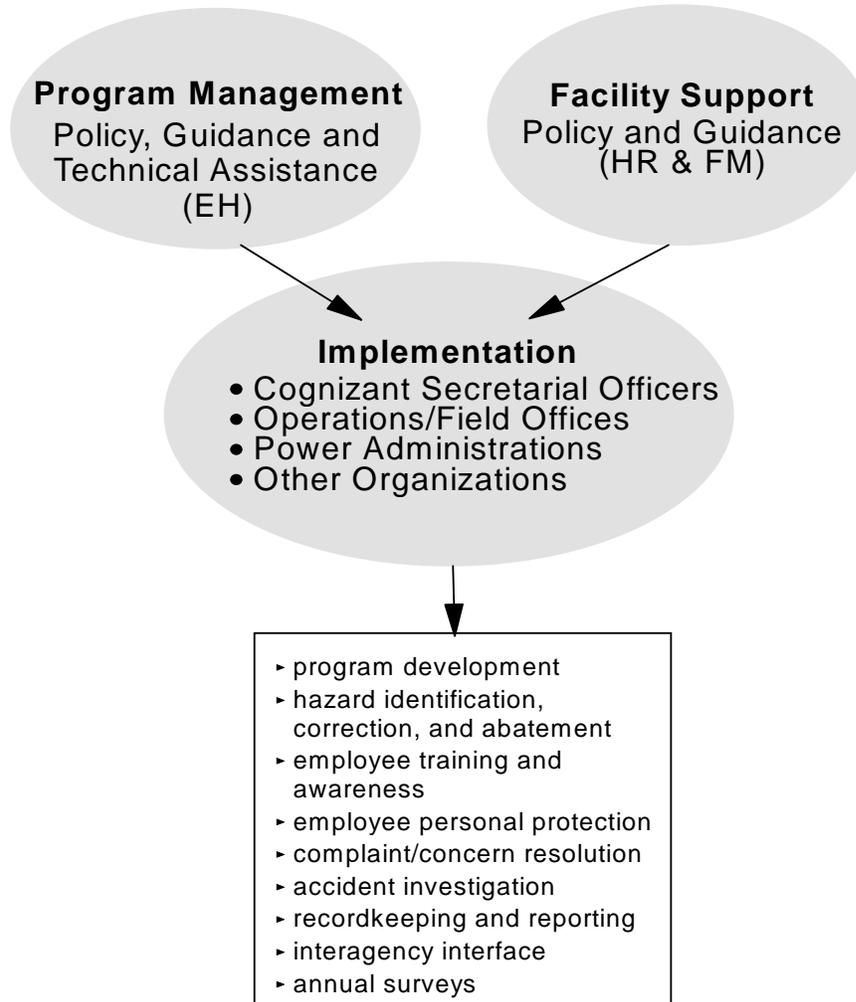
DOE Order 440.1, *Worker Protection Management for DOE Federal and Contractor Employees*, contains the required components to be utilized by

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DOE Elements in the development, implementation, and management of site-specific DOE Federal employee worker protection programs consistent with the requirements for FEOSH programs in 29 CFR Part 1960 and DOE environment, safety, and health (ES&H) policy.

2.0 FEOSH PROGRAM ELEMENTS

The following flowchart illustrates how the FEOSH Program is organized within DOE.



The elements of the DOE FEOSH Program and the chapters of this Handbook have been organized under the headings of five general management principles: management involvement (Chapters 1–5), employee involvement (Chapters 6–8), worksite analysis (Chapters 9–12), hazard prevention and control (Chapter 13), and safety and health training (Chapter 14).

These program elements have long been recognized in industry and by OSHA as essential to worker protection. All FEOSH program management components (i.e., organization, training, inspections, self-assessments, hazard abatement, accident investigations, etc.) should be built around these

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five elements. These “building blocks for excellence” represent the larger perspective of FEOSH program design and implementation. An effective FEOSH program defines the program structure and organization, assigns responsibilities for implementation of these elements, and defines the integration of these elements to provide comprehensive safety and health protection for all employees.

**DOE ES&H
Policy**

The “Environment, Safety, and Health Policy for the Department of Energy Complex,” DOE Policy 450.1, issued June 1995 by DOE Secretary Hazel R. O’Leary, states:

“The hallmark and highest priority of all our activities is daily excellence in the protection of the worker, the public, and the environment. Fundamental to the attainment of this vision are personal commitment, mutual trust, open communications, continuous improvement, and full involvement of all interested parties.”

**Guiding
Principles**

The following guiding principles issued along with the DOE Policy provide the framework by which every member of the DOE community should conduct his or her job-related activities in support of this vision:

Communication. We will conduct our activities in an atmosphere of trust and confidence that is based on open, honest, and responsive communication.

Participation. We will actively encourage participation by all interested parties in our activities.

Risk Identification and Management. We will utilize innovative and effective approaches to risk identification and management.

Integrity and Respect. We will conduct our business with integrity and mutual respect.

Systematic Approach. We will apply a systematic approach to all activities that affect ES&H.

Effective Integration. We will effectively integrate ES&H into all activities.

Resources. We will allocate appropriate resources to support ES&H activities.

Improved Performance. We will continue to improve our ES&H performance.

Consistent Approach. We will manage and conduct a consistent approach to ES&H across the DOE complex.

Information and Resource Sharing. We will encourage and promote the sharing of ES&H information and resources.

Ownership and Accountability. We will establish clear ownership and accountability for all activities.

Teamwork and Involvement. We will promote teamwork through the involvement of interested parties.

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Education and Training. We will empower our employees through training, information, tools, and program involvement to effectively protect themselves, the public, and the environment.

DOE Order 440.1 is founded on the widely recognized and accepted worker protection principles of management commitment and employee involvement, worksite analysis, hazard prevention and control, and safety and health training.

Written Program

DOE Order 440.1 requires that DOE Elements implement a written worker protection program that (1) provides a place of employment free from recognized hazards which are causing or likely to cause death or serious physical harm to their employees and (2) integrates all Order and 29 CFR Part 1960 requirements.

A written program is essential to establish, implement, manage, and support overall worker protection efforts. It organizes and describes how worker protection efforts are formally instituted at DOE sites. A written worker protection program implements DOE Order 440.1 at the site level. It necessarily and appropriately should be tailored to the present site activities and hazards while remaining consistent with the Order's requirements and intent. Clearly, the degree of program detail and complexity will vary among DOE Elements. For example, Elements comprised of administrative office functions and small to moderate staffs will require relatively simple written programs, with few detailed technical components and functional area requirements. DOE Elements comprised of research-, industrial-, or construction-related activities will require substantially more detailed written programs, likely containing a number of technical components and functional area requirements.

Note that program documentation by itself does not constitute a comprehensive worker protection program and may simply commit to writing policies, procedures, and approaches that are already in place.

It is the conscientious application of the written workplace worker protection program, based on management commitment and employee involvement, workplace analysis, hazard prevention and control, and safety and health training, that results in excellent worker protection performance.

Chapter 3 has additional specific information related to the development and use of written FEOSH programs.

Standards

29 CFR Part 1960 requires DOE Elements to comply with applicable OSHA standards (i.e., OSH standards issued under Section 6 of the OSH Act). In addition, DOE Order 440.1 requires compliance with the following worker protection requirements:

- (1) American Conference of Governmental Industrial Hygienists (ACGIH), "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices" (most recent edition), when ACGIH Threshold Limit Values are lower (more protective) than OSHA Permissible Exposure Limits

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- (2) American National Standards Institute Z136.1, Safe Use of Lasers
- (3) American National Standards Institute Z88.2, Practices for Respiratory Protection

Because excellence in worker protection is part of DOE's ES&H Policy, compliance with OSHA standards should be viewed as the minimum set of standards for worker protection programs. In many cases, following additional requirements that are not found in OSHA standards will be essential to achieve worker protection. This will require the application of appropriate consensus or industry standards or locally developed standards.

Requirements

The following additional worker protection program requirements are established in DOE Order 440.1 and **must be** integrated into the written program described above:

- Establish written policy, goals, and objectives for the worker protection program.
- Use qualified worker protection staff to direct and manage the worker protection program.
- Assign worker protection responsibilities, evaluate personnel performance, and hold personnel accountable for worker protection performance.
- Encourage the involvement of employees in developing program goals, objectives, and performance measures, as well as identifying and controlling workplace hazards.
- Provide workers the right, without reprisal, to:
 - (1) Accompany DOE worker protection personnel during workplace inspections.
 - (2) Participate in Order-specified activities on official time.
 - (3) Express worker protection concerns.
 - (4) Decline to perform an assigned task because of a reasonable belief that, under the circumstances, the task poses an imminent risk of death or serious bodily harm to an individual, coupled with a reasonable belief that there is insufficient time to seek effective redress through the normal hazard reporting and abatement procedures established in accordance with this Order.
 - (5) Access DOE worker protection publications, DOE-prescribed standards, and the organization's own worker protection standards or procedures applicable to the workplace.
 - (6) Observe monitoring or measuring of hazardous agents and access the exposure-monitoring results.
 - (7) Receive notification when monitoring results indicate they were overexposed to hazardous materials.
 - (8) Receive inspection and accident investigation results upon request.

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- Implement procedures to allow workers, through their supervisors, to stop work when they discover employee exposures to imminent danger conditions or other serious hazards. The procedure shall ensure that any stop-work authority is exercised in a justifiable and responsible manner.
- Appropriately inform workers of their rights and responsibilities, including posting the applicable DOE Worker Protection Poster where it is accessible to all workers.
- Identify existing and potential workplace hazards and evaluate the risk of associated worker injuries or illnesses.
- Implement a hazard prevention/abatement process to ensure that all identified hazards are managed through final abatement or control.
- Provide workers, supervisors, managers, visitors, and worker protection professionals with worker protection training.

Functional Area Requirements

Requirements for specific functional areas, including Construction Safety, Fire Protection, Firearms Safety, Explosives Safety, Industrial Hygiene, Pressure Safety, and Motor Vehicle Safety, are contained in Attachment 1 to DOE Order 440.1.

In addition, DOE Order 440.1 delineates worker protection program responsibilities and provides contacts for additional information regarding the Order.

The following chapters describe and clarify the requirements listed above to assist DOE Elements in the development, implementation, and management of an effective worker protection program that complies with DOE Order 440.1.

3. SOURCE DOCUMENTS

Topics in this Handbook were developed to aid in compliance with the following requirements.

- Public Law 91-596, *The Occupational Safety and Health Act of 1970*.
- Executive Order 12196, *Occupational Safety and Health Programs for Federal Employees*.
- 29 CFR Part 1960, *Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters*.
- Memorandum of Understanding Between the United States Department of Labor/Occupational Safety and Health Administration and the Department of Energy, effective August 10, 1992.
- DOE Policy 450.1, *Environment, Safety, and Health Policy for the Department of Energy Complex*, June 15, 1995.
- Occupational Safety and Health Administration Fact Sheet No. OSHA 93-20, *Occupational Safety and Health for Federal Employees*.
- DOE Order 440.1, *Worker Protection Management for DOE Federal and Contractor Employees*, September 30, 1995.

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- DOE G-440.1/A-0, *Implementation Guide* for use with DOE Order 440.1.

Placeholder tabs are included with the Handbook for copies of the (1) OSH Act, (2) Executive Order 12196, (3) 29 CFR Part 1960, (4) DOE Order 440.1 and its Implementation Guide, (5) Draft OSHA Instruction FAP 1.3, and (6) DOL Publication CA-810, *Injury Compensation for Federal Employees*. These resources may be obtained from the DOE FEOSH Program Office at (301) 903-3638.

Internet Resources

Many of the resources and background materials needed by safety and health professionals and others involved with the FEOSH program are available electronically via the Internet and the World Wide Web. These include various DOE Orders and policies, the Federal Register, OSHA regulations and interpretations, and other guidance. The following list contains some of the more popular web sites for safety and health professionals. If you do not have Internet access and would like to obtain a copy of these resources, please contact the DOE FEOSH Program Office at (301) 903-3638.

Internet Addresses for FEOSH-related Information

DOE Orders (also Secretary of Energy Notices, DOE Acquisition Regulations, and Federal Acquisition Regulations)

<http://www.counterpoint.com/cgi-bin/orders/gh?file=%2Forder>

New DOE Orders

<gopher://vm1.hqadmin.doe.gov/11/doemenu1/directive>

DOE Technical Standards

<http://www.doe.gov/html/techstds/techstds.html>

DOE Technical Information Service

<http://nattie.eh.doe.gov>

DOE Interpretations

<gopher://nattie.eh.doe.gov:2015/11/interp>

Federal Register

<http://www.em.doe.gov/emnet2b.html>

Code of Federal Regulations

<http://www.em.doe.gov/emnet2e.html>

Occupational Safety and Health Administration

<http://www.osha.gov/>

OSH Act of 1970 (amended 1990)

http://www.osha-slc.gov/OshAct_toc/OshAct_toc_by_sect.html

OSHA Standards and Related Documents

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http://www.osha-slc.gov/OCIS/standards_related.html

OSHA Interpretations

http://www.osha-slc.gov/OshDoc/toc_interps.html

OSHA Technical Manual

http://www.osha-slc.gov/TechMan_toc/sect.html

OSHA Field Inspection Reference Manual

http://www.osha-slc.gov/Firm_osh_toc/Firm_toc_by_sect.html

ES&H FAX-ON-DEMAND

The DOE ES&H Publications Fax-On-Demand System is an additional resource for acquiring FEOSH-related documents. This system allows you to receive copies of current ES&H documents through your own fax machine. Call (301) 903-6692 to receive a document menu and instructions.

4. EH TECHNICAL ASSISTANCE

Appendix 1-1 describes one of the services provided by DOE Headquarters FEOSH staff—Technical Assistance Visits. In addition, a directory of FEOSH points of contact (POC) is updated and published regularly by the DOE FEOSH Program Office. To obtain a copy, contact the FEOSH group at (301) 903-9825. □

Technical Assistance Visits

Eliminate workplace hazards and start adding profits to your bottom line.

Are you looking to improve your site's performance, reduce operating costs, and protect employee safety and health?

The Department of Energy's (DOE) Federal Employee Occupational Safety and Health (FEOSH) staff provides technical assistance to help you achieve all three goals. How? By identifying site workplace hazards and recommending no-cost or low-cost solutions to eliminate them.

Protecting employee safety and health is not only cost-effective, it is the law. Employers must keep their workplaces free of hazards under the Occupational Safety and Health Administration's (OSHA) standard 29 CFR 1960, *Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters*.

Take note: FEOSH technical assistance visits are *not* worksite inspections that assess compliance with DOE and OSHA requirements. Instead, FEOSH staff work directly with your site's managers, S&H personnel, and employees to improve your existing worker protection program or develop an implementation plan to establish a new one.

These visits are tailored specifically to your site's unique mission, workforce, and job tasks. FEOSH staff offer expertise in wide-ranging safety and health issues: ergonomics, bloodborne pathogens, beryllium, fire protection, electrical safety, construction safety, indoor air quality, and walking/working surfaces. Together, FEOSH and your staff will integrate your organization's operating objectives into a practical, results-oriented program that (1) will reduce employee injuries and illnesses, (2) increase workplace safety, and (3) meet OSHA requirements.

What to Expect

Previsit briefing: Site managers and FEOSH team members work out details of planned activities. FEOSH staff conduct visits in the most non-intrusive, non-disruptive manner possible.

Site walkthrough: FEOSH team members get to know the site's operations and facility layout to make sure their recommendations present the most feasible, cost-effective solutions.

Site survey: Next, team members directly evaluate facility hazards or concerns.

Closure briefing and training: Facility managers and employees are presented with results of the team's survey, followed by site-specific recommendations. These may outline steps that completely remediate the hazards or propose interim measures to allow further evaluation. If requested, FEOSH staff will train managers and employees on how to recognize and address these hazards.

Final report: FEOSH staff presents the site with a final report that covers all phases of the visit and lists survey results and recommendations for exclusive site use.

For More Information

If you want to know how a FEOSH technical assistance visit will help you reduce employee injuries/illnesses, cut chargeback costs; and increase productivity and profits; contact FEOSH staff members Dennis Lubow or Leslie Bermudez (EH-51) at (301)903-2075 or (301)903-9879 respectively.