

**HSS/Union Meeting To Address
10 CFR 851 and DOE Safety Standards Implementation
July 17, 2008**

Integrated Executive Summary and Final Action List

HSS and the labor unions who participated in the initial 2007 HSS Focus Group meetings agreed to a path forward in which various unions combined to form core working groups to address union identified health and safety issues by topical area. The following is an overview of actions/activities identified in the July 17 HSS/Union meeting to address 851 Rule and DOE Safety Standards implementation issues with focus in the areas of worker involvement and uniformity in 851 awareness and training, and implementation.

- 1. Identify worker awareness, training and involvement in implementation with regard to 851 at DOE sites.**
 - Follow-up to USW survey. Expand survey to include all unions at DOE sites [*Unions*]
 - Create a direct survey from DOE to include contractors, managers, safety professionals and workers [*HSS*]
 - Compare data and parse against populations of personnel (e.g., worker, M&O, safety professional, etc.) [*HSS/Unions*]
- 2. Develop collaborative process and tools with regard to worker health and safety and related programs and activities.**
 - Discuss the establishment of an 851 health and safety rollout and implementation committee to include DOE, HSS, labor union (worker), union stakeholder and contractor representation [*Union leads/HSS*]
 - Ensure uniformity in 851 implementation contractor-to-contractor and site-to-site DOE wide through Communities of Practice and add to current enforcement and oversight actions of 851 implementation [*HSS*]
 - Create a focused DOE/HSS Champion for worker health and safety to include 851 implementation [*HSS*]
- 3. Utilize existing training vehicles to provide a baseline for 851/worker health and safety training.**
 - HSS and NIEHS to develop a cooperative agreement. [*HSS/NIEHS*]
 - Identify available 851 training and specific gaps/issues. [*Unions/NIEHS/HSS*]
 - Provide discrete examples of viable training refused by the contractor [*Unions*]
 - Other related tasks capture in the April 30th HSS/Union Training Meeting
- 4. Identify correlations of DOE evaluations to 851.**
 - Identify correlation of DOE VPP status to appropriate 851 implementation [*HS-10/30*]
- 5. 851 Data Analysis.**
 - Utilize collaboration tools, share worker health and safety data collection and analyze aggregate data [*HS-30*]
 - Create and utilize “open” collaboration tool for feedback relative to improving health, safety and security in operations; tie input to Communities of Practice. [*HSS*]

851 Rule and DOE Safety Standard Implementation

DRAFT MEETING SUMMARY

Introductory Remarks. Mari-Jo Campagnone made the following points:

- The focus of the HSS/Union meetings is to identify implementation actions/activities that address the health, safety and security issues of workers at DOE sites identified in the initial 2007 Focus Group meetings.
- Union representatives with lead roles in the topical areas addressed (as outlined in the topical matrix) are intended to facilitate meeting discussion and provide a focal point for all of the unions with regard to union input and coordination of follow-on activities, as well as, synthesis and prioritization of issues and actions. The topical union leads provide a vehicle for “one union voice” that enables more streamlined communications and coordination with HSS/DOE in addressing response to, and implementation of, activities.
- For the benefit of those recently joining the meeting, the chronology of HSS/Union meetings/activities was provided emphasizing that through the 2007 discussions, much has been learned about the common thread of issues and in the 2008 follow-on meetings discussions are focused on an effective means to resolve them. The following new participants were:
 - Steve Lerner from DOE Congressional and Intergovernmental Affairs
 - International Chemical Workers Union Council, International Association of Machinists and Aerospace Workers, and Laborers’/Association of General Contractors
- In response to Glenn Podonsky’s challenge to HSS to develop a process for resolving issues, HSS plans to bring all of the topical union leads together to:
 - identify what is doable AND of benefit
 - prioritize activities and plan for the necessary resources/funds to support the actions
 - develop a plan and a process
 - continue to get feedback from all of the unions to evolve the process and actions

[The meeting of the topical leads is to be scheduled for November, following the completion of the topical follow-on meetings].
- HSS Outreach Website is up and running in response to a commitment by HSS to provide a central vehicle in which HSS/Union meetings, along with other HSS collaborative efforts, are disclosed to the public, DOE stakeholders, labor unions and Congressional interest.

Glenn Podonsky Remarks:

- The HSS Focus Group was established as a venue for communications with the labor unions and DOE stakeholders with the goal to improve the health, safety and security of DOE workers, and the environment at DOE sites.
- Continued dialogue, interaction and plans to collectively address issues through the Focus Group is timeless and will not be impacted/disrupted by events such as the upcoming transition, as worker safety is not a political issue. HSS remains steadfast in the commitment to all DOE workers to do the right thing. The sustainability of the Department and subsequently our Nation is on the line and we must work together to meet these challenges.

Meeting Facilitation: Doug Stephens/Tom McQuiston (USW) and Tom Schaffer/Jim Seidl (Metal Trades Department) for Safety Standards and 851 Rule implementation topics respectively.

851 Rule Implementation – Discussion Overview

- Unions reported that 851 is missing an opportunity for worker involvement.
 - Provisions for knowledge and participation need to be addressed
 - 851 worker awareness, training and access, and uniform implementation warrant investigation at DOE sites.
- The USW developed a survey (*Eight-fifty What?*) in response to an identified need to assess existing gaps in awareness, training and ultimately the implementation of 851/Worker Safety and Health Programs (WSHPs). USW representatives met with multiple sites and found that in addition to workers, some leaders were unfamiliar with the 851 Rule.
- In addition, USW formally requested Worker Safety and Health Programs (WSHP) from its contractors for a review and evaluation of the completeness and specificity of WSHP elements against 851 requirements. [Reviewed 7 contractor programs at 6 DOE sites]
- USW preliminary survey data and WSHP review findings included:
 - Contractors ranged from 11 – 80% in completeness and specificity in matching 851 requirements with existing WSHP plans, an indication that the USW feels that some contractors are not taking the Rule seriously and/or show inconsistencies in alignment of Rule implementation.
 - Sample survey (of primarily USW workers) results show:
 - At 2 sites, among 4 contractors, 56% did not understand worker rights and responsibilities under 851; 64% did not understand management’s responsibilities under 851.
 - Of the workers surveyed at 2 sites, among 4 contractors, only 40 % always reported incidents in their work areas. Primary reasons for not reporting included fear of discipline or problems go uncorrected.
 - Only 12 – 18% of the workers surveyed reported meaningful involvement in identifying and assessing hazards and meaningful involvement in lessons learned programs respectively.
 - Some contractors did not allow the survey of the workers to be conducted onsite.
- Several union representatives responded to the question posed by HSS as to how the unions interpret the lack of response from the contractors. Union responses included: some of the contractors “want 851 to go away”; some want to “roll it back”; and some say their 851 committees will handle it.
- The ICWUC questioned how providing the Rule to perhaps 50 different contractors and asking them to “come up with a plan” will ensure consistency in health and safety program integration. An example was given of the real situation where 2 workers from different contracting organizations were working side by side, respiratory equipment was required for one, and not the other.
- Unions also agreed that lack of 851 awareness was not related to a “transient” workforce.
- NIEHS contends the weakest part of 851 implementation is worker education. Discussed was: 1) a serious need for a DOE champion to engage contractors; 2) the development of a contractor questionnaire (DOE survey tool); and 3) development and

conduct of a union 851 survey. There was also some discussion with regard to identifying the metrics - how to measure/assess contractor accountability.

- NIEHS has offered to work with HSS in analyzing a larger data set with regard to 851 awareness/training, and to provide a tracking vehicle for monitoring progress at DOE sites. In addition, having developed 851 training, is willing to provide that training.
- NIEHS reported submitting a proposal for an 851 Panel at the ISM Conference in August in which 851/multi union training will be presented; however only 20 minutes was given to them for their presentation. Glenn Podonsky requested that Pat Worthington expand the time designated for the 851 presentation/discussion. And it was requested that Glenn Podonsky address and champion the 851 effort at the upcoming ISM conference. There was some discussion surrounding additional opportunities for DOE 851 communications such as flyers at workshops or conferences.
- IBEW used OSHA as an example for better 851 implementation success, through implementation and awareness that is aided by presentations given across the country.
- BCTD CPWR offered that the incorporation of NIEHS 851 data with their 8 hour 851 training may be a place to start. BCTD CPWR also proposed that the intended seamless integration of 851 implementation would be more successful if driven by DOE as mandatory. Moreover, BCTD CPWR proposed the need for a more strategic approach to health and safety initiatives in general.
- A DOE 851 survey was proposed, in addition, a separate broader 851 union survey would provide insight into the greater needs site-wide.
- Glenn Podonsky offered the potential for the National Training Center as a clearinghouse for training in light of its recent funding and responsibility increase.
- Several unions proposed that the key to resolving the lack of uniformity is to utilize a top down approach to plan administration. OPCMIA proposes the need for DOE to drive the collective effort and shared an experience in which resistance by contractors was met with success at Hanford as a result of DOE direction.
- HS-10 was disheartened that in spite of HSS efforts to ensure 851 requirements were adequately communicated DOE-wide, issues with regard to 851 awareness, training and implementation seem to remain.
- HS-30 proposed the need for better communications horizontally along with the need to address efforts to establish safety goals and behaviors, of which worker involvement is one.
- Glenn Podonsky reinforced his commitment for HSS to leverage its responsibility for leadership, enforcement and oversight with regard to 851 implementation.
- IUOE brought forth the issue of available training that is not fully utilized. Proposed reasons included: the misconception that if the training doesn't cost, it is not good enough; some contractors and unions may not be accepting training from others; there may be preferred vendor issues; and/or issues related to reciprocity.
- IUOE reported that they have incorporated 851 training in their HAZMAT refresher training.
- HSS proposed identifying and modeling sites with good/successful implementation. The need for developing a community of practice, encouraging a venue/platform for getting good ideas out and using an open forum collaboration tool was suggested.
- There was some discussion and question as to the correlation of programs such as DOE VPP, and whether VPP sites were more apt to be 851 aware, trained, etc. The consensus

was that this is not the case, the example of the Idaho VPP STAR site was given at which it was reported, there are workers who do not have an idea of what 851 is all about.

- Unions identified the importance of worker involvement in not only training, but in all aspects of worker health and safety programs and activities to include lessons learned and corrective actions programs and accident investigations.
- Metal Trades Department reinvigorated the discussion surrounding the HAMMER modeled training as a key to success with regard to awareness/training issues. The success of the HAMMER training facility is the train-the-trainer programs and peer training/worker instructor approach for which worker involvement is the foundation. These elements along with endorsement by senior DOE management were turning point events in HAMMER's final success.
- USW proposed their Triangle Prevention Program as a model for consideration to improve safety performance and maximize prevention, not intervention through the integration of a method for measuring the health of facility's health and safety systems, USW safety and incident investigation training program, and a fulltime union health and safety representative program.

The intent of the meeting summary is to focus on the gist of the meeting discussion, with an attempt to capture the essence of all the representatives stated and the tasks to be completed to implement the path forward in addressing and resolving identified issues. The meeting summary in no way captures all of the data and dialogue from the meeting.

JULY 17 HSS/UNION MEETING: SAFETY STANDARDS AND 851 RULE

HSS/Union Participants and Mode of Participation

HSS/DOE Participants:

1. Glenn Podonsky – Chief Health, Safety & Security Officer [HS-1]
2. Steve Kirchoff - Chief of Staff [HS-1]
3. Mari-Jo Campagnone – Senior Advisor to Chief HSS Officer [HS-1]
4. Pat Worthington – Director, Health and Safety [HS-10]
5. Bill McArthur – Director, Worker Safety & Health Policy [HS-10]
6. Andy Lawrence - Director, Nuclear Safety & Environment [HS-20]
7. Bill Roeger – Director, Corporate Safety Analysis [HS-30]
8. Kathy McCarty - Acting Director Worker Safety & Health Enforcement [HS-40]
9. Martha Thompson - Deputy Director, Office of Enforcement [HS-40]
10. Lily Alexander - [for HS-1]
11. Rosemary Hazard - [for HS-1]
12. Steve Lerner - Legislative Affairs Congressional and Intergovernmental Affairs [CI]

UNION Working Group Participants:

1. Tom Schaffer – Metal Trades Department (*Lead - Safety Standards*)
2. Jim Seidl – Metal Trades Department (*Lead - Safety Standards*)
3. Doug Stephens - USW (*Lead 851 Rule*)
4. Tom McQuiston - USW (*Lead 851 Rule*)
5. Chico McGill - IBEW [Call-in]
6. Gordon McCleary - International Vice President for OPCMIA [Call-in from HAMMER Facility]
7. Gerald Ryan - OPCMIA [Call-in]
8. Pete Stafford - BCTD CPWR [Call-in]
9. Frank Migliaccio - IABSORIW [Call-in]
10. Barb McCabe – IUOE

Other Union Attendees:

11. John Morawetz - Director International Chemical Workers Union Council [ICWUC] Center for Worker Health & Safety Education
12. Greg Malone – Nuclear Coordinator ICWUC Center for Worker Health & Education Training
13. Kenny Cook - ICWUC Center for Worker Health & Education Training
14. Dave Molna – President/Hanford Atomic Metal Trades Council (HAMTC) [Call-in from HAMMER Facility]
15. Joe Quinn - HAMTC Liaison at HAMMER [Call-in from HAMMER Facility]
16. Gary Gustafson - Grant Manager/Laborers' AGC Education & Training Fund

Union Stakeholder Participants:

HAMMER Call-In:

1. Karen McGinnis – Director
2. Jim Spracklen – Sr. Program Manager RL Ops Office [DOE Pacific Northwest Site Office]
3. Michael Turner – [Program Manager]
4. Pat Aldridge – SME OSH Training
5. Gary Karnofski - Business Development Lead
6. Ted Glitz - Manager, Radiation Safety Training

NATIONAL Institute of Environmental Health Services (NIEHS) Worker Education and Training Program (WETP)

7. Joseph Thomas (Chip) Hughes, Jr. - Director of NIEHS WETP
8. Deborah Weinstock - Director of NIEHS WETP National Clearinghouse for Worker Safety and Health Training
9. Ted Outwater - Program Administrator for the DOE/NIEHS Worker Training Program
10. Bernie Mizula - Occupational Safety & Health Specialist DOE/NIEHS WETP National Clearinghouse for Worker Safety and Health Training

■ = Call In

07-17-08 Update