

## U.S. NUCLEAR REGULATORY COMMISSION MANAGEMENT DIRECTIVE (MD)

MD 10.130		SAFETY AND OCCUPATIONAL HEALTH PROGRAM		DT-15-17	
Volume 10, Part C:		Personnel Management Employee Safety			
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<b>EXECUTIVE SUMMARY</b>					
<p>Management Directive (MD) 10.130, "Safety and Occupational Health Program," is being revised to incorporate an electronic reporting requirement for NRC employees who have sustained a work-related injury or illness and wish to file a claim in accordance with the Federal Employees' Compensation Act. NRC employees will need to report any injury in the Department of Labor's (DOL) Employees' Compensation Operations and Management Portal (ECOMP) Web-based reporting program. Supervisors must electronically review and approve any injury or illness reports and any claims for compensation through ECOMP. In addition to using DOL's ECOMP system, NRC employees must continue to submit NRC Form 436, "Report of Work-Related Injuries and Illnesses," as instructed in this MD. Under the ECOMP link, the injured employee will also complete the Occupational Safety and Health Administration's Form 301, "Injury and Illness Incident Report."</p> <p>In addition to minor editorial change, this focused change also informs office directors, regional administrators, and the Deputy Associate Director of the Technical Training Center (TTC) of NUREG/BR-0098, Rev. 8, "Safety and Occupational Health Program for Managers and Supervisors: What You Should Know."</p>					

### TABLE OF CONTENTS

<b>I.    POLICY.....</b>	<b>2</b>
<b>II.   OBJECTIVES .....</b>	<b>3</b>
<b>III.  ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY.....</b>	<b>3</b>
A.   Executive Director for Operations (EDO) .....	3

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B. Deputy Executive Director for Corporate Management (DEDCM).....	4
C. Director, Office of Administration (ADM) .....	4
D. Chief Human Capital Officer (CHCO) .....	5
E. Office Directors.....	6
F. Regional Administrators (RAs).....	7
G. Deputy Associate Director, Technical Training Center (TTC).....	9
H. Supervisors at All Levels .....	11
I. Director, Division of Facilities and Security, ADM .....	12
<b>IV. APPLICABILITY .....</b>	<b>13</b>
<b>V. DIRECTIVE HANDBOOK .....</b>	<b>14</b>
<b>VI. DEPARTMENT OF LABOR’S OFFICE OF WORKERS’ COMPENSATION PROGRAMS .....</b>	<b>14</b>
<b>VII. IONIZING RADIATION PROGRAM .....</b>	<b>14</b>
<b>VIII. NRC SAFETY AND OCCUPATIONAL HEALTH PROGRAM ELEMENTS .....</b>	<b>14</b>
A. Hazard Communication Program.....	14
B. Respiratory Protection Program for Non-Radiological Situations .....	15
C. Bloodborne Pathogens Program.....	16
D. Other Programs.....	16
E. Safety Forms.....	16
<b>IX. REPORTING UNSAFE AND UNHEALTHFUL WORKING CONDITIONS .....</b>	<b>17</b>
<b>X. REFERENCES.....</b>	<b>17</b>

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## **I. POLICY**

- A.** It is the policy of the U.S. Nuclear Regulatory Commission to establish and manage a safety and occupational health program as required by Executive order and Federal and State laws and regulations, specifically—
1. Section 19 of the Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 668 et seq.);
  2. Executive Order (E.O.) 12196, “Occupational Safety and Health Programs for Federal Employees,” February 26, 1980;
  3. Title 29 of the Code of Federal Regulations (CFR);

4. Revisions to 29 CFR Part 1960, "Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters," Subpart I, "Recordkeeping and Reporting Requirements";
  5. Revisions to 29 CFR Part 1904, "Recording and Reporting Occupational Injuries and Illnesses";
  6. 29 CFR Part 1910, "Occupational Safety and Health Standards"; and
  7. Environmental programs administered by the U.S. Environmental Protection Agency (EPA), including the hazardous waste disposal program in accordance with the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.); 40 CFR, "Protection of the Environment," Parts 260-266, 268, 270-271, and 273; and Code of Maryland Regulations (COMAR) 26.13.02.05, "Special Requirements for Hazardous Waste Generated by Small Quantity Generators," and 26.13.03.05E, "Pretransport Requirements."<sup>1</sup>
- B.** It is also NRC policy to establish and maintain an Occupant Emergency Program (referred to as the Occupant Emergency Plan (OEP)), as required by the Federal Management Regulation (FMR 102-74.230 - 102-74.260).

## **II. OBJECTIVES**

- Provide work places and conditions of employment for NRC employees that are free from recognized hazards that are likely to cause injuries or illnesses.
- Comply with applicable Occupational Safety and Health Administration (OSHA) standards.
- Ensure compliance with standards issued under Section 19 of the OSH Act, E.O.12196, and Management Directive (MD) 10.130.
- Ensure prompt abatement of unsafe or unhealthful working conditions or development of abatement plans that include a timetable for abatement and interim protective measures for employees affected.
- Ensure that no employee is subject to restraint, interference, coercion, discrimination, or reprisal for filing a report of an unsafe or unhealthful working condition.
- Ensure compliance with the requirements to record and report all workplace fatalities, injuries, and illnesses.

## **III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY**

### **A. Executive Director for Operations (EDO)**

1. Oversees NRC's Safety and Occupational Health Program.

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<sup>1</sup> COMAR only applies to the NRC headquarters complex in the State of Maryland.

2. Delegates to the Director, Office of Administration (ADM), authority to act as the Designated Agency Safety and Health Official (DASHO) for the management and administration of the NRC Safety and Occupational Health Program.
3. Ensures that no employee is subject to restraint, interference, coercion, discrimination, or reprisal for filing a report of an unsafe or unhealthy working condition.

**B. Deputy Executive Director for Corporate Management (DEDCM)**

Provides general direction on issues involving the NRC's Safety and Occupational Health Program.

**C. Director, Office of Administration (ADM)**

1. Serves as NRC's DASHO.
2. Implements the provisions of the OSH Act, E.O. 12196, and 29 CFR Parts 1904, 1910, and 1960.
3. The Director of ADM, as the DASHO, reports any work-related fatality to OSHA within 8 hours of the event by calling the OSHA Area Office that is nearest to the site of the incident; by calling the OSHA toll-free central telephone hotline number, 1-800-321-OSHA (1-800-321-6742); or by electronically submitting the reporting application located on OSHA's public Web site at [www.osha.gov](http://www.osha.gov).
4. The Director of ADM, as the DASHO, reports all work-related in-patient hospitalizations, amputations, and losses of an eye to OSHA within 24 hours of the event by calling the OSHA Area Office that is nearest to the site of the incident; by calling the OSHA toll-free central telephone hotline number, 1-800-321-OSHA (1-800-321-6742); or by electronically submitting the reporting application located on OSHA's public Web site at [www.osha.gov](http://www.osha.gov).
5. Establishes a set of procedures that ensures effective implementation of the NRC Safety and Occupational Health Program as required by Section 19 of the OSH Act, E.O. 12196, and OSHA program elements promulgated by the Secretary of Labor.
6. Informs employees of the NRC Safety and Occupational Health Program and of the protection extended to employees through the program.
7. Appoints the NRC Safety and Occupational Health Manager.
8. Ensures the posting of all OSHA-required information and forms in a prominent location and in the designated timeframe.
9. Acquires, maintains, and requires the use of approved personal protective and safety equipment.
10. Reviews and submits the NRC's Annual Report of Occupational Safety and Health to the Secretary of Labor in the required timeframe.

11. Reviews and submits the agency's previous calendar year's occupational injury and illness recordkeeping data to the Bureau of Labor Statistics and OSHA on an annual basis.
12. Establishes a written hazard communication program for headquarters facilities. The program must comply with OSHA's 29 CFR 1910.1200, "Hazard Communication," and MD 10.130. Submits a copy of the NRC hazard communication program to the NRC Safety and Occupational Health Manager.
13. Adopts standards consistent with those promulgated by the Secretary of Labor and establishes procedures for the adoption of any NRC Safety and Occupational Health standard, including different or supplementary NRC standards and emergency standards.
14. Evaluates the performance of the headquarters OEP teams during scheduled fire drills.
15. Appoints, in writing, a designated official or occupant emergency coordinator for each building at NRC headquarters responsible for building occupants.
16. Acts as the liaison between the headquarters designated officials and the local fire marshal's office in the preparation and approval of the OEP.
17. Redesignates the items specified in Section III.I of this directive to the Director, Division of Facilities and Security, ADM, for actions such as the proper disposal of hazardous waste materials at NRC headquarters buildings and the management of headquarters fire drills and the headquarters OEP.

**D. Chief Human Capital Officer (CHCO)**

1. Establishes and offers safety and occupational health training courses for NRC employees, managers, and supervisors to support the training requirements of MD 10.130.
2. Maintains records of NRC employees who successfully complete all required safety and occupational health training.
3. Electronically provides annual training data and other information required by OSHA to the Agency Safety and Occupational Manager for the agency's annual report to OSHA.
4. Oversees the NRC workers' compensation program.
5. Supervises the NRC workers' compensation designees who maintain the Department of Labor's (DOL) Employees' Compensation Operations and Management Portal (ECOMP) and electronically submit the appropriate forms to the DOL's Office of Workers' Compensation Programs.

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**E. Office Directors**

1. Oversee the NRC Safety and Occupational Health Program at headquarters.
2. To the extent of their authority, furnish employees with employment and a place of employment that are free from recognized hazards that may cause or are likely to cause death or serious physical harm.
3. Ensure the safety of employees under their supervision by identifying hazardous conditions, inform employees of the hazardous conditions, and correct them as promptly as possible.
4. Ensure that the office complies with the occupational safety and health standards applicable to the worksite and with all rules, regulations, and orders issued by the Executive Director for Operations (EDO) about the safety and occupational health program.
5. Inform employees of the NRC Safety and Occupational Health Program and protection afforded employees under the program.
6. Provide active and aggressive leadership for overall safety of operations.
7. Give immediate attention to employee reports of alleged unsafe or unhealthful working conditions and request assistance from the NRC Safety and Occupational Health Manager, when necessary.
8. Provide special personal protective clothing and equipment to employees and require their use and maintenance, when necessary, to protect employees from identified hazards that cannot be eliminated through substitution, administrative, or engineering controls.
9. Ensure employee compliance with the safety and occupational health standards applicable to the activity being performed and with all rules, regulations, and orders issued by the EDO with respect to the NRC Safety and Occupational Health Program.
10. Ensure that no employee is subject to restraint, interference, coercion, discrimination, or reprisal for filing a report of an unsafe or unhealthy working condition.
11. Immediately post notices of workplace hazards at or near each affected work area.
12. Promptly investigate all accidents occurring in workplaces under their jurisdiction and submit accurate and timely accident reports.
13. Promptly notify the NRC Safety and Occupational Health Manager that a workplace injury or illness has occurred.
14. Report immediately all work-related fatalities, in-patient hospitalizations, amputations, and losses of an eye to the NRC DASHO.

15. Ensure that all workplace injuries or illnesses are recorded and reported on the appropriate forms and submitted to the NRC Safety and Occupational Health Manager.
16. Refer to NUREG/BR-0098, Rev. 8, "NRC Safety and Occupational Health Program for Managers and Supervisors: What You Should Know."
17. Complete the NRC iLearn course, "Safety and Occupational Health Program for Managers and Supervisors: What You Should Know" (Course: ID\_61143).
18. If responsible for site inspectors, establish a written respiratory protection program (or a written policy that prohibits inspectors from entering areas that require respiratory protection for non-radiological hazards) that is consistent with OSHA's Respiratory Protection standard, 29 CFR 1910.134, and the policies of MD 10.130. A copy of this respiratory protection program must be submitted to the NRC Safety and Occupational Health Manager.
19. Ensure that hazardous waste is disposed of according to State, Federal, and local regulations and established NRC procedures.
20. Ensure that headquarters employees cooperate fully with the headquarters Designated Official (DO) to develop, maintain, and implement the OEP. Designate employees for support roles and permit employees to attend training to perform functions as described in the OEP.

**F. Regional Administrators (RAs)**

1. Oversee the NRC Safety and Occupational Health Program at the regional locations.
2. To the extent of their authority, furnish employees with employment and a place of employment that are free from recognized hazards that may cause or are likely to cause death or serious physical harm.
3. Establish a regional safety and occupational health program in cooperation with the NRC Safety and Occupational Health Manager that is consistent with OSHA standards and the NRC Safety and Occupational Health Program guidelines, insofar as the mission, size, and organization of each region permits.
4. Ensure that the region complies with the occupational safety and health standards applicable to the facility and with all rules, regulations, and orders issued by the EDO about the safety and occupational health program.
5. Inform employees of the NRC Safety and Occupational Health Program and protection afforded employees under the program.
6. Provide active and aggressive leadership for overall safety of operations.
7. Designate a regional collateral duty safety officer (CDSO) in writing and forward the CDSO appointment letter to the NRC Safety and Occupational Health Manager.

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8. Establish safety and occupational health committees within each region in compliance with 29 CFR Part 1960, Subpart F, "Occupational Safety and Health Committees." Committee membership appointment letters must be forwarded to the NRC Safety and Occupational Health Manager.
  9. Ensure the safety of employees under their supervision by identifying hazardous conditions, inform employees of the hazardous conditions, and correct them as promptly as possible.
  10. Give immediate attention to employee reports of alleged unsafe or unhealthful working conditions and request assistance from the NRC Safety and Occupational Health Manager, when necessary.
  11. Ensure that no employee is subject to restraint, interference, coercion, discrimination, or reprisal for filing a report of an unsafe or unhealthy working condition.
  12. Immediately post notices of workplace hazards at or near each affected work area.
  13. Promptly investigate all accidents occurring in workplaces under their jurisdiction and submit accurate and timely accident reports.
  14. Promptly notify the local CDSO that a workplace injury or illness has occurred.
  15. Report immediately all work-related fatalities, in-patient hospitalizations, amputations, and losses of an eye to the NRC DASHO.
  16. Ensure that all workplace injuries or illnesses are recorded and reported on the appropriate forms and submitted to the NRC Safety and Occupational Health Manager or regional CDSO.
  17. Refer to NUREG/BR-0098, Rev. 8, "NRC Safety and Occupational Health Program for Managers and Supervisors: What You Should Know."
  18. Complete the NRC iLearn course, "Safety and Occupational Health Program for Managers and Supervisors: What You Should Know" (Course: ID\_61143).
  19. Reviews and submits the region's previous calendar year's occupational injury and illness recordkeeping data to the NRC Safety and Occupational Health Manager on an annual basis.
  20. Immediately post all OSHA-required information and forms in a prominent location at the worksite in the designated timeframe.
  21. Provide special personal protective clothing and equipment to regional employees and require the use and maintenance of the clothing and equipment, when necessary, to protect employees from identified hazards that cannot be eliminated through substitution or by administrative or engineering controls.



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22. Establish a written hazard communication program that is consistent with OSHA's 29 CFR 1910.1200, Hazard Communication standard, and complies with the policies of MD 10.130. A copy of this written program must be submitted to the NRC Safety and Occupational Health Manager and the regional CDSO.
  23. Establish a written respiratory protection program (or a written policy that prohibits inspectors from entering areas that require respiratory protection for non-radiological hazards) that is consistent with OSHA's Respiratory Protection standard, 29 CFR 1910.134, and complies with the policies of MD 10.130. A copy of this written program must be submitted to the NRC Safety and Occupational Health Manager and regional CDSO.
  24. Develop and implement the OEP as required in 41 FMR 102-74.
  25. Appoint, in writing, a designated OEP official responsible for all Federal employees in the regional building.
  26. Ensure that regional employees cooperate fully with the DO to develop, maintain, and implement the OEP. Designate employees for support roles and permit employees to attend training to perform functions as described in the OEP.
  27. Establish written hazardous waste disposal procedures for regional locations that are consistent with Federal, State, and local regulations.

**G. Deputy Associate Director, Technical Training Center (TTC)**

1. Oversees the NRC Safety and Occupational Health Program at the Technical Training Center (TTC).
2. To the extent of his or her authority, furnishes employees with employment and a place of employment that are free from recognized hazards that may cause or are likely to cause death or serious physical harm.
3. Establishes a TTC Safety and Occupational Health program in cooperation with the NRC Safety and Occupational Health Manager, consistent with OSHA standards and the NRC Safety and Occupational Health Program guidelines, insofar as the mission, size, and organization of the TTC permits.
4. Ensures that the TTC complies with the safety and occupational health standards applicable to the facility and with all rules, regulations, and orders issued by the EDO about the safety and occupational health program.
5. Informs employees of the NRC Safety and Occupational Health Program and protection afforded employees under the program.
6. Provides active and aggressive leadership for overall safety of operations.
7. Designates a CDSO for the TTC in writing and forwards the CDSO appointment letter to the NRC Safety and Occupational Health Manager.

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8. Establishes safety and occupational health committees within the TTC in compliance with 29 CFR Part 1960, Subpart F, "Occupational Safety and Health Committees." Committee membership appointment letters must be forwarded to the NRC Safety and Occupational Health Manager.
  9. Ensures the safety of employees under his or her supervision by identifying hazardous conditions, informs employees of the hazardous conditions, and corrects them as promptly as possible.
  10. Gives immediate attention to employee reports of alleged unsafe or unhealthful working conditions and requests assistance from the NRC Safety and Occupational Health Manager, when necessary.
  11. Ensures that no employee is subject to restraint, interference, coercion, discrimination, or reprisal for filing a report of an unsafe or unhealthy working condition.
  12. Immediately posts notices of workplace hazards at or near each affected work area.
  13. Promptly investigates all accidents occurring in workplaces under his or her jurisdiction and submits accurate and timely accident reports.
  14. Promptly notifies the TTC CDSO that a workplace injury or illness has occurred.
  15. Reports immediately all work-related fatalities, in-patient hospitalizations, amputations, and losses of an eye to the NRC DASHO.
  16. Ensures that all workplace injuries or illnesses are recorded and reported on the appropriate forms and submitted to the NRC Safety and Occupational Health Manager or TTC CDSO.
  17. Refers to NUREG/BR-0098, Rev. 8, "NRC Safety and Occupational Health Program for Managers and Supervisors: What You Should Know."
  18. Completes the NRC iLearn course, "Safety and Occupational Health Program for Managers and Supervisors: What You Should Know" (Course: ID\_61143).
  19. Reviews and submits the TTC's previous calendar year's occupational injury and illness recordkeeping data to the NRC Safety and Occupational Health Manager on an annual basis.
  20. Immediately posts all OSHA-required information and forms in a prominent location at the worksite in the designated timeframe.
  21. Provides special personal protective clothing and equipment to TTC employees and requires their use and maintenance, when necessary, to protect employees from identified hazards that cannot be eliminated through substitution or by administrative or engineering controls.

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22. Establishes a written hazard communication program that is consistent with OSHA's 29 CFR 1910.1200, Hazard Communication standard, and complies with the policies of MD 10.130. A copy of this written program must be submitted to the NRC Safety and Occupational Health Manager and the TTC CDSO.
  23. Develops and implements the OEP at the TTC as required in 41 Federal Management Regulation 102-74.
  24. Appoints, in writing, a designated TTC OEP official responsible for all Federal employees at the TTC building.
  25. Ensures that TTC employees cooperate fully with the TTC official designated to develop, maintain, and implement the OEP. Designates employees for support roles and permits employees to attend training to perform the functions as described in the OEP.
  26. Establishes written hazardous waste disposal procedures for the TTC that are consistent with State, Federal, and local regulations.

#### **H. Supervisors at All Levels**

Employees who exercise supervisory functions shall—

1. To the extent of their authority, furnish employees with employment and a place of employment that are free from recognized hazards that may cause or are likely to cause death or serious physical harm.
2. Inform employees of the NRC Safety and Occupational Health Program and protection afforded employees under the program.
3. Provide active and aggressive leadership for overall safety of operations.
4. Ensure the safety of employees under their supervision by identifying hazardous conditions, inform employees of the hazardous conditions, and correct them as promptly as possible.
5. Ensure employee compliance with the occupational safety and health standards applicable to the activity being performed and with all rules, regulations, and orders issued with respect to the NRC Safety and Occupational Health Program.
6. Give immediate attention to employee reports of alleged unsafe or unhealthful working conditions and request assistance from the NRC Safety and Occupational Health Manager and the CDSOs, when necessary.
7. Immediately post notices of workplace hazards at or near each affected work area.
8. Ensure that no employee is subject to restraint, interference, coercion, discrimination, or reprisal for filing a report of an unsafe or unhealthy working condition.

9. Promptly investigate all accidents occurring in workplaces under their jurisdiction and submit accurate and timely accident reports.
10. Promptly notify the NRC Safety and Occupational Health Manager or appropriate CDSO that a workplace injury or illness has occurred.
11. Report immediately all work-related fatalities, in-patient hospitalizations, amputations, and losses of an eye to the NRC DASHO.
12. Ensure that all workplace injuries and illnesses also are electronically reported by NRC employees in the DOL's Web-based program, ECOMP, at <https://www.ecomp.dol.gov>. Review and approve the information entered into ECOMP.
13. In addition to completing OSHA Form 301, "Injury and Illness Incident Report," in ECOMP, ensure that all workplace injuries or illnesses are recorded and reported on NRC Form 436, "Report of Workplace Injuries and Illnesses." Review the incident information and sign and submit the form to the NRC Safety and Occupational Health Manager or CDSO.
14. Refer to NUREG/BR-0098, Rev. 8, "NRC Safety and Occupational Health Program for Managers and Supervisors: What You Should Know."
15. Complete the NRC iLearn course, "Safety and Occupational Health Program for Managers and Supervisors: What You Should Know" (Course: ID\_61143).
16. Provide special personal protective clothing and equipment to employees and require their use and maintenance, when necessary, to protect employees from identified hazards that cannot be eliminated through substitution or by administrative or engineering controls.
17. Cooperate fully with the official designated to develop, maintain, and implement the OEP. Designate employees for support roles and permit employees to attend training.

**I. Director, Division of Facilities and Security, ADM**

1. Guides and oversees hazardous waste disposal at NRC headquarters buildings under the following:
  - (a) EPA's Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901 et seq.);
  - (b) 42 U.S.C. 6922, "Standards Applicable to Generators of Hazardous Waste";
  - (c) 42 U.S.C. 6924, "Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities";
  - (d) 40 CFR, "Protection of the Environment," Parts 260-266, 268, 270-271, and 273;

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- (e) COMAR 26.13.02.05, "Identification and Listing of Hazardous Waste," "Special Requirements for Hazardous Waste Generated by Small Quantity Generators" (this is specific for the NRC headquarters complex in the State of Maryland only); and
  - (f) COMAR 26.13.03.05E, "Standards Applicable to Generators of Hazardous Waste," "Pretransport Requirements" (this is specific for the NRC headquarters complex in the State of Maryland only).
2. Designates employees for support roles and permits employees to attend training to perform the functions as described in the OEP.
  3. Assists the regional offices and the TTC in the development of each region's and the TTC's OEP.
  4. Serves as the liaison between the designated headquarters officials and the local fire marshal in the preparation and approval of the OEP.
  5. Notifies the NRC Safety and Occupational Health Manager and maintains written documentation of all fire-related incidents.
  6. Coordinates scheduling and execution of fire drills for headquarters buildings.

#### **IV. APPLICABILITY**

- A. The policy and guidance in MD 10.130 apply to all NRC employees.
- B. Bargaining unit employees also are governed by the collective bargaining agreement, available at <http://www.internal.nrc.gov/HR/pdf/cba-110109.pdf>. Where provisions of the collective bargaining agreement are in conflict with MD 10.130, the provisions of the collective bargaining agreement apply.
- C. NRC employees who work in establishments of private employers are covered by the NRC Safety and Occupational Health Program. NRC does not have the authority to require abatement of hazardous conditions in a private-sector workplace; however, the agency must ensure safe and healthful working conditions for NRC employees. This task is accomplished by administrative controls, personal protective equipment, or removal of NRC employees from the private-sector establishment to the extent necessary to protect them.
- D. Section 19, "Federal Agency Safety Programs and Responsibilities," of the OSH Act provides for safe and healthful working conditions for Federal employees. Employees of private contractors are not covered by Section 19. Contractors are covered by Sections 5(a) and (b) of the OSH Act.

- E. Where employees of different agencies engage in joint operations or primarily report to work or carry out operations in the same establishment, the standards adopted by 29 CFR 1960.1, "Purpose and Scope," or 29 CFR 1960.18, "Supplemental Standards," of the host agency shall govern (29 CFR 1960.19).

## **V. DIRECTIVE HANDBOOK**

Handbook 10.130 contains procedures and guidelines for personnel who administer and are affected by the NRC Safety and Occupational Health Program.

## **VI. DEPARTMENT OF LABOR'S OFFICE OF WORKERS' COMPENSATION PROGRAMS**

The Office of Workers' Compensation Programs (OWCP) administers four major disability compensation programs that provide wage replacement benefits, medical treatment, vocational rehabilitation, and other benefits to certain workers or their dependents who experience work-related injury or occupational disease. The Federal Employees' Compensation Act is administered by the OWCP to provide workers' compensation coverage to Federal employees for employment-related injuries and occupational diseases.

## **VII. IONIZING RADIATION PROGRAM**

MD 10.130 addresses non-radiological hazards. The policy for protecting NRC employees from radiological hazards is set forth in MD 10.131, "Protection of NRC Employees Against Ionizing Radiation."

## **VIII. NRC SAFETY AND OCCUPATIONAL HEALTH PROGRAM ELEMENTS**

### **A. Hazard Communication Program**

1. NRC shall develop, implement, and maintain at each workplace (the White Flint Complex, Storage and Distribution Center, TTC, and regional establishments) a written hazard communication program following provisions of OSHA's Hazard Communication standard, 29 CFR 1910.1200.
2. NRC shall provide employees training and education programs to inform them of—
  - (a) The existence and content of the law;
  - (b) The hazard communication methods employed by NRC;
  - (c) Employees' rights exercised by law; and
  - (d) The procedure by which employees, contractors, and other persons not employed by NRC may obtain a chemical inventory list and safety data sheets for chemicals in the workplace.

3. The NRC's written hazard communication program shall support OSHA's alignment with the United Nation's Globally Harmonized System (GHS) of Classification and Labelling of Chemicals, Fourth Revised Edition, 2011, available at [http://www.unece.org/trans/danger/publi/ghs/ghs\\_rev04/04files\\_e.html](http://www.unece.org/trans/danger/publi/ghs/ghs_rev04/04files_e.html).
4. The NRC Hazard Communication Plan and Template is located on the NRC Safety and Occupational Health SharePoint site, available at <http://fusion.nrc.gov/adm/team/OSHA>.
5. A chemical inventory is a required element of OSHA's Hazard Communication Program. All chemicals used at NRC workplaces should be registered on NRC Form 903, "Chemical Inventory List," in the NRC Forms Library on SharePoint. This inventory is required by the NRC Hazard Communication Plan.
6. Training modules for hazard communication and the GHS are available in iLearn (Course: ID\_esh\_sah\_a56\_sh\_enus), at <https://ilearnnrc.plateau.com/plateau/user/login.jsp>.

#### **B. Respiratory Protection Program for Non-Radiological Situations**

1. NRC does not currently have any routine tasks or reasonably foreseeable non-radiological emergency situations that require the use of an air purifying or supplied-air respirator. The use of a respirator in a non-radiological emergency would require development and implementation of a written respiratory protection program according to OSHA's Respiratory Protection standard. However, the provision of 29 CFR 1910.134 still applies to any non-radiological tasks requiring the use of a respirator.
2. This requirement is not applicable when NRC uses licensee respiratory protection programs consistent with 10 CFR Part 20. Requirements to protect NRC employees from radiological hazards are included in MD 10.131, "Protection of NRC Employees Against Ionizing Radiation."
3. NRC will allow the voluntary use of respirators for non-radiological tasks only after review by the NRC Safety and Occupational Health Manager to determine that respirator use will not in itself create a hazard. If NRC determines that voluntary respirator use is permissible for filtering face pieces (i.e., dust mask), the NRC Safety and Occupational Health Manager will provide the respirator user(s) with the information contained in Appendix D of 29 CFR 1910.134.
4. NRC will establish and implement those elements of a written respiratory protection program necessary to ensure that any employee using a respirator (other than a filtering face piece) voluntarily is medically able to use that respirator.
5. The respirator will be cleaned, stored, and maintained so that its use does not present a health hazard to the user.
6. Forms for the NRC respiratory protection program are located in the NRC Forms Library at <http://fusion.nrc.gov/nrcformsportal/default.aspx>.

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### **C. Bloodborne Pathogens Program**

1. The bloodborne pathogens (BBP) program within the NRC Safety and Occupational Health Program shall establish a written exposure control plan (ECP). The ECP sets forth procedures to eliminate or minimize the risk to NRC employees who are occupationally exposed to blood or other potentially infectious materials (OPIM).
2. The ECP is designed to ensure that all NRC employees comply with the regulations based on OSHA's bloodborne pathogen standard, 29 CFR 1910.1030.
3. The NRC BBP Exposure Control Plan is available on NRC's ADM Safety and Occupational Health (OSHA) SharePoint site at <http://fusion.nrc.gov/adm/team/OSHA>.
4. Forms for the NRC BBP program are located in the NRC Forms Library at <http://fusion.nrc.gov/nrcformsportal/default.aspx>.
5. The OSHA BBP standard requires that employees receive regular training that covers all elements of the standard including, but not limited to—
  - (a) Information on BBP and disease,
  - (b) Methods used to control occupational exposure,
  - (c) Hepatitis B vaccine, and
  - (d) Medical evaluation and post-exposure follow-up procedures.

Note: The NRC must offer this training on initial assignment, at least annually thereafter, and when new or modified tasks or procedures affect a worker's occupational exposure.

6. The required BBP training is an instructor-led course that is available to those employees who may be exposed to blood or OPIM by nature of their assigned duties. Staff should register in iLearn for Course ID\_1242. The NRC Safety and Occupational Health Manager will coordinate the training for the previously identified employees.

### **D. Other Programs**

Many OSHA standards applicable to NRC work operations require detailed, specific written plans that describe how the employer will comply with the standards. The above-listed written programs are the most applicable. The list in this directive is not intended to be all inclusive. The specific hazards and work tasks performed at each work site dictate which OSHA standards apply. In all cases, consult the specific OSHA standard to determine the need for written compliance programs.

### **E. Safety Forms**

A comprehensive list of current NRC Safety and Occupational Health forms is available on the NRC Safety and Occupational Health SharePoint site at <http://fusion.nrc.gov/adm/team/OSHA>.



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## IX. REPORTING UNSAFE AND UNHEALTHFUL WORKING CONDITIONS

Employees have the right to report unsafe and unhealthful working conditions to OSHA, their supervisor, their director, the NRC Safety and Occupational Health Manager, the CDSO, the NRC DASHO, the safety and occupational health committee, or a union representative, without fear of restraint, interference, coercion, discrimination, or reprisal. Reporting requirements are contained in Section III.B of this handbook.

## X. REFERENCES

### *Code of Federal Regulations*

10 CFR Part 20, "Standards for Protection Against Radiation," at <http://www.nrc.gov/reading-rm/doc-collections/cfr/part020/>.

20 CFR Part 10, "Claims for Compensation Under the Federal Employees Compensation Act," as amended, at <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=e94b2dfd6265049fd654439f738212&amp;rqn=div5&view=txt&node=20:1.0.1.2.2&idno=20>.

29 CFR Part 1904, "Recording and Reporting Occupational Injuries and Illnesses," at [https://www.osha.gov/pls/oshaweb/owasrch.search\\_form?p\\_doc\\_type=STANDARDS&p\\_toc\\_level=1&p\\_keyvalue=1904](https://www.osha.gov/pls/oshaweb/owasrch.search_form?p_doc_type=STANDARDS&p_toc_level=1&p_keyvalue=1904).

29 CFR Part 1910, "Occupational Safety and Health Standards," at [https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&p\\_id=9696](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9696).

29 CFR Part 1926, "Safety and Health Regulations for Construction," at [https://www.osha.gov/pls/oshaweb/owastand.display\\_standard\\_group?p\\_toc\\_level=1&p\\_part\\_number=1926](https://www.osha.gov/pls/oshaweb/owastand.display_standard_group?p_toc_level=1&p_part_number=1926).

29 CFR Part 1960, "Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters," at [https://www.osha.gov/pls/oshaweb/owastand.display\\_standard\\_group?p\\_toc\\_level=1&p\\_part\\_number=1960](https://www.osha.gov/pls/oshaweb/owastand.display_standard_group?p_toc_level=1&p_part_number=1960).

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Establishment List for the U.S. Nuclear Regulatory Commission (Revised October 1, 2013)  
(ADAMS ML13274A461).

Management Directive—

7.1, “Tort Claims Against the United States.”

10.101, “Employee Grievances.”

10.131, “Protection of NRC Employees Against Ionizing Radiation.”

12.5, “NRC Cyber Security Program.”

NUREG-Series Publications—

NUREG/BR-0030, Rev. 5, “Safety and Occupational Health Program,” July 2014,  
available at

<https://adamsxt.nrc.gov/WorkplaceXT/IBMgetContent?id=current&vsId=%7BEEEECFA74-888A-4A38-9555-F68925C1CDA8%7D&objectStoreName=Main. .Library&objectType=document>  
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NUREG/BR-0098, Rev. 8, “NRC Safety and Occupational Health Program for  
Managers and Supervisors: What You Should Know,” April 2015, available at  
<https://adamsxt.nrc.gov/WorkplaceXT/getContent?id=release&vsId=%7BEBC50076-968C-4CA2-85FD-F0F1F7A1774B%7D&objectStoreName=Main. .Library&objectType=document>  
(ADAMS ML15110A056).

Written Programs—

NRC Bloodborne Pathogens Exposure Control Plan, at  
<http://fusion.nrc.gov/adm/team/OSHA>.

NRC Hazard Communication Plan, at  
<http://fusion.nrc.gov/adm/team/OSHA>.

NRC Respiratory Protection Written Plan, at  
<http://fusion.nrc.gov/adm/team/OSHA>.

Occupant Emergency Plans, at  
<http://www.internal.nrc.gov/security.html#A>.

### **Other Documents**

“Basic Program Elements for Federal Employee Occupational Safety and Health  
Programs and Related Matters; Subpart I for Recordkeeping and Reporting  
Requirements,” 78 *Federal Register* 150, August 5, 2013, pp. 47180-47191, available at  
<http://www.regulations.gov/#!documentDetail;D=OSHA-2013-0018-0001>.

“Occupational Injury and Illness Recording and Reporting Requirements: North American Industry Classification System Update and Reporting Revisions,” 79 *Federal Register* 181, September 18, 2014, pp. 56130-56183, available at <http://www.regulations.gov/#!documentDetail;D=OSHA-2010-0019-0127>.

Code of Maryland Regulations, 26.13.02.00, Title 26, Department of the Environment, Subtitle 13, “Disposal of Controlled Hazardous Substances,” Chapter 2, “Identification and Listing of Hazardous Waste,” available at [http://www.dsd.state.md.us/comar/subtitle\\_chapters/26\\_chapters.aspx](http://www.dsd.state.md.us/comar/subtitle_chapters/26_chapters.aspx).

Code of Maryland Regulations, 26.13.02.05, “Special Requirements for Hazardous Waste Generated by Small Quantity Generators.”

Code of Maryland Regulations, 26.13.03.05E, “Standards Applicable to Generators of Hazardous Waste,” “Pretransport Requirements.”

Environmental Article, Annotated Code of Maryland, Title 7, Subtitle 2, Section 6-905.3.

Executive Order 12196, “Occupational Safety and Health Programs for Federal Employees,” February 26, 1980, available at <http://www.archives.gov/federal-register/codification/executive-order/12196.html>.

Federal Management Regulation, 41 FMR 102-74.230 - 102-74.260, “Occupant Emergency Program,” at <http://www.gsa.gov/portal/ext/public/site/FMR/file/FMRTOC102-74.html/category/21859/#wp436256>.

Occupational Safety and Health Administration Directives - Number CPL 02-00-086, “Memorandum of Understanding Between the OSHA and the U.S. Nuclear Regulatory Commission,” December 22, 1989, available at [https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_id=1658&p\\_table=directives](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_id=1658&p_table=directives).

Occupational Safety and Health Administration Directives - Number CPL 02-00-124, “Multi-Employer Citation Policy,” December 10, 1999, available at [https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=DIRECTIVES&p\\_id=2024](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=2024).

United Nation’s “Globally Harmonized System of Classification and Labelling of Chemicals (GHS),” Fourth Revised Edition, 2011, available at [http://www.unece.org/trans/danger/publi/ghs/ghs\\_rev04/04files\\_e.html](http://www.unece.org/trans/danger/publi/ghs/ghs_rev04/04files_e.html).

### **United States Code**

Federal Employees’ Compensation Act of 1916 (5 U.S.C. 8101 et seq.), as amended.

Federal Service Labor-Management Relations Statute (FSLMRS) (5 U.S.C. 7101-7135).

Occupational Safety and Health Act of 1970, Section 19, Federal Agency Safety Programs and Responsibilities (29 U.S.C. 668 et seq.).

Resource Conservation and Recovery Act (RCRA), enacted in 1976  
(42 U.S.C. 6901 et seq.).

Solid Waste Disposal (42 U.S.C. Chapter 82).

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(44 U.S.C. 3541, et seq.).

**Web Sites:**

iLearn Web Site:

<https://ilearnnrc.plateau.com/plateau/user/login.jsp>.

NRC Forms Library on SharePoint:

<http://fusion.nrc.gov/nrcformsportal/default.aspx>.

Occupational Safety and Health Administration Web Site:

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

The U.S. Department of Labor's Office of Workers' Compensation Programs, Division of  
Federal Employees Compensation Web Site:

<http://www.dol.gov/compliance/laws/comp-feca.htm>.

The U.S. Department of Labor, Employees' Compensation Operations and Management  
Portal Web Site:

<https://www.ecomp.dol.gov/>.

The U.S. Department of Labor Regulations (Standards - 29 CFR):

[https://www.osha.gov/pls/oshaweb/owasrch.search\\_form?p\\_doc\\_type=STANDARDS&p\\_toc\\_level=0](https://www.osha.gov/pls/oshaweb/owasrch.search_form?p_doc_type=STANDARDS&p_toc_level=0).

## U.S. NUCLEAR REGULATORY COMMISSION DIRECTIVE HANDBOOK (DH)

DH 10.130	SAFETY AND OCCUPATIONAL HEALTH PROGRAM	DT-15-17
<i>Volume 10, Part C:</i>	Personnel Management Employee Safety	
<i>Approved By:</i>	Cynthia A. Carpenter, Director Office of Administration	
<i>Date Approved:</i>	August 14, 2015	
<i>Expiration Date:</i>	August 14, 2020	
<i>Issuing Office:</i>	Office of Administration Program Management, Policy Development and Analysis Staff	
<i>Contact Name:</i>	E. Patricia Liegey 301-415-7832	
<p><b>EXECUTIVE SUMMARY</b></p> <p>Management Directive (MD) 10.130, "Safety and Occupational Health Program," is being revised to incorporate an electronic reporting requirement for NRC employees who have sustained a work-related injury or illness and wish to file a claim in accordance with the Federal Employees' Compensation Act. NRC employees will need to report any injury in the Department of Labor's (DOL) Employees' Compensation Operations and Management Portal (ECOMP) Web-based reporting program. Supervisors must electronically review and approve any injury or illness reports and any claims for compensation through ECOMP. In addition to using DOL's ECOMP system, NRC employees must continue to submit NRC Form 436, "Report of Work-Related Injuries and Illnesses," as instructed in this MD. Under the ECOMP link, the injured employee will also complete the Occupational Safety and Health Administration's Form 301, "Injury and Illness Incident Report."</p> <p>In addition to minor editorial change, this focused change also informs office directors, regional administrators, and the Deputy Associate Director of the Technical Training Center (TTC) of NUREG/BR-0098, Rev. 8, "Safety and Occupational Health Program for Managers and Supervisors: What You Should Know."</p>		

### TABLE OF CONTENTS

<b>I. STANDARDS.....</b>	<b>3</b>
A. General .....	3
B. Occupational Safety and Health Standards .....	3
C. Adoption of Alternate Standards .....	6

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D. Conflicting Standards.....	7
<b>II. SAFETY AND OCCUPATIONAL HEALTH PROGRAM .....</b>	<b>8</b>
A. Purpose.....	8
B. The NRC Safety and Occupational Health Manager .....	8
C. Collateral Duty Safety Officers.....	10
D. Joint Labor-Management Safety and Occupational Health Committees .....	10
E. NRC Employees .....	12
<b>III. SAFETY AND OCCUPATIONAL HEALTH INSPECTIONS, ABATEMENT, AND HAZARD REPORTING .....</b>	<b>13</b>
A. Inspections .....	13
B. Hazard Reporting .....	15
C. Hazard Abatement.....	16
<b>IV. ALLEGATIONS OF REPRISAL.....</b>	<b>17</b>
<b>V. EDUCATION AND TRAINING .....</b>	<b>17</b>
A. Objectives.....	17
B. Methods .....	18
<b>VI. RECORDKEEPING AND REPORTING .....</b>	<b>21</b>
A. Occupational Injury and Illness .....	21
B. Recording and Reporting Occupational Injury and Illness.....	22
C. Accident Reporting and Investigation.....	24
D. Agency Annual Report.....	25
E. Retention of Records .....	26
F. Additional Resources .....	26
<b>VII. EVALUATION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH PROGRAMS .....</b>	<b>26</b>
A. Self-Evaluation of Occupational Safety and Health Programs.....	26
B. Self-Evaluation Form .....	26
<b>VIII. OCCUPANT EMERGENCY PLAN (OEP).....</b>	<b>27</b>
A. General .....	27
B. Appointing the Designated Official .....	27
C. Preparation of the Occupant Emergency Plan .....	27
D. Evaluation of the Occupant Emergency Plan.....	27
<b>IX. DEFINITIONS .....</b>	<b>28</b>

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## I. STANDARDS

### A. General

1. The Occupational Safety and Health Act of 1970 (the OSH Act), Section 19, "Federal Agency Safety Programs and Responsibilities," contains special provisions to assure safe and healthful working conditions for Federal employees. Each Federal agency is responsible for establishing and maintaining an effective and comprehensive safety and occupational health program consistent with the standards of Section 6, "Occupational Safety and Health Standards," of the OSH Act. The Secretary of Labor issued Title 29 of the *Code of Federal Regulations* (CFR), Part 1960, "Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters," to provide the basic guidance for these programs.
2. Although agencies are required to establish and maintain a program under 29 CFR Part 1960, there are provisions that permit agencies flexibility to implement their program consistent with their mission, size, and organizational structure. The Director, Office of Administration (ADM), serves as the U.S. Nuclear Regulatory Commission Designated Agency Safety and Health Official (DASHO). The DASHO may request the Secretary of Labor to consider approval of alternate program elements. Before submitting this request, the DASHO must consult with NRC employees (or their representatives) and with appropriate safety and occupational health committees. The Secretary of Labor, after consulting with the Federal Advisory Council on Occupational Safety and Health, may approve or disapprove alternate program elements. The proposed alternate program elements are considered consistent if they provide protection to employees that are at least as effective as the protection provided by Occupational Safety and Health Administration (OSHA) standards.

### B. Occupational Safety and Health Standards

The following standards, codes, and criteria documents have been adopted for the protection of all NRC employees:

1. 20 CFR Part 10, "Claims for Compensation Under the Federal Employees' Compensation Act, As Amended."
2. 29 CFR Part 1904, "Recording and Reporting Workplace Injuries and Illnesses."
3. 29 CFR Part 1910, "Occupational Safety and Health Standards."
4. 29 CFR Part 1926, "Safety and Health Regulations for Construction."
5. 29 CFR Part 1960, "Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters."

6. "Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters; Subpart I for Recordkeeping and Reporting Requirements" (78 FR 150), available at <http://www.regulations.gov/#!documentDetail;D=OSHA-2013-0018-0001>.
7. "Occupational Injury and Illness Recording and Reporting Requirements: North American Industry Classification System Update and Reporting Revisions" (79 FR 181), available at <http://www.regulations.gov/#!documentDetail;D=OSHA-2010-0019-0127>.
8. 40 CFR, "Protection of the Environment," Parts 260-266, 268, 270-271, and 273.
9. American Conference of Governmental Industrial Hygienists (ACGIH), "Threshold Limit Values and Biological Exposure Indices" (latest edition).
10. American National Standard (ANSI) Z87.1-2003, "Occupational and Educational Personal Eye and Face Protection Devices."
11. American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), "Handbook of Fundamentals" (latest edition), New York.
12. American Society of Mechanical Engineers (ASME) A17.1-10, "Safety Code for Elevators and Escalators."
13. American Society for Testing and Materials (ASTM) F2412-11, "Standard Test Methods for Footwear."
14. Americans with Disabilities Act (ADA) (42 U.S.C. 12101 et seq.), amended 2008.
15. ANSI/Industrial Truck Standards Development Foundation (ITSD) B56.1-2009, "Safety Standards for Low Lift and High Lift Trucks."
16. ANSI/American Industrial Hygiene Association (AIHA) Z88.6-2006, "Respiratory Protection-Respirator Use Physical Qualifications for Personnel."
17. ANSI/AIHA Z88.7-2010, "Color Coding of Air Purifying Canister, Cartridges and Filters."
18. ANSI/AIHA Z88.10-2010, "Respirator Fit Testing Methods."
19. ANSI/International Safety Equipment Association (ISEA) Z89.1-2009, "American National Standards for Industrial Head Protection."
20. ANSI/ISEA Z308.1-2009, "American National Standard-Minimum Requirements for Workplace First Aid Kits and Supplies."
21. ANSI/ISEA Z358.1-2009, "American National Standard for Emergency Eyewash and Shower Equipment."
22. ANSI/American Society of Safety Engineers (ASSE) Z359.1-2007, "Safety Requirements for Personal Fall Arrest Systems, Subsystems and Components."



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23. ANSI/ASSE Z359.1-2009, "Definitions and Nomenclature Used for Fall Protection and Fall Arrest."
  24. Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.).
  25. ASTM F2413-2011, "Standard Specification for Performance Requirements for Protective (Safety) Toe Cap Footwear."
  26. BOCA National Building Code, Building Officials and Code Administrators (BOCA) International, Inc. (latest edition).
  27. Code of Maryland Regulations (COMAR) 26.13.03.05E and 26.13.02.05.
  28. Collective Bargaining Agreement between the U.S. Nuclear Regulatory Commission and the National Treasury Employees Union, Article 38, November 2009.
  29. Executive Order (E.O.) 12196, "Occupational Safety and Health Program for Federal Employees," 1980.
  30. Federal Employees' Compensation Act of 1916 (5 U.S.C. 8101 et seq.), as amended.
  31. Federal Management Regulation, 41 FMR 102-74.230, "Occupant Emergency Program," 2010.
  32. Fire Protection Engineering Manual, U.S. General Services Administration (GSA) PBS-P-3430.1A, 1990.
  33. GSA Occupational Safety and Health Program, ADM-P-5940.1.
  34. Illuminating Engineering Society of North America, IES Lighting Handbook (latest edition), New York.
  35. National Fire Protection Association (NFPA) Codes and Standards.
  36. NRC Management Directive (MD) 7.1, "Tort Claims Against the United States," 2010.
  37. NRC MD 10.101, "Employee Grievances," 1987.
  38. NRC MD 10.131, "Protection of NRC Employees Against Ionizing Radiation," 2003.
  39. NRC NUREG/BR-0098, Rev. 8, "NRC Occupational Safety and Health Program for Managers and Supervisors: What You Should Know," April 2015.
  40. OSH Act of 1970, Section 19, Federal Agency Safety Programs and Responsibilities (29 U.S.C. 668 et seq.).
  41. Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.).
  42. Resource Conservation and Recovery Act (RCRA), enacted in 1976 (42 U.S.C. 6901 et seq.).
  43. Solid Waste Disposal (42 U.S.C. Chapter 82).

44. Standard Building Code, Southern Building Code International, Inc. (SBCCI) (latest edition).
45. Uniform Building Code, International Conference of Building Officials (latest edition).
46. Uniform Federal Accessibility Standards.
47. U.S. Army Corps of Engineers Safety and Health Requirements Manual, EM385-1-1, 2012.

### **C. Adoption of Alternate Standards**

1. NRC shall comply with all occupational safety and health standards issued under Section 6 of the OSH Act or with alternate standards issued pursuant to 29 CFR 1960.16. NRC may, upon prior notification to the Secretary of Labor, prescribe and enforce more stringent standards.
2. The drafts of standards that are in the developmental process, as well as existing standards that are being considered for adoption, shall be sent to NRC office directors, regional administrators, the Technical Training Center (TTC) Deputy Associate Director, safety and occupational health committees, and employee representatives at all NRC operating locations for comments and concurrence. NRC may use the latest edition of a reference standard if it is more stringent than Section 6 of the OSH Act.

#### **(a) Alternate Standards**

- (i) A request for an alternate standard shall be communicated in writing to the NRC DASHO. The request shall include the standard to be replaced, the standard proposed, and the particular working conditions or other related needs to be covered.
- (ii) The alternate standard shall be consistent with the equivalent OSHA standard under the provisions of 29 CFR Part 1960. The NRC DASHO shall, after consulting with employees and their representatives (including safety and occupational health committees), notify the Secretary of Labor and request approval of the alternate standard.
- (iii) The request for an alternate standard shall include—
  - A statement of why NRC cannot comply with the OSHA standard or wants to adopt an alternate standard,
  - A description of the alternate standard,
  - An explanation of how the alternate standard provides equivalent or greater protection,
  - A description of interim protective measures until a decision is rendered by the Secretary of Labor, and

- A summary of written comments from interested employees, employee representatives, and occupational safety and health committees.

(b) Supplementary Standards

- (i) If the Secretary of Labor promulgates an emergency temporary standard to protect employees from serious hazards, the NRC DASHO or designee may adopt emergency temporary and permanent supplementary standards as necessary for application to working conditions for which there exists no appropriate OSHA standard. Issued under Section 6 of the OSH Act, the standard should remain effective as an NRC standard until the Secretary of Labor promulgates a permanent standard and NRC completes the process to adopt a permanent standard.
- (ii) The agency head should notify the Secretary of Labor of the subject matter of such standard when the development of the standard begins. The notification shall include a complete description of the particular condition not covered by an appropriate OSHA standard and the standard proposed for adoption.
- (iii) The NRC DASHO or designee shall consult with NRC employees, occupational safety and health committees, and the Secretary of Labor before adoption of the standard.
- (iv) Revisions, modifications, or revocations of NRC standards by the NRC DASHO or designee will be coordinated following the procedures in Section I.C.2(a)(iii) above.
- (v) NRC shall send a copy of the final draft of a permanent supplementary standard to the Secretary of Labor for final approval before official adoption by the agency. Any written comments on the standards from interested employees, employee representatives, and occupational safety and health committees shall accompany the final draft.
- (vi) The NRC DASHO or designee also may adopt emergency temporary safety and occupational health standards when he or she deems the action necessary to protect NRC employees from serious danger. The NRC official shall immediately inform the Secretary of Labor of the action.

**D. Conflicting Standards**

1. When NRC employees engage in joint operations with other agencies or primarily report to work or carry out operations in the same establishment with other agencies, the standards adopted under 29 CFR Part 1960.17 or Part 1960.18 of the host agency shall govern.
2. The NRC DASHO or designee shall arrange consultation between the agencies involved and with the Secretary of Labor to resolve any conflict between the safety and occupational health standards of the involved agencies.

3. If the NRC safety and occupational health standards conflict with another Federal agency's occupational safety and health standards, the NRC DASHO or designee shall inform the head of the other Federal authority and the Secretary of Labor of the conflict and try to resolve the conflict. However, until the conflict is resolved, employees will work by the more protective of the conflicting standards. (See Occupational Safety and Health Administration Directives - Number CPL 02-00-124, "Multi-Employer Citation Policy," December 10, 1999, available at [https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=DIRECTIVES&p\\_id=2024](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=2024).)

## **II. SAFETY AND OCCUPATIONAL HEALTH PROGRAM**

### **A. Purpose**

The purpose of the NRC Safety and Occupational Health Program is to implement and meet the requirements of Section 19 of the OSH Act of 1970, as amended; E.O. 12196; 29 CFR Part 1960; 29 CFR Part 1904; and 29 CFR Part 1910. This program is designed to—

1. Investigate reports of unsafe or unhealthful working conditions.
2. Meet occupational injury and illness recordkeeping and reporting requirements.
3. Complete an annual summary of occupational injuries and illnesses.
4. Investigate all accidents.
5. Meet education and training requirements.
6. Conduct annual workplace inspections.
7. Submit the NRC's Annual Occupational Safety and Health Report to the Secretary of Labor.
8. Implement a self-evaluation program.

### **B. The NRC Safety and Occupational Health Manager**

1. Manages and administers the NRC Safety and Occupational Health Program as the representative of the NRC DASHO.
2. Counsels the NRC DASHO and other management officials to assist them in carrying out their safety and occupational health duties and responsibilities as required by the OSH Act, E.O. 121906, 29 CFR 1960, and MD 10.130.
3. Provides necessary direction, training, and support to collateral duty safety officers (CDSO) located in the regional offices and the TTC.

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4. Researches, develops, formulates, proposes, and assists management in implementing agency policies, programs, initiatives, and other management actions to promote safer, healthier work environments.
  5. Establishes a management information system to carry out the workplace injury and illness recordkeeping and reporting duties of the program. The NRC management information system shall be clearly documented in accordance with requirements contained in the Federal Financial Management System Requirements (FFMSR) publications and the Federal Information Security Management Act (FISMA).
  6. Acts on reports of hazards or alleged hazards, maintaining confidentiality when requested, and corrects hazardous conditions when discovered.
  7. Investigates all workplace injuries and illnesses and reviews and maintains related forms, records, and reports.
  8. Conducts periodic announced or unannounced safety and occupational health inspections and audits of headquarters facilities, the TTC, and regional office workplaces, including evaluation of the state of readiness of the Occupant Emergency Plan (OEP) and design of each building, and recommends corrective action when necessary.
  9. Assesses NRC safety and occupational health training needs, develops training requirements, and coordinates course development in partnership with the Office of the Chief Human Capital Officer (OCHCO), Associate Directorate for Human Resources Training and Development.
  10. Coordinates safety and occupational health training for the agency.
  11. Participates in safety and occupational health training.
  12. Develops and submits the NRC's Annual Occupational Safety and Health Report to the Secretary of Labor through OSHA's Office of Federal Agency Programs.
  13. Develops and submits the agency's previous calendar year's occupational injury and illness recordkeeping information to the Bureau of Labor Statistics (BLS) and OSHA on an annual basis.
  14. Implements program requirements published by the Secretary of Labor according to the mission, size, and organization of NRC.
  15. Liaises with the Department of Labor, OSHA, the Federal Advisory Council on Occupational Safety and Health, the Field Federal Safety and Health Council, and private and public safety and health organizations.
  16. Establishes an NRC headquarters occupational safety and health committee.

17. Sponsors an annual counterpart meeting for all NRC Collateral Duty Safety Officers (CDSOs) to discuss safety and occupational health matters, train, resolve problems, and provide the NRC DASHO minutes reflecting results of the meeting.

### **C. Collateral Duty Safety Officers**

Each region and the TTC have a CDSO who manages and administers the NRC Safety and Occupational Health Program. The CDSOs—

1. Counsel management officials regarding their safety and occupational health duties and responsibilities as required by the OSH Act, E.O. 12196, 29 CFR 1960, and MD 10.130.
2. Act on reports of hazards or alleged hazards, maintaining confidentiality when requested, and correct hazardous conditions when discovered.
3. Establish and maintain a management information system to provide the necessary reports and records to the NRC Safety and Occupational Health Manager as requested. The NRC management information system shall be clearly documented in accordance with requirements contained in the FFMSR publications and FISMA.
4. Investigate all workplace injuries and illnesses, and review and maintain related forms, records, and reports. Forward the reports to the NRC Safety and Occupational Health Manager.
5. Conduct periodic unannounced inspections of workplaces and internal audits in their respective region or the TTC.
6. Coordinate safety and occupational health training for themselves and the employees in their respective region or the TTC.
7. Liaise with local Field Federal Safety and Health Councils.
8. Participate in safety and occupational health training.
9. Coordinate safety actions with the NRC Safety and Occupational Health Manager.
10. Submit reports and information as requested and required to the NRC Safety and Occupational Health Manager.
11. Evaluate the OEP and recommend corrective action when necessary.

### **D. Joint Labor-Management Safety and Occupational Health Committees**

1. Joint Labor-Management Safety and Occupational Health Committees, composed of equal numbers of NRC management and non-management (i.e., bargaining unit members) NRC employees shall be established in each region, the TTC, and at NRC headquarters.

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2. The Joint Labor-Management Safety and Occupational Health Committees shall—
- (a) Monitor and assist in the execution of the Safety and Occupational Health Program at NRC establishments under their jurisdiction and make recommendations on the operation of the program to the official in charge. OSHA considers the official in charge to be assigned for each workplace (e.g., Executive Director of Operations, Deputy Associate Director, TTC, regional administrators).
  - (b) Assist NRC in maintaining an open channel of communication between employees and management concerning safety and occupational health matters in NRC workplaces.
  - (c) Provide a method by which employees can use their knowledge of workplace operations to assist NRC management to improve policies, conditions, and practices.
  - (d) Monitor findings and reports of workplace inspections to confirm that appropriate corrective measures are implemented.
  - (e) Participate in inspections of the establishment when requested or when the committee deems it necessary.
  - (f) Review internal and external evaluation reports and audits and make recommendations concerning the establishment's safety and occupational health program.
  - (g) Review and recommend changes, as appropriate, to procedures for handling safety and occupational health suggestions and recommendations from NRC employees.
  - (h) Comment on proposed standards when requested or when the committee deems it necessary.
  - (i) Monitor and recommend changes, as required, in the level of resources allocated and spent on the regional and TTC safety and occupational health programs.
  - (j) Review NRC responses to reports of hazardous conditions, safety and occupational health program deficiencies, and allegations of reprisal.
  - (k) Report their dissatisfaction to the Secretary of Labor if half the members of record determine that management has failed to correct safety and occupational health program deficiencies in a timely or effective manner or if management has failed to investigate and resolve reports of reprisal.
  - (l) Request that the Secretary of Labor conduct an evaluation or inspection if half the members of record are not satisfied with the NRC response to a report of hazardous working conditions.

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3. In addition to those duties previously listed as they relate to headquarters, the headquarters Joint Labor-Management Safety and Occupational Health Committee shall—
    - (a) Monitor performance of the NRC Safety and Occupational Health Program and make policy recommendations on the operation of the program to the NRC DASHO.
    - (b) Monitor and assist in the development and operation of the NRC regional and TTC safety and occupational health committees.
    - (c) Monitor and review—
      - (i) Reports of inspections and audits,
      - (ii) Internal and external evaluation reports,
      - (iii) Workplace injury and illness records with the employee name redacted,
      - (iv) NRC safety and health training programs,
      - (v) Proposed agency standards,
      - (vi) NRC plans for abating hazards,
      - (vii) NRC responses to reports of hazardous conditions,
      - (viii) NRC Safety and Occupational Health Program deficiencies, and
      - (ix) Allegations of reprisal.
    - (d) Monitor and recommend changes in the resources allocated to the entire NRC Safety and Occupational Health Program.
    - (e) Report their dissatisfaction to the Secretary of Labor if half a committee determines there are deficiencies in the NRC Safety and Occupational Health Program or is not satisfied with the NRC's reports of reprisal investigations.

#### **E. NRC Employees**

1. Comply with the standards, rules, regulations, procedures, and orders issued by the NRC under Section 19 of the OSH Act, E.O. 12196, 29 CFR 1960, and MD 10.130 that are applicable to their own actions and conduct.
2. Complete all required safety and occupational health training.
3. Use safety and personal protective equipment and other devices and procedures provided or directed by NRC.
4. Use correct, safe procedures in all official activities.
5. Report observed hazards to a supervisor, union representative, safety official, security, safety and occupational health committee, or directly to OSHA.



6. May exercise their right to be assured they are not subject to restraint, interference, coercion, discrimination, or reprisal when filing a report of an unsafe or unhealthful working condition.
7. Report workplace injuries and illnesses in the Department of Labor's (DOL) Web-based program, Employee's Compensation Operations and Management Portal (ECOMP), at <https://www.ecomp.dol.gov/>, in accordance with the Federal Employees' Compensation Act (FECA).
  - (a) Complete the Occupational Safety and Health Administration's (OSHA) Form 301, "Injuries and Illnesses Incident Report," in ECOMP.
  - (b) Elect to file a claim using either an Office of Workers' Compensation Programs (OWCP) Form CA-1, "Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation" (for traumatic injury), or an OWCP Form CA-2, "Notice of Occupational Disease and Claim for Compensation" (for occupational disease). See Section VI.A.1(b) of this handbook.
8. In addition to the report in DOL's ECOMP system, report workplace injuries and illnesses to their supervisors and document injuries or illness on NRC Form 436, "Report of Workplace Injuries and Illnesses." Forward the Form 436 to the NRC Safety and Occupational Health Manager or CDSO. The Form 436 is available in the NRC Forms Library at <http://fusion.nrc.gov/nrcformsportal/default.aspx>.
9. A comprehensive list of current NRC Safety and Occupational Health forms is on the NRC Safety and Occupational Health SharePoint site, available at <http://fusion.nrc.gov/adm/team/OSHA>.
10. Promptly carry out any assigned emergency responsibilities when an emergency is declared.
11. If not assigned an emergency responsibility, quickly evacuate the building when the fire alarm system is activated, or follow other directions if an emergency is announced over a public address system or through other means.

### **III. SAFETY AND OCCUPATIONAL HEALTH INSPECTIONS, ABATEMENT, AND HAZARD REPORTING**

#### **A. Inspections**

1. The primary purpose of the NRC Safety and Occupational Health Inspection Program is to ensure safe working conditions and practices for NRC employees at headquarters, all regional locations, and the TTC through the early detection and abatement of unsafe practices, or working conditions, or both. This requirement excludes private establishments.

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2. The NRC Safety and Occupational Health Manager or CDSO will conduct unannounced inspections of all workplaces under his or her jurisdiction at least once annually. Workplaces where there is an increased risk of accidents, injury, or illness will be inspected more frequently.
  3. Inspections shall be performed at reasonable times, during normal business hours, and shall not disrupt normal operations. No advance notice will be given to the person in charge of the area or establishment to be inspected.
  4. The supervisor in charge of the work area being inspected, safety committee members, and/or an employee representative may accompany the safety inspector. These employees may inform the inspector of any possible unsafe or unhealthful conditions.
  5. The NRC Safety and Occupational Health Manager serves as the contracting office representative for the contracted inspectors. Contracted Safety and Occupational Health Inspectors shall—
    - (a) Examine accident, injury, and illness reports to assist in identifying potentially unsafe and unhealthful workplaces.
    - (b) Ensure that environmental samples and photographs are taken if necessary.
    - (c) Question employees at the workplace, if appropriate.
    - (d) Comply with all safety and occupational health regulations at the workplace being inspected.
    - (e) Conduct unannounced followup inspections to ensure that abatement of hazardous conditions has been accomplished.
  6. OSHA requires that an opening and closeout conference be held with the official in charge and employee representative before and at the conclusion of a workplace safety and health inspection. Use NRC Form 906, "Record of Safety and Health Inspection Conferences."
  7. During the pre-inspection conference, the official in charge, the CDSO, and the employee representative shall be given an opportunity to inform the safety and occupational inspector of any pertinent information regarding conditions in the workplace. During the post-inspection conference, the inspector shall informally advise the official in charge, the CDSO, and the employee representative of any apparent unsafe or unhealthful working conditions disclosed by the inspection.
  8. The inspector shall, in writing, describe the procedures followed in the inspection and the findings that form the basis for the issuance of NRC Form 219, "Notice of Unsafe or Unhealthful Workplace Conditions." The inspector shall:
    - (a) Describe the nature and degree of seriousness of the unsafe or unhealthful working conditions.

- (b) Issue the notice within 15 days after completion of the inspection for safety violations or within 30 days for health violations.
- (c) Post this form near the hazard until the hazard has been abated, or for 3 working days, whichever is later.
- (d) File and maintain this form for 5 years after the abatement at the establishment.
- (e) Send a copy of this form to the official in charge of the workplace, the employee representative, and the safety and health committee.

## **B. Hazard Reporting**

1. Many safety and occupational health problems can be eliminated as soon as they are identified and brought to the attention of the supervisor. However, an employee does not have to await the outcome of an oral report before filing a written report. The oral or written reports are not intended to interfere in any way with the prior, simultaneous, or subsequent use by any employee of any established grievance procedures or collective bargaining agreements as a means of requesting corrections of alleged unsafe or unhealthful working conditions.
2. Any employee may orally identify any hazard to his or her supervisor, who will immediately examine the condition and initiate corrective action.
3. The purpose of employee reports is to inform the NRC of the existence of, or potential for, unsafe or unhealthful working conditions. A report is not part of a grievance.
4. Any employee or employee representative who believes that an unsafe or unhealthful working condition exists in the workplace shall have the right and is encouraged to report the condition to the appropriate NRC Safety and Occupational Health Manager or the regional or TTC CDSO. The employee may request an inspection of the workplace.
5. The report may be made in writing either by the employee submitting the report, or in the case of oral notification, by the NRC safety officer or person designated to receive the report. NRC Form 14, "Report of Unsafe or Unhealthful Working Conditions," should be used for the reporting of workplace hazards.
6. NRC Form 14 shall contain the name of the employee or the employee representative. However, upon the request of the employee submitting the report, no person shall disclose the name of the employee making the report or the name(s) of employees referred to in the report.
7. A copy of each report received by the NRC safety officer shall be sent to the local safety and health committee.
8. Each report of an existing or potential hazardous condition should be recorded by the NRC safety officer on NRC Form 911, "Log of Reported Unsafe or Unhealthful Working Conditions." NRC Form 911 shall be used to maintain an accurate record of

- the report and followup responses. The log shall contain the following information: date, time, sequential file number, location of condition, brief description of the condition, hazard classification (imminent danger, serious, other), and date and nature of action taken.
9. An inspection will be conducted within 24 hours for conditions of imminent danger, within 3 working days for potentially serious conditions, and within 20 working days for other than serious safety and occupational health conditions.
  10. NRC Form 908, "Investigation of Reported Hazard," shall be used to record data discovered during investigations.
  11. An employee submitting a report of unsafe or unhealthful conditions shall be notified of the inspection results in writing within 15 days after the inspection for safety hazards and within 30 days for health violations.
  12. A copy of each notification shall be provided to the Joint Labor-Management Safety and Health Committee.

### **C. Hazard Abatement**

1. NRC shall assure the prompt abatement of unsafe and unhealthful conditions. Where NRC Form 219 has been issued, abatement shall be within the time set forth in the notice or according to the established abatement plan.
2. The official in charge of the establishment is responsible for initiating the action required to correct unsafe or unhealthful working conditions brought to his or her attention. He or she shall also ensure that employees are not exposed to undue risk of injury or illness during the period required to abate the hazard. Abatement must be accomplished through normal administrative channels when practicable. The official in charge of the establishment shall promptly prepare a hazard abatement plan with the participation of the NRC safety officer, if, in the judgment of the establishment official, the abatement of an unsafe or unhealthful working condition will not be possible within 80 calendar days.
  - (a) Document all hazard abatement plans on NRC Form 904, "Hazard Abatement Plan."
  - (b) Share a copy of NRC Form 904 with the applicable Joint Labor-Management Safety and Occupational Health Committee and to employee representatives.
3. Any changes in the abatement plan will require the preparation of a new plan.
4. The official in charge of an establishment will post NRC Form 219 on the local bulletin board. The posted form shall not be removed for 3 workdays, or until the hazard has been abated, whichever is later.
5. When a hazard cannot be abated within the authority and resources of the official in charge of the establishment, that official shall request assistance from an appropriate higher authority. The NRC safety officer, the Joint Labor-Management Safety and

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Health Committee, employee representatives, and all personnel subject to the hazard shall be advised of this action and of interim measures in effect, and shall be kept informed of subsequent progress on the abatement plan.

6. If a situation exists that could reasonably be expected to cause death or serious physical injury, the immediate supervisor must take appropriate action to protect all affected employees. If immediate abatement of the hazard is not possible, contact the NRC DASHO or the appropriate regional administrator for assistance.

#### **IV. ALLEGATIONS OF REPRISAL**

- A. NRC has established procedures to ensure that no employee is subject to restraint, interference, coercion, discrimination, or reprisal for filing a report of an unsafe or unhealthful working condition; other participation in the NRC Safety and Occupational Health Program activities; or because of the exercise by the employee on behalf of himself, herself, or others of any right afforded by Section 19 of the OSH Act; E.O. 12196; or 29 CFR Part 1960, Subpart G, "Allegations of Reprisal."
- B. These rights include, among others, the right of an employee to decline to perform his or her assigned task because of a reasonable belief that, under the circumstances, the task poses an imminent risk of death or serious bodily harm, coupled with a reasonable belief that there is insufficient time to seek effective redress through normal hazard reporting and abatement procedures established under 29 CFR Part 1960, Subpart G.
- C. The NRC DASHO or designee shall keep the appropriate safety and occupational health committee advised of agency activity regarding allegations of reprisal and any agency determinations thereof. Copies of reprisal investigation findings shall be provided to the Secretary of Labor and to the appropriate Joint Labor-Management Safety and Health Committee.
- D. Grievance procedures for employees who believe they have been subject to restraint, interference, coercion, discrimination, or reprisal for filing a report of an unsafe or unhealthful working condition are contained in MD 10.101, "Employee Grievances," and in the Collective Bargaining Agreement Between U.S. Nuclear Regulatory Commission and National Treasury Employees Union.

#### **V. EDUCATION AND TRAINING**

##### **A. Objectives**

1. Communicating Knowledge and Skills for Safe Practices

A formal safety and occupational health education and training program communicates knowledge and skills for safe practices. This program includes on-the-job training and other types of more formal instruction, as appropriate, and presents both facts and underlying principles.

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2. Informing Employees About Workplace Hazards and Individual Responsibilities

The objective is to provide information through education and training that is tailored for the level of responsibility addressed. When a new standard is issued that affects NRC employees, directors and key staff members need to be informed of its principal content, the reason for its issuance, ways in which the agency will be affected, and who is going to take action. In turn, intermediate management, supervisors, and employees need to know exactly what is required of them. Specifically, the OSH Act and 29 CFR 1960, Subpart H, "Training," require that training information must be provided for the following categories of personnel:

- (a) Office directors, regional administrators, the Deputy Associate Director of the TTC, and above;
- (b) Supervisors;
- (c) Safety and occupational health inspectors;
- (d) CDSOs and Joint Labor-Management Safety and Occupational Health Committee members; and
- (e) Employees and employee representatives.

**B. Methods**

The education and training program shall consist of an awareness of MD 10.130, the NRC workplace safety course, and the following requirements for specific staff:

1. Regional administrators, office directors, the Deputy Associate Director of the TTC, and above.

Upper management shall be provided with appropriate orientation and learning experiences to enable them to provide knowledgeable support to the NRC Safety and Occupational Health Program. This orientation must include the following:

- (a) Section 19 of the OSH Act;
- (b) E.O. 12196;
- (c) Requirements of 29 CFR Part 1960, Subpart H, "Training"; and
- (d) MD 10.130.

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2. Supervisors

All NRC supervisors are required to complete the NRC iLearn course, "Safety and Occupational Health Program for Managers and Supervisors: What You Should Know" (Course: ID\_61143). All supervisors must be provided with safety and occupational health training material that includes:

- (a) An explanation of supervisory responsibility for providing and maintaining a safe and healthful working condition for employees;
- (b) Section 19 of the OSH Act;
- (c) E.O. 12196;
- (d) Requirements of 29 CFR Part 1960, Subpart H, "Training";
- (e) MD 10.130;
- (f) Recognizing hazardous conditions and environments;
- (g) Reporting, evaluating, and abating hazards;
- (h) Agency procedures for abatement of hazards;
- (i) Agency procedures for reporting workplace injuries and illnesses;
- (j) Agency procedures for reporting and investigating allegations of reprisal; and
- (k) Safety and occupational health standards applicable to assigned workplaces.

3. NRC Safety and Occupational Health Manager

- (a) The NRC Safety and Occupational Health Manager shall be provided safety and occupational health training through courses, field study, and other formal learning experiences to prepare the manager to perform the necessary technical monitoring, consulting, testing, inspecting, designing, and other tasks related to program development and implementation, as well as hazard recognition; evaluation and control; equipment and facility design; standards; analysis of accident, injury and illness data; and other related tasks.
- (b) NRC shall implement a career development program for the NRC Safety and Occupational Health Manager to enable the manager to meet present and future NRC Safety and Occupational Health Program needs of the agency.

4. Contracted Safety and Occupational Health Inspectors

Contracted safety and occupational health inspectors shall have training (29 CFR 1960.57) that includes—

- (a) Familiarity with applicable standards;

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- (b) Using appropriate equipment and testing procedures necessary to identify and evaluate hazards and suggest abatement procedures; and
  - (c) Preparing reports and other documentation to support inspection findings.
5. Collateral Duty Safety Officers and Joint Labor-Management Safety and Occupational Health Committee Members
- On appointment of an employee to a CDSO position or Joint Labor-Management Safety and Occupational Health committee, NRC shall provide training commensurate with the scope of their assigned responsibilities. The training shall include—
- (a) Section 19 of the OSH Act;
  - (b) E.O. 12196;
  - (c) 29 CFR Part 1960, Subpart H, "Training";
  - (d) MD 10.130;
  - (e) Recognizing hazardous conditions and environments;
  - (f) Reporting, evaluating, and abating hazards;
  - (g) Agency procedures for abatement of hazards;
  - (h) Agency procedures for reporting workplace injuries and illnesses.
  - (i) Agency procedures for reporting and investigating allegations of reprisal;
  - (j) Identifying and utilization of safety and occupational health standards; and
  - (k) Other appropriate rules and regulations.
6. Employees and Employee Representatives
- (a) NRC employees shall be provided with specialized safety and occupational health training appropriate to the work performed by the employee if the work is considered hazardous.
  - (b) Safety and occupational health training for employees of the NRC who are representatives of employee groups shall include both introductory and specialized courses and materials that will enable the groups to function appropriately in ensuring safe and healthful working conditions and practices in the workplace and enable them to effectively assist in conducting workplace safety and health inspections.
  - (c) All NRC employees are required to complete the NRC "Workplace Safety" course. Any NRC employee who works with hazardous chemicals must also take the OSHA hazard communication course, "Globally Harmonized System of Classification and Labeling of Chemicals." These courses are available in iLearn at <https://ilearnnrc.plateau.com/plateau/user/login.jsp>.



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## VI. RECORDKEEPING AND REPORTING

### A. Occupational Injury and Illness

Reports of occupational injuries and illnesses are required by two separate acts: the Federal Employees Compensation Act (FECA) and the OSH Act.

#### 1. Federal Employees Compensation Act

FECA, administered by the Department of Labor's (DOL) Office of Workers' Compensation Programs (OWCP), provides monetary compensation, medical care and assistance, vocational rehabilitation, and reemployment rights to Federal employees who sustain disabling injuries as a result of employment with the Federal Government. The procedures that shall be followed by employees who suffer a disease, an injury, or an accident and by official supervisors of those employees are found in 20 CFR Subchapter B, Part 10, "Federal Employees Compensation Act."

- (a) Workers' compensation specialists from OCHCO shall maintain and electronically submit all relevant OWCP forms to DOL.
- (b) Any Federal employee who has sustained a workplace injury or illnesses must file a claim electronically using the DOL Web-based program, ECOMP, at <https://www.ecomp.dol.gov/>. The ECOMP system provides access to OWCP Form CA-1, "Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation" (for traumatic injury), and OWCP Form CA-2, "Notice of Occupational Disease and Claim for Compensation" (for occupational disease). Employees will complete the applicable OWCP form online. The form is electronically forwarded to their supervisor. After the supervisor reviews and approves the OWCP form, the form is forwarded electronically to OCHCO for review. The OCHCO Workers' Compensation reviewer will electronically forward the OWCP form to DOL. After the injured employee receives an official FECA case number from DOL, the employee also may file electronically OWCP Form CA-7, "Claim for Compensation."

#### 2. Workers' Compensation Specialists in OCHCO

Workers' compensation specialists in OCHCO are responsible for—

- (a) Reviewing the appropriate forms for completeness,
- (b) Authorizing medical care,
- (c) Advising the employee of the right to elect continuation of pay, and
- (d) Advising the employee of his or her responsibility to personally submit medical evidence.

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## **B. Recording and Reporting Occupational Injury and Illness**

The OSH Act requires a report of each recordable occupational injury or illness.

### **1. 29 CFR 1904, "Recording and Reporting Occupational Injuries and Illnesses"**

Title 29 of CFR 1904, "Recording and Reporting Occupational Injuries and Illnesses," requires the NRC to record and report work-related fatalities, injuries, and illnesses. Each fatality, injury, or illness must be recorded if the event meets one or more of the following criteria:

- (a) Is work-related. The injury or illness will be considered to be work-related if an event or exposure in the work environment either caused or contributed to the resulting conditions or significantly aggravated a pre-existing injury or illness.
- (b) Is a new case. A new case is an injury or illness that the employee has not previously experienced as a recorded injury or illness, or the employee completely recovered from the incident and a future event or exposure in the workplace caused the signs and symptoms to reappear.
- (c) Meets one or more of the general recording criteria of 29 CFR 1904.7, "General Recording Criteria," or the application to specific cases of 29 CFR 1904.8 through 29 CFR 1904.11.

### **2. Recording and Reporting Forms**

- (a) The agency must use OSHA Form 300, "Log of Work-Related Injuries and Illnesses," and OSHA Form 300A, "Summary of Work-Related Injuries and Illnesses." OSHA Form 301, "Injury and Illness Incident Report," is available in the DOL Web-based system, ECOMP, and is used for recordable injuries and illnesses. The OSHA Form 300 series can be found on the OSHA Web site at <https://www.osha.gov/recordkeeping/RKforms.html>.
- (b) The agency's Safety and Occupational Health Manager must submit the previous year's occupational injury and illness recordkeeping data to the BLS and OSHA on an annual basis.
  - (i) NRC Form 436, "Report of Work-Related Injuries and Illnesses"
    - In addition to completing the OSHA Form 301 in ECOMP, NRC employees and supervisors also will use NRC Form 436, "Report of Work-Related Injuries and Illnesses," to report occupational injuries or illness.
    - Within 7 calendar days after receiving information on a recordable occupational injury or illness, NRC Form 436 must be completed by the supervisor and affected employee. Attachments, including photographs and measurements, may be attached to the report to provide further information. The supervisor should determine the cause of the accident to prevent a similar accident from occurring. If the supervisor is not sure

about certain aspects of the investigation, he or she should contact the NRC Safety and Occupational Health Manager or the regional or TTC CDSO for assistance.

- NRC has seven reporting units: the consolidated headquarters complex, the headquarters Storage and Distribution Center (S&DC), four regions, and the TTC.
- The NRC Safety and Occupational Health Manager maintains the required injury and illness records for the White Flint complex. The CDSO for each region, the headquarters S&DC, and the TTC maintain the injury and illness records for their respective offices.

(ii) OSHA Form 300, "Log of Work-Related Injuries and Illnesses"

- OSHA Form 300 is used to establish uniform requirements for the collection and compilation of safety and occupational health data for proper evaluation and necessary corrective action. The four-digit Federal job series code shall be entered in column (c), "Job Title." The information collected will be used to identify unsafe and unhealthful working conditions and the occupations that experience a higher injury and illness rate, and to establish program priorities.
- A separate OSHA 300 log must be maintained for the White Flint complex, the headquarters S&DC, the TTC, and regional establishments. Establishment-specific records are a key component of the recordkeeping system because each separate record represents the injury and illness experience of a given location.
- Information about every work-related death and every injury or illness that involves loss of consciousness, restricted work activity or job transfer, days away from work, or medical treatment beyond first aid must be recorded on OSHA Form 300. Significant work-related injuries and illnesses diagnosed by a physician or licensed health care professional must also be recorded on this form.
- Data regarding a recordable injury or illness must be listed on OSHA Form 300 within 7 calendar days of receiving information that a recordable injury or illness has occurred. The agency shall maintain a log of all occupational injuries and illnesses for each reporting unit.
- Cases listed on OSHA Form 300 are not necessarily eligible for workers' compensation or other insurance benefits. Listing a case on this form does not mean that the employer or worker was at fault or that an OSHA standard was violated.

(iii) OSHA Form 300A, "Summary of Work-Related Injuries and Illnesses"

- At the end of each calendar year, OSHA Form 300 must be reviewed to verify that the entries are complete, accurate, and correct, and any deficiencies are identified.
- A separate OSHA Form 300A, "Summary of Work-Related Injuries and Illnesses," must be prepared for each establishment.
- An annual summary must be created using OSHA's Form 300A from the information listed on OSHA Form 300. OSHA Form 300A must be created even if no work-related injuries or illnesses occurred during the calendar year.
- OSHA Form 300A must be certified for accuracy by an agency executive before posting. Each reporting unit shall post a copy of OSHA Form 300A from February 1 until April 30 of the following calendar year. Copies shall be posted for this timeframe on official NRC bulletin boards.
- Each reporting unit shall forward OSHA Form 300A to the NRC Safety and Occupational Health Manager within 25 days of the close of the calendar year.

(iv) OSHA Form 301, "Injury and Illness Incident Report," is available electronically in the DOL Web-based system, ECOMP. OSHA Form 301 must be completed to report each recordable injury and illness for filing an OWCP claim.

### **C. Accident Reporting and Investigation**

#### **1. Accident Reporting**

- (a) The Director of ADM, as the DASHO, reports any work-related fatality to OSHA within 8 hours of the event by calling the OSHA Area Office that is nearest to the site of the incident; by calling the OSHA toll-free central telephone hotline number, 1-800-321-OSHA (1-800-321-6742); or by electronically submitting the reporting application located on OSHA's public Web site at [www.osha.gov](http://www.osha.gov).
- (b) The Director of ADM, as the DASHO, reports all work-related in-patient hospitalizations, amputations, and losses of an eye to OSHA within 24 hours of the event by calling the OSHA Area Office that is nearest to the site of the incident; by calling the OSHA toll-free central telephone hotline number, 1-800-321-OSHA (1-800-321-6742); or by electronically submitting the reporting application located on OSHA's public Web site at [www.osha.gov](http://www.osha.gov).
- (c) Accidents not immediately reportable but that eventually result in death or inpatient hospitalization shall be reported within 8 hours of the time the employer becomes aware of the death or hospitalization.

(d) The DASHO shall provide OSHA with the following information:

- (i) Reporting unit name,
- (ii) Location of the incident,
- (iii) Time of the incident,
- (iv) Number of fatalities or hospitalized employees,
- (v) Names of any injured employee, and
- (vi) Brief description of the incident.

2. Accident Investigation

- (a) While all accidents should be investigated, the extent of the investigation shall be reflective of the seriousness of the accident.
- (b) In any case, each accident which results in a fatality or the inpatient hospitalization of three or more employees shall be investigated to determine the causal factors involved. Except to the extent necessary to protect employees and the public, evidence at the scene of an accident shall be left untouched until inspectors have an opportunity to examine it.
- (c) The investigation report of the accident shall include appropriate documentation of date, time, location, description of operations, description of the accident, photographs, interviews of employees and witnesses, measurements, and other pertinent information.
- (d) A copy of the investigation report shall be forwarded to the official in charge of the workplace, the appropriate Joint Labor-Management Safety and Occupational Health Committee, and the employee representative. The report shall be made available to the Secretary of Labor, or his or her authorized representative, on request.

3. Motor Vehicle Accident

- (a) Fatalities or multiple hospitalizations resulting from motor vehicle accidents do not have to be reported.
- (b) Procedures and responsibilities for reporting automobile accidents are found in MD 7.1, "Tort Claims Against the United States."

**D. Agency Annual Report**

- 1. The OSH Act and E.O. 12196 require all Federal agency heads to submit to the Secretary of Labor an annual report on the agency's safety and occupational health, containing information as the Secretary of Labor prescribes.

2. NRC shall submit a report describing the agency's safety and occupational health program of the previous calendar year and the objectives for the current calendar year to the Secretary of Labor by May 1 of each year. The report shall include a summary of the agency's self-evaluation findings as required by Section 1960.78(b) and the *Federal Register*.

#### **E. Retention of Records**

The records and reports required under this program shall be retained for 5 years following the end of the fiscal year to which they relate.

#### **F. Additional Resources**

Additional guidance on the NRC Safety and Occupational Health Program is available on the NRC Safety and Occupational Health (OSHA) Web site at <http://fusion.nrc.gov/adm/team/OSHA>. Also available on this site are—

1. A comprehensive list of current NRC Safety and Occupational Health forms; and
2. A list of the NRC Safety and Occupational Health Manager, headquarters S&DC, regional, and TTC CDSOs.

### **VII. EVALUATION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH PROGRAMS**

#### **A. Self-Evaluation of Occupational Safety and Health Programs**

NRC shall develop and implement a program to self-evaluate the effectiveness of the local safety and occupational health programs. The self-evaluations are used to qualitatively assess the extent to which the agency's occupational safety and health programs meet the requirements of E.O. 12196, 29 CFR 1960, and the extent to which the program is implemented in all activities.

#### **B. Self-Evaluation Form**

NRC Form 913, "Safety and Occupational Health Program Self-Evaluation Questionnaire," is the internal self-evaluation form. This form will be used during worksite inspections.

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## **VIII. OCCUPANT EMERGENCY PLAN (OEP)**

### **A. General**

Federal Management Regulations (FMR 102-74.230) require that the designated official (as defined in FMR 102-71.20) is responsible for developing, implementing, and maintaining an OEP. The designated official's responsibilities include establishing, staffing, and training an occupant emergency organization with agency employees. The OEP is a method devised to use during emergency situations to protect life and property in a specific federally-occupied space.

### **B. Appointing the Designated Official**

At NRC headquarters, the Director of ADM designates, in writing and by title, the designated official in each building exclusively occupied by NRC, or in buildings in which NRC has been selected by mutual agreement with other occupant agency officials to be the lead agency and assume the responsibility for all Federal employees in the building. Similarly, each regional administrator appoints, in writing and by position, a designated official at the regional office, if one is required. The Deputy Associate Director of the TTC appoints, in writing and by position, a designated official at the TTC, if one is required.

### **C. Preparation of the Occupant Emergency Plan**

1. As the Director of ADM, the DASHO develops, implements and maintains a current OEP for headquarters buildings. Each regional administrator develops, implements, and maintains a current OEP for the regional office. The Deputy Associate Director of the TTC develops, implements, and maintains a current OEP for the TTC. See Section III of this directive.
2. NRC managers and supervisors in each building shall cooperate fully with the designated official in staffing the organization and ensuring employees are available for required OEP training.
3. The NRC OEPs for all NRC buildings are located on the NRC internal Web site at <http://www.internal.nrc.gov/security.html#A>.

### **D. Evaluation of the Occupant Emergency Plan**

1. The NRC Safety and Occupational Health Manager reviews the OEP for each building at the time of the annual inspection of workplaces. The NRC Safety and Occupational Health Manager at headquarters also observes the operation of the OEP and the organization during evacuation drills and reports the results to the NRC DASHO.
2. The CDSO in each region and the TTC performs these functions and reports to the appropriate regional administrator or deputy associate director.

## **IX. DEFINITIONS**

### **Abatement**

Abatement is the correction of a safety or health hazard.

### **Agency**

Any employing unit in the Executive Branch of the Government, as defined in 5 U.S.C. 101.

### **Air-purifying respirator**

A respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.

### **Bloodborne pathogen**

Disease-causing organisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

### **Chemical hazard pictograms**

A symbol that conveys health, physical, and environmental hazard information, assigned to a globally harmonized system (GHS) hazard class and category.

### **Consultation with representatives of the employees**

Consultation with representatives of employees thereof shall include consultation, conference, or negotiation with representatives of agency employees as is consistent with the Federal Service Labor-Management Relations Statute (5 U.S.C. 7101-7135) or collective bargaining arrangements. Representatives of employees shall be interpreted with due regard for any obligation imposed by the aforementioned statute and any other labor-management arrangements that may cover the employees involved.

### **Designated Agency Safety and Health Official (DASHO)**

The individual who is responsible for the management of the safety and occupational health program within an agency, and is so designated or appointed by the head of the agency under 29 CFR 1960.6 and the provisions of E.O. 12196.

### **Designated official**

The highest ranking official of the primary occupant agency or the alternate highest ranking official or designee selected by mutual agreement by other occupant agency officials.

### **Emergency**

A situation that includes bombings or bomb threats, civil disturbance, fire, explosions,



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floods, electrical power failures, medical emergency, hurricanes, tornadoes, earthquakes, other natural disaster, or accidental human-caused disaster. This term does not apply to civil defense matters including potential or actual enemy attacks that are addressed by the Federal Emergency Management Agency.

**Employee**

Any person employed or otherwise suffered, permitted, or required to work by an agency.

**Establishment**

A single physical location where business is conducted or where services or operations are performed. Where distinctly separate activities are performed at a single physical location, each activity shall be treated as a separate establishment. Typically, an “establishment” as used in this handbook refers to a field activity, a regional office, or an area office, installation, or facility.

**Fatality**

Death resulting from an injury (traumatic) or illness/disease (occupational).

**Filtering facepiece (dust mask)**

A negative pressure particulate respirator with a filter as an integral part of the facepiece or with the entire facepiece composed of the filtering medium.

**Globally Harmonized System of Classification and Labeling of Chemicals (GHS)**

A system for standardizing and harmonizing the classification and labelling of chemicals.

**Hazard statements**

Standard phrases assigned to a hazard class and category that describe the nature of the hazard.

**Imminent danger**

Any conditions or practices in a workplace that could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through normal procedures.

**Injury or illness**

An abnormal condition or disorder. Injuries include cases such as, but not limited to, a cut, fracture, sprain, or amputation. Illnesses include both acute and chronic illnesses, such as, but not limited to, a skin disease, respiratory disorder, or poisoning. (Note: Injuries and illnesses are recordable only if they are new, work-related cases that meet one or more of the 29 CFR Part 1904 recording criteria.)

### **Inspection**

A comprehensive survey of all or part of a workplace to detect safety and health hazards. Inspections are normally performed during the regular work hours of the agency, except as special circumstances may require. Inspections do not include routine, day-to-day visits by agency safety and occupational health personnel or routine workplace surveillance of occupational health conditions.

### **Lost time case**

A non-fatal injury (traumatic) that causes disability for work beyond the day or shift if occurred; or a non-fatal illness/disease (occupational) that causes a disability at any time.

### **Lost workdays**

Injuries and illnesses that involve days away from work and/or days of restricted work activity.

### **Lost workdays-days away from work**

The number of workdays (consecutive or not) during which the employee would have worked but could not because of an occupational injury or illness. Fractional lost workdays are not considered lost time.

### **Lost workdays-restricted work activity**

The number of workdays (consecutive or not) during which, because of injury or illness, the employee: (1) was assigned to another job on a temporary basis; (2) worked at a permanent job less than full time; or (3) worked at a permanently assigned job but could not perform all duties normally connected with the job.

### **Medical treatment**

Treatment (other than first aid) administered by a physician or other licensed health care professional.

### **No-lost time case**

A non-fatal injury (traumatic) or illness/disease (occupational) that does not meet the definition of Lost Time Case.

### **Occupant**

Any person who is permanently or regularly assigned to the government facility and displays the required identification badges or passes for access. The designated official establishes the thresholds for determining who qualifies for "occupant" status (visitors, temporary contractors, etc.).

**Occupant agency**

The resident Federal agency (or agencies) assigned to a building or facility.

**Occupant emergency organization**

The emergency response organization or other group designated to perform the requirements established by the OEP (i.e., NRC Emergency Response Team composed of tenant employees of the Federal agency(ies) in a building).

**Occupant Emergency Plan (OEP)**

Procedures developed to protect life and property in a specific federally-occupied space under stipulated emergency conditions.

**OSH Act**

The Occupational Safety and Health Act of 1970 (84 Stat. 1590 et seq. and 29 U.S.C. 651 et seq.). The definitions contained in Section 3 of the OSH Act (29 U.S.C. 652) and related interpretations apply to the terms when used in 29 CFR Part 1904.

**Physician or other licensed health care professional**

An individual whose legally permitted scope of practice (i.e., license, registration or certification) allows him or her to independently perform, or be delegated the responsibility to perform, the activities prescribed by 29 CFR Part 1904.

**Primary tenant agency**

The Federal tenant identified by Bureau Code in Office of Management and Budget Circular No. A-11, Appendix C that occupies the largest amount of rentable space in a Federal facility.

**Recordable occupational injury or illness**

Information about every occupational death; every nonfatal occupational illness; and those nonfatal occupational injuries that involve one or more of the following: loss of consciousness, restriction of work or motion, transfer to another job, or medical treatment (other than first aid).

**Representative of management**

A supervisor or management official as defined in the applicable labor-management relations program covering the affected employees.

**Reprisal**

Any act of restraint, interference, coercion, or discrimination against an employee for exercising his or her rights for participating in the agency's safety and occupational health program under E.O. 12196 and 29 CFR Part 1960.

**Safety and occupational health inspector**

A safety and occupational health specialist or other person authorized to carry out inspections for the purpose of Subpart D of 29 CFR Part 1960, or a person having equipment and competence to recognize safety and/or health hazards in the workplace.

**Safety and occupational health manager**

An individual who manages the occupational safety and organizational health program at the organizational level below the Designated Agency Safety and Health Official.

**Secretary of Labor**

The Secretary of the U.S. Department of Labor.

**Serious**

When used in “serious hazard,” “serious violation,” or “serious condition,” a hazard, violation, or condition for which there is a substantial probability that death or severe physical harm could result.

**Signal words**

The two words “Danger” or “Warning” are used to emphasize hazards and indicate the relative level of severity of the hazard, assigned to a GHS hazard class and category.

**Symbols (hazard pictograms)**

Symbols or pictograms that convey health, physical, and environmental hazard information, assigned to a GHS hazard class and category.

**Supplied-air respirator or airline respirator**

An atmosphere-supplying respirator for which the source of breathing air is not designed to be carried by the user.

**Willful violation**

A violation in which an employee intentionally and knowingly interferes with, ignores, disregards, delays, and/or fails to fully implement an occupational safety and health program, procedure, and/or requirement promulgated by MD 10.130.

**Workplace**

See establishment.