

All work must be performed in accordance with the ISM DEAR 970.5223-1 clause, 10 CFR 851, and all applicable federal regulations and site-specific requirements.

The Seller shall take all reasonable precautions in the performance of the work under this contract to protect the environment, safety, and health of employees and members of the public.

Y-12 shall notify the Seller, in writing, of any noncompliance with the provisions of this Clause. After receipt of such notice, the Seller shall immediately take corrective action. In the event that the Seller fails to comply with said regulations and requirements, Y-12 may, without prejudice to any other legal or contractual rights of Y-12, issue an order stopping all or any part of the work; thereafter, a start order for resumption of the work may be issued at the discretion of Y-12. The Seller shall make no claim for an extension of time or for compensation or damages by reason of, or connection with, such work stoppage.

Seller must ensure that legal, contractual, and technical requirements are flowed down to lower tier subcontractors. These include, but are not limited to, Stop Work Authority and Integrated Safety Management (ISM) DOE Acquisition Regulation (DEAR) clause. Sellers shall comply with the applicable safety and health requirements for their covered workplace as referenced in 10 CFR 851.23, *Safety and Health Standards*. The Supplier/Seller shall participate in critiques and in investigations (Types A and B), as appropriate.

Seller shall, to the Y-12 Subcontract Technical Representative (STR), submit a written medical program under the direction of a licensed physician meeting the credentials requirements of 10 CFR 851 Appendix A.8(b) and personnel providing health services meeting the credentials of 10 CFR 851 Appendix A.8(c). In any emergent medical situation, Y-12's Occupational Health Services or Fire Protection Operations will provide the appropriate triage, stabilization, and transport of the workers.

The Seller shall possess and maintain an internal corporate ES&H plan that implements the OSHA requirements applicable to the normal course of the

Seller's business. Y-12 reserves the right to request and review the Seller's ES&H plan and associated documentation at any time. The ES&H plan shall meet the following minimum requirements:

1. Management policies that provide for clear goals, responsibilities, authority, and accountability for meeting loss control objectives;
2. Implementation of applicable local, state, federal, environment, safety and health requirements that are relevant to the statement of work;
3. Employee guidance on internal engineering controls, precautions, and requirements on PPE to minimize, control and/or prevent employee exposure to include equipment/property loss;
4. Task-level hazard analysis with control measures using a hazard control hierarchy that provides for safe work practices and employee training; and
5. Hazard Communication Program. The Seller shall provide to the STR copies of Material Safety Data Sheets (MSDS) prior to bringing chemicals on-site. All chemicals brought on-site shall be labeled in accordance with 29 CFR 1910.1200, *Hazard Communication*. In addition, the Seller shall provide the STR with the form UCN-21445, *Subcontractor Hazardous Materials Inventory Report*, on a monthly basis for any chemicals brought on-site at any point in time during that month, per the Emergency Planning and Community Right-to-Know Act (EPCRA) (Reference 40 CFR 370.20). All chemicals stored on-site shall follow National Fire Protection Association (NFPA) storage guidelines.
6. Hoisting and Rigging activities performed at Y-12 shall follow the requirements of DOE-STD-1090-2011, *DOE Hoisting and Rigging Standard* (Sections 1 through 3), as implemented in the applicable S/RID.

7. Written properly authorized current permits (e.g., confined space, environmental) are required before work begins. Y-12 shall provide the permits, unless ES&H approves subcontractor's program. Permits provide details on the type of activity to be performed and the safety requirements necessary to perform the job. Permits shall be posted in a designated area of the work place and the instructions must be followed.

Lockout/Tagout of hazardous energy sources (e.g., electrical, hydraulic) has to be implemented by Y-12 unless otherwise approved by the Safety Department prior to start of work. Lockout/Tagout will be performed in accordance with Y18-107, *Lockout/Tagout Execution for Personnel Protection*. Contact the Safety Department for details.

Environmental Compliance—The Seller shall comply with all applicable environmental protection laws, executive orders, ordinances, regulations, directives, and codes. Upon request, the Seller shall submit an Environmental Compliance Plan (ECP) outlining the methods proposed to address the environmental requirements specified in the statement of work. The ECP shall specify the person responsible for ensuring the requirements are met. Additionally, the Seller shall comply with applicable requirements of statutes, regulations, and ordinances pertaining to protection of historical and cultural resources.

Suspect/Counterfeit Materials and Equipment – The Seller will comply with all requirements established in the subcontract terms and conditions related to restrictions and controls of suspect and counterfeit materials and equipment.

Site Reporting Requirements—The supplier/Seller shall report to the STR all site incidents (i.e., injuries, illnesses, fires, spills, near misses, property or equipment loss, etc.) for proper investigation and disposition. Report serious events requiring immediate response to the PSS (865-574-7172). The STR shall ensure that the Seller submits in writing, through the STR to the ES&H Technical Services Department, DOE F 5484.3, *DOE Individual Accident/Incident Report*, within five working days of accidents or incidents. Reference Y73-170, *Safety and Health Incident and Near-Miss Investigation and Reporting*, for additional details.

Compliance to Federal, State, and Local Regulations – All subcontract personnel on Y-12 property shall comply with all applicable federal, state, and local standards and regulations including but not limited to,

Occupational Safety and Health Administration (OSHA), Department of Transportation (DOT)/traffic laws, National Fire Protection Association (NFPA), American National Standards Institute (ANSI), and American Society of Mechanical Engineers (ASME) standards.

All subcontractor personnel shall conform to applicable Y-12 and/or specific occupational safety and health rules and procedures as delineated in the statement of work.

Worker Safety and Health Program—Unless otherwise specified in the contract document, Y-12 subcontractors working on-site will work under Y-12's approved Worker Safety and Health program. The contract between Y-12 and the subcontractor will contain specific contract scope, applicable worker safety and health requirements, and other terms and conditions.

When a Y-12 subcontractor chooses not to work under the Y-12's approved Worker Safety and Health Program and the applicable work scope requires a Worker Safety and Health Program per 10 CFR 851, the following actions must be performed prior to work starting on-site:

- Y-12 subcontractor submits a Worker Safety and Health Program, as defined in 10 CFR 851, to Y-12 for approval.
- Y-12 representatives review, recommend approval, and provide the document to NNSA NPO.
- NNSA NPO reviews and approves the Y-12 Subcontractor Worker Safety and Health Program.
- Subcontractor Evaluation – All Y-12 on-site solicitations and awarded subcontracts will contain a clause titled, *Performance Evaluation Program*. This clause will inform subcontractors that their subcontract may be evaluated under Y-12 subcontractor performance evaluation process as delineated in procedure Y30-811, *Subcontract Management Program Manual*.

(End of clause.)