

Chapter 12 – Environmental, Safety, and Health

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References

- (a) OPNAVINST 5090.1D, Environmental and Natural Resources Program Manual
- (b) OPNAV M-5090.1, Environmental Readiness Program Manual
- (c) NAVSEA Environmental, Safety and Health Oversight Program Guidance
- (d) Federal Acquisition Regulations (FAR)
- (e) 1970 Occupational Safety and Health Act (OSHACT)
- (f) 29 CFR 1910, Occupational Safety and Health Standards
- (g) OPNAVINST 5100.23G, Navy Safety and Occupational Health (SOH) Program Manual
- (h) NAVSEAINST 5100.15B, NAVSEA Occupational Safety and Health (OSH) Program Policy and Guidance
- (i) 10 U.S.C 7311, Handling of Hazardous Waste in the Repair or Maintenance of Naval Vessels
- (j) NSTM S9086-AA-STM-010/CH-001R45, Chapter 074 Volume 3, Gas Free Engineering
- (k) National Fire Protection Association Standard 306 (NFPA 306), Standard for the Control of Gas Hazards on Vessels
- (l) 29 CFR 1915, OSH Standards for Shipyard Employment

Chapter 12 – Environmental, Safety, and Health

12.1 Introduction

This chapter outlines Navy policies and SUPSHIP responsibilities with regard to the protection of the environment, the safety and health of government personnel, and the safety of government property in private shipyards. This chapter focuses on the environmental, safety, and health (ES&H) matters as they relate to the mission of the SUPSHIPS to administer ship construction and ship repair contracts. It is not intended as guidance for the full scope of ES&H matters generally applicable to DoD and Navy activities.

NOTE: Although SUPSHIPS are primarily responsible for contract oversight and not regulatory compliance, they must not ignore their responsibilities within the Federal Government regarding safety and the environment. SUPSHIP personnel who are aware of any major or willful contractor violation of federal, state, or local laws and regulations (e.g., significant oil spill, hazardous waste dumping, and recurring/major unsafe work practices) shall report these violations to the SUPSHIP Manager for Safety and Environmental Programs. The Manager for Environmental Programs will advise the Supervisor and NAVSEA 04R.

12.2 Environmental Protection

12.2.1 Background

Reference (a), [OPNAVINST 5090.1D](#), the Environmental Readiness Program Manual, describes the Navy's Environmental Protection (EP) Program and establishes Navy policy for conducting operations in an environmentally sound manner. The goals of this program are to comply with the existing federal, state, and local environmental laws and regulations, conserve natural resources, prevent pollution, clean up existing waste sites, and facilitate the development and introduction of new technologies that will support these goals.

As federal facilities, SUPSHIP personnel are responsible and liable for compliance within their areas of control. In addition, the Navy may be determined to be responsible for activities that occur in private shipyards associated with the construction, repair, and modernization of Navy vessels.

Although there are a myriad of laws and regulations pertaining to environmental protection, [OPNAV M-5090.1](#), the Environmental Readiness Program Manual serves as the principle document governing Navy EP policy and compliance, including:

- a comprehensive overview of the Navy EP Program
- procedures for implementing federal law, e.g., the [National Environmental Policy Act \(NEPA\)](#) and [Emergency Planning and Community Right to Know Act \(EPCRA\)](#)

- detailed information on specific EP programs, including Pollution Prevention, Hazardous Waste Management Ashore, and Environmental and Natural Resources Training

12.2.2 General Policy

This section delineates policy guidance established by [OPNAVINST 5090.1D](#) for SUPSHIP implementation of the EP program. It contains a brief overview of inspections, liabilities, specific elements, and limitations of the EP mission. In accordance with this directive, SUPSHIP personnel are to perform their duties in compliance with federal, state, and local laws, as well as Navy regulations and directives. Navy EP regulations, unless contractually invoked for shipboard applications, do not apply to contractors. Except as noted at the beginning of this chapter, SUPSHIPS performing their contract administration responsibilities will not directly assume an enforcement role with respect to contractor EP program management, either by contract language or administrative or personnel actions, unless directed by higher authority.

12.2.3 SUPSHIP Responsibilities

12.2.3.1 SUPSHIP Commanding Officers

The Supervisor, as the commanding officer of the SUPSHIP, is responsible for ensuring that the SUPSHIP mission is accomplished in accordance with applicable federal, state, local, and Navy environmental protection laws and regulations. Specific EP Program areas which should be addressed include, but are not limited to:

- establishment of an appropriate environmental management system and organization
- reduction in internal hazardous materials usage
- oversight of contractor and ship's force hazardous materials and hazardous waste management efforts
- acquisition pollution prevention
- environmental self-assessments
- management of any government-furnished material or equipment (GFM/GFE) under SUPSHIP cognizance
- collection and reporting of data for contractor award fees and past performance data bases
- interface with ship's force to ensure compliance with applicable requirements
- when applicable, performing generator duties for Navy-generated hazardous wastes
- ensuring appropriate environmental controls are in place for new construction warranty work on homeported vessels

12.2.3.2 Manager for Environmental Protection

The Manager for Environmental Protection reports to the Supervisor and may be combined with the position of Manager for Safety and Occupational Health. Primary functions include:

- developing, implementing, managing, and evaluating local policy and directives to address the requirements defined above
- advising the Supervisor on EP matters
- serving as the single point of contact on EP issues
- interfacing with contractor, regulator, and other Navy personnel on EP issues
- developing and providing training for personnel
- submitting required EP reports

12.2.3.3 Environmental Self-Assessment

[OPNAVINST 5090.1D](#) requires shore activities to conduct an internal assessment of installation processes, facilities, and practices within a 12-month period. These self-assessments promote a system of *self-discovery* as a means of alerting activity management to significant ESH issues, regulatory compliance status, and ESH program performance concerns. Reference (b), NAVSEA Environmental, Safety, and Health Oversight Program Guidance, permits NAVSEA field activities to develop their own self-assessment model and establishes the minimum standards to be addressed. SUPSHIPS must add applicable state and local regulatory requirements as specific attributes to ensure compliance with issues applicable to the individual SUPSHIP. SUPSHIPS must conduct these environmental self-assessments annually, unless they are exempted from this requirement by the cognizant Naval Facilities Engineering Command (NAVFAC) Engineering Field Division and NAVSEA. The result of the self-assessment is a report to the Supervisor that allows the command to evaluate its own environmental compliance posture and its overall environmental management. In addition, SEA 04R will request a copy of the self-assessments by official letter in preparation for the Environmental, Safety, and Health Compliance Review (ESHCR) and the NAVSEA Performance and Compliance Inspection (NPCI).

12.2.4 SUPSHIP Contract Oversight Functions

SUPSHIPS perform contract oversight, not enforcement, of contractor environmental programs. This oversight is limited to ensuring compliance with contractual requirements. The contractors are responsible for compliance with applicable federal, state, and local environmental regulations in their facilities. Contractual deficiencies are brought to the contractor's attention for correction. Non-contractual deficiencies identified by SUPSHIP personnel shall be informally reported to the contractor. The SUPSHIP shall conduct more in-depth oversight in the event that significant or recurring deficiencies are identified, or in the event that the contractor fails to take appropriate corrective action within a reasonable time.

Correction of EP deficiencies in contractor workplaces, whether at the contractor's facilities or a Navy facility, is the contractor's responsibility. SUPSHIPS may employ the Corrective Action Request (CAR), in accordance with Chapter 9 of this manual, to bring deficiencies to the attention of the contractor. These CARs should be titled "Environmental Deficiency

Report” to differentiate them from other types of deficiencies reported in a CAR. These CARs shall also be considered as supporting documentation for evaluation of contractor performance for award fee determination and, when applicable, as past performance data for consideration in award of future contracts.

SUPSHIPS shall coordinate with other Navy commands, whether shore facilities or ship commanding officers, when contracts under SUPSHIP administration require work on Navy property to ensure contractor compliance with applicable Navy facility requirements.

12.2.4.1 Hazardous Waste

SUPSHIPS are to ensure that handling, storage, transportation, and disposal of hazardous wastes associated with ship construction and repair contracts are in accordance with contractual requirements and all federal, state, and local regulations. Reference (c), [FAR 52.223-3](#), and the Alternate I clause of that same paragraph, provide additional guidance on the management and disposal of hazardous waste. States often differ in their specific procedures for issuing Environmental Protection Agency generator numbers and disposal procedures for hazardous waste generated at private and governmental facilities. The SUPSHIP shall establish a Memorandum of Agreement (MOA) with ship’s force to define responsibilities for disposal of hazardous and infectious wastes generated by the ship. Ship’s force-generated wastes are not subject to regulation as hazardous wastes while the wastes are on-board the ship. The disposition of hazardous waste generated by actions of the contractor will be under the contractor’s Hazardous Waste Generator Identification Number. Co-generated waste will carry the signature of both activities.

12.3 Safety and Occupational Health (SOH)

12.3.1 Background

It is Navy policy to enhance operational readiness and mission accomplishment by establishing an aggressive and effective Safety and Occupational Health (SOH) Program. The goals are to reduce job-related injuries, material damage, and to maintain healthy working conditions. Occupational safety addresses control of hazards which can result in immediate injury or death. Occupational health is primarily concerned with the identification and minimization of exposure to hazardous chemical, biological, and physical agents.

The Navy’s SOH Program embraces reference (d), the 1970 [Occupational Safety and Health Act \(OSHA\)](#). Section 19 of this reference and subsequent Presidential Executive Orders directed Federal Agencies to establish and maintain SOH programs. Reference (e), [29 CFR 1910, Occupation Safety and Health Standards](#), contains the requirements for these programs.

The Navy SOH Program is an essential component of the Navy’s overall mission. Reference (f), [OPNAVINST 5100.23G](#), the Navy Safety and Occupational Health (SOH) Program Manual, provides a comprehensive overview of the Navy SOH Program as well as detailed

information on its various elements. Among the chapters of particular interest to the SUPSHIPS:

- OSH Responsibilities, Chapter 2
- Organization and Staffing, Councils and Committees, Chapters 3 and 4
- Prevention and Control of Workplace Hazards, Chapter 5
- Training, Chapter 6
- Hazardous Material Control and Management, Chapter 7
- Occupational Health, Chapter 8
- SOH Inspection Program, Chapter 9
- Employee Reports of Unsafe/Unhealthy Working Conditions, Chapter 10
- Inspections and Investigations of Workplaces by Federal and State OSH Officials, Chapter 11
- Hazard Abatement Program, Chapter 12
- Fall Protection Program, Chapter 13
- Mishap Investigation, Reporting, and Record Keeping, Chapter 14
- Respiratory Protection, Chapter 15
- Occupational Safety and Health Standards, Chapter 16
- Asbestos Control, Chapter 17
- Hearing Conservation and Noise Abatement, Chapter 18
- Sight Conservation, Chapter 19
- Personal Protective Equipment, Chapter 20
- Lead, Chapter 21
- Energy Control Program (Lockout/Tagout), Chapter 24

12.3.1.1 NAVSEA Guidance

Reference (g), [NAVSEAINST 5100.15B**](#), NAVSEA Occupational Safety and Health (OSH) Program Policy and Guidance, establishes policy and guidance for NAVSEA headquarters and field activities. This instruction emphasizes the importance of an effective SOH program, stating that it *“is a significant and vital component of leadership and management at all levels of command that, not only addresses the health and welfare of the workforce involved, but also is an integral part of mission readiness and capability.”* Moreover, the SOH Program is to be considered a major business process and should be strategically linked to other business processes.

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12.3.2 SUPSHIP Responsibilities

The Supervisor is responsible for ensuring safe and healthy workplaces. Specific SOH program functions which should be addressed at the SUPSHIPS include, but are not limited to:

- establishing an appropriate SOH management system and organization
- providing mishap prevention programs
- supplying hazard abatement programs
- providing OSH training
- conducting workplace inspections
- coordinating occupational health and industrial hygiene field support
- establishing OSH councils/committees
- establishing clear lines of authority to ensure all personnel are fully aware of their rights and responsibilities
- fostering hazard awareness in all personnel
- conducting contractor oversight
- collecting and reporting data for determination of contractor performance award fees
- collecting and reporting data for contractor past performance databases

12.3.2.1 Manager for Safety and Occupational Health

The primary functions and responsibilities of the Manager for Safety and Occupational Health include:

- developing, implementing, managing, and evaluating local policy and directives to address the requirements defined above
- advising the Supervisor on SOH matters
- serving as the SUPSHIP single point of contact on SOH issues
- interfacing with contractor, regulator, and other Navy personnel on SOH issues
- developing and providing training for personnel
- providing timely and accurate submittal of reports required by the [OPNAVINST 5100.23G](#)

12.3.3 Policy Guidance

[NAVSEAINST 5100.15B](#) establishes policy guidance for SUPSHIP implementation of the NAVOSH program. It contains a brief overview of liabilities, specific elements, and

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limitations of the SUPSHIP SOH program. The following sections outline general policy on inspections and SUPSHIP oversight.

12.3.3.1 Inspections and Self-Assessments

The Naval Inspector General Oversight Inspection Unit (NOIU) conducts oversight inspections of SOH programs for Navy shore activities, including NAVSEA field activities. NAVSEA-directed oversight inspections are conducted during ESHCRs and NAVSEA Performance and Compliance Inspections (NPCI). Paragraph 10.2.3.3 of the NAVSEA Environmental, Safety, and Health Oversight Program Guidance requires field activities to complete an ESH self-assessment annually and provides minimum standards for the internal assessment. Additionally, NAVSEA will conduct periodic on-site ESH technical authority reviews of ship repair contracts and the controls exercised by the SUPSHIPS to ensure compliance with contractor oversight responsibilities and reference (h), [10 U.S.C. 7311](#), Handling of Hazardous Waste in the Repair or Maintenance of Naval Vessels.

12.3.3.2 SUPSHIP Oversight Functions

Navy Workplaces. Navy workplaces are defined as Navy-owned or Navy-leased facilities, or those furnished by a contractor for Navy or SUPSHIP's exclusive use. In accordance with section 0104 of [OPNAVINST 5100.23G](#), Navy workplaces are required to be inspected at least annually by qualified inspectors; hazardous workplaces should be inspected more frequently as determined appropriate by the Manager for Occupational Safety and Health.

Contractor Workplaces. SUPSHIPS will not conduct inspections of facilities owned and occupied solely by contractors. The contractor is responsible for providing safe working conditions for their personnel, in accordance with regulations, in contractor production shops, shipways, dry-docks, etc., that are not occupied by Navy personnel. When a contractor is performing work on-board a Navy ship, the ship space involved is a contractor workplace in which the SUPSHIP and the ship's commanding officer have a NAVOSH responsibility for protection of government personnel and property. The SUPSHIP does not enforce OSHACT requirements in contractor workplaces, but does conduct monitoring to ensure safe working conditions for SUPSHIP and other Navy employees. The SUPSHIP monitors the contractor's efforts, especially aboard Navy ships under construction, overhaul, and repair, to ensure safe working conditions in areas where SUPSHIP personnel are present. It also brings SOH deficiencies to the contractor's attention for correction.

Shared Workplaces. Certain workplaces, such as receiving areas for Government-Furnished Equipment (GFE), are shared by both SUPSHIP and contractor personnel. As with contractor workplaces, the SUPSHIP monitors shared workplaces to ensure safe working conditions for SUPSHIP personnel and will inform contractors of SOH deficiencies. SUPSHIPS have a responsibility to remove Government employees where a space is not compliant with OSHACT, even if no imminent danger is present.

Deficiency Abatement. NAVOSH deficiencies identified in Navy-owned workplaces are to be abated by the SUPSHIP or other cognizant Navy command. Abatement of SOH deficiencies

at contractor facilities is the contractor's responsibility. Like environmental deficiencies, safety deficiencies are brought to the contractor's attention through the use of Corrective Action Requests in accordance with Chapter 9 of this volume, and are titled as a "Safety Deficiency Report". These deficiency notices should be considered as supporting documentation for evaluation of contractor performance for award fee determination and, when applicable, as past performance data for consideration in award of future contracts.

Imminent Danger. In the event of imminent danger to government personnel or property, work will be stopped immediately by the observing party (SUPSHIP, ship's force, or contractor), and the SUPSHIP will immediately:

- remove all government personnel from the site
- notify cognizant management
- insist on immediate correction or termination of the operation

Ship Commanding Officer Coordination. On commissioned ships, SUPSHIPS should collaborate with the ship's commanding officer in NAVOSH inspections relating to contractor worksites and operations, as necessary. Unless otherwise specified by agreement, SUPSHIP NAVOSH responsibilities do not extend to ship's force. Nevertheless, NAVOSH requirements are essentially the same for each party. The SUPSHIP should keep the CO and prospective CO informed of significant deficiencies which could adversely affect the ship or ship's force.

Gas Free Engineering. Requirements for gas free engineering by Navy personnel are addressed in reference (i), NSTM S9086-AA-STM-010/CH-001R45 (Chapter 074 Volume 3, Gas Free Engineering). Gas free operations accomplished by contractors are addressed in reference (j), [National Fire Protection Association Standard 306 \(NFPA 306\)](#), Standard for the Control of Gas Hazards on Vessels, and (k), OSH Standards for Shipyard Employment ([29 CFR 1915](#)).

Appendix 12-A: Acronyms

CAR	Corrective Action Request
CFR	Code of Federal Regulations
DoN	Department of the Navy
EP	Environmental Protection
EPCRA	Emergency Planning and Community Right to Know Act
ES&H	Environmental, Safety and Health
ESHCR	Environmental, Safety and Health Compliance Review
FAR	Federal Acquisition Regulations
GFE	Government Furnished Equipment
GFM	Government Furnished Material
HAZMAT	Hazardous Material
HW	Hazardous Waste
MOA	Memorandum of Agreement
NAVFAC	Naval Facilities Engineering Command
NAVOSH	Naval Occupational Safety and Health
NAVSEA	Naval Sea Systems Command
NAVSEAINST	Naval Sea Systems Command Instruction
NCPI	Naval Sea Systems Command (NAVSEA) Compliance Inspection
NEPA	National Environmental Policy Act
NFPA	National Fire Prevention Association
NOIU	Naval Inspector General Oversight Inspection Unit
NSTM	Naval Sea System Command (NAVSEA) Technical Manual

OPNAVINST	Chief of Naval Operations Instruction
OSH	Occupational Safety and Health