

Chapter 12 – Environmental, Safety and Health (ESH) Regulatory Compliance and Contractor Oversight Program

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References

- (a) Occupational Safety and Health Act of 1970
- (b) 29 CFR 1960, Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters
- (c) 29 CFR 1910, Occupational Safety and Health Standards
- (d) 29 CFR 1915, Occupational Safety and Health Standards for Shipyard Employment
- (e) Federal Acquisition Regulation (FAR) Part 42.302(39)
- (f) OPNAV M-5100.23 (Ch-2), Navy Safety and Occupational Health Manual
- (g) NAVSEAINST 5100.15B, NAVSEA Occupational Safety and Health (OSH) Program Policy and Guidance
- (h) S0570-AC-CCM-010/8010 ACN3/A, Industrial Ship Safety Manual for Fire Prevention and Response
- (i) S9002-AK-CCM-010/6010, Industrial Ship Safety Manual for Submarines
- (j) OPNAV M-5102.1, Navy and Marine Corps Safety Investigation and Reporting Manual
- (k) National Fire Protection Association Standard 306 (NFPA 306), Standard for the Control of Gas Hazards
- (l) Clean Air Act
- (m) Clean Water Act
- (n) Toxic Substances Control Act
- (o) Resource Conservation and Recovery Act
- (p) National Environmental Policy Act (NEPA) of 1970
- (q) Endangered Species Act (ESA)
- (r) Marine Mammal Protection Act (MMPA)
- (s) FAR Part 42.302 (a)(68)
- (t) OPNAV M-5090.1, Environmental Readiness Program Manual
- (u) NAVSEA M-5090.1, Environmental Readiness Program Manual
- (v) 10 U.S. Code 7311, Repair or Maintenance of Naval Vessels: Handling of Hazardous Waste
- (w) NAVSEAINST 5040.1H, NAVSEA Command Inspection Program
- (x) OPNAVINST 5102.1E, Navy Safety Investigation and Reporting Program
- (y) OPNAVINST 3500.39D, Operational Risk Management
- (z) S6470-AA-SAF-010, Naval Maritime Confined Space Program
- (aa) NAVSEA 0400-AD-URM-010, Tag-out Users Manual

Chapter 12 – Environmental, Safety, and Health (ESH) Regulatory Compliance and Contractor Oversight Program

12.1 Introduction

This chapter outlines SUPSHIP responsibilities regarding Environmental Protection (EP), safety and health of government personnel, safety of government property in private shipyards, and related support to the Program Manager's Representatives (PMR), Navy Pre-Commissioning Units (PCU), and Ship's Force (SF). It focuses on common Environmental, Safety and Health (ESH) matters as they relate to the SUPSHIP mission to administer DoD contracts awarded to assigned commercial entities in the shipbuilding and ship repair industry. The chapter addresses compliance with Navy directives and federal, state, and local regulations, but does not provide detailed guidance for the full scope of ESH requirements. Additionally, this document does not address ESH requirements that are specifically applicable to nuclear-powered vessels.

SUPSHIP ESH responsibilities fall into two categories:

- Contract compliance. SUPSHIPS oversee contractor compliance with safety and environmental requirements invoked in the contracts that they administer. Note that this SUPSHIP oversight role does not in any way abrogate the contractor's responsibilities to comply with federal, state, and local ESH regulatory requirements.
- Command compliance. As with all Navy shore commands, SUPSHIPS must comply with Navy, federal and state requirements for protection of the environment and the occupational health and safety of Government personnel and property.

SUPSHIPS have an important role in supporting the program manager, PMR, and the NAVSEA Safety and Regulatory Compliance Department, SEA 09S, including:

- Administering contractually mandated ESH requirements
- Assessing and managing ESH risks
- Documenting, tracking, trending, and reporting ESH issues to PMRs, the Supervisor, and contractors
- Providing contractor ESH program assessments for quarterly program reviews

Additionally, the SUPSHIP ESH division, Code 140, assesses the effectiveness of ship construction contract requirements and recommends changes necessary to keep them current with regulatory requirements and improve oversight of contractor ESH performance.

12.2 SUPSHIP Responsibilities and Guidance

SUPSHIPS are responsible for the ESH oversight of the contracts they administer, as well as for other onsite, government-sponsored contracts, such as work conducted by an Alteration Installation Team (AIT). SUPSHIPS must not directly assume an enforcement role with respect to a contractor's ESH program, either by contract language or by administrative or personnel actions, but neither should they ignore their responsibilities within the Federal Government regarding safety and the environment. SUPSHIP personnel who are aware of

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any major or willful contractor violation of federal, state, or local laws and regulations (e.g., significant oil spill, hazardous waste dumping, or recurring or significant unsafe work practices that could result in injury to personnel or damage to government property) must report these violations to the SUPSHIP Deputy for ESH who must advise the Supervisor and, if warranted, notify the proper regulatory agency and SEA 09S for appropriate action.

12.2.1 SUPSHIP Commanding Officer (Supervisor)

As the SUPSHIP commanding officer, the Supervisor is responsible for ensuring safe and healthy work environment for SUPSHIP personnel and ensuring command compliance with federal, state, local and Navy safety and environmental laws and regulations. Specific ESH program responsibilities include, but are not limited to:

- Establishing and supporting ESH programs and the Code 140 organization
- Advocating for adequate ESH resources to support contract oversight based on the projected workload
- Establishing processes to assess and manage risks of injury or illness to SUPSHIP personnel and damage to government property resulting from contractor work practices and industrial hazards
- Implementing robust hazard identification and reporting processes
- Maintaining comprehensive ESH training programs that also support SF/PCUs and training with unique ESH concerns for the shipyard environment
- Establishing committees or teams for the discussion and resolution of ESH issues
- Establishing clear lines of authority to ensure all personnel are fully aware of their rights, responsibilities, and reporting requirements
- Ensuring the collection, evaluation, and reporting of data for the determination of contractor performance award fees and maintenance of past performance databases

12.2.2 SUPSHIP Deputy for ESH

The SUPSHIP Deputy for ESH is the command's subject matter expert and primary point of contact with contractors, ships force, compliance inspectors and other Navy commands on ESH issues. The primary functions of the Deputy for ESH include:

- Developing, implementing, managing, and evaluating command ESH policy, programs, and directives
- Advising the Supervisor on ESH matters
- Ensuring SUPSHIP compliance with ESH regulations
- Developing and providing required training for command personnel and Ship's Force/PCU personnel
- Overseeing SF/PCU compliance with ESH regulations
- Submitting required ESH reports
- Conducting safety and environmental self-assessments

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- Coordinating occupational health and industrial hygiene support
- Evaluating and reporting impact of potential changes to OSHA, Environmental Protection Agency (EPA), or other applicable regulations that may impact contractor operations or increase contract costs (e.g., changes to OSHA requirements that may require material substitutions or contractor process changes)
- Reducing internal hazardous materials usage
- Supporting Navy-generated and co-generated hazardous waste management efforts
- Supporting command acquisition pollution prevention
- Conducting oversight of NEPA mitigation factors
- Providing technical assistance in the management of hazardous government furnished material (GFM) or government furnished equipment (GFE) under SUPSHIP cognizance
- Interfacing with ships force, AITs, and contractors to ensure compliance with applicable requirements
- Obtaining permits and managing compliance for SF-occupied industrial or leased facilities
- Ensuring appropriate environmental controls are in place for new construction warranty work on vessels not located at contractors' facilities
- Developing processes to support unique EP requirements for certain contracts, ship classes or specialized SF/PCU actions
- Documenting deficiencies identified during contract oversight and pursuing corrective action

12.2.3 ESH Directives

Federal, state, and local EP regulations are applicable to SUPSHIP, SF, and PCU operations. Depending on local conditions, however, certain OPNAV and NAVSEA ESH programs may not be required (e.g., not all SUPSHIPS are required to have a hearing conservation program). Note also that environmental regulations and guidance for nuclear-capable shipyards and nuclear-powered vessels must be included in SUPSHIP internal processes and should be addressed in local directives where appropriate.

For SUPSHIP areas of responsibility, failure to comply with the references listed in [12.2.3.1](#) and [12.2.3.2](#), or other applicable federal or state ESH requirements, can result in citations from compliance officers.

12.2.3.1 Safety and Occupation Health Laws and Directives

The primary safety and occupational health laws and directives applicable to SUPSHIP operations include:

- [Occupational Safety and Health Act \(OSH Act\) of 1970](#), reference (a). This is the principal federal law for assuring safe and healthful working conditions.
- [29 CFR 1960, Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters](#), reference (b). Part 1960 codifies special

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provisions of the OSH Act to assure safe and healthful working conditions for federal employees.

- [29 CFR 1910, Occupational Safety and Health Standards](#), reference (c). Part 1919 codifies occupational safety and health standards of the OSH Act.
- [29 CFR 1915, Occupational Safety and Health Standards for Shipyard Employment](#), reference (d). Part 1915 codifies special provisions of the OSH Act applicable to all ship repairing, shipbuilding, and shipbreaking employments and related employments.
- [Federal Acquisition Regulation \(FAR\) Part 42.302\(a\)\(39\)](#), reference (e). The FAR article identifying the contractor safety oversight responsibilities of activities performing contract administrative service (CAS) functions for federal contracts.
- [OPNAV M-5100.23 \(Ch-2\)](#), Navy Safety and Occupational Health Manual, reference (f). The principal Navy directive for unified safety management across the Navy, predicated on a risk control system that delivers decisive management of risks and issues to ensure operational excellence through continuous improvement.
- [NAVSEAINST 5100.15B**, NAVSEA Occupational Safety and Health \(OSH\) Program Policy and Guidance](#), reference (g). The NAVSEA directive for occupational safety and health program policy and guidance applicable to all NAVSEA Headquarters, affiliated Program Executive Offices (PEOs), and field activities.
- [S0570-AC-CCM-010/8010 ACN3/A**, Industrial Ship Safety Manual for Fire Prevention and Response](#), reference (h). The “8010,” as it is commonly called, is the NAVSEA technical manual providing a single source document of requirements for the prevention, detection, and response to fires onboard Navy vessels during industrial work to ensure safety of equipment and personnel. Note that this reference is only applicable to contractors if contractually invoked.
- [S9002-AK-CCM-010/6010](#), Industrial Ship Safety Manual for Submarines, reference (i). The NAVSEA technical manual that provides specific requirements for the control of work and testing which could affect ship conditions or ship safety, is a High Risk Evolution (HRE), or requires interface with reactor plant work and testing during periods of construction, conversion, overhaul, and other availabilities. Note that this reference is only applicable to contractors if contractually invoked.
- [OPNAV M-5102.1](#), Navy and Marine Corps Safety Investigation and Reporting Manual, reference (j). The manual implementing CNO policy and provides details for mishap, hazard (including near misses) and incident notification, reporting and record keeping requirements.
- [National Fire Protection Association Standard 306 \(NFPA 306\), Standard for the Control of Gas Hazards](#), reference (k). NFPA 306 is the commercial standard providing requirements and conditions for use in determining that spaces on vessels and within shipyards that are subject to concentrations of combustible, flammable, or toxic liquids, vapors, gases, chemicals are safe for entry or work as documented by a certified Marine Chemist.

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12.2.3.2 Environmental Protection Laws and Directives

While there are numerous laws, regulations, and directives concerning environmental protection, the following list includes those primarily applicable to SUPSHIP operations:

- [Clean Air Act](#), reference (l), established to combat a variety of air pollution problems and to tackle emerging pollution threats.
- [Clean Water Act](#), reference (m), establishes the basic structure for regulating discharges of pollutants in the waters of the United States and regulating quality standards for surface waters.
- [Toxic Substances Control Act](#), reference (n), provides EPA the authority to require reporting, record keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures.
- [Resource Conservation and Recovery Act](#), reference (o), gives the EPA the authority to control hazardous waste from cradle to grave, including the generation, transportation, treatment, storage, and disposal of hazardous waste.
- [National Environmental Policy Act \(NEPA\) of 1970](#), reference (p). NEPA is the principal federal law establishing a national policy for protecting the environment.
- [Endangered Species Act \(ESA\)](#), reference (q), provides protections for fish, wildlife, and plants that are listed as threatened or endangered. It is linked to NEPA and may require Navy mitigation measures for At-Sea and pier side testing and construction activities.
- [Marine Mammal Protection Act \(MMPA\)](#), reference (r), established to prevent marine mammals from declining beyond the point where they cease to be significant to their ecosystem. It is linked to NEPA and may require Navy mitigation measures for At-Sea and pier side testing and construction activities.
- [FAR Part 42.302 \(a\)\(68\)](#), reference (s). The FAR article identifying the contractor environmental oversight responsibilities of activities performing CAS functions for federal contracts.
- [OPNAV M-5090.1, Environmental Readiness Program Manual](#), reference (t). The principal Navy directive to ensure that Navy activities operate in an environmentally responsible manner.
- [NAVSEA M-5090.1, Environmental Readiness Program Manual](#), reference (u). The NAVSEA directive to ensure that the NAVSEA Enterprise operates effectively in an environmentally responsible manner.
- [10 U.S. Code 7311, Repair or Maintenance of Naval Vessels: Handling of Hazardous Waste](#), reference (v). Section 7311 requires specific contract provisions for the identification and handling of hazardous waste for contract work on naval vessels, other than new construction).

12.2.4 Naval Sea Systems Command (NAVSEA) Command Inspections

In conjunction with the triennial command inspection directed by [NAVSEAINST 5040.1H*](#), NAVSEA Command Inspection Program, reference (w), SEA 09S conducts a compliance

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evaluation of each SUPSHIP's ESH program, including its contract oversight processes. The purpose of these evaluations is to ensure that SUPSHIPS comply with applicable Navy, federal and state ESH laws and regulations. The inspections also assess SUPSHIP effectiveness in overseeing contractor performance in minimizing risks to government personnel, government property and the environment.

12.2.5 Ship Major Milestone ESH Assessments and Support

Code 140 must participate in evaluations of shipyard preparations for ship milestones and events which have significant potential impact on ESH, such as fuel on-loads, main engine light-off, and ordnance on-loads. These evaluations aid in managing risks to government personnel and property, as well as to contract cost and schedule if a major mishap were to occur. Code 140 also participates in pre-event system and safety walk-downs and immediately reports to the PMR any issues which could adversely impact the event, or which requires corrective action prior to proceeding.

The ESH department is responsible for ensuring compliance with NEPA mitigation measures during testing and trials to prevent potential harm to marine mammals or endangered marine species. Examples of evolutions that may trigger NEPA compliance include high-speed trials and pier side testing of active sonar.

12.2.6 Participation in Standard Specifications for Ship Repair and Alteration Committee (SSRAC)

NAVSEA Standard Items are a set of contract specifications items that impose a common set of requirements for processes and procedures routinely performed in connection with ship construction and ship repair. Many of these standard items either directly or indirectly impose requirements related to safety and environmental issues. The SSRAC meets annually to review and modify these standard items to ensure they reflect current requirements and provide the intended benefit to RMCs and SUPSHIPS in the oversight of their respective contracts. Because of their knowledge, experience, and unique role in overseeing contracts for ship construction and repair, Code 140 personnel provide valuable contributions to the SSRAC and are encouraged to attend SSRAC and participate in the ESH subcommittee.

12.3 Safety and Occupational Health

12.3.1 Background

Following Navy policy, SUPSHIPS must establish and maintain an aggressive and effective Safety and Occupational Health (SOH) program that enhances operational readiness and mission performance. A robust SUPSHIP SOH program must effectively assess and manage risks of injury to government personnel and damage to government property resulting from contractor working conditions and work practices under SUPSHIP cognizance.

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12.3.1.1 Safety Training

Chapter 6 of [OPNAV M-5100.23](#) establishes Navy implementing policy for safety and occupational health training. It identifies required training for specific billets and lists Navy safety and occupational health formal training courses.

For safety professionals, [OPNAV M-5100.23](#) requires the following courses:

1. Introduction to Navy Safety and Occupational Health (Ashore), A-493-0050 or A-493-0550
2. General Industrial Safety Standards, A-493-0061
3. Mishap Investigation (Ashore), A-493-0078

SUPSHIPS establish additional safety training requirements for both ESH personnel and other command personnel depending on the nature of their duties and work environment. The [Navy Safety and Environmental Training Center \(NSETC\)](#) course catalog provides detailed information for each course.

12.3.2 Annual SOH Program Self-Assessment

[OPNAV M-5100.23](#) requires all shore commands to conduct an annual self-assessment of their SOH program. The self-assessment provides the Supervisor with an evaluation of the effectiveness and compliance of the command's SOH program and, when required, provides a Plan of Action and Milestones (POAM) for addressing areas of noncompliance or opportunities for improvement. SUPSHIP SOH self-assessments should also include attributes to address unique local requirements. A copy of the annual self-assessment must be sent to SEA 09SA not later than 31 December.

12.3.3 Directive Compliance

12.3.3.1 SUPSHIP Safety Program

Code 140 develops, implements, and manages processes to ensure compliance with directives for managing risks to government personnel and property. SUPSHIPS are responsible for managing the safety programs identified in Appendix B2-A of [OPNAV M-5100.23](#) to the extent that they are applicable to the SUPSHIP mission. Of these, the following programs are applicable to all SUPSHIPS:

- Command Safety Program ([OPNAV M-5100.23](#), Section B, Chapters 1-5) establishes requirements for: safety organization and coordination, responsibilities, staffing, councils and committees, and hazard identification.
- Training ([OPNAV M-5100.23](#), Section B, Chapter 6) addresses requirements applicable to SUPSHIP, PCU, and SF personnel as well as training on contractor SOH program requirements and processes in each shipyard where SUPSHIP has cognizance.
- Mishap Review and Analysis ([OPNAV M-5100.23](#), Section B, Chapter 14, [OPNAV M-5102.1](#), [Navy and Marine Corps Safety Investigation and Reporting Manual](#), and [OPNAVINST 5102.1E, Navy Safety Investigation and Reporting Program](#), reference

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(x)), that addresses requirements for investigating, reporting, and record keeping of occupational injuries and personnel illnesses.

- Operational Risk Management, (various chapters in [OPNAV M-5100.23](#) and [OPNAVINST 3500.39D, Operational Risk Management](#), reference (y)) discusses procedures for identifying, assessing, and managing risks to government personnel and government property and, when mishaps occur, ensuring a thorough root cause analysis is conducted to identify and recommend preventive actions for both root cause and contributing factors.
- Fire Protection (various chapters in [OPNAV M-5100.23](#)) addresses all aspects and measures related to the prevention, detection, control, and extinguishment of fires.
- Personal Protective Equipment (PPE) ([OPNAV M-5100.23](#), Section B, Chapter 20) provides information for assessing, determining, and issuing appropriate PPE.
- Maritime Confined Space Program ([S6470-AA-SAF-010, Naval Maritime Confined Space Program](#), reference (z)) establishes Navy requirements for operations involving work in or around poorly ventilated enclosed spaces. See also section [12.2.3.2](#) of this chapter.
- Fall Protection Program ([OPNAV M-5100.23](#), Section B, Chapter 13) establishes requirements and procedures for preventing falls.
- Control of Hazardous Energy (lockout/tagout) ([OPNAV M-5100.23](#), Section B, Chapter 24 and [NAVSEA 0400-AD-URM-010, Tag-out User Manual](#), reference (aa)). These references identify requirements and processes for SUPSHIP personnel compliance with the control of hazardous energy and training of personnel in individual shipyard and SF processes to include locking out or tagging of energy sources to equipment or systems.

12.3.3.2 Confined Space Program (CSP) Requirements

Private shipyards are required to comply with the provisions of [29 CFR 1915, Subpart B](#) (Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment), and applicable contract requirements for work associated with confined or poorly ventilated enclosed spaces. CSP operations at SUPSHIPS are governed by the requirements of this chapter of the SUPSHIP Operations Manual (SOM) and [S6470-AA-SAF-010](#). Shipbuilder requirements to comply with [S6470-AA-SAF-010](#) must be codified by a Contract Data Requirements List (CDRL) or otherwise invoked by contract.

SUPSHIPS are required to provide oversight of the shipbuilder's CSP to ensure contract compliance and to provide assurance that the contractor's program is adequate to allow SUPSHIP personnel continued safe access to confined spaces at the shipbuilder's facilities. When SUPSHIP personnel are required to enter confined spaces at private shipyards, the following procedures apply:

- A. The Supervisor must appoint a qualified SUPSHIP Confined Space Program Manager (CSPM), in writing, who is responsible for:
 - 1) developing, implementing, and overseeing the SUPSHIP's confined or poorly ventilated enclosed space program,

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- 2) overseeing the contractor's confined or poorly ventilated enclosed space program and related contractual obligations, and
- 3) implementing paragraphs (c), (d), and (g) of this section.

The SUPSHIP CSPM reports directly to the Supervisor regarding CSP policy, safety violations, and significant deficiencies in either the SUPSHIP or contractor confined space programs.

Per the [Naval Safety and Environmental Training Center](#) course catalog, the CSPM must complete the Confined Space Safety course (A-493-0030) with a grade of 80 percent or higher. This ensures that CSPs at private shipyards receive adequate oversight from trained personnel.

B. The Supervisor must approve a shipyard's CSP prior to SUPSHIP personnel entering confined or poorly ventilated enclosed spaces. The Supervisor must base this approval on satisfactory review and oversight of the shipyard's CSP and the recommendation of the CSPM. The review must include:

- 1) verifying the information required by [29 CFR 1915, Subpart B](#),
- 2) assessing compliance with applicable contractual requirements, and
- 3) reviewing training certifications for each contractor competent person to ensure adequate qualification to perform such services.

The Supervisor must document approval of the contractor's CSP. If at any time the Supervisor or the Deputy for ESH determines that additional safeguards are required to protect SUPSHIP personnel, the Deputy for ESH must take appropriate action.

C. The Supervisor must ensure that SUPSHIP personnel who may enter confined or poorly ventilated enclosed spaces under this subparagraph are trained in accordance with [29 CFR 1915, Subpart B](#). They must also be trained in the contractor's confined space certification and entry procedures (including understanding contractor record of tests and inspections) to ensure compliance with the contractor's procedures. All other SUPSHIP employees who access shipyard industrial areas must be provided with confined space awareness training at a minimum. The Supervisor must maintain records of such training for 5 years.

D. The Supervisor must ensure their activity's CSP is documented in local instructions.

E. The approval and use of the shipyard's CSP does not form an employer/employee relationship between the Navy and shipyard personnel.

F. The use of the shipyard's CSP does not relieve the Supervisor of any obligations under law, regulation, or requirement, including those specified in this manual and [OPNAV M-5100.23](#).

G. At least annually, the Supervisor must provide a written assessment of the SUPSHIP CSP in accordance with [S6470-AA-SAF-010](#) which must also include an assessment of each contractor's CSP to the NAVSEA Safety and Environmental Department Director

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(SEA 09S). These assessments may accompany the annual SUPSHIP self-assessment required by [OPNAV M-5100.23](#) and as discussed above in paragraph 12.3.1.1. The contractor assessment should use appropriate metrics to justify the findings and conclusions, and must include as a minimum:

- 1) an evaluation of the effectiveness of shipbuilder's actions to correct previous deficiencies/findings as appropriate, and
- 2) a summary assessment of the shipbuilder's CSP for the previous year.

12.3.3.3 Ship Construction/Trials/Testing

Code 140 must coordinate with engineering, test teams, quality assurance, project offices, Naval Reactors and Fleet Forces Command as necessary to develop and implement processes to conduct oversight for ensuring contractor compliance with applicable SOH requirements.

12.3.4 Contractor Oversight Requirements

12.3.4.1 Document Review

Code 140 must review and provide comments on contractually required SOH documents, procedures and technical data which identify SUPSHIP as the reviewing agent to ensure compliance with contractual and regulatory requirements including Fire and Flooding Prevention and Protection Plans. Additionally, Code 140 must review contractor procedures for critical-to-safety processes (confined space entry, fall protection, control of hazardous energy, and electrical safety).

12.3.4.2 Waterfront Surveillance

Code 140 develops and implements processes to conduct routine oversight of contractor waterfront operations for compliance with contract requirements that impact the safety and health of personnel and property. Code 140 must also document the results of waterfront oversight activities and submit reports to the shipyard for corrective action and to the PMR for information. Results are captured, quantified by acceptable and rejected observations, categorized, tracked, and trended for use in evaluating contractor program effectiveness.

12.3.4.2.1 Workplace Definitions and Responsibilities

Responsibilities for workplace hazard assessments vary depending on the nature of the workplace. The following paragraphs define the types of workplaces and government and contractor responsibilities for each:

- A. **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. Per [29 CFR Part 1960 and OPNAV M-5100.23](#), such workplaces are required to be inspected at least annually by qualified inspectors; hazardous workplaces should be inspected more frequently as determined appropriate by the Deputy for ESH.
- B. **Contractor Workplaces.** SUPSHIPS do not conduct safety 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. When a

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contractor is performing work onboard a Navy ship, the ship space involved is a contractor workplace in which the SUPSHIP and the ship's commanding officer have a Navy Safety and Occupational Health (NAVSOH) responsibility for protection of government personnel and property. SUPSHIP does not enforce OSH Act requirements in contractor workplaces but does conduct monitoring to ensure safe working conditions for SUPSHIP and other Navy employees. 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. SUPSHIP also brings ESH deficiencies to the contractor's attention for correction.

- C. **Shared Workplaces.** Certain workplaces, such as receiving areas for 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 informs contractors of SOH deficiencies. SUPSHIPs have a responsibility to remove Government employees where a space is not compliant with OSH Act, even if no imminent danger is present.

12.3.4.3 Critical to SOH Process Audits/High Risk Work Management

SUPSHIPs may require periodic audits of contractor safety programs to ensure contract compliance and to minimize risks to government personnel or government property. These audits may include detailed evaluation of specific programs, such as Fire and Flooding Protection, Confined Space Entry (CSE), Fall Protection, Electrical Safety, Hazardous Energy Control. Code 140 provides audit results to the contractor, PMR and the Supervisor. When invoked by contract, [S5075-AC-CCM/8010](#) provides a single source document of contractor requirements for the prevention, detection, and response to fires on board Navy vessels during industrial construction processes. Additionally, [S9002-AK-CCM-010/6010](#), when invoked by contract, delineates contractor requirements for the control of work and testing on submarines which could affect ship conditions or safety. SUPSHIP activities involved with submarine construction or repair have a designated 6010 coordinator (may be other than a C140 person) who is responsible for the oversight of 6010 requirements.

12.3.4.4 Imminent Danger

In the event of imminent danger to government personnel or property, work must be stopped immediately by the observing party (SUPSHIP, ships force) and must immediately:

- Remove all government personnel from the site.
- Notify cognizant management.
- Request immediate correction or termination of the operation.
- Document and report to the Supervisor and contracting officer.

12.3.4.5 Corrective Action

Deficiencies identified during routine contract oversight or during "critical-to-safety" audits must be documented and tracked using the Corrective Action Request (CAR) process described in [SOM Chapter 9](#). Major deficiencies, at a minimum, are the critical-to-safety processes defined in paragraph [12.3.3.3](#) or those deficiencies which present significant risk to government personnel or property as determined by Code 140. Type B CARs, at a

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minimum, must be issued for all major deficiencies or when recurring or systemic minor deficiencies are identified.

12.3.4.6 SOH Data Evaluation

Code 140 evaluates all data, including results of documentation reviews, routine waterfront oversight, regulatory body actions, SOH audit results and any related CARs, to assess the overall effectiveness of the contractor's SOH management systems. Code 140 should utilize oversight and audit checklists to document total observations.

12.4 Environmental Protection (EP)

12.4.1 Background

[OPNAV M-5090.1](#) describes the Navy's Environmental Protection Program and establishes Navy policy for conducting operations in an environmentally sound manner. The goals of this program that are directly applicable to the SUPSHIP mission include:

- Ensuring SF and SUPSHIPS comply with existing federal, state, and local environmental laws and regulations
- Preventing environmental noncompliance via oversight during ship construction, overhaul, in-activations, tests, and trials
- Overseeing compliance with any applicable mitigation controls included in Environmental Impact Statements or Environmental Assessments addressing testing and operation of ship systems developed in accordance with the [National Environmental Policy Act, Public Law 91-90](#)
- Effectively managing hazardous wastes generated by Navy entities

Note: Per paragraph 7-1.3, [OPNAV M-5090.1](#) does not apply to contractor-owned facilities nor does it apply to radiological data collected under the Naval Nuclear Propulsion Program.

Because environmental noncompliance on contractor facilities can contribute to schedule delays and cost impacts to the SUPSHIP mission, and potentially result in environmental enforcement actions against the Navy, SUPSHIPS are tasked to perform oversight of contractually obligated EP processes to minimize environmental noncompliance risk. Additionally, SUPSHIP ESH must ensure that SF and SUPSHIP internal processes comply with applicable federal, state, or local EP requirements.

12.4.1.1 SUPSHIP EP Training

At a minimum, Code 140 must include the following training classes in their Individual Development Plans (IDPs) for all SUPSHIP environmental personnel:

- Environmental Awareness
- Environmental Protection
- Introduction to Hazardous Waste Generation & Handling
- EMS and Compliance Auditing

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In addition to the above, SUPSHIP environmental staff must obtain environmental readiness training commensurate with areas and levels of responsibility.

Recommended courses include:

- Basic Environmental Law
- Advanced Environmental Law
- Environmental Negotiation
- Advanced Environmental Management
- NEPA Application
- Resource Conservation and Recovery Act (RCRA) Hazardous Waste Review (This requirement, including the annual or biannual refresher training, can be met by an approved course provided by a certified training agency)
- Transportation of Hazardous Materials/Hazardous Waste

12.4.2 Annual Environmental Program Self-Assessment

[NAVSEA M-5090.1](#) requires that NAVSEA field activities conduct an annual self-assessment of their environmental program. These self-assessments promote a system of self-discovery for alerting management to significant EP issues, regulatory compliance status, and EP program performance concerns. The Self-Assessment template provided by SEA09S should be utilized in the development of the report.

Code 140 provides the Supervisor with a report of the self-assessment documenting the current level of effectiveness and compliance of the command's EP program. A copy of the report must also be provided to SEA 09S not later than 15 March. As with the SOH self-assessment, the EP program self-assessment is used by SEA 09S to support the ESH Compliance Review (ESHCR) conducted in conjunction with the SUPSHIP's triennial NAVSEA command inspection.

12.4.3 Environmental Compliance

12.4.3.1 SUPSHIP Operations

Code 140 must develop, document, and implement processes to ensure compliance with federal, state, local, and Navy environmental regulations applicable to internal SUPSHIP processes.

12.4.3.2 Ship Construction, Testing and Trials

Code 140 coordinates with SUPSHIP departments, Naval Reactors, and the Fleet as necessary to develop and implement environmental oversight processes for ensuring contractor compliance with contractually invoked EP requirements, including NEPA compliance and mitigation requirements during testing and trials.

12.4.3.3 Ship's Force

Code 140 interfaces with PCUs prior to ship delivery and commissioned ship crews prior to arrival at the contractor's facility to ensure they are aware of unique requirements,

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restrictions and means of reporting spills and releases, and requesting cleanup assistance while the ship is located at the contractor's facility.

12.4.3.4 Post Delivery Work

Code 140 functions as liaison between SF and the contractor during in-yard Post Delivery Availabilities (PDAs) regarding environmental issues. For post-delivery work not located at the contractor's facility, environmental issues are managed in accordance with a Memorandum of Agreement (MOA) agreed upon by the PEO, SUPSHIP, the local Regional Maintenance Center (RMC), and the ship's commanding officer.

12.4.3.5 Chief of Naval Operations (CNO) Availabilities

In the event a CNO availability is scheduled to occur in a private shipyard under RMC cognizance, the RMC functions as Naval Supervisory Activity (NSA) unless otherwise assigned. In that case, the RMC reviews contract compliance with applicable NAVSEA Standard Item requirements. Should an RMC be assigned as NSA, SUPSHIP provides support on an as requested/as available basis.

12.4.4 Contractor Oversight Requirements

12.4.4.1 Document Review

Code 140 reviews contractor-submitted EP documents, procedures and technical data required by the CDRL to ensure compliance with contractual and regulatory requirements. Examples include hazardous waste manifests for co-generated waste, test procedures for shipboard equipment and systems affected by mitigation and controls.

12.4.4.2 Waterfront Surveillance

Code 140 must develop and implement processes for overseeing contractor environmental operations for compliance with contract requirements, particularly those which could adversely impact the environment or result in regulatory or contract cost risks to the Navy. In addition, SUPSHIP should attempt to maintain awareness of contractor environmental policies, regulatory compliance inspections and status, spills, accidental releases, and permitting changes.

12.4.4.3 Environmental Process Audits

Based on knowledge of a contractor's EP program effectiveness and specific requirements of ship construction contracts, SUPSHIPS may identify contractor processes which require periodic audits to minimize risks to the Navy. For such processes, Code 140 develops and implements detailed Critical to Environmental Protection audits and provides audit results to the contractor, PMR, the Supervisor and, if requested, to SEA 09SE.

12.4.4.4 Environmental Deficiencies

Code 140 must document the results of oversight activities and submit reports to the shipyard for corrective action and to the PMR for information. Results are documented, quantified by acceptable and rejected observations, categorized, tracked, and trended for

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use in evaluating contractor program effectiveness. Deficiencies identified during routine contract oversight or during environmental audits must be documented and tracked using the CAR process described in SOM Chapter 9. Major deficiencies include contractor operations that could adversely impact human health, the environment or willful contractor acts that violate federal, state, or local environmental regulations. Type B CARs, at a minimum, must be issued for all major deficiencies or when recurring or systemic minor deficiencies are identified.

12.4.4.5 Environmental Data Evaluation

Code 140 must evaluate available data, including results of documentation reviews, routine oversight, regulatory body actions, EP audit results and any related CARs, to assess the overall effectiveness of the contractor's EP management systems for compliance with contractual requirements and to assess any risk to the Navy. Code 140 should utilize oversight and audit checklists to document total observations for Program Management Reviews.

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Appendix 12-A: Acronyms

AIT	Alteration Installation Team
CAR	Corrective Action Request
CAS	Contract Administration Services
CDRL	Contract Data Requirements List
CFR	Code of Federal Regulations
CNO	Chief of Naval Operations
CSE	Confined Space Entry
CSP	Confined Space Program
CSPM	Confined Space Program Manager
DoD	Department of Defense
EP	Environmental Protection
EPA	Environmental Protection Agency
ESA	Endangered Species Act
ESH	Environmental, Safety and Health
ESHCR	Environmental, Safety and Health Compliance Review
FAR	Federal Acquisition Regulation
GFM	Government Furnished Material
GFE	Government Furnished Equipment
HRE	High Risk Evolution
MMPA	Marine Mammals Protection Act
MOA	Memorandum of Agreement
NAVSEA	Naval Sea Systems Command
NAVSEAINST	Naval Sea Systems Command Instruction
NAVSOH	Navy Safety and Occupational Health
NEPA	National Environmental Policy Act

NFPA	National Fire Prevention Association
NSA	Naval Supervisory Activity
NSETC	Navy Safety and Environmental Training Center
OPNAV	Office of the Chief of Naval Operations
OPNAVINST	Chief of Naval Operations Instruction
OSH	Occupational Safety and Health
OSHA	Occupational Safety and Health Act
PCU	Pre-Commissioning Unit
PDA	Post Delivery Availability
PEO	Program Executive Officer
PMR	Program Manager's Representative
POAM	Plan of Action and Milestones
PPE	Personal Protective Equipment
RCRA	Resource Conservation and Recovery Act
RMC	Regional Maintenance Center
SF	Ship's Force
SOH	Safety and Occupational Health
SOM	SUPSHIP Operations Manual
SSRAC	Standard Specifications for Ship Repair and Alterations Committee