



10 CFR 851

“Worker Safety and Health Program”

July 2013

BACKGROUND

10 CFR 851, *Workers Safety and Health Program* was promulgated as a result of the 2002 Bob Stump National Defense Authorization Act which amended the Atomic Energy Act by adding section 234C “Worker Health and Safety Rules for Department of Energy Nuclear Facilities.” Published in the Federal Register on February 9, 2006 The Rule establishes worker safety and health requirements for the Department of Energy Contractor workers.

WHAT IS THE PURPOSE OF THE RULE?

The Rule requires DOE contractor's to provide workers with a workplace free from recognized hazards that can cause death or serious physical harm. The Rule also establishes management responsibilities, worker rights, and safety and health standards.

WHO IS COVERED BY THE RULE?

DOE contractors and their workers are covered by the Rule. Contractors include parent corporations and subcontractors that have responsibilities for performing work at a DOE site in furtherance of a DOE mission.

WHAT IS REQUIRED OF DOE?

- Review and approve the contractor Worker Safety and Health Programs (WSHP)
- Oversee contractor performance of their WSHP.

WHAT IS REQUIRED OF THE CONTRACTOR?

The contractor must

- Perform work under an approved WSHP,
- Give labor organizations timely notice of development of the WSHP,
- Provide mechanisms to involve workers and their elected representatives in developing the safety and health program;
- Providing mechanisms to involve workers in the safety and health program,
- Establish procedures for, workers to report without reprisal job-related hazards, for prompt response to such reports, and to stop work
- Using qualified safety and health professionals.

- Inform workers of the rights and responsibilities by appropriate means including posting of the DOE WSH Poster.

WHAT ARE WORKER RIGHTS AND RESPONSIBILITIES?

Workers must comply with the safety and health requirements of the Rule. They also have certain rights including:

Workers Must have access to:

- DOE safety and health publications and information ;
- The worker safety and health program for their location;
- Observing monitoring of hazardous chemicals;
- Results of inspections, monitoring and accident investigations.
- Copies of their medical records and records of their exposures to toxic and harmful substances or conditions; and

Workers Must be able to:

- Express concerns related to worker safety and health;
- Decline to perform an assigned task because of a belief that the task poses an imminent risk of death or serious physical harm;
- Stop work in imminently dangerous conditions; and
- Anonymously request an investigation

PENALTIES

Contractors that fail to comply with the Rule are subject to civil penalties up to \$70,000.00 per violation or contract penalties.

ADDITIONAL SOURCES OF INFORMATION

- Your Safety and Health Office
 - 851 Program Information on the web:
 - <http://www.hss.energy.gov/HealthSafety/WSHP/rule851/851final.html>
 - The Worker Safety and Health Poster
 - http://www.hss.energy.gov/HealthSafety/wshp/rule851/2012_Safety_Health_Job_poster.pdf
- (Also available in Spanish)

For questions or additional information, call Office of Worker Safety and Health Policy: 301 903-6061

