



# **An Enforcement Perspective on DOE's CBDPP Requirements**

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**<http://www.hss.energy.gov/enforce/>**

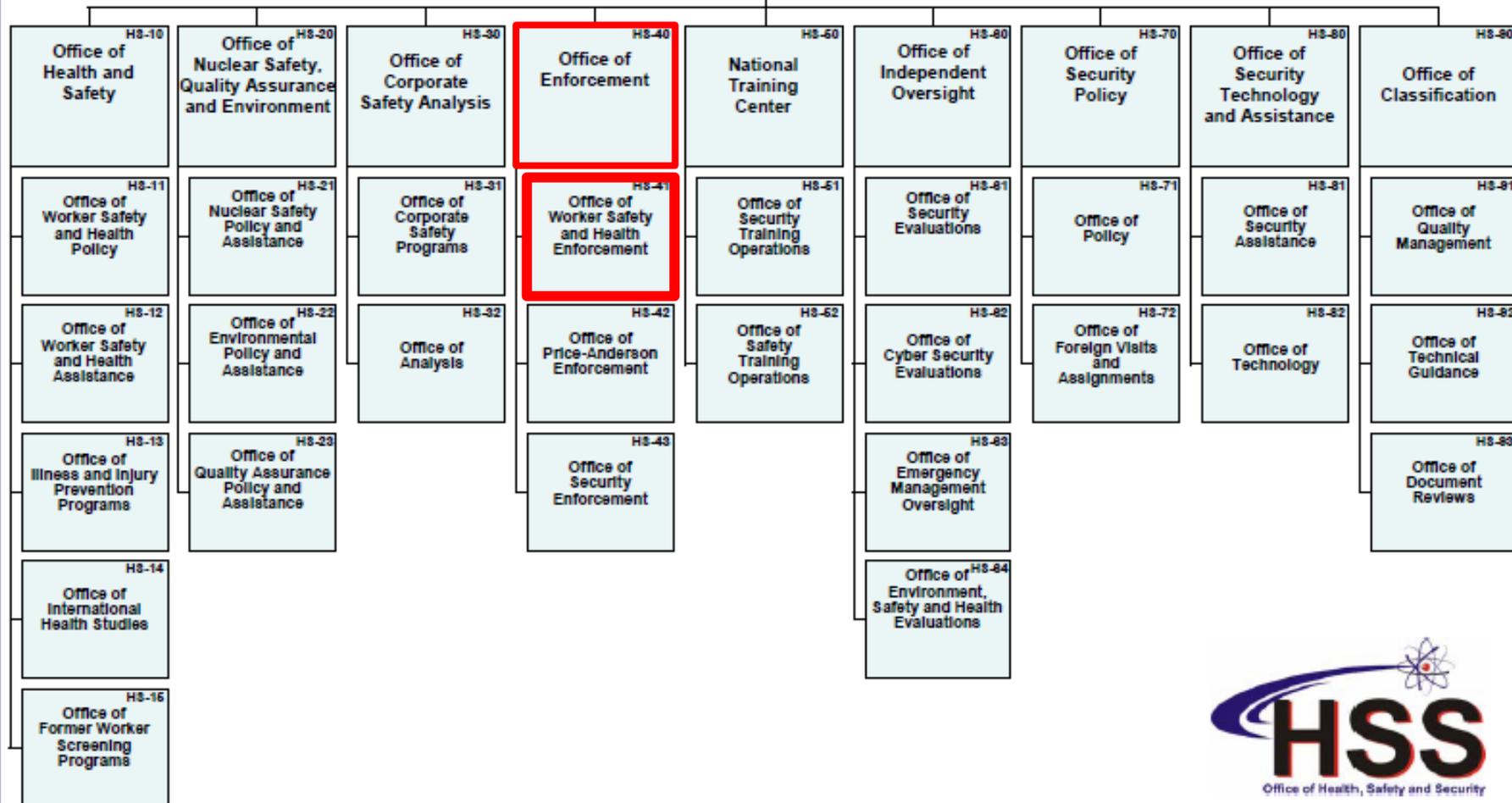
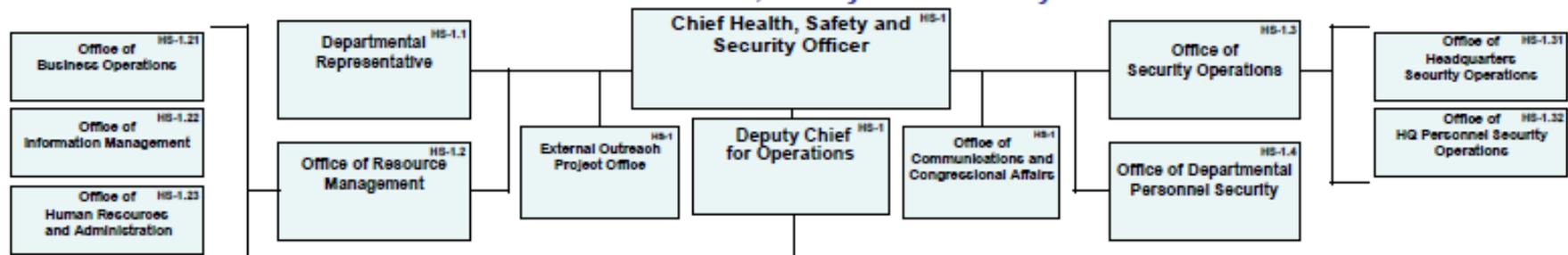


# Overview



- DOE's Enforcement Program
- Enforcement of 850 Requirements
- Takeaways

# Office of Health, Safety and Security





## Worker Safety and Health Enforcement



- 10 CFR 851, *Worker Safety and Health Program* (effective February 2007)
- 10 CFR 850, *Chronic Beryllium Disease Prevention Program* (1999)
- Part 850 requirements enforced through Part 851 authorities
- DOE's *Enforcement Policy* – Appendix B to Part 851



# Enforcement Philosophy and Approach



- DOE contractors best positioned to identify and promptly correct noncompliances
- Emphasis on promoting contractor timely identification, reporting and correction of noncompliances
- Although authorized under the rules, enforcement does not currently conduct inspections
- Leverage other oversight and data reporting sources to evaluate contractor safety and health performance



# Enforcement Process



- Monitor sources of noncompliances
- Request additional data on subset of noncompliances
- Decision to conduct investigation; requires formal notification and segregation of costs
- Document request
- Onsite investigation



# Possible Enforcement Outcomes



- Enforcement Letter
- Consent Order
- Preliminary Notice of Violation with/without Civil Penalty
- Compliance Order



# DOE's Chronic Beryllium Disease Prevention Program (10 CFR 850)



- Applies to DOE contractors with operations or activities that involve present or past exposure or potential exposure to beryllium
- Requires contractors to comply with 850 provisions and their Chronic Beryllium Disease Prevention Program



## Development and Approval of the CBDPP

- *Does the contractor conduct covered beryllium activities under an approved CBDPP?*
- *Has the CBDPP been submitted to DOE for approval for any significant changes in the program?*



## General CBDPP Requirements



- *Does the CBDPP identify the tasks that are within the scope of the CBDPP?*
- *Has the CBDPP been updated to reflect any significant changes in the program?*
- *Does the CBDPP incorporate provisions that address the required elements of 850?*



## CBDPP Implementation

- *Are beryllium activities managed according to the CBDPP?*
- *Have unauthorized beryllium activities been conducted?*



## Baseline beryllium inventory



- *Does the contractor maintain an inventory of beryllium operations and areas with potential contamination?*
- *Does the contractor have a list of exposed and potentially exposed employees?*
- *Does the inventory process include all of the required elements?*
  - *Review of current and historical records*
  - *Worker interviews*
  - *Describe the characteristics and location of Be*
  - *Air, surface, and bulk sampling*



## Hazard Assessments

- *Do beryllium hazard assessments include:*
  - *Evaluation of existing conditions*
  - *Exposure information*
  - *Medical surveillance trends*
  - *Exposure potential of beryllium activities?*
- Beryllium hazard assessments can be integrated into processes used to meet 851 criteria



## PEL and Action Level

- *Have workers been exposed to beryllium over the PEL?*
- *When monitoring generates results over the action level, have the required elements of 850 been implemented?*



## Exposure Monitoring

- *Based on the information in the inventory and hazard assessments, has appropriate monitoring been performed?*
- *Is periodic monitoring being performed as necessary?*
- *Have workers been notified of results within 10 working days?*



## Exposure Reduction and Minimization

- *If exposures above the action level have been documented, has the contractor implemented a formal exposure reduction program?*
  - *Are exposure reduction actions described and tracked?*
  - *Is the hierarchy of controls employed?*



## Regulated Areas

- *Are regulated areas clearly identified for all workers?*
- *Is access to these areas limited?*
- *Are workers who enter regulated areas identified and tracked?*



## Respiratory Protection

- *Does the contractor have a respiratory protection program that complies with 1910.134?*
- *Are workers with exposures above the AL, or who have the potential for exposure above the AL, provided respiratory protection?*
- *Are beryllium-associated workers provided the opportunity to use respiratory protection?*



## Release Criteria

- *Are contaminated materials cleaned to levels below the release criteria in 850 before removal?*
- *Are they appropriately labeled and bagged?*



## Medical Surveillance



- *Has the contractor implemented a medical surveillance program consistent with 850?*
  - Provide SOMD with list of beryllium activities and workers, baseline inventory, hazard assessment, exposure monitoring information
- *Are baseline and periodic medical evaluations offered to covered workers?*
- *Has the contractor routinely and systematically analyzed medical, job, and exposure data to identify at-risk groups?*



## Training and Counseling

- *Are covered workers provided with training on beryllium hazards and controls, the site CBDPP, and beryllium risks?*
- *Is retraining conducted after a change in operations or procedures or when a worker demonstrates the need for retraining?*



## Performance Feedback

- *Does the contractor perform periodic analyses and assessment of monitoring activities, hazards, medical surveillance, exposure reduction and occurrence reporting data?*
- *Are the results of these assessments provided to managers, workers, medical staff, safety and health staff, and labor organizations?*



## Takeaways

- **Demonstrate a sound process for identifying, characterizing, and controlling Be hazards**
- **Ensure workers and managers understand CBDPP provisions and their application**
- **Ensure your work planning and control process captures “non-standard” potentially exposed workers**
- **Routinely (annually?) evaluate CBDPP implementation performance and OMSP results**
- **Ensure your CBDPP reflects current conditions, Be activities, and lessons learned from events and assessment results**



# Enforcement Resources



## Office of Enforcement Web Page

<http://www.hss.energy.gov/Enforce/>

## Enforcement Process Overview

[http://www.hss.energy.gov/enforce/Final EPO June 2009 v4.  
pdf](http://www.hss.energy.gov/enforce/Final_EPO_June_2009_v4.pdf)



## Contact Information



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