

Directive:

DOE O 231.1 Chg 2, "Environment, Safety, and Health Reporting"

Originating Office:

Office of Safety and Health (EH-5)

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Background:

DOE O 231.1, *Environment, Safety, and Health Reporting*, and the mandatory Manual were implemented in September 1995 to ensure appropriate collection and reporting of Department of Energy (DOE) environment, safety, and health (ES&H) information. The Order was designed to provide for a consolidated collection and reporting requirements that were previously contained in several other DOE Directives. The mandatory Manual, which contains the detail, frequency, and recipients of the reports, identifies several reports that are grouped within one of the four reporting categories. These four categories are (1) environmental protection information, (2) occupational safety and health information, (3) ionizing radiation exposure information, and (4) safeguards and security corrective actions reports. Two minor modifications have been made to the Order and Manual since it was implemented in 1995.

Overview of Requirements:

The purpose of the Order/Manual and Contractor Requirements Document (CRD) is to promote consistent reporting and collection of ES&H information in each of the four reporting categories. This is accomplished as indicated below:

Environmental Protection Information. The Order and Manual require each DOE Field Element manager and director prepare an integrated Annual Site Environmental Report (ASER) that characterizes site environmental management performance, summarizes any environmental occurrences and responses thereto, confirms compliance with environmental standards and requirements, and highlights significant programs and efforts. The breadth and scope of this reporting should reflect the size and extent of any such programs at a particular site. Likewise, the CRD requires an annual summary of environmental data.

Occupational Safety and Health Information. Eight reporting areas are included in the Occupational Safety and Health Information category. They are (1) Annual Report to the Secretary, (2) Individual Accident/Incident Reports, (3) Tabulation of Work-Hours and Vehicle Usage, (4) Annual Estimate of Property Valuation, (5) Annual Fire Protection Program Summary, (6) Reports for Epidemiologic Analysis of Excess Injuries and Illnesses, (7) Reports

for Epidemiologic Analysis for OSH Studies, and (8) Reports of Performance Indicator Data. The level of detail and format of these reports vary.

The Annual Report to the Secretary on contractor health and safety performance is prepared by the Assistant Secretary for Environment, Safety and Health (EH-1). Preparation of this report does not impose any specific, duplicative, or redundant contractor requirements.

Heads of DOE Elements and DOE contractors are required to submit quarterly reports of occupational injuries, illnesses, property damage, and vehicle damage using the Individual Accident/Incident Report. The occupational injury and illness data includes cases that meet the general recording criteria used by private industry. The property and vehicle damage thresholds include both low- and high-loss incidents. Companion data on work hours, vehicle usage, and property valuation are also collected to facilitate the generation of incidence rates and dollar loss. The record keeping and reporting requirements for accident data include requirements that will allow the Department to provide reliable estimates of OSH statistics. These statistics are necessary for performance measurement, hazard identification, and other internal and external departmental reports. The Order/Manual and CRD specify the data to be reported and the format. This level of detail is intended to ensure collection of consistent data Department-wide and was not considered overly burdensome, duplicative or redundant.

DOE Elements and DOE contractors are required to submit an annual report of fire damage. This information is further compiled in the DOE Annual Fire Protection Summary. The purpose of the information is to provide management and technicians with relevant information that will enable them to help determine if these programs are succeeding in minimizing risk from fire. The Order/Manual specifies the data to be reported and the format. This level of direction is needed to ensure collection of consistent data Department-wide.

When necessary, data for epidemiologic analysis are submitted by DOE Elements and DOE contractors to EH-1 and to Centers for Disease Control officials. The formats of such information for these reports are not prescribed in the Order/Manual.

The Order/Manual requires DOE Elements and DOE contractors to provide performance indicator data in support of DOE's Performance Indicator Program. However, this information is no longer collected in this manner. The Integrated Safety Management (ISM) Performance Indicators Report and other performance reports compiled by program offices are developed from information collected from the other reports already prescribed by this Order, e.g., the accident reports, environmental reports, and radiation exposure reports.

Ionizing Radiation Exposure Information.

Heads of DOE Elements and DOE Contractors are required by the Order/Manual to report interim individual radiation exposure data to the employer, the individual monitored and the records repository. Additionally, they are required to submit annual summary data to the records repository for each monitored person. The Order, CRD, and Manual specify the data to be reported and the format. This level of direction is suggested to ensure the collection and maintenance of consistent exposure data Department-wide.

Safeguards and Security Corrective Actions Reports.

The Corrective Actions Reports to the Secretary provide information on corrective actions being taken to address unacceptable ratings or findings of weak performance. These reports are prepared by the CSO. Preparation of this report does not impose any new or additional contractor requirements beyond what has been historically reported.

Analysis:

The team reviewed the Order with respect to the comments offered by field organizations. We also reviewed the Order to determine if the scope is appropriate, and to determine if the existing requirements were unduly burdensome, redundant, or duplicative.

Although the application could be narrowed, it was determined that this was not in the best interest of the Department because of its obligation to collect DOE-wide ES&H information. The reports required by this Order include information on subjects such as environmental releases, occupational injuries and illnesses, radiation exposure, and property losses due to accidents. If the application were changed to exclude any of the contractor types, DOE-wide data would no longer be available for internal and external organizations to help measure ES&H performance.

We know that the ORPS Order review has concluded that a major overhaul in that system is needed. Because that effort will assess DOE's reporting requirements, all of the data collection and reporting requirements in CAIRS and ORPS should be re-examined for overlap and duplication.

The information outlined in the reports required by DOE O 231 helps to substantiate a safe environment or identify areas for safety and health improvement. This Order/Manual remains necessary to ensure reporting and collection of sufficient and consistent ES&H data from DOE and DOE contractor organizations. Prior to the initiation of the order review, changes in several of the reports were drafted as part of a pending revision of the Order/Manual in 2002. For example, some changes are necessary in the collection of radiation exposure information to comply with 10 CFR 835, "Occupational Radiation Protection." Two of the proposed changes in accident data reporting, electronic submission and more frequent reporting, will allow for more timely information for quarterly performance reports and hazards reduction. These changes, if enacted, should improve processes for reporting data.

Two organizations provided different recommendations for the Order/Manual. One organization indicated that the directive duplicates the requirements set forth in 29 CFR 1904. The other organization included the Manual on a list of documents that should be considered for either deletion, significant reduction in scope, or clarification on what the expectations were. The majority of the organizations commenting on this Order recognized that although some of the requirements were prescriptive, that this level of detail was necessary to maintain consistency in reporting and accuracy in Department-wide data collection and analysis. Most agreed that this order should be retained.

Summary Recommendations:

Retain the Order and CRD but reassess this Order as ORPS (Order 232.1) is evaluated.

Minority Views:

None.

Originating Office Comments:

Although one organization believed that the occupational injury and illness requirements duplicate the requirements in 29 CFR 1904, this is not accurate. The Department of Labor (DOL) rule (29 CFR 1904) establishes record keeping and reporting requirements for employers covered by the Occupational Safety and Health Administration Act. However, most departmental facilities are not covered by the OSHA Act due to exclusions recognized in section 4 (b) (1) of the OSHA Act that allows for establishing regulations affecting occupational safety and health for departmental operations. This authorization includes the establishment of an effective program for collection, compilation, and analysis of occupational safety and health statistics. Due to the DOE corporate structure, all of the requirements contained in the DOL rule do not apply to departmental operations. However, by invoking appropriate sections of 1904 within the departmental requirements, the DOE injury and illness record keeping program is consistent with private industry and meets departmental data requirements. DOE also has statutory independence as established under the Atomic Energy Act.

The Department needs accurate corporate ES&H statistics to fulfill departmental responsibilities to know how we are doing, ensure we make the best efforts to protect our workers, the public, and the environment, and improve our performance. As recognized in several comments, this necessitates prescriptive requirements for some of the reports included in the Order/Manual.