

Chapter 12 – Environmental, Safety and Health (ES&H) Regulatory Compliance and Contractor Oversight Program

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References

- (a) NAVSEAINST 5040.1F, NAVSEA Command Inspection Program
- (b) OPNAVINST 5090.1D, Environmental Readiness Program
- (c) National Environmental Policy Act, Public Law 91-90
- (d) Federal Acquisition Regulation (FAR)
- (e) Occupational Safety and Health Act of 1970
- (f) 29 CFR 1960, Occupational Safety and Health Standards for Federal Agencies
- (g) 29 CFR 1910, Occupational Safety and Health Standards for General Industry
- (h) 29 CFR 1915, Occupational Safety and Health Standards for Shipyard Employment
- (i) OPNAVINST 5100.23G, Navy Safety and Occupational Health Program Manual
- (j) NAVSEAINST 5100.15B, NAVSEA Occupational Safety and Health (OSH) Program Policy and Guidance
- (k) 10 U.S. Code 7311, Repair or Maintenance of Naval Vessels: Handling of Hazardous Waste
- (l) National Fire Protection Association Standard 306 (NFPA 306), Standard for the Control of Gas Hazards
- (m) S6470-AA-SAF-010, Naval Maritime Confined Space Program
- (n) S9002-AK-CCM-010/6010, Industrial Ship Safety Manual for Submarines

Chapter 12 – Environmental, Safety, and Health (ES&H) Regulatory Compliance and Contractor Oversight Program

12.1 Introduction

This chapter outlines SUPSHIP responsibilities regarding protection of the environment, 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 for commissioned ships. It focuses on common environmental, safety and health (ES&H) 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 ES&H requirements. Additionally, this document does not address ES&H requirements that are specifically applicable to nuclear-powered vessels.

The mission of the SUPSHIP Environmental, Safety and Health office is twofold: First, to provide **oversight** of contractor compliance with **contractual** safety and environmental requirements for contracts being administered by the SUPSHIP. SUPSHIPs are responsible and accountable for applying Navy and maritime regulations as applicable within the SUPSHIP ES&H mission during the construction, overhaul and repair of ships. Note that this SUPSHIP oversight role does not in any way abrogate the contractor's responsibilities to comply with federal, state, and local ES&H regulatory requirements. The second part of the SUPSHIP ES&H mission, as with any Navy shore command, is to ensure internal command compliance with Navy, federal and state requirements for protection of the environment and the occupational safety and health of government personnel, property and equipment.

SUPSHIPs have an important role in support of the Program Manager, PMR and SEA 04R regarding administering contractually mandated ES&H requirements; assessing and managing risks; documenting, tracking, trending and reporting ES&H issues to PMRs, the Supervisor, and contractors; and providing contractor ES&H program assessments for quarterly program reviews. Additionally, the SUPSHIP ES&H division, Code 140, should assess the effectiveness of ship construction contract requirements and recommend changes necessary to keep them current with regulatory requirements or to improve oversight of contractor ES&H performance.

12.1.1 ES&H Directives

Navy, NAVSEA, federal and state environmental protection and pollution prevention regulations apply to various SUPSHIP, Ship's Force (SF), and PCU operations. Federal and, in some locations, state OSHA regulations apply to SUPSHIP operations. Not all OPNAV and NAVSEA ES&H requirements may be applicable to the mission of SUPSHIPs, Ship's Force and PCUs. Code 140 is the SUPSHIP code primarily responsible for ensuring that SUPSHIP processes and SF/PCU actions are conducted in compliance with applicable

regulations and for performing ES&H contract oversight of contractor's facilities or other locations where SUPSHIP may have ES&H cognizance.

12.1.2 SUPSHIP Roles and Responsibilities

SUPSHIPS are responsible for the ES&H oversight of contracts they administer, as well as on-site, government-sponsored contractor ES&H programs, such as Alteration Installation Teams (AIT), as they apply to protection of government personnel and government property. SUPSHIPS will not directly assume an enforcement role with respect to a contractor's ES&H program management, either by contract language or by administrative or personnel actions. They must not, however, 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) will report these violations to the SUPSHIP Deputy for ES&H who will advise the Supervisor and make immediate notification to the proper regulatory agency (if warranted) and to NAVSEA 04R for appropriate action.

12.1.3 NAVSEA Command Inspections

Every three years, or as considered necessary, NAVSEA 04R conducts a compliance evaluation of each SUPSHIP's ES&H program, including contract oversight processes in accordance with the [NAVSEAINST 5040.1F**](#), the NAVSEA Command Inspection Program, reference (a). The purpose of these evaluations is to ensure that the SUPSHIP is in compliance with applicable Navy, federal and state ES&H laws and regulations. The inspection also assesses the SUPSHIP's effectiveness in overseeing contractor performance in minimizing risks to government personnel, government property and the environment.

12.2 Environmental Protection (EP)

12.2.1 Background

Reference (b), [OPNAVINST 5090.1D](#), Environmental Readiness Program, 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:

- Complying with existing federal, state and local environmental laws and regulations
- Preventing pollution during ship construction, overhaul, inactivation's, 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 reference (c), the [National Environmental Policy Act, Public Law 91-90](#)
- Properly managing hazardous wastes generated by Navy entities

** Denotes hyperlink requiring CAC/NMCI access

Because the Navy may be at risk, and potentially determined to be an accountable party responsible for activities that occur in private shipyards associated with work on Navy ships, SUPSHIPS are tasked to perform oversight of specific contractor environmental protection processes to minimize that risk. Additionally, SUPSHIP internal processes that are not in compliance with applicable federal, state or local EP requirements can result in issuance of a Notice of Violation (NOV) by regulators. Environmental regulations and guidance, applicable to nuclear-capable shipyards and nuclear-powered vessels, will be included in SUPSHIP internal processes where required.

12.2.2 SUPSHIP Commanding Officer (Supervisor)

The Supervisor 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 require attention include, but are not limited to:

- Establishing an appropriate environmental program and Code 140 organization.
- Advocating for EP functions in the SUPSHIP Workforce Forecasting Tool (SWFT) to help ensure adequate EP personnel resources based on projected workload.
- Reducing internal hazardous materials usage.
- Managing Navy-generated and co-generated hazardous waste management efforts.
- Supporting acquisition pollution prevention, including oversight of NEPA mitigation factors (where applicable).
- Conducting environmental assessments.
- Managing hazardous government-furnished material or equipment (GFM/GFE) under SUPSHIP cognizance.
- Interfacing with ships force to ensure compliance with applicable requirements.
- 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.

12.2.3 SUPSHIP Deputy for ES&H

The SUPSHIP Deputy for ES&H is the command subject matter expert and primary point of contact with contractors, ships force, regulators and other Navy commands on EP issues. The primary functions of the Deputy for ES&H include:

- Developing, implementing, managing, and evaluating local policy, directives, and processes to address the requirements defined in 12.2.1
- Advising the Supervisor on EP matters
- Developing and providing required training for command personnel and SF/PCU personnel as necessary
- Submitting required EP reports
- Evaluating and reporting on impacts of potential changes to EPA regulations that may adversely impact contractor operations or increase contract costs. For

example, changes to contractor air and water permits which result in reductions of allowable emissions/discharges and may require material substitutions and contractor process changes.

- When necessary, obtaining permits and managing compliance for SF-occupied industrial or leased facilities.

12.2.3.1 SUPSHIP EP Training

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

- Environmental Awareness
- Environmental Protection
- Introduction to Hazardous Waste Generation & Handling
- Resource Conservation and Recovery Act (RCRA) Hazardous Waste Review (Note 1)
- Transportation of Hazardous Materials/Hazardous Waste (Note 1)
- Advanced Environmental Law
- Basic Environmental Law
- Advanced Environmental Management

In addition to the above, SUPSHIP Deputy for ES&H should attend Environmental Law, Advanced Environmental Management and NEPA training as required by their position.

Note 1: This requirement, including the annual or biannual refresher training, can be met by an approved course provided by a certified training agency.

12.2.4 Annual Environmental Program Self-Assessment

[OPNAVINST 5090.1D](#) requires that shore activities conduct an annual internal assessment of EP processes and practices. These self-assessments promote a system of self-discovery as a means of alerting management to significant EP issues, regulatory compliance status, and EP program performance concerns. It also permits NAVSEA field activities to develop their own self-assessment model and establishes the minimum standards to be addressed. SUPSHIPS should include attributes to address applicable state and local regulatory requirements in their area of responsibility. The results of the self-assessment should be provided to the Supervisor documenting the current level of effectiveness and compliance of the command's EP program. If required, provide a Plan of Action and Milestones (POAM) to address any areas of non-compliance or opportunities for improvement. In addition, provide a copy of the self-assessment to SEA 04RE to support the preparation for the ES&H Compliance Review (ESHCR) and the NAVSEA Compliance Inspection (NCI).

12.2.5 Environmental Compliance

12.2.5.1 SUPSHIP Operations

Code 140 will develop and implement processes to ensure compliance with Navy and EPA regulations applicable to internal SUPSHIP processes.

12.2.5.2 Ship Construction, Testing and Trials

Code 140 will 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 to ensure contractor compliance with applicable EP requirements, including compliance with NEPA mitigation during testing and trials.

12.2.5.3 Ship's Force

Code 140 will interface 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, restrictions and means of reporting spills/releases and requesting cleanup assistance while the ship is located at the contractor's facility.

12.2.5.4 Post Delivery Work

Code 140 will function as liaison between SF and the contractor during in-yard Post Delivery Availabilities (PDAs) with regard to 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) entered into between the Program Executive Office (PEO), SUPSHIP and the local Regional Maintenance Center (RMC).

12.2.5.5 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 will function as Naval Supervisory Activity (NSA) if assigned. In that case, the RMC will review contract compliance with applicable NAVSEA Standard Item requirements. Should an RMC be assigned as NSA, the SUPSHIP will provide support on an as requested/as available basis.

12.2.6 Contractor Oversight Requirements

12.2.6.1 Document Review

Code 140 will review any contractor-submitted EP documents, procedures and technical data when required by the Contract Data Requirements List (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.

12.2.6.2 Waterfront Surveillance

Code 140 will develop and implement processes to conduct routine oversight of contractor waterfront operations for compliance with contract requirements, which could adversely impact the environment or result in regulatory or contract cost risks to the Navy. Code 140 will document the results of waterfront oversight activities and submit reports to the shipyard for corrective action and to the PMR for information. Results will be captured, quantified by acceptable and rejected observations, categorized, tracked, trended and used for evaluations of contractor program effectiveness.

12.2.6.3 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 will develop and implement detailed Critical to Environmental Protection audits and provide audit results to the contractor, Program Managers Representative, the Supervisor and, if requested, to SEA 04RE.

12.2.6.4 Environmental Deficiencies

Deficiencies identified during routine contract oversight or during environmental audits will be documented and tracked using the Corrective Action Request (CAR) process described in Chapter 9. Major deficiencies include contractor operations that could adversely impact the environment or willful contractor acts that violate federal, state, or local environmental regulations. Type B CARs, at a minimum, will be issued for all major deficiencies or when recurring or systemic minor deficiencies are identified.

12.2.6.5 Environmental Data Evaluation

Code 140 will evaluate available data including results of documentation reviews, routine waterfront 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.

12.3 Occupational Safety and Health

12.3.1 Background

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

While there are numerous directives pertaining to safety and health, the following documents are particularly important to the SUPSHIP OSH program:

- Federal Acquisition Regulation (FAR), reference (d), [Part 42.302](#)
- [Occupational Safety and Health Act of 1970](#), reference (e)
- [29 CFR 1960, Occupational Safety and Health Standards for Federal Agencies](#), reference (f)
- [29 CFR 1910, Occupational Safety and Health Standards for General Industry](#), reference (g)
- [29 CFR 1915, Occupational Safety and Health Standards for Shipyard Employment](#), reference (h)
- [OPNAVINST 5100.23G CH-1, Navy Safety and Occupational Health Program Manual](#), reference (i)
- [**NAVSEAINST 5100.15B, NAVSEA Occupational Safety and Health \(OSH\) Program Policy and Guidance](#), reference (j)
- [10 U.S. Code 7311, Repair or Maintenance of Naval Vessels: Handling of Hazardous Waste](#), reference (k)
- [National Fire Protection Association Standard 306 \(NFPA 306\), Standard for the Control of Gas Hazards](#), reference (l)

SUPSHIP responsibilities for compliance with key specific directives are addressed in section 12.3.3 of this chapter. SUPSHIP failure to comply with the requirements of references (e) through (h), or applicable requirements of federal or state OSHA standards, can result in receipt of citations from compliance officers.

12.3.2 SUPSHIP Commanding Officer (Supervisor)

[OPNAVINST 5100.23G CH-1](#) stresses the importance of an effective OSH program to mission accomplishment by stating, “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.” The Supervisor is responsible for ensuring that the SUPSHIP mission is accomplished in accordance with all applicable federal, state, local and Navy safety and occupational health laws and regulations. The Supervisor must also ensure safe and healthy workplaces for SUPSHIP personnel and for managing risks to government property during ship construction, repair/overhaul and inactivation. Specific OSH program areas which require attention include, but are not limited to:

- Establishing an appropriate OSH program and Code 140 organization
- Advocating for OSH functions in the SUPSHIP Workforce Forecasting Tool (SWFT) to help ensure adequate OSH personnel resources based on projected workload.

- Establishing processes to assess and manage risks of injury/illness to SUPSHIP personnel and to government property resulting from contractor work practices and work conditions
- Implementing a robust hazard identification and reporting processes
- Maintaining a comprehensive OSH training program that also supports PCU/Ship's Force training with unique OSH concerns in a shipyard environment
- Coordinating occupational health and industrial hygiene support
- Establishing councils/committees, or the equivalent, for the discussion and resolution of OSH issues
- Establishing clear lines of authority to ensure all personnel are fully aware of their rights and responsibilities
- Ensuring adequate contractor oversight
- Ensuring the collection, evaluation and reporting of data for the determination of contractor performance award fees and past performance data bases

12.3.2.1 SUPSHIP Deputy for ES&H

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

- Developing, implementing, managing, and evaluating command OSH policy and detailed directives
- Advising the Supervisor on OSH matters
- Developing and providing required training for command personnel
- Submitting required OSH reports
- Evaluating and reporting on impacts of potential changes to OSHA regulations that may impact contractor operations or increase contract costs. For example, changes to Tags Plus requirements which may require material substitutions and contractor process changes.

12.3.2.2 Annual OSH Program Self-Assessment

[OPNAVINST 5100.23G CH-1](#) requires shore activities to conduct and submit annual internal assessment of OSH processes and practices. The result of the self-assessment is a report to the Supervisor that documents the current level of effectiveness and compliance of the command OSH program and, when required, provides a POAM to address any areas of non-compliance or opportunities for improvement. SUPSHIPS should include attributes to address unique local requirements. In addition, provide a copy of the self-assessment to SEA 04RS to support the preparation for the ES&H Compliance Review (ESHCR) and the NAVSEA Compliance Inspection (NCI).

12.3.3 Directive Compliance

12.3.3.1 SUPSHIP Safety Program

Code 140 will develop, implement and manage processes to ensure compliance with directives for managing risks to government personnel, Government Owned Property (GOP), and Government Owned Material (GOM). SUPSHIPS are responsible for managing applicable programs within [OPNAVINST 5100.23G CH-1](#) with an emphasis on the following key programs which have a direct relationship to SUPSHIP mission (chapter citations refer to [OPNAVINST 5100.23G CH-1](#)):

- Safety and Occupational Health Program (Chapters 1-5): requirements and recommendations for establishing command program.
- Mishap Investigation, Reporting, and Record Keeping (Chapter 14): for occupational injuries and illnesses to SUPSHIP personnel.
- Operational Risk Management, Root Cause Analysis and Mishap Prevention (various chapters): 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.
- Personal Protective Equipment (PPE) (Chapter 20): assessing, determining and issuing appropriate PPE.
- Maritime Confined Space Program: See section 12.3.3.3 below.
- Fall Protection Program (Chapter 13): procedures for preventing falls.
- Training (Chapter 6): includes training for both SUPSHIP and PCU personnel, including training on contractor OSH program requirements and processes in each shipyard where SUPSHIP has cognizance
- Energy Control Program (Chapter 24): Develop processes for SUPSHIP personnel compliance with Control of Hazardous Energy and training of personnel in individual shipyard and Ship's Force processes to include locking out or tagging energy sources to equipment or systems.

12.3.3.2 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. In accordance with reference (h), 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.

- B. 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. 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 OSH deficiencies to the contractor's attention for correction.
- C. 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 OSH deficiencies. SUPSHIPS have a responsibility to remove Government employees where a space is not compliant with OSHACT, even if no imminent danger is present.

12.3.3.3 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 confined or poorly ventilated enclosed spaces. Per a forthcoming change to [S6470-AA-SAF-010](#), Naval Maritime Confined Space Program, reference (m), CSP operations at SUPSHIPS are governed by the requirements of this chapter of the SOM.

SUPSHIPS are required to provide oversight of the shipbuilder's confined space program 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 will appoint a qualified SUPSHIP Confined Space Program Manager (CSPM), in writing, who will be responsible for:
- 1) development, implementation, and oversight of the SUPSHIP's confined or poorly ventilated enclosed space program,
 - 2) oversight of the contractor's confined or poorly ventilated enclosed space program and related contractual obligations, and
 - 3) implementation of 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.

The CSPM must complete the Naval Occupational Safety and Health and Environmental Training Center Course A-493-0030 with a passing grade of 80 percent or higher (or equivalent course as approved by NAVSEA 04RS). This ensures that confined space programs at private shipyards receive adequate oversight from properly trained personnel.

- B. The Supervisor must approve a shipyard's confined space program prior to SUPSHIP personnel entering confined or poorly ventilated enclosed spaces. The Supervisor will base this approval on satisfactory review and oversight of the shipyard's confined space program and the recommendation of the CSPM. The review will 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 will document approval of the contractor's confined space program. If at any time the Supervisor or the Deputy for ES&H determines that additional safeguards are required to protect SUPSHIP personnel, the Deputy for ES&H will take appropriate action.

- C. The Supervisor will 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 will be provided with confined space awareness training at a minimum. The Supervisor shall maintain records of such training for 5 years.
- D. The Supervisor will ensure their activity's confined space program is documented in local instructions.
- E. The approval and use of the shipyard's confined space program does not form an employer/employee relationship between the Navy and shipyard personnel.
- F. The use of the shipyard's confined space program does not relieve the Supervisor of any obligations under law, regulation, or requirement, including those specified in this manual and [OPNAVINST 5100.23G CH-1](#).
- G. At least annually, the Supervisor will provide a written assessment of each contractor's confined space program to NAVSEA Assistant Director, Maintenance, Modernization, Environment, and Safety (SEA 04R). These assessments may accompany the annual SUPSHIP self-assessment required by [OPNAVINST 5100.23G CH-1](#) and as discussed above in paragraph 12.3.2.2. The contractor assessment should use appropriate metrics to justify the findings and conclusions, and will 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 confined space program for the previous year.

12.3.3.4 Ship Construction/Trials/Testing

Code 140 will 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 to ensure contractor compliance with applicable OSH requirements.

12.3.4 Contractor Oversight Requirements

12.3.4.1 Document Review

Code 140 will review and provide comments on contractually submitted OSH 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 will 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 will develop and implement 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 will document the results of waterfront oversight activities and submit reports to the shipyard for corrective action and to the PMR for information. Results will be captured, quantified by acceptable and rejected observations, categorized, tracked and trended and used for evaluations of contractor program effectiveness.

12.3.4.3 Critical to OSH 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, Fall Protection, Electrical Safety, Hazardous Energy Control. Code 140 will provide results to the contractor, Program Managers Representative and the Supervisor. For submarine construction and repair, reference (n), the Industrial Ship Safety Manual for Submarines, S9002-AK-CCM-010/6010 (6010), delineates the requirements for flooding and fire protection. SUPSHIP activities involved with submarine construction or repair have a designated 6010 coordinator that is responsible for the oversight of 6010 requirements. The 6010 coordinator may be assigned to a code other than Code 140.

12.3.4.4 Imminent Danger

In the event of imminent danger to government personnel or property, work will be stopped immediately by the observing party (SUPSHIP, ships force) and will 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 will be documented and tracked using the Corrective Action Request (CAR) process described in Chapter 9. Major deficiencies, at a minimum, are the critical-to-safety processes defined in paragraph 12.3.4.3 or those deficiencies which present significant risk to government personnel or property as determined by Code 140. Type B CARs, at a minimum, will be issued for all major deficiencies or when recurring or systemic minor deficiencies are identified.

12.3.4.6 OSH Data Evaluation

Code 140 will evaluate all data including results of: documentation reviews, routine waterfront oversight, regulatory body actions, OSH audit results and any related CARs to assess the overall effectiveness of the contractors OSH management systems. Code 140 should utilize oversight and audit checklists to document total observations for Program Management Reviews.

12.3.5 Ship Major Milestone ES&H Assessments and Support

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

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

NAVSEA Standard Items are a set of contract specifications that impose a common set of requirements for processes and procedures routinely performed in connection with ship construction and ship repair. The majority of these standard items are either directly or indirectly involved in matters related to safety and/or 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 and experience, and their unique role in overseeing contracts for ship construction, modernization/overhauls and repairs, Code 140 personnel provide valuable contributions to the SSRAC and attendance is encouraged for participation in the ES&H subcommittee.

Appendix 12-A: Acronyms

CAR	Corrective Action Request
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
DoN	Department of the Navy
EP	Environmental Protection
ES&H	Environmental, Safety and Health
ESHCR	Environmental, Safety and Health Compliance Review
FAR	Federal Acquisition Regulation
GFE	Government Furnished Equipment
GFM	Government Furnished Material
GOM	Government Owned Material
GOP	Government Owned Property
HAZMAT	Hazardous Material
HW	Hazardous Waste
MOA	Memorandum of Agreement
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
NOV	Notice of Violation
NSA	Naval Supervisory Activity
OPNAVINST	Chief of Naval Operations Instruction
OSH	Occupational Safety and Health
PCU	Pre-Commissioning Unit
PDA	Post-Delivery Availability
PEO	Program Executive Officer
POAM	Plan of Action and Milestones
PPE	Personal Protective Equipment
PRM	Program Manager's Representative
RCRA	Resource Conservation and Recovery Act
RMC	Regional Maintenance Center
SF	Ship's Force
SSRAC	Standard Specifications for Ship Repair and Alterations Committee